

ATTACHMENT 13:

RESOLUTION 16-02 MONTECITO LUDC

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ATTACHMENT C: 15ORD-00000-00003 RESOLUTION AND ORDINANCE

RESOLUTION OF THE SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING TO THE BOARD)
OF SUPERVISORS THE ADOPTION OF AN AMENDMENT)
TO SECTION 35-2, THE SANTA BARBARA COUNTY)
MONTECITO LAND USE AND DEVELOPMENT CODE,)
OF CHAPTER 35, ZONING, OF THE COUNTY CODE,)
AMENDING DIVISION 35.2, MONTECITO ZONES AND)
ALLOWABLE LAND USES, DIVISION 35.3, MONTECITO)
SITE PLANNING AND OTHER PROJECT STANDARDS,)
DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC) RESOLUTION NO.: 16 - 02
LAND USES, DIVISION 35.5, MONTECITO RESOURCE)
MANAGEMENT, DIVISION 35.7, MONTECITO PLANNING) CASE NO.: 15ORD-00000-00003
PERMIT PROCEDURES, DIVISION 35.9, MONTECITO)
LAND USE AND DEVELOPMENT CODE)
ADMINISTRATION, DIVISION 35.10, GLOSSARY,)
AND APPENDIX D, DEVELOPMENT STANDARDS FOR)
RESIDENTIAL SECOND UNITS ON LOTS LESS THAN)
TWO ACRES IN SIZE SERVED BY ONSITE SEWAGE)
DISPOSAL SYSTEMS, TO IMPLEMENT NEW)
REGULATIONS AND MAKE OTHER MINOR)
CLARIFICATIONS, CORRECTIONS AND REVISIONS.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Montecito Land Use and Development Code, Section 35-2 of Chapter 35 of the Santa Barbara County Code; and
- B. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 15ORD-00000-00003) amending Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, to implement new regulations and make other minor clarifications, corrections and revisions.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including the Montecito Community Plan, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it will serve to (1) clarify, update, and streamline the development permit process without compromising community values, environmental quality, or the public health and safety, (2) revise existing permit processes to enhance clarity and efficiency, (3) add new development standards and restrictions pertaining to specific land uses which will serve to minimize potential adverse impacts to the surrounding area,(4) update existing regulations to better conform to the requirements of State law, and (5) correct and clarify existing text provisions.

E. This Montecito Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, this Montecito Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission, based on the findings included as Attachment A of the Montecito Planning Commission Staff report dated February 10, 2016.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this Montecito Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Montecito Planning Commission.

PASSED, APPROVED AND ADOPTED this February 17, 2016 by the following vote:

AYES: Overall, Cole, Brown, Keller

NOES:

ABSTAIN:

ABSENT: Phillips



MICHAEL PHILLIPS, CHAIR
SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION

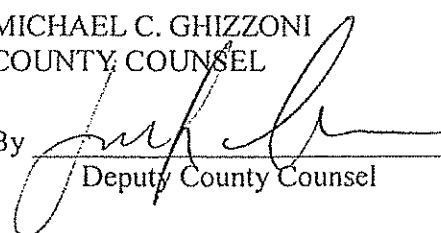
ATTEST:



DIANNE MEESTER BLACK
SECRETARY TO THE MONTECITO COMMISSION

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By 

Deputy County Counsel

EXHIBITS:

1. 15ORD-00000-00003

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES, DIVISION 35.3, MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS, DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, DIVISION 35.5, MONTECITO RESOURCE MANAGEMENT, DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES, DIVISION 35.9, MONTECITO LAND USE AND DEVELOPMENT CODE ADMINISTRATION, DIVISION 35.10, GLOSSARY, AND APPENDIX D, DEVELOPMENT STANDARDS FOR RESIDENTIAL SECOND UNITS ON LOTS LESS THAN TWO ACRES IN SIZE SERVED BY ONSITE SEWAGE DISPOSAL SYSTEMS, TO IMPLEMENT NEW REGULATIONS AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 15ORD-00000-00003

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.420.030, Allowable Development and Planning Permit Requirements, of Chapter 35.420, Development and Land Use Approval Requirements, to read as follows:

35.420.030 - Allowable Development and Planning Permit Requirements

- A. Allowable land uses.** The land uses allowed by this Development Code in each zone and overlay zone are listed in Chapters [35.421](#) through [35.428](#), together with the type of planning permit required for each use. Each listed land use type is defined in [Division 35.10 \(Glossary\)](#).
- 1. Establishment of an allowable use.** Any land use identified by [Chapter 35.421](#) through [Chapter 35.428](#) as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements of Subsection B. (Permit requirements) below and compliance with all applicable requirements of this Development Code, unless the approval and/or issuance of a planning permit is not required in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements).
 - 2. Use not listed.** A land use not listed in [Chapter 35.421](#) through [Chapter 35.428](#) or not shown in the table of allowable land uses and permit requirements for a particular zone is not allowed, except as otherwise provided in Subsection A.3 (Similar and compatible use may be allowed) below.
 - 3. Similar and compatible use may be allowed.** In the following zones the Montecito Commission may determine that a proposed use not listed in this Division is allowable in compliance with [Section 35.472.190 \(Use Determinations\)](#).
 - a. Applicable zones:**
 - (1) CN (Neighborhood Commercial)
 - (2) PU (Public Utilities)
 - (3) REC (Recreation)
 - (4) ~~TC (Transportation Corridor)~~

- b. **Applicable standards and permit requirements.** When the Montecito Commission determines that a proposed but unlisted use is similar to a listed allowable use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.
- d. **Medical marijuana dispensaries.** Medical marijuana dispensaries are not allowed in any zone district and shall not be approved through a Use Determination (Section 35.472.190).

B. Permit requirements. Proposed development and land uses shall comply with the following permit requirements, in addition to the requirements of a Building Permit or other permit required by the County Code.

1. General planning permit requirements. The allowable land use tables within [Chapter 35.424](#) through [Chapter 35.425](#) provide for land uses that are:

- a. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a ~~Coastal Development Permit (Section 35.472.050)~~ or a Land Use Permit ([Section 35.472.110](#)). These are shown as "P" uses in the tables;
- b. Allowed subject to the approval of a Conditional Use Permit ([Section 35.472.060](#)), and shown as "CUP" uses in the tables;
- c. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Zoning Clearance ([Section 35.472.190](#)). These are shown as "ZC" uses in the tables;
- d. Allowed as an exempt use as listed in [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#) and shown as "E" uses in the tables;
- ~~e.~~ Allowed subject to the type of County approval required by a specific provision of [Chapter 35.442 \(Standards for Specific Land Uses\)](#), and shown as "S" uses in the tables. ~~Where the last column in each table ("Specific Use Regulations") includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use; and~~
- e.f. Not allowed in particular zones and shown as "—" in the tables. Use may be subject to a similar use determination in compliance with Subsection A.3 (Similar and compatible use may be allowed) above.
- g. Where the last column in each table ("Specific Use Regulations") includes a Section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.

A proposed land use type that is not listed in the tables is not allowed, except as provided by Subsection A.3 (Similar and compatible use may be allowed) above, or if allowed in compliance with [Chapter 35.428 \(Montecito Overlay Zones\)](#), or if allowed in compliance with [Division 35.4 \(Montecito Standards for Specific Land Uses\)](#).

2. Design Review. Development authorized in compliance with Subsection B.1 (General planning permit requirements) above may also require Design Review approval in compliance with [Section 35.82.070 \(Design Review\)](#).

~~**3. Coastal Development Permit.** Proposed development and land uses within the Coastal Zone shall require the approval of a Coastal Development Permit in compliance with [Section 35.472.050 \(Coastal Development Permits\)](#), unless located within the original permit jurisdiction of the Coastal Commission, in which case a Land Use Permit is required following the issuance of a Coastal Development Permit by the Coastal Commission.~~

SECTION 2:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.420.040, Exemptions from Planning Permit Requirements, of Chapter 35.420, Development and Land Use Approval Requirements, to read as follows:

35.420.040 - Exemptions from Planning Permit Requirements

The requirements of this Development Code that one or more planning permits (e.g., ~~Coastal Development Permit~~, Land Use Permit, Conditional Use Permit, Development Plan) be obtained prior to proposed development or the establishment of a land use do not apply to the land uses, structures, and activities identified by this Section.

- A. General requirements for exemption.** The land uses, structures, and activities identified by Subsection B. (Exempt activities and structures) below, are exempt from the planning permit requirements of this Development Code only when:
1. The use, activity, or structure is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Development Code, the required provisions and conditions of any existing, approved permits for the subject lot and, where applicable, [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#); and
 2. Any permit or approval required by regulations other than this Development Code is obtained (e.g., a Building Permit and/or Grading Permit).
- B. Exempt activities and structures.** The following are exempt from all planning permit requirements of this Development Code when in compliance with Subsection A. (General requirements for exemption) above, ~~except if addressed by the Environmentally Sensitive Habitat overlay zone within the Coastal Zone.~~
- ~~1. **Activities and structures exempt both within the Inland area and the Coastal Zone.** The following activities and structures are exempt in compliance with this Section when located either in the Inland area or the Coastal Zone.~~
 - 1. a. Animal keeping.** Animal keeping when shown as an "E" in [Section 35.442.060 \(Animal Keeping\)](#).
 - 2. b. Antennas.** Ground or roof mounted receive-only satellite dish or wireless television antenna less than one meter in diameter used solely by the occupants of the property on which the antenna is located for the noncommercial, private reception of communication signals, see [Section 35.444.020 \(Telecommunications Facilities\)](#).
 - 3. Change of occupancy or use.** A change in occupancy or use of an existing structure that complies with all of the following:
 - a. The occupancy or use that exists prior to the change is a legal, permitted use of the structure.
 - b. The change is from a land use listed as a permitted use in the applicable land use tables within [Chapter 35.422](#) through [Chapter 35.425](#) to the same land use (e.g., from restaurant, café or coffee shop to a restaurant, café or coffee shop).
 - c. The new occupancy or use does result in an increase in the number of parking spaces required to be provided on-site.
 - d. The new occupancy or use is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Development Code, including any required provisions and conditions of any existing, approved permits for the subject lot.

