

# COUNTY OF SANTA BARBARA CALIFORNIA

## PLANNING COMMISSION

COUNTY ENGINEERING BUILDING  
123 E. ANAPAMU ST.  
SANTA BARBARA, CALIF. 93101-2058  
PHONE: (805) 568-2000  
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TO THE HONORABLE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION  
HEARING OF MARCH 28, 2018

*RE: Accessory Dwelling Unit Ordinance Amendment; 16ORD-00000-00014, 16ORD-00000-00016*

Hearing on the request of the Planning and Development Department that the County Planning Commission:

- a) **16ORD-00000-00014.** Adopt a recommendation to the Board of Supervisors (Board) that the Board adopt an ordinance (Case No. 16ORD-00000-00014) amending Article 35.2, Zones and Allowable Land Uses, Article 35.3, Site Planning and Other Project Standards, Article 35.4, Standards for Specific Land Uses, Article 35.7, Site Development Regulations, Article 35.8, Planning Permit Procedures, Article 35.10, Land Use and Development Code Administration, and Article 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code (County LUDC), of Chapter 35, Zoning, of the Santa Barbara County Code; and
- b) **16ORD-00000-00016.** Recommend to the Board that the Board adopt an ordinance (Case No. 16ORD-00000-00016) amending Division 2, Definitions, Division 4, Zoning Districts, Division 7, General Regulations, Division 11, Permit Procedures, Division 12, Administration, Division 13, Summerland Community Plan Overlay, and Division 16, Toro Canyon Plan (TCP) Overlay District, of Article II, the Santa Barbara County Coastal Zoning Ordinance (Article II), of Chapter 35, Zoning, of the Santa Barbara County Code;

and to determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15282(h) and 15265 of the State Guidelines for Implementation of CEQA. The proposed ordinance amendments revise existing development standards and permit procedures in order to implement recent State legislation regarding accessory dwelling units. The proposed amendment to the County Land Use and Development Code also deletes language that only applies in the Coastal Zone. (Continued from 01/31/2018)

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Dear Honorable Members of the Board of Supervisors:

At the County Planning Commission hearing of March 28, 2018, Commissioner Blough moved, seconded by Commissioner Parke and carried by a vote of 4 to 1 (Cooney no) to:

1. Make the findings for approval, including the findings required by the California Environmental Quality Act (CEQA), and recommend that the Board of Supervisors (Board) make the following findings for approval of the proposed amendment including CEQA findings (Attachment A of the staff report dated January 24, 2018);
2. Recommend that the Board determine that the adoption of these ordinances is categorically exempt from CEQA pursuant to Sections 15282(h) and 15265 of the Guidelines for Implementation of CEQA (Attachment B of the staff report dated January 24, 2018);
3. Adopt a Resolution recommending that the Board approve Case No. 16ORD-00000-00014, an ordinance amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C of the staff report dated January 24, 2018) as revised as follows by the Commission at their hearing of March 28, 2018:
  - a. Revise Section 35.42.015.G.4.c. (Detached accessory dwelling units) to add a new Subsection 4.c.(1)(a)(iii) to read as follows:
    - c. **Detached accessory dwelling units.**
      - (1) **Connected to a detached accessory structure.**
        - (a) **Located above or below another floor.**
          - (i) **Located above another floor.** The height of an accessory dwelling unit that would be located above another floor shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35.30.090 (Height Measurement, Exceptions and Limitations).
          - (ii) **Located below another floor.** The height of an accessory dwelling unit that would be connected to a detached accessory structure and would be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.
          - (iii) Notwithstanding the above, the height of the combined structure shall not exceed a height of 25 feet as measured in compliance with Section 35.30.090 (Height Measurement, Exceptions, and Limitations).
        - (b) **Located above another floor or on grade where there is no floor above.** The height of an accessory dwelling unit that would be located above another floor or on-grade where there is no floor above shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35.30.090 (Height Measurement, Exceptions and Limitations).
      - (2) **Not connected to a detached accessory structure.** The height of an accessory dwelling unit that is not connected by any means to another structure shall not exceed a height of 16 feet as determined in compliance with Section 35.30.090 (Height Measurement, Exceptions