- e. Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit and/or Grading Permit).
- 4. e. Cultivated agricultural, orchards and vineyards.** Cultivated agriculture, orchards and vineyards when shown as an "E" in the Land Use Tables in [Chapter 35.4242](#) through [Chapter 35.425](#).
- 5. Damaged or destroyed structure.** The replacement or restoration of a conforming structure damaged or destroyed by a disaster, as determined by the Director.
 - a. The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use, shall be in the same general footprint location, and shall not exceed the floor area, height, or bulk of the destroyed structure by more than 10 percent, or 250 square feet, whichever is less. For the purposes of this Subsection B.5, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
 - b. If the Director determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure shall require Design Review in compliance with [Section 35.472.070 \(Design Review\)](#).
- 6. Demolition.** The demolition of a structure less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.
- 7. d. Fences, gates, gateposts, walls, retaining walls.** See [Section 35.430.070 \(Fences and Walls\)](#).
- 8. Final or Parcel Map recordation.** The recordation of a Final Map or Parcel Map following the approval of a Tentative Map including Vesting Tentative Maps.
- 9. e. Grading.** Grading activities that do not require the approval of a Development Plan by the requirements of the applicable zone and grading for which a permit is not required by County Code Chapter 14. The provisions of this Subsection shall not be construed to alter the requirements of County Code Chapter 14.
- 10. f. Grazing.** Grazing when shown as an "E" in the Land Use Tables in [Chapter 35.4242](#) through [Chapter 35.425](#) and the Animal Keeping Table (Table 4-1) in [Section 35.442.040 \(Animal Keeping\)](#).
- 11. g. Interior alterations.** Interior alterations that do not increase the gross floor area within the structure, do not increase the required number of parking spaces, or do not result in a change in the permitted use of the structure.
- 12. h. Irrigation lines.** The installation of irrigation lines that do not require a Grading Permit in compliance with County Code Chapter 14.
- 13. Lot Line Adjustment recordation.** The recordation of documents required to complete a Lot Line Adjustment.
- 14. i. Minor additions and accessory structures.** ~~The following improvements and structures are exempt from planning permit requirements within the Inland area, and are exempt within the Coastal Zone provided that the lot upon which the improvement is proposed is not located within 300 feet of the edge of a coastal bluff, or the inland extent of any beach, and is not within or contiguous to an Environmentally Sensitive Habitat area.~~
 - a. (1) Accessory structures.** One story detached accessory structures used as tool or storage sheds, playhouses, gazebos, pergolas, and similar structures, provided that the height does not exceed 12 feet, ~~and~~ the floor area does not exceed 120 square feet, and the structure does not have plumbing or electrical facilities.
 - b. (2) Decks, platforms, walks, driveways.** Decks, platforms, walks, and driveways that are not required to have a Building Permit or Grading Permit, and that are not over 30

inches above finish grade, or located over a basement or story below.

- ~~c.~~ ~~(3)~~ **Door, window features and skylights.** Doors, windows, and skylights, and window awnings that are supported by an exterior wall and project no more than 54 inches from an exterior wall of a building.
- ~~d.~~ ~~(4)~~ **Spa, hot tub, pond.** A spa, hot tub, fish pond, or other water feature that does not exceed a total area of 120 square feet, including related equipment, or does not contain more than 2,000 gallons of water.

16. Onsite wastewater treatment systems.

- ~~a.~~ Onsite wastewater treatment systems, not including alternative wastewater treatment systems, and the installation and performance testing of drywells for sewage disposal.
- ~~b.~~ The modification, replacement or repair of all or any portion of an existing onsite wastewater treatment system, including alternative wastewater treatment systems, provided that the modification, replacement or repair occurs in substantially the same area as the existing system.

17. j- Propane tanks. Propane tanks located in residential ~~or~~ and agricultural zones.

18. k- Repair and maintenance. Repair and maintenance activities that:

- ~~(1) Do~~ do not result in addition to, or enlargement or expansion of the object of the repair or maintenance activities; ~~and~~
- ~~(2) Within the Coastal Zone, comply with the County Guidelines on Repair and Maintenance, and Utility Connection to Permitted Development herein incorporated by reference (see Appendix C).~~

19. Replacement in-kind of an existing and conforming structure. The replacement in-kind of an existing permitted and conforming structure provided:

- ~~a.~~ The reconstructed structure shall comply with all requirements of the applicable zone, shall be for the same use, shall be in the same footprint location, and shall not exceed the floor area, height, or bulk of the existing structure. For the purposes of this Subsection B.19, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
- ~~b.~~ The exterior design or specifications is not proposed to be revised, or, if revisions are proposed, the revisions are determined to be minor by the Director.
- ~~c.~~ The structure is less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.

20. l- Seismic retrofitting. Seismic retrofits to existing structures that are limited to the addition of foundation bolts, hold-downs, lateral bracing at cripple walls and other structural elements required by County Ordinance 4062. The seismic retrofits shall not increase the gross square footage of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure.

21. m- Signs, flags, and similar devices. Signs, flags and similar devices in compliance with [Section 35.438.030 \(Exempt Signs, Flags, and Devices\)](#).

22. n- Solar energy systems. The addition of solar energy systems to the roofs of existing structures and the installation of freestanding solar energy systems in compliance with Section 35.430.160 (Solar Energy Systems). See Section 35.30.160 (Solar Energy Systems) and Section 35.102.040 (Appeals to the Commission) for special permit, notice and appeal procedures.

23. Structures of limited value. A structure with an aggregate value of less than \$2,000, as determined by the Director.

24. Utility facilities. Poles, wires, underground gas pipelines less than 12 inches in diameter, and similar installations erected, installed, or maintained by a public agency or public service or utility district or company.

25. Water wells.

- a. The testing and installation of a water well to serve one domestic, commercial, industrial, or recreational connection.
- b. Except in zones requiring Development Plans, water wells for water systems for agricultural purposes.

~~2. **Activities and structures exempt within the Inland area.** The following activities and structures are exempt within the Inland area, in addition to those listed in Subsection B.1 (Activities and structure exempt both within the Inland area and the Coastal Zone) above, but are not exempt in the Coastal Zone:~~

~~a. **Damaged or destroyed structure.** The replacement or restoration of a conforming structure damaged or destroyed by a disaster, as determined by the Director.~~

~~(1) The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use, shall be in the same general footprint location, and shall not exceed the floor area, height, or bulk of the destroyed structure. For the purposes of this Section only, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.~~

~~(2) If the Director determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure shall require Design Review in compliance with [Section 35.472.070 \(Design Review\)](#).~~

~~b. **Demolition.** The demolition of a structure less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.~~

~~c. **Final or Parcel Map recordation.** The recordation of a Final Map or Parcel Map following the approval of a Tentative Map including Vesting Tentative Maps.~~

~~d. **Lot Line Adjustment recordation.** The recordation of documents required to complete a Lot Line Adjustment.~~

~~e. **Onsite wastewater treatment systems.** Onsite wastewater treatment systems, not including alternative wastewater treatment systems, and the installation and performance testing of drywells for sewage disposal.~~

~~f. **Solar energy systems.** The installation of freestanding solar energy systems. See Section 35.430.160 (Solar Energy Systems) and Section 35.492.040 (Appeals to the Montecito Commission) for special permit, notice and appeal procedures.~~

~~g. **Utility facilities.** Poles, wires, underground pipelines less than 12 inches in diameter, and similar installations erected, installed, or maintained by a public agency or public service or utility district or company.~~

~~h. **Water wells.**~~

~~(1) The testing and installation of a water well to serve one domestic, commercial, industrial, or recreational connection.~~

~~(2) Except in zones requiring Development Plans, water wells for water systems for agricultural purposes.~~

~~i. **Structures of limited value.** A structure with an aggregate value of less than \$2,000, as determined by the Director.~~

~~3. **Activities and structures exempt within Coastal Zone.** The following activities and structures are~~

~~exempt within the Coastal Zone in addition to those listed in Subsection B.1 (Activities and structures exempt both within the Inland area and the Coastal Zone) above, but are not exempt in the Inland area.~~

- ~~a. — **Agricultural accessory structures.** In the AG-1 zone, agricultural accessory structures that are roofed and supported by posts or poles, do not exceed 500 square feet of roof area, are unenclosed on all sides, and do not have any plumbing or electrical facilities.~~
- ~~b. — **Damaged or destroyed structure.** In compliance with the intent of Public Resources Code Section 30610(g) and this Development Code, the restoration or reconstruction of a conforming structure (other than a public works facility) damaged or destroyed by a disaster, as determined by the Director. For the purposes of this Section only, disaster is defined as a situation in which the force or forces that destroyed the structure to be replaced were beyond the control of the owners.
 - ~~(1) — The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use, shall be in the same footprint location, and shall not exceed the floor area, height, or bulk of the damaged or destroyed structure by more than 10 percent. For the purposes of this Section, "structure" shall include landscaping and any erosion control structure or device; and bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.~~
 - ~~(2) — If the Director determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure shall require Design Review in compliance with [Section 35.472.070 \(Design Review\)](#).~~~~
- ~~e. — **Development subject to State approval.** Development proposed or undertaken on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, in compliance with Public Resources Code Section 30519.~~
- ~~d. — **Final or Parcel Map recordation.** The recordation of a Final Map or Parcel Map following the approval of a Tentative Map, except vesting Tentative Maps.~~
- ~~e. — **Individual sewage treatment systems.** The installation and performance testing of dry wells for sewage disposal.~~
- ~~f. — **Utility connection to approved development.** Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has been granted a Coastal Development Permit ([Section 35.472.050](#)).~~
- ~~g. — **Structures of limited value.** A structure with an aggregate value of less than \$2,000, as determined by the Director, except for telecommunication facilities allowed in compliance with [Chapter 35.444 \(Telecommunications Facilities\)](#).~~

SECTION 3:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Services section and Water Supply and Wastewater Facilities section of Table 2-4, Allowed Land Uses and Permit Requirements for Resource Protection Zone, of Section 35.422.030, Resource Protection Zone Allowable Land Uses, of Chapter 35.422, Resource Protection Zone, to read as follows:

SERVICES

Large family day care home	P	35.442.070
Small family day care home	E	35.442.070
Child Day care center, Non-residential	CUP	35.442.070
Child Day care center, Residential	CUP	35.442.070

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	MCUP	
Onsite wastewater treatment system, individual, conventional	E	
Onsite wastewater treatment system, individual, supplemental	E	
Reservoir, less than 20,000 sf of total development	CUP	
Reservoir, 20,000 sf or more of total development	CUP	
Wastewater treatment system, individual, alternative	CUP	
Wastewater treatment system, individual	E	
Wastewater treatment facility, less than 200 connections	CUP	
Water or sewer system pump or lift station	CUP	
Water system with 1 connection	E	
Water system with 2 or more connections	CUP	
Water well, agricultural	E	

SECTION 4:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Services section and Water Supply and Wastewater Facilities section of Table 2-7, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

SERVICES

Cemetery	—	—	
Large family day care home	P	P	35.442.070
Small family day care home	E	E	
Child Day care center, Non-residential	CUP	CUP	35.442.070
Child Day care center, Non-residential, accessory	—	—	35.442.070
Child Day care center, Residential	CUP	CUP	35.442.070
Mausoleum	—	—	
Medical services - Clinic	—	—	
Medical services - Extended care	CUP	CUP	
Medical services - Hospital	CUP	CUP	
Mortuary	—	—	
Mortuary, accessory to cemetery	—	—	

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	CUP	CUP	
Onsite wastewater treatment system, individual, conventional	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	
Pipeline - Water, reclaimed water, wastewater less than 20,000 sf	—	—	
Pipeline - Water, reclaimed water, wastewater 20,000 sf or more	—	—	
Reservoir, less than 20,000 sf total development	CUP	CUP	
Reservoir, 20,000 sf or more of total development	CUP	CUP	
Wastewater treatment system, individual, alternative	CUP	CUP	
Wastewater treatment system, individual	E	E	
Wastewater treatment facility, less than 200 connections	CUP	CUP	
Water or sewer system pump or lift station	CUP	CUP	
Water system with 1 connection	E	E	
Water system with 2 or more connections	CUP	CUP	
Water well, agricultural	E	E	

SECTION 5:

DIVISION 35.2, Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Services section and Water Supply and Wastewater Facilities section of Table 2-8, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

SERVICES

Cemetery	—	—	
Large family day care home	P	P	35.442.070
Small family day care home	E	E	35.442.070
Child Day care center, Non-residential	CUP	CUP	35.442.070
Child Day care center, Non-residential, accessory	P	P	35.442.070
Child Day care center, Residential	CUP	CUP	35.442.070
Mausoleum	—	—	
Medical services - Clinic	—	—	
Medical services - Extended care	CUP	CUP	
Medical services - Hospital	CUP	CUP	
Mortuary	—	—	
Mortuary, accessory to cemetery	—	—	

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	CUP	CUP	
Onsite wastewater treatment system, individual, conventional	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	
Pipeline - Water, reclaimed water, wastewater less than 20,000 sf	—	—	
Pipeline - Water, reclaimed water, wastewater 20,000 sf or more	—	—	
Reservoir, less than 20,00 sf total development	CUP	CUP	
Reservoir, 20,000 sf or more of total development	CUP	CUP	
Wastewater treatment system, individual, alternative	CUP	CUP	
Wastewater treatment system, individual	E	E	
Wastewater treatment facility, less than 200 connections	CUP	CUP	
Water or sewer system pump or lift station	CUP	CUP	
Water system with 1 connection	E	E	
Water system with 2 or more connections	CUP	CUP	
Water well, agricultural	—	—	

SECTION 6:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Services - General section and Water Supply & Wastewater Facilities section of Table 2-12, Allowed Land Uses and Permit Requirements for Commercial Zones, of Section 35.424.030, Commercial Zones Allowable Land Uses, of Chapter 35.424, Commercial Zones, to read as follows:

SERVICES - GENERAL

Cemetery, mausoleum	—	—	
Charitable or philanthropic organization	—	—	
Large family day care home	P	P	35.442.070
Small family day care home	E	E	35.442.070
Child Day care center, Non-residential	CUP	CUP	35.442.070
Child Day care center, Non-residential, accessory	P	P	35.442.070
Child Day care center, Residential	CUP	CUP	35.442.070
Drive-through, facility	CUP	—	35.442.100
Furniture repair accessory to furniture store or interior decorator	CUP	—	
Lodging, Hotel or Motel	—	—	
Lodging - Resort hotel, guest ranch	—	P	35.424.060
Personal services	P	P (3)	
Vehicle services - Minor maintenance/repair	P	—	35.442.050

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	<u>CUP</u>	<u>CUP</u>	
Onsite wastewater treatment system, individual, conventional	<u>E</u>	<u>E</u>	
Onsite wastewater treatment system, individual, supplemental	<u>E</u>	<u>E</u>	
Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	—	—	
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more	—	—	
Reservoir, less than 20,00 sf total development	CUP	CUP	
Reservoir, 20,000 sf or more of total development	CUP	CUP	
Wastewater treatment system, individual, alternative	<u>CUP</u>	<u>CUP</u>	
Wastewater treatment system, individual	<u>E</u>	<u>E</u>	
Wastewater treatment facility, less than 200 connections	CUP	CUP	
Water or sewer system pump or lift station	CUP	CUP	
Water system with 1 connection	E	E	
Water system with 2 or more connections	CUP	CUP	

SECTION 7:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to Chapter 35.425, Special Purpose Zones, to read as follows:

CHAPTER 35.425 - SPECIAL PURPOSE ZONES

Sections:

- 35.425.010 - Purpose
- 35.425.020 - Purposes of the Special Purpose Zones
- 35.425.030 - Special Purpose Zones Allowable Land Uses
- 35.425.040 - Special Purpose Zones Development Standards
- 35.425.050 - PU Zone Standards
- 35.425.060 - REC Zone Additional Standards
- ~~35.425.070 - TC Zone Standards~~

35.425.010 - Purpose

This Chapter lists the land uses that may be allowed within the Special Purpose zones established by Section 35.404.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

35.425.020 - Purposes of the Special Purpose Zones

The purposes of the individual special purpose zones and the manner in which they are applied are as follows.

- A. PU (Public Utilities) zone.** The PU zone is applied to areas appropriate for the siting of public works and utility facilities; however, the requirements of this zone do not apply to local agencies exempted by Section 35.420.040 (Exemptions from Planning Permit Requirements). The intent is to provide adequate design requirements to ensure that these facilities are compatible with surrounding land uses.
- B. REC (Recreation) zone.** The REC zone is applied to provide public or private open space areas appropriate for various forms of outdoor recreation. The intent is to encourage outdoor recreational uses that will protect and enhance areas with the potential to accommodate both active and passive recreation because of their beauty and natural features. Proposed recreational uses should compliment and be appropriate to the area because of the natural features.
- ~~**C. TC (Transportation Corridor) zone.** The TC zone is applied to established and proposed transportation corridors to regulate land uses within and adjacent to the corridors, to preserve and protect the corridors, and to provide uniform development standards.~~
 - ~~1. Notwithstanding any provision of this Development Code, this zone applies local authority to transportation corridor related matters of public health, safety and welfare, land use, and zoning, insofar as the exercise of this authority does not conflict with applicable general law. The further intent of this zone is to ensure that development within transportation corridors is consistent with the Coastal Plan and other elements of the Comprehensive Plan.~~
 - ~~2. County review of TC development recognizes that transportation facilities may cause adverse impacts on surrounding residents and properties, including, for example, noise, vibration, emissions, pollutants, run off, odors, visual appearance, detracting from natural scenic values, electrical interference, and potential for hazards and disasters, and that transportation facilities may also be adversely affected by incompatible uses nearby. This review is not intended to regulate or interfere with road or railway operations, but instead evaluates alternative routes for proposed corridors, and analyzes TC development to avoid or feasibly mitigate potentially significant, adverse environmental impacts.~~
 - ~~3. Major transportation corridors parallel the coastline, often in close proximity to the shoreline. As such, the corridors can attract, or even constitute the only feasible location for competing land uses such as pipelines, utility cables, bikeways and other non motorized modes of transportation.~~

~~Transportation corridors may also act as a potential barrier to recreational access to and along the coast, as well as to other land uses afforded high priority under the Coastal Act. It is the intent of this TC zone to accommodate these priority uses within the transportation corridor wherever feasible.~~

35.425.030 - Special Purpose Zones Allowable Land Uses

- A. General permit requirements.** Table 2-14 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) identify the uses of land allowed by this Development Code in each special purpose zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).
- B. Requirements for certain specific land uses.** Where the last column (Specific Use Regulations) in Table 2-14 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. Development Plan approval required.** Development Plan approval in compliance with Section 35.472.080 is required prior to the approval of a Coastal Development Permit or Land Use Permit as follows:
- 1. PU and REC zones.** Final Development Plan approval is required for all development, including grading.
 - ~~**2. TC zone.** Final Development Plan approval is required for all development, including excavation or grading, except as listed below.~~
 - ~~a. Transportation related development or structures necessary for the operation of railroads or highways in existence at the time of adoption of the ordinance creating the TC zone (August 10, 1994) shall not be deemed legal non-conforming uses. This provision is intended to permit new development without requiring a Development Plan for existing public works or public utilities that will not be affected by the new development, and to allow for the repair of existing facilities.~~
 - ~~b. Safety, signalization, barriers, and grade crossing devices installed for the purpose of improving the safe operation of railroads or highways shall be exempt from the permit requirements of the TC zone.~~
- D. Accessory uses and structures.** Each use allowed by Table 2-14 (Specific Use Regulations) may include accessory uses and structures that are customarily incidental to the use, provided that within the REC zone, accessory structures and uses shall be limited to those required to support the recreational activities (e.g., parking areas, water and sanitary facilities, boat launching facilities, ranger stations and limited concession facilities).
- E. Design Review required.** Design Review is required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure, in compliance with Section 35.472.070 (Design Review).
- ~~**F. TC zone allowable land uses and permit requirements.** The uses allowed as principally permitted in zones abutting a site in the TC zone (i.e., those shown as "P" uses) are also allowed in the TC zone with Conditional Use Permit approval in compliance with Section 35.472.060 (Conditional Use Permits) in addition to the land uses listed in Table 2-14 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) as permitted or conditionally permitted within the TC zone.~~

Table 2-14 Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	REC	REC CZ	PU	PU CZ	TC CZ (3)	

AGRICULTURAL, MINING & ENERGY FACILITIES

Animal keeping (except equestrian facilities- see RECREATION below)	S	S	S	S	S	35.442.040
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RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Campground	—	P	—	—	—	
Conference center	—	CUP	—	—	—	35.442.080
County club, swim and tennis club	CUP	CUP	—	—	—	
Equestrian facility	CUP	CUP	—	—	—	
Golf course	P	P	—	—	—	
Library	CUP	CUP	CUP	CUP	—	
Meeting facility, public or private	CUP	CUP	CUP	CUP	—	
Meeting facility, religious	CUP	CUP	CUP	CUP	—	
Museum	CUP	CUP	CUP	CUP	—	
Park, playground - Public	P	P	—	—	—	
School	CUP	CUP	CUP	CUP	—	
Sports & outdoor recreation facilities	CUP	CUP	CUP	CUP	—	
Trail for bicycles, hiking, or riding	P	P	—	—	P	
Zoo	CUP	CUP	—	—	—	

RESIDENTIAL USES

Caretaker/Manager dwelling	CUP	CUP	—	—	—	35.442.060
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RETAIL TRADE

Restaurant, café, coffee shop, accessory to allowed recreation use	CUP	CUP (4)	—	—	—	
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SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Medical services - Extended care	CUP	CUP	CUP	CUP	—	
Medical services - Hospital	CUP	CUP	CUP	CUP	—	
Office - Accessory	P	P	P	P	—	

SERVICES - GENERAL

Large family day care home	P	P	—	—	—	35.442.070
Small family day care home	E	E	—	—	—	35.442.070
Child Day care center, Non-residential	CUP	CUP	CUP	CUP	—	35.442.070
Child Day care center, Residential	CUP	CUP	—	—	—	35.442.070

Key to Zone Symbols

REC	Recreation	TC	Transportation Corridor
PU	Public Utilities	CZ	Coastal Zone

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.425.030.C (Development Plan approval required).
- (3) Uses allowed as a "P" in abutting zones and in compliance with any applicable specific use regulations.
- (4) Allowed only in an urban area designated by the Coastal Land Use Plan.

Table 2-14 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	CUP	Conditional Use Permit required				
S	Permit determined by Specific Use Regulations					
—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	REC	REC CZ	PU	PU CZ	TC CZ (3)	

TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE

Boat launching facility accessory to approved recreation use	—	P	—	—	—	
Drainage channel, water course, storm drain less than 20,000 sf	—	P	—	P	P	
Drainage channel, water course, storm drain 20,000 sf or more	—	CUP	—	CUP	CUP	
Electrical substation - Minor (4-3)	CUP	CUP	P	P	CUP	
Electrical substation - Major (4-3)	CUP	—	P	P	—	
Electrical transmission line (5-4)	CUP	CUP (6)	CUP	CUP (6)	CUP	
Flood control project less than 20,000 sf total area (7)	—	P	—	P	P	
Flood control project 20,000 sf or more total area (7)	—	CUP	—	CUP	CUP	
Freeways and related facilities	—	—	—	—	P	
Pier, dock	—	P	—	—	—	
Public works and utilities	CUP	CUP	CUP	CUP	CUP	
Railroad	—	—	—	—	P	
Road, street less than 20,000 sf total area (7)	—	P	—	P	P	
Road, street 20,000 sf or more total area (7)	—	CUP	—	CUP	CUP	
Sea wall, revetment, groin, or other shoreline structure	—	CUP	—	CUP	CUP	
Telecommunications facility	S	S	S	S	S	35.444
Underground gas storage	—	—	P	P	—	
Utility service line with 4 or fewer connections (7)	—	P	—	P	P	
Utility service line with 5 or more connections (7)	—	CUP	—	CUP	CUP	

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	CUP		CUP			
Onsite wastewater treatment system, individual, conventional	E		E			
Onsite wastewater treatment system, individual, supplemental	E		E			
Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	—	P	—	P	P	
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more	—	CUP	—	CUP	CUP	
Reservoir, less than 20,000 sf of total development	CUP	P	CUP	P	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	CUP	CUP	CUP	
Sewage treatment facility - Central plant	—	—	P	P	—	
Wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual	E	P	E	P	P	
Wastewater treatment facility, less than 200 connections	—	—	—	—	—	
Water or sewer system pump or lift station (8)	CUP	P	CUP	P	P	
Water supply, treatment, storage facilities - Central plant	—	—	P	P	—	
Water system with 1 connection	E	P	E	P	P	
Water system with 2 or more connections	CUP	CUP	CUP	CUP	CUP	
Water well, agricultural	—	—	—	—	—	

Key to Zone Symbols

REC	Recreation	TC	Transportation Corridor
PU	Public Utilities	CZ	Coastal Zone

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.425.030.C.
- (3) Uses allowed as a "P" in abutting zones and in compliance with any applicable specific use regulations.
- (4) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (5-4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (6) Not allowed in the VC overlay.
- (7) Not applicable to facilities constructed by the County outside of the Coastal Zone.
- (8) In the Inland area, such facilities are allowed in compliance with the required planning permit to which the water or sewer pump or lift station is accessory.

35.425.040 - Special Purpose Zones Development Standards

Development within the Special Purpose zones shall be designed, constructed, and established in compliance with the requirements in Table 2-15 (Special Purpose Zone Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code.

Table 2-15 - Special Purpose Zones Development Standards

Development Feature	Requirement by Zone		
	REC & REC (CZ) Recreation	PU & PU (CZ) Public Utilities	TC (CZ)
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>		
Area, width	1 acre	None	
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>		
Maximum density	1 caretaker dwelling.	None allowed.	
Setbacks	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.</i>		
Front - Primary	Inland — 50 ft from road centerline and 20 ft from edge of right-of-way. Coastal — 10 ft	50 ft from road centerline and 20 ft from edge of right-of-way.	10 ft where lot abuts another zone; except that no setback is required for fences, walls, utility poles (in compliance with the height limits of this Development Code), ingress and egress.
Front - Secondary	Lot less than 100 ft wide - 20% of lot width - 10 ft minimum. Lot 100 ft wide or more - Same as primary front setback.	Same as primary front.	
Side	Inland — 10 ft; 25 ft from a lot zoned residential. Coastal — 10 ft.	10 ft	Same as primary front.
Rear	Inland — 10 ft; 25 ft from a lot zoned residential. Coastal — 10 ft	10 ft; 50 ft from a lot zoned residential.	Same as primary front.
Building separation	None, except as required by Building Code.		
Height limit	<i>Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	25 ft	Inland — 35 ft Coastal — 45 ft	25 ft, except for bridges and related equipment, and any structural clearance required by safety or other standards required by State or Federal law.
Exception	Within the Coastal Zone, the height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.		
Site coverage	<i>Maximum percentage of net site area that may be covered by structures.</i>		
Maximum coverage	Inland — 20 % Coastal — 10%	None	
Open space	<i>Minimum percentage of net site area to be maintained as common open space.</i>		
Minimum open space	No minimum.		
Landscaping	See Chapter 35.434 (Landscaping Standards).		
Parking	See Chapter 35.436 (Parking and Loading Standards).		
Signs	See Chapter 35.438 (Sign Standards).		

35.425.050 - PU Zone Standards

Proposed development and new land uses within the PU zone shall comply with the following standards, in addition to those in Section 35.425.040 (Special Purpose Zones Development Standards).

- A. **Noise.** The volume of sound, measured during calm air conditions, inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not exceed 70 decibels at any point along the boundary of or outside of the lot upon which such use is located.
- B. **Odors, fumes, gasses, liquids, heat, glare, radiation.** No offensive odors or fumes, noxious gases or liquids, heat, glare, or radiation generated by or resulting from any use, other than motor vehicles or lighting fixtures, operated on any lot shall be detectable at any point along the boundary of or outside of the lot upon which such use is located.
- C. **Outdoor storage.** Open storage of equipment and materials shall be permitted only in areas screened from view of surrounding lots.
- D. **Public health, safety, and welfare.** All activities shall be conducted in such a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the neighborhood by reason of danger to life or property.
- E. **Smoke or dust.** Except for the heating of buildings there shall be no smoke or dust generated by or resulting from any use, other than motor vehicles located upon the lot.
- F. **Vibration.** The ground vibration inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not be perceptible without instruments at any point along the boundary of or outside of the lot upon which such use is located.

35.425.060 - REC Zone Additional Standards

Proposed development and new land uses within the REC zone shall comply with the following standards, in addition to those in Section 35.425.040 (Special Purpose Zones Development Standards).

- A. **Coastal Zone development standards.**
 - 1. ~~Prohibition on structures on beach.~~ No buildings, structures, or facilities shall be located on the dry sandy beach except for those structures that require this location (e.g., lifeguard towers, volleyball nets).
 - 2. ~~Priority for recreational uses.~~ In any area within 250 feet of the mean high tide line, priority shall be given to coastal dependent and coastal related recreational activities.
 - 3. ~~Location of camping facilities.~~ Camping facilities should be set back from the beach and bluffs and near shore areas should be reserved for day use activities.
- B. **Limitation on lodging occupancy.** To ensure the recreational, rather than residential use of overnight accommodations, the maximum period for individual occupancy of overnight accommodations shall be 30 days.

~~35.425.070 - TC Zone Standards~~

~~Proposed development and new land uses within the TC zone shall comply with the following standards, in addition to those in Section 35.425.040 (Special Purpose Zones Development Standards).~~

- A. ~~Land use limitations.~~
 - 1. ~~Building and landscape materials sales - outdoor.~~ Building and landscape materials sales - Outdoor shall be limited to lumber yards.
 - 2. ~~Temporary loading and shipping facilities.~~ Temporary loading and shipping facilities are allowed only if subject to a short term lease of 45 days or less, unless a longer time period is approved by the Montecito Commission.
- B. ~~Open storage.~~ The permanent open storage of equipment and materials shall be permitted only in areas

~~screened from view of surrounding lots and from public viewing places.~~

~~C. **Performance standard.** All activities shall be conducted in a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the vicinity by reason of danger to life or property.~~

~~D. **Requirements for transportation project approval.** The County shall ensure the identification of feasible methods to provide alternative transportation for the efficient use of the U.S. Highway 101 transportation corridor to accommodate further local, regional, and statewide transportation needs. Prior to the approval of a Coastal Development Permit/Development Plan for major metropolitan transportation investment projects pursuant to Chapter 1 of Title 23 CFR, Part 450, dated October 28, 1993, including the addition, relocation, or widening of any lanes, or construction of highway interchanges along U.S. Highway 101, the Commission, or Board of Supervisors on appeal, shall find that the approval complies with either of the following:~~

~~1. The project is consistent with the portions of the Santa Barbara Association of Governments' Regional Transportation Plan that are applicable to the County's portion of the Coastal Zone and which (a) includes an alternative transportation mode study as described below, and (b) has been incorporated by amendment into the County's certified Local Coastal Program; or~~

~~2. The project sponsor/applicant has completed an alternative transportation mode study to determine the type and extent of improvements needed to accommodate projected transportation levels. The study shall also evaluate the effectiveness and cost of alternative investments or strategies in attaining local, state and national goals and objectives. The study shall consider the costs of reasonable alternatives and such factors as mobility improvements; social, economic, and environmental effects; safety; operating efficiencies; land use and economic development; financing, and energy consumption, consistent with federal regulations (Chapter 1 of Title 23 CFR, Part 450, dated October 28, 1993). The study shall specifically investigate the feasibility of alternative transportation modes such as, but not limited to, lanes dedicated to public commuter vehicles or multiple rider vehicles; mass transportation systems such as rail service; or other means of increasing the efficient use of the transportation corridor. The study shall also investigate the feasibility of accommodating non-motorized traffic through the development of recreational trails or commuter bikeways as an integral part of the transportation corridor.~~

~~3. For the purposes of satisfying the application filing requirements relative to this standard for a Coastal Development Permit/Development Plan, the scope of the alternative transportation modes study shall be developed jointly by the Department and the Santa Barbara County Association of Governments and shall be both proportionate and related to the scope of the proposed development. Further, the alternative transportation modes studies shall be coordinated with the cities within the Santa Barbara County Coastal Zone, and with San Luis Obispo and Ventura Counties. The informational requirements under this standard will be deemed to be met upon a determination by the Director that the scope of work has been fulfilled through the completion of the alternative transportation modes study.~~

~~4. As an alternative to the above study, the Director may determine that the environmental review for a project on U.S. Highway 101, or any combination of existing studies, adequately satisfies this application filing requirement. In this instance, no further study shall be required, providing that the information upon which the environmental review or other studies is based is current. This determination shall be based on finding that the study/documents contain an adequate analysis of the plans, methods, and potential actions to implement feasible alternative transportation modes as described above.~~

~~5. The cost of complying with either Subsections D.1 or D.2, above, shall be the responsibility of the project sponsor/applicant. The application for a Coastal Development Permit/Development Plan shall be deemed complete only after this requirement is satisfied.~~

SECTION 8:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.428.050, Flood Hazard (FA) Overlay Zone, of Chapter 35.428, Montecito Overlay Zones, to read as follows:

35.428.050 - Flood Hazard (FA) Overlay Zone

- A. Purpose and intent.** The Flood Hazard (FA) overlay zone is intended to promote public health, safety and welfare and to minimize public and private losses due to flood conditions in areas within the 100-year flood plain by alerting property owners that County Code Chapter 15A (Floodplain Management) applies to their property, and avoiding the exposure of new development to flood hazards, minimizing the need for future flood control protective works and resulting alteration of stream and wetland environments. This overlay zone serves as a mechanism whereby members of the public and staff can easily identify areas of special flood hazard that are subject to County Code Chapter 15A (Floodplain Management).
- B. Applicability.** The requirements of this Section apply to special flood hazard areas as defined in County Code Chapter 15A (Floodplain Management).
- 1. Additional standards.** Each land use shall comply with the requirements of the primary zone and "development" as defined in County Code Chapter 15A shall also comply with the additional requirements in Chapter 15A.
 - 2. Flood Hazard Overlay Map.** The Flood Hazard Overlay Map shall reflect the boundaries of special flood hazard areas as shown on the current Federal Emergency Management Agency (FEMA) maps on file with the County Public Works Flood Control and Water Conservation District Agency (referred to in this Section as the "Flood Control District Agency").
 - 3. Relationship to primary zone.** Each land use and proposed development within the FA Overlay Zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.
- C. Permit and processing requirements.**
- 1. Referral and determination.** Prior to the issuance approval of a ~~Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits)~~ or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances), for all development subject to the FA Overlay Zone:
 - a.** The applicant shall be referred to the Flood Control District Agency for a determination as to whether the development is subject to the requirements of County Code Chapter 15A. If the Flood Control District Agency determines that the proposed development is subject to Chapter 15A, then the development shall comply with the requirements of Chapter 15A. ~~If the Flood Control District determines that the proposed development is not subject to Chapter 15A, the development is exempt from the requirements of Chapter 15A.~~
 - b. Permit requirement.** ~~After obtaining the appropriate clearance or receiving a written exemption from the Flood Control District, the proposed development shall comply with the Coastal Development or Land Use Permit or Zoning Clearance requirements of the primary zone~~ The applicant shall obtain the appropriate clearance or receive a written exemption from the Flood Control Agency.

SECTION 9:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.428, Montecito Overlay Zones, to delete

Section 35.428.080, Site Design (SD) Overlay Zone - Coastal Zone, in its entirety and reserve the section number for future use.

SECTION 10:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.428, Montecito Overlay Zones, to delete Section 35.428.090, View Corridor (VC) Overlay Zone - Coastal Zone, in its entirety and reserve the section number for future use.

SECTION 11:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.430, Standards for All Development and Land Uses, to delete Section 35.430.040, Coastal Trails, in its entirety and reserve the section number for future use.

SECTION 12:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection B, Required findings for approval, of Section 35.430.110, Lot Line Adjustments, of Chapter 35.430, Standards for All Development and Land Uses, to read as follows:

B. Required findings for approval. The approval of a Lot Line Adjustment application shall require that the Montecito Commission first make all of the following findings.

1. The Lot Line Adjustment is in conformity with all applicable provisions of the Comprehensive Plan including the Montecito Community Plan, and this Development Code.
2. ~~No lot involved in the Lot Line Adjustment that conforms to the minimum lot size of the applicable zone shall become nonconforming as to lot size as a result of the Lot Line Adjustment.~~

Minimum lot area and minimum lot width.

- a. **Minimum lot area.** ~~No lot involved in the Lot Line Adjustment whose area is equal to or greater than the minimum lot area requirement of the applicable zone shall become smaller than the minimum lot area requirement of the applicable zone as a result of the Lot Line Adjustment.~~
- b. **Minimum lot width.** ~~No lot involved in the Lot Line Adjustment whose lot width is equal to or greater than the minimum lot width requirement of the applicable zone shall become smaller than the minimum lot width requirement of the applicable zone as a result of the Lot Line Adjustment.~~
3. Except as provided in this Section, all lots resulting from the Lot Line Adjustment shall comply with the minimum lot ~~size~~ area requirements of the applicable zone. A Lot Line Adjustment may be approved that results in one or more lots that are ~~nonconforming as to size,~~ smaller than the minimum lot area requirement of the applicable zone provided that it complies with all of the following requirements.
 - a. ~~Four or fewer existing lots are involved in the adjustment.~~

- b a. The Lot Line Adjustment shall not result in increased subdivision potential for any ~~affected~~ lot involved in the Lot Line Adjustment.
- e b. The Lot Line Adjustment will not result in a greater number of residentially developable lots than existed prior to the adjustment. For the purposes of this Subsection B.3 only, a lot shall not be deemed residentially developable if the documents reflecting its approval and/or creation identify that: 1) the lot is not a building site, or 2) the lot is designated for a non-residential purpose including well sites, reservoirs and roads. A lot shall be deemed residentially developable for the purposes of this Subsection B.3 if it has an existing one-family dwelling constructed in compliance with a valid County permit. ~~Otherwise, to be deemed a residentially developable lot for the purposes of this Subsection, or~~ existing and proposed lots shall comply with all of the following criteria.
- (1) **Water supply.** The lot shall have adequate water resources to serve the estimated interior and exterior needs for residential development as follows: 1) a letter of service from the appropriate district or mutual water company shall document that adequate water service is available to the lot and that the service complies with the company's Domestic Water Supply Permit, or 2) a Public Health Department or State approved water system.
 - (2) **Sewage disposal.** The lot is served by a public sewer system and a letter of available service can be obtained from the appropriate ~~public sewer~~ district. A lot to be served by an onsite wastewater treatment system shall meet all applicable County requirements for permitting and installation, including percolation tests, as determined by the Public Health Department.
 - (3) **Access.** The lot is currently served by an existing private road meeting applicable fire agency roadway standards that connects to a public road or right-of-way easement, or can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.
 - (4) **Slope stability.** Development of the lot including infrastructure avoids slopes of 30 percent and greater.
 - (5) **Agriculture viability.** Development of the lot shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the lot.
 - (6) **Environmentally sensitive habitat.** Development of the lot avoids or minimizes impacts where appropriate to environmentally sensitive habitat and buffer areas, and riparian corridor and buffer areas.
 - (7) **Hazards.** Development of the lot shall not result in a hazard to life and property. Potential hazards include, flood, geologic and fire.
 - (8) **Consistency with Comprehensive Plan and Development Code.** Development of the lot is consistent with the setback, lot coverage and parking requirements of the Development Code and consistent with the Comprehensive Plan and the public health, safety and welfare of the community.

To provide notification to existing and subsequent property owners when a finding is made that a lot is deemed not to be residentially developable, a statement of this finding shall be recorded concurrently with the deed of the lot, in compliance with County Code Section 21-92 (Procedures).

4. The Lot Line Adjustment will not increase any violation of lot width, setback, lot coverage, parking or other similar requirement of the applicable zone, or make an existing violation more onerous.
5. The affected lots are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Development Code, or the Lot Line Adjustment has been conditioned to require compliance with these rules and regulations, and any zoning

violation fees imposed in compliance with applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the requirements of [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#).

6. Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.

SECTION 13:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.430.125, Medical Marijuana Dispensaries, of Chapter 35.430, Standards for All Development and Land Uses, to read as follows:

35.430.125 - Medical Marijuana Cultivation and Dispensaries

- A. Medical Marijuana Cultivation.** See Article X, Medical Marijuana Regulations, of Chapter 35 of the County Code regarding regulations pertaining to the cultivation of medical marijuana.
- B. Medical Marijuana Dispensaries prohibited.** Medical Marijuana Dispensaries are not allowed in any zone district and shall not be approved through a Use Determination in compliance with (Section 35.472.170 Use Determinations).

SECTION 14:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.430, Standards for All Development and Land Uses, to delete Section 35.430.140, Recreation and Visitor Serving Uses - Coastal Zone, in its entirety and reserve the section number for future use.

SECTION 15:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.434, Landscaping Standards, to delete Section 35.434.050, Agricultural (AG-I) Zone Landscaping Requirements, in its entirety and reserve the section number for future use.

SECTION 16:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection B.5 of Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

5. **Kitchen or cooking facilities/amenities prohibited.** Accessory structures shall not contain kitchen or cooking facilities unless the accessory structure is specifically permitted as a dwelling (e.g., ~~agricultural employee dwellings~~, residential second units). Artist studios, cabañas and guesthouses are not dwellings.

SECTION 17:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara

County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection B.8 of Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

8. **Use restrictions.** Accessory structures shall not be used as guesthouses, artist studios, or cabañas, unless specifically permitted for these uses. Except for guesthouses or structures specifically permitted as dwellings, (e.g. ~~agricultural employee dwellings~~, residential second units) accessory structures shall not be used for overnight accommodations.

SECTION 18:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.442, Standards for Specific Land Uses, to delete Section 35.442.030, Agricultural Employee Dwellings, in its entirety, and to reserve the section number for future use.

SECTION 19:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection A, Purpose and Applicability, of Section 35.442.060, Caretaker or Employee Housing, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

- A. **Purpose and applicability.** This Section provides standards for caretaker ~~or~~ and employee housing, ~~not including agricultural employee dwellings (see Subsection 35.421.060.A. (Agricultural employee dwellings))~~ where allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).

SECTION 20:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.442.070, Community Care Facilities, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

35.442.070 - Community Care Facilities

- A. **Purpose and applicability.** This Section establishes standards for community care facilities where allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#). Community care facilities shall be in operated in compliance with State law and in a manner that recognizes the needs of community care operators and minimizes the effects on surrounding properties. Licensing by the ~~California Department of Social Services~~ appropriate State agency is required for community care facilities unless they are able to operate legally without a license in compliance with State law.
- B. **Family day care.**
 1. ~~Small family day care facilities.~~ Small family day care homes shall be considered a residential use and may be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#) if the provider has obtained a license or a statement of exemption from licensing requirements from the California State Department of Social Services in compliance with State law.
 2. ~~Large family day care facilities.~~ Large family day care homes shall be considered a residential use and may be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#)

subject to the following standards:

- a. ~~The provider shall have a license or a statement of exemption from licensing requirements from the California State Department of Social Services in compliance with State law.~~
- b. ~~The property shall be located more than 300 feet from another large family day care facility and approval shall not result in over concentration.~~
- c. ~~The review of large family day care homes in compliance with this Section shall be a ministerial action exempt from the requirements of the California Environmental Quality Act unless the approval is subject to approval of a Coastal Development Permit within a Geographic Appeals Area within the Coastal Zone.~~
- d. ~~Notice of Coastal Development Permit or Land Use Permit approval shall be provided in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#) and shall be mailed to property owners with a 300-foot radius of the site at permit approval.~~

1. Processing.

- a. Family day care homes may be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
- b. The review of an application for a family day care home shall be a ministerial action.
- c. If required, notice of the application and pending decision on a permit for a family day care home shall be given in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).

2. Standards that apply to all family day care homes. Family day care homes shall comply with the following standards:

- a. During the operation of the family day care home the provider shall have a valid license or a statement of exemption from licensing requirements from the California State Department of Social Services if such license or exemption is required in compliance with State law.

3. Additional standards that apply to large family day care homes. Large family day care homes shall also comply with the following standards in addition to the standards of Subsection B.2, above:

- a. The large family day care home shall be located more than 300 feet from any other large family day care home.

C. Child Day care centers.

1. ~~Nonresidential child care centers.~~ ~~Nonresidential child care centers shall comply with the following standards:~~

- a. ~~**Coastal Zone.** Within the Coastal Zone, nonresidential child care centers shall comply with the following standards:~~
 - (1) ~~The provider shall obtain a license or a Statement of Exemption from licensing requirements from the California State Department of Social Services in compliance with State law.~~
 - (2) ~~Outdoor play areas shall be separated from abutting uses by a solid masonry wall not less than four feet in height.~~
 - (3) ~~The child care center shall be compatible with onsite and abutting commercial uses, as determined by the Department.~~
 - (4) ~~The number of students shall not exceed 30 and the total gross square footage of the facility including outdoor play areas shall not exceed 5,000 square feet.~~
 - (5) ~~The ambient noise level of the proposed location for the child care center shall not exceed those standards in the Noise Element for sensitive land uses (e.g., residences and schools).~~

- ~~(6) The review of nonresidential child care centers in compliance with this Section, when allowed by a Coastal Development Permit, shall be a ministerial action exempt from the requirements of the California Environmental Quality Act unless the approval is subject to approval of a Coastal Development Permit within a Geographic Appeals Area within the Coastal Zone.~~
- ~~(7) Notice of Coastal Development Permit approval shall be provided in compliance with Chapter 35.496 (Noticing and Public Hearings) and shall be mailed to property owners with a 300-foot radius of the site at permit approval.~~
- ~~(8) When allowed as accessory to a permitted use, the following additional development standards shall apply:~~
- ~~(a) The child care center is for the use by the onsite employees of the development; and~~
- ~~(b) The child care center is located to ensure compatibility with other permitted uses on the project site and on adjacent lots.~~
- ~~b. **Inland area.** Nonresidential child care centers that are accessory and subordinate to the permitted uses shall comply with the following standards:~~
- ~~(1) **Location and design.** Non-residential child care facilities shall be sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent lots.~~
- ~~(2) **DR and PRD zones.** Non-residential child care centers in the DR and PRD zones shall be for use by onsite residents and/or employees of the development.~~
- ~~(3) **CN and CV zones.** Non-residential child care centers in the CN and CV zones shall be for use by onsite employees of the development.~~
- ~~2. **Residential child care centers.** Residential child care centers shall be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#) if the provider is eligible to obtain a license or a statement of exemption from licensing requirements from the California State Department of Social Services in compliance with State law.~~
- 1. Processing.**
- a. Day care centers may be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
- b. If required, notice of the application and pending decision on a permit for a day care center shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).
- 2. Standards that apply to all day care centers.** Day care centers shall comply with the following standards:
- a. During the operation of the day care center the provider shall have a valid license or a statement of exemption from licensing requirements from the California State Department of Social Services if such license or exemption is required in compliance with State law.
- 3. Additional standards that apply to non-residential day care centers.** Non-residential day care centers shall also comply with the following standards in addition to the standards of Subsection C.2, above:
- a. Nonresidential day care centers shall be accessory and subordinate to the principle permitted use on the project site.
- b. The day care center shall be sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent lots, as determined by the Department.
- c. **DR and PRD zones.** Non-residential day care centers in the DR and PRD zones shall be for use solely by onsite residents and/or employees of the development.

- d. CN and CV zones. Non-residential day care centers in the CN and CV zones shall be for use solely by onsite employees of the development.

D. Special care homes.

1. In general.

- ~~a. Structural installations that are necessary to accommodate disabled residents (e.g., ramps, lifts, handrails) in compliance with the Fair Housing Act shall be allowed without having to obtain a Variance or Modification if otherwise required.~~
- ~~b. The application and the requirements of this Development Code may be waived by the review authority if necessary to comply with the Federal and/or State Fair Housing and Disability Laws relating to accommodation for persons with disabilities.~~

- a. Special care homes are residential care facilities (including group homes) licensed by the State that provide non-medical care on a 24-hour basis to persons who require special care or services including assistance with daily living activities.

(1) A special care home may provide incidental medical services such as the giving of medication that can normally be self-administered.

- b. The requirements of this Development Code may be modified in compliance with Chapter 35.437 (Reasonable Accommodation) if necessary to comply with the Federal Fair Housing Act and the California Fair Employment and Housing Act relating to accommodations for persons with disabilities including allowances for structural installations that are necessary to accommodate disabled residents (e.g., handrails, lifts, ramps).

- c. During the operation of a special care home the provider shall have a valid license or a statement of exemption from licensing requirements from the California State Department of Social Services in compliance with State law.

- 2. Special care homes serving six or fewer clients persons.** For the purposes of this Subsection D.2, the term family dwelling includes single-family dwellings, units in multifamily dwellings, including units in duplexes and units in apartment dwellings, mobilehomes, including mobilehomes located in mobilehome parks, units in cooperatives, units in condominiums, units in townhouses, and units in planned unit developments.

- a. ~~Considered a residential use. In compliance with California Health and Safety Code Section 1566, special care homes serving six or fewer clients are considered a residential and not a commercial use of property, and the clients and operators of the facility shall be considered a family. For the purposes of this Development Code, special care homes serving six or fewer clients are considered a dwelling and shall be allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#). No Conditional Use Permit, Variance, or planning permit shall be required which is not required of a dwelling of the same type in the same zone.~~

In compliance with California Health and Safety Code Section 1566.3, a special care home licensed by the State that serve six or fewer persons shall be considered a residential use of property, and the residents and operators of the facility shall be considered a family as this term is used in this Development Code in relation to the residential use of property.

- b. **Allowable restrictions.**

(1) Restrictions on structure height, setbacks, lot dimensions or placement of signs of a special care home that serves six or fewer persons may be applied as long as such restrictions are identical to those applied to other family dwellings of the same type in the same zone.

(2) A special care home that serves six or fewer persons shall comply with County ordinances that deal with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of the County including the

imposition of fines and other penalties associated with violations of local ordinances provided the ordinance:

- (a) Does not distinguish special care homes that serve six or fewer persons from other family dwellings of the same type in the same zone; and,
 - (b) Does not distinguish residents of the special care home from persons who reside in other family dwellings of the same type in the same zone.
- c. Considered a dwelling.** Special care homes that serve six or fewer persons are considered a dwelling and shall be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#). Such facilities shall not be included within the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community residence, or other similar term that implies that the special care home is a business run for profit or differs in any other way from a family dwelling.
- e-d. Fees.** Such facilities shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other dwellings of the same type in the same zone are not likewise subject.
- e. Not a change in occupancy.** Use of a family dwelling for purposes of a special care home serving six or fewer persons shall not constitute a change of occupancy for purposes of local building codes.
- d-f. Ministerial action Processing.**
- (1) ~~The review of special care homes serving six or fewer clients shall be a ministerial action exempt from the requirements of the California Environmental Quality Act, unless the approval is subject to approval of a Coastal Development Permit within a Geographic Appeals Area within the Coastal Zone.~~
Special care homes that serves six or fewer persons may be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#). The review of an application for such a special care home shall be a ministerial action and no Conditional Use Permit, Variance, or other planning permit shall be required the special care home that is not required of a dwelling of the same type in the same zone.
 - (2) If required, notice of the application and pending decision on a permit for a special care home shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).
 - (3) When a special care home serving six or fewer ~~clients~~ persons is proposed to be located in a zone where the residential use requires a Conditional Use Permit, an additional Conditional Use Permit is not required for the special care home if the residential use has obtained the necessary Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).
- 3. Special care homes serving seven or more ~~clients~~ persons.**
- a. Considered as residential use Conditional Use Permit required.** A special care home serving seven or more ~~clients~~ persons shall be required to obtain a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) and [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#) prior to the operation of the special care home.
 - b. Development standards.**
 - (1) There shall be only a single kitchen.
 - (2) Off-street parking shall be provided in compliance with Chapter 35.436 (Parking and Loading Standards).

SECTION 21:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.430, Standards for Specific Land Uses, to delete Section 35.442.080, Conference Centers - Coastal Zone, in its entirety and reserve the section number for future use.

SECTION 22:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.430, Standards for Specific Land Uses, to delete Section 35.442.090, Crematoriums, Funeral Homes and Mortuaries - Coastal Zone, in its entirety and reserve the section number for future use.

SECTION 23:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection M, Cabaña, of Section 35.442.120, Guesthouses, Artist Studios, and Cabañas, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

M. Cabaña. ~~A cabaña may be approved in conjunction with a proposed pool or sport court provided that construction of the proposed pool or sport court is completed before or simultaneously with completion of the cabaña. A cabaña may also be approved on a lot that is directly adjacent to the sea.~~

A cabaña may be approved as an accessory structure provided that its use is accessory to a sports court or swimming pool, or is located on a lot directly adjacent to the sea.

- 1. Definition of swimming pool.** For the purposes of this Subsection M (Cabaña), swimming pool is defined a structure containing a body of water, whether above or below the ground, having a minimum length, width and depth of 45 feet, eight feet and 42 inches, respectively, and which shall be designed for and used or intended to be used for swimming by individuals. The following shall be excluded from this definition:
 - a. Hot tubs, spas, including swim spas, and similar facilities.
 - b. Ornamental ponds or water features, developed as landscape design features where swimming is not intended and does not occur.
 - c. Portable, inflatable, and wading pools.
- 2. Restrictions on use.** The cabaña may be maintained and used as a cabaña provided that the sports court or swimming pool that the cabaña is accessory to is also maintained on the lot. If the sports court or swimming pool to which the cabaña is accessory to is abandoned or removed, then the use of the cabaña shall cease and the structure shall either be removed or lawfully converted to an allowed accessory structure within 90 days following the abandonment or removal of the sports court or swimming pool.
- 3. Sequence of construction.** A cabaña may be approved in conjunction with a proposed pool or sports court provided that construction of the proposed pool or sports court is completed before or simultaneously with completion of the cabaña.

SECTION 24:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection j of Subsection 1, Standards applicable to all residential second units, of Subsection F, Development Standards, of Section 35.442.160, Residential Second Units, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

- j. Where public water service is available, the residential second unit shall be required to be served by the appropriate district.
- (1) If the principal dwelling is currently served by a public water district or ~~an existing~~ mutual water company, not subject to moratorium for new connections, then the residential second unit shall also be served by the appropriate public water district or mutual water company.
 - (2) If the principal dwelling is currently served by a water district or ~~an existing~~ mutual water company subject to a moratorium for new connections, or if the existing service is by a private water system and ~~if~~ the property is not located in an overdrafted water basin, then the residential second unit may be served by a private water system subject to review and approval by the Public Health Department or State as applicable.

SECTION 25:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection k of Subsection 1, Standards applicable to all residential second units, of Subsection F, Development Standards, of Section 35.442.160, Residential Second Units, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

- k. ~~A residential second unit proposed to be served by an onsite wastewater treatment system shall not be allowed in addition to the principal dwelling on a lot two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Public Health Department. If determined to be particularly favorable, the minimum lot area may be reduced to one gross acre. In order to be determined to be particularly favorable, all of the criteria as found in Appendix D, Development Standards for Residential Second Dwelling Units On Lots Less Than Two Acres in Size Served by Onsite Sewage Disposal Systems, shall be satisfied. Appendix D is hereby incorporated by reference.~~

Where public sewer service is available, the residential second unit shall be required to be served by the appropriate district.

- (1) For the purposes of this Subsection F.1.k, public sewer service may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred feet from any proposed building or exterior drainage facility on any lot or premises that abuts and is served by such public sewer. (California Plumbing Code Section 713.4)

SECTION 26

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection l of Subsection 1, Standards applicable to all residential second units, of Subsection F, Development Standards, of Section 35.442.160, Residential Second Units, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

1. ~~Where public sewer service is available, the residential second unit shall be required to be served by the appropriate district. If the principal dwelling is currently served by a public sewer district not subject to a moratorium for new connections, the residential second unit shall be served by the public sewer district. If the principal dwelling is currently served by a public sewer district subject to moratorium for new connections, or if the existing service is by a onsite wastewater treatment system, the residential second unit shall be served by an onsite wastewater treatment system subject to Public Health Department review and approval.~~

A residential second unit proposed to be served by an onsite wastewater treatment system shall not be allowed in addition to a principal dwelling on a lot less than two gross acres in size if the principal dwelling is served by or is proposed to be served by an onsite wastewater treatment system.

SECTION 27:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection m of Subsection 1, Standards applicable to all residential second units, of Subsection F, Development Standards, of Section 35.442.160, Residential Second Units, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

- m. Upon approval of a residential second unit on a lot, the lot shall not be subdivided unless there is adequate land area to divide the lot ~~consistent in compliance~~ in compliance with:
- (1) The Comprehensive Plan including the applicable Comprehensive Plan designation.
 - (2) This Development Code including and in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).
 - (3) Subsection F.1.I, above, if the residential second unit is proposed to be served by a onsite wastewater treatment system following the subdivision.

SECTION 28:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete existing Subsection q of Subsection 1, Standards applicable to all residential second units, of Subsection f, Development Standards, of Section 35.442.160, Residential Second Units, of Chapter 35.442, Standards for Specific Land Uses, in its entirety.

SECTION 29:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 4-6, Allowed Temporary Uses and Permit Requirements for Agricultural and Resource Management Zones, of Subsection D, Permit Processing, of Section 35.442.180, Temporary Uses and Trailers, of Chapter 35.442, Standards for Specific Land Uses, to be titled “Allowed Temporary Uses and Permit Requirements the Resource Management Zone” and to read as follows:

Table 4-6 Allowed Temporary Uses and Permit Requirements for Agricultural and the Resource Management Zones	E	Allowed use, no permit required (Exempt)		
	ZC	Permitted use, Zoning Clearance required		
	P	Permitted use, Land Use or Coastal Permit required		
	CUP	Conditional Use Permit required		
	S	Permit determined by Specific Use Regulations		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	AG-I	AG-ICZ	RMZ	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	35.442.180.F.4
Public property	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	35.442.180.F.8
Trailer (4 or less agricultural employees)	CUP	CUP	—	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	35.442.180.G.10-9
Trailer (after destruction of dwelling)	P	P	P	35.442.180.G.7-6
Trailer (during construction of new dwelling)	P	P	P	35.442.180.G.6-5

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	35.442.180.G.4-3
Trailer (construction office, shop, storage, etc.)	S	S	S	35.442.180.G.5-4
Trailer (mobile communications temporary facility)	ZC	—	ZC	35.442.180.G.9-8
Trailer (storage as accessory to dwelling)	E	E	E	35.442.180.G.8-7

Key to Zone Symbols

AG-I	Agriculture I	CZ	Coastal Zone
RMZ	Resource Management		

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

SECTION 30:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 4-7, Allowed Temporary Uses and Permit Requirements for Residential Zones, of Subsection D, Permit Processing, of Section 35.442.180, Temporary Uses and Trailers, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

Table 4-7 Allowed Temporary Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	ZC	Permitted use, Zoning Clearance required			
	P	Permitted use, Land Use or Coastal Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.442.180.F.8
Trailer (4 or less agricultural employees)	—	—	—	—	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	P	35.442.180.G.10-9
Trailer (after destruction of dwelling)	P	P	P	P	35.442.180.G.7-6
Trailer (during construction of new dwelling)	P	P	P	P	35.442.180.G.6-5

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	35.442.180.G.4-3
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.442.180.G.5-4
Trailer (mobile communications temporary facility)	ZC	—	ZC	—	35.442.180.G.9-8
Trailer (storage as accessory to dwelling)	E	E	E	E	35.442.180.G.8-7

Key to Zone Symbols

R-1/E-1	Single-Family Residential	CZ	Coastal Zone
R-2	Two-Family Residential		

Notes:

(1) See [Division 35.10 \(Glossary\)](#) for land use definitions.

Table 4-7 –Continued Allowed Temporary Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	ZC	Permitted use, Zoning Clearance required			
	P	Permitted use, Land Use or Coastal Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	DR	DR CZ	PRD	PRD CZ	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.442.180.F.8
Trailer (4 or less agricultural employees)	—	—	—	—	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	P	35.442.180.G.4-9
Trailer (after destruction of dwelling)	P	P	P	P	35.442.180.G.7-6
Trailer (during construction of new dwelling)	P	P	P	P	35.442.180.G.6-5

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	35.442.180.G.4-3
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.442.180.G.5-4
Trailer (mobile communications temporary facility)	ZC	—	ZC	—	35.442.180.G.9-8
Trailer (storage as accessory to dwelling)	E	E	E	E	35.442.180.G.8-7

Key to Zone Symbols

DR	Design Residential	CZ	Coastal Zone
PRD	Planned Residential Development		

Notes:

(1) See [Division 35.10 \(Glossary\)](#) for land use definitions

SECTION 31:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 4-8, Allowed Temporary Uses and Permit Requirements for Commercial Zones, of Subsection D, Permit Processing, of Section 35.442.180, Temporary Uses and Trailers, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

Table 4-8 Allowed Temporary Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	ZC	Permitted use, Zoning Clearance required			
	P	Permitted use, Land Use or Coastal Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	

TEMPORARY EVENTS

Car washes	S	S	S	S	35.442.180.F.1
Certified farmers market	CUP	CUP	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	—	—	P	P	35.442.180.F.8
Trailer (watchman during construction)	P	P	P	P	35.442.180.G.4 <u>0-9</u>
Trailer (after destruction of dwelling)	P	P	P	P	35.442.180.G.7 <u>6</u>
Trailer (during construction of new dwelling)	P	P	P	P	35.442.180.G.6 <u>5</u>

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	35.442.180.G.4 <u>3</u>
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.442.180.G.5 <u>4</u>
Trailer (mobile communications temporary facility)	ZC	—	ZC	—	35.442.180.G.9 <u>8</u>
Trailer (storage as accessory to dwelling)	E	E	E	E	35.442.180.G.8 <u>7</u>

Key to Zone Symbols

CN	Neighborhood Commercial	CV	Visitor Serving Commercial
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Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

SECTION 32:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 4-9, Allowed Temporary Uses and Permit Requirements for Special Purpose Zones, of Subsection D, Permit Processing, of Section 35.442.180, Temporary Uses and Trailers, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

Table 4-9 Allowed Temporary Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	ZC	Permitted use, Zoning Clearance required				
	P	Permitted use, Land Use or Coastal Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	PU	PU CZ	REC	REC CZ	TC CZ	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	—	—	P	P	—	35.442.180.F.8
Trailer (4 or less agricultural employees)	—	—	—	—	CUP	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	P	P	35.442.180.G.4-9
Trailer (after destruction of dwelling)	—	—	P	P	—	35.442.180.G.7-6
Trailer (during construction of new dwelling)	—	—	P	P	—	35.442.180.G.6-5

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	CUP	35.442.180.G.4-3
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.442.180.G.5-4
Trailer (mobile communications temporary facility)	ZC	—	ZC	—	—	35.442.180.G.9-8
Trailer (storage as accessory to dwelling)	—	—	E	E	—	35.442.180.G.8-7

Key to Zone Symbols

PU	Public Utilities	TC	Transportation Corridor
REC	Recreation	CZ	Coastal Zone

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

SECTION 33:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection G, Trailer Use, of Section 35.442.180, Temporary Uses and Trailers, of Chapter 35.442, Standards for Specific Land Uses, to delete Subsection G.3, Agricultural employee dwellings, four or fewer employees, in its entirety and to re-letter existing Subsections G.4 through G.10 as Subsections G.3 through G.9.

SECTION 34:

DIVISION 35.5, Montecito Resource Management, of Section 35-2, the Santa Barbara County

Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.450.030, Archaeological Resources - Coastal Zone and Inland Area, of Chapter 35.450, Montecito Resource Protection Standards, to read as follows:

35.450.030 - Archaeological Resources –~~Coastal Zone and Inland Area~~

~~The following standards are applicable within the Coastal Zone and the Inland area as indicated below.~~

A. ~~Coastal Zone and Inland area requirements.~~

~~1.~~ Development proposed on a lot where archaeological or other cultural sites are located shall be designed to avoid impacts to the cultural sites if possible.

B. ~~2.~~ When sufficient planning flexibility does not permit avoiding construction on an archaeological or other cultural site, adequate mitigation shall be required. Mitigation shall be designed in compliance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.

C. ~~3.~~ Native Americans shall be consulted when development proposals are submitted that impact significant archaeological or cultural sites.

~~B-D. Inland area requirements.~~ All available measures, including purchase of the site, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.

SECTION 35:

DIVISION 35.5, Montecito Resource Management, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.450, Montecito Resource Protection Standards, to delete Section 35.450.040, Beach Development - Coastal Zone, in its entirety and reserve the section number for future use.

SECTION 36:

DIVISION 35.5, Montecito Resource Management, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.450, Montecito Resource Protection Standards, to delete Section 35.450.050, Bluff Development - Coastal Zone, in its entirety and reserve the section number for future use.

SECTION 37:

DIVISION 35.5, Montecito Resource Management, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.450, Montecito Resource Protection Standards, to delete Section 35.450.060, Shoreline Protection Structures - Coastal Zone, in its entirety and reserve the section number for future use.

SECTION 38:

DIVISION 35.5, Montecito Resource Management, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County

Code, is hereby amended to amend Chapter 35.450, Montecito Resource Protection Standards, to delete Section 35.450.070, Tree Removal - Coastal Zone, in its entirety and reserve the section number for future use.

SECTION 39:

DIVISION 35.5, Montecito Resource Management, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.452, Montecito Ridgeline and Hillside Development, to delete Section 35.452.030, Coastal Zone Limitation on Sloping Lot Development, in its entirety and reserve the section number for future use.

SECTION 40:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.472, Permit Review and Decisions, to delete Section 35.472.050, Coastal Development Permits, in its entirety and reserve the section number for future use.

SECTION 41:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection D, Processing, of Section 35.472.060, Conditional Use Permits, of Chapter 35.472, Permit Review and Decisions, to read as follows:

D. Processing.

1. After receipt of an application for a Conditional Use Permit, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
2. ~~For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35.472.070 (Design Review).~~ Notice of the filing of an application shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).
3. The Department shall refer the application for a Conditional Use Permit to the Subdivision/Development Review Committee for review and recommendations to the Montecito Commission.
4. The application shall be subject to Design Review in compliance with Section 35.472.070 (Design Review).
5. The Montecito Commission shall hold at least one noticed public hearing on the requested Conditional Use Permit and approve, conditionally approve, or deny the request.
- ~~5-6.~~ Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
- ~~6-7.~~ The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).

- ~~7-8.~~ Conditional Use Permits may be granted for a period of time and ~~upon~~ subject to conditions and limitations as may be required to protect the public health, peace, safety, and general welfare of the community. The conditions may be more restrictive than those required in the specific zones.
- ~~8-9.~~ In the case of a Conditional Use Permit application where the project is subject to Development Plan requirements, a Development Plan shall be required in addition to obtaining a Conditional Use Permit, except for the following:
- a. Commercial telecommunication facilities that are permitted by a Conditional Use Permit pursuant to [Section 35.444.010 \(Commercial Telecommunication Facilities\)](#) provided that any structure constructed or erected as part of the telecommunications facility shall only be used as part of the telecommunication facility and shall be removed pursuant to Section [35.444.010.E.4](#) (Project abandonment/site restoration).

SECTION 42:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.492, Appeals, to delete Section 35.492.060, Appeals to the Coastal Commission, in its entirety and reserve the section number for future use.

SECTION 43:

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to amend the existing definitions of “Cabaña,” “Community Care Facility,” “Day Care, Child,” “Street Frontage” and “Wastewater Treatment System” to read as follows:

Cabaña. A building, the use of which is incidental and accessory to the use of ~~the beach~~, a swimming pool, or sports court (~~i.e., regulation size tennis or basketball court~~), that may include bathrooms, but does not include sleeping quarters or cooking facilities.

Community Care Facility. ~~A state authorized, certified, or licensed facility providing assistance for children and adults who require special care or services. Any facility, place or building that is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster family agency services for adults, children, or adults and children, including the physically handicapped, mental impaired, incompetent persons, and abused or neglected children.~~

Day Care, Child. ~~Facilities that provide non-medical care and supervision of minor for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.~~

Facilities that provide non-medical care and supervision of adults or minor children in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual for periods of less than 24 hours. These facilities include the following which may be required to be licensed by the County or the State unless they are able to operate legally without a license in compliance with County and State laws.

1. **Child Day Care Center.** ~~Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick child centers, and school age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.~~

A commercial or non-profit facility designed and approved to accommodate 15 or more adults or children. Includes facilities providing overnight care, providing that said care is for periods of less than twenty-four hours per day. A day care center may be operated in conjunction with a school or church facility, or as an independent land use. The owner or operator of a residential day care center is not required to reside at the day care center.

- a. **Non-residential.** A ~~child~~ day care center where group care is provided ~~for children~~ in a structure not used as a dwelling unit.
- b. **Non-residential, Accessory.** A ~~child~~ day care center that is within or on the site of another use and provides ~~child~~ day care services for occupants of the other use.
- c. **Residential.** A ~~child~~ day care center where group care is provided in a ~~residence~~ dwelling for 15 or more adults or children, including adults or children who reside at the ~~home~~ dwelling.

2. **Family Day Care Home.** ~~As defined by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.~~

A one-family dwelling whose regular and permanent occupant(s) provides, on a regular basis, care, protection, and supervision for 14 or fewer adults or children for periods of less than 24 hours per day while the parents or guardians are away. Family day care homes shall be classified as follows:

- a. **Large Family Day Care Home.** ~~As defined by Health and Safety Code Section 1596.78, a~~ A day care facility ~~in a one family dwelling where an occupant of the residence that~~ provides family day care for seven to 14 adults or children, inclusive, including children under the age of 10 years who reside in the ~~home~~ dwelling.
- b. **Small Family Day Care Home.** ~~As defined by Health and Safety Code Section 1596.78, a~~ A day care facility ~~in a one family dwelling where an occupant of the residence that~~ provides family day care for six or fewer adults, or eight or fewer children, including children under the age of 10 years who reside in the ~~home~~ dwelling.

Street Frontage. The portion of a property abutting a public or private street, except that when this term is used in Chapter 35.438 (Sign Standards) it shall mean the portion of a property that abuts an improved street or streets open to public use to which the property has access.

Wastewater Treatment System. A system, not connected to a wastewater treatment facility, that treats, stabilizes, stores and disposes into the soil sewage generated onsite. The following terms are defined for purposes of permitting and regulating wastewater treatment systems; see Article 1 (Onsite Wastewater Treatment Systems) of Chapter 18C (Environmental Health Services) for additional definitions regarding wastewater treatment systems:

1. **Alternative Wastewater Treatment System.** An onsite wastewater dispersal field that consists of components other than a conventional or supplemental treatment system. Examples include “mound”, “evapotranspiration”, and “at grade” systems.
2. **Conventional Onsite Wastewater Treatment System.** An onsite wastewater treatment system composed of a septic tank and a dispersal field that uses leach lines, a leaching bed or seepage pits, a shallow drip or pressurized drain field and does not include alternative onsite wastewater treatment systems.
3. **Drywell.** An excavation, typically cylindrical in shape and filled with rock, constructed for the purpose of disposing of sewage effluent from a septic tank or treatment tank.

4. **Maintenance.** Work related to the upkeep of a wastewater treatment system. Examples include any installation, repair or replacement of septic tank baffles, risers, tees, ells, tops, access port lids, pumps and blowers.
5. **Modification.** The replacement or enlargement of any component of an onsite wastewater treatment system, not defined as maintenance or repair in this Development Code, which results in a change in flow, capacity or design of the system.
6. **Onsite Wastewater Treatment System.** A system composed of a septic tank and a dispersal field and related equipment and appurtenances. Onsite wastewater treatment systems are also referred to as septic systems, onsite sewage disposal systems, individual sewage disposal systems or private sewage disposal systems and may include alternative and supplemental treatment systems.
7. **Performance Test.** A test conducted to determine the absorptive capacity of a seepage pit by measuring the maximum rate of water absorption after initial presaturation usually expressed as gallons per day.
8. **Repair.** The restoration, replacement, or alteration of any malfunctioning or damaged component of an onsite wastewater treatment system except those defined in this Development Code as maintenance. The alteration of a hollow seepage pit to a rock filled seepage pit for the purposes of this article shall be considered a repair.
9. **Septic Tank.** A water tight, compartmentalized, covered receptacle designed and constructed to: receive the discharge of sewage; separate the solids from the liquid; digest organic matter; store digested solids for a period of retention; and allow the resultant effluent to discharge from the tank to the dispersal field.
10. **Sewage.** Any and all waste substance, liquid or solid, associated with human habitation, or which contains or may contain human or animal excreta or excrement, offal or any feculent matter. Industrial wastewater shall not be considered as sewage.
11. **Supplemental Wastewater Treatment System.** An onsite wastewater treatment system that utilizes engineered designs and/or technology to treat effluent to reduce one or more constituents of concern in wastewater. It may also be referred to as an Advanced Treatment System or Enhanced Treatment System. Examples include sand filters, textile filters and aerobic treatment units but do not include composting or incinerating toilets.

SECTION 44:

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to add the following new definitions of “Groundwater,” “Special Problems Area” and “Sports Court” to read as follows:

Groundwater. Water located below the land surface in the saturated zone of the soil or rock. Groundwater includes perched water tables, shallow water tables, and zones that are seasonally or permanently saturated.

Special Problems Area. An area designated by the Board of Supervisors in compliance in compliance with Article XV (Special Problems Areas) of Chapter 10 (Building Regulations) of the Santa Barbara County Code as having severe constraints to development that include access, drainage and wastewater disposal.

Sports Court. A structure which consists of a hardscape or other surface having a minimum size of 20 feet by 50 feet that is utilized in connection with a flat game court structure devoted to recreational purposes including basketball, handball, tennis, and volleyball but excluding bocce ball courts, lawn bowling courts and similar facilities, patios, and areas used for driveways or parking of vehicles.

SECTION 45:

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to delete the existing definitions of “Agricultural Employee Housing,” “Day Care, Adult,” “Special Treatment Area” and “Wastewater Treatment System, Alternative.”

SECTION 46:

Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete the text of existing Appendix C, County Guidelines on Repair and Maintenance and Utility Connection to Permitted Development, in its entirety and reserve the title “Appendix C” for future use.

SECTION 47:

Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete the text of existing Appendix D, Development Standards for Residential Second Units on Lots Less Than Two Acres in Size Served by Onsite Sewage Disposal Systems, in its entirety and reserve the title “Appendix D” for future use.

SECTION 48:

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 49:

Except as amended by this Ordinance, Divisions 35.2, 35.3, 35.4, 35.5, 35.7, 35.9 and 35.10 of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 50:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2016, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

PETER ADAM, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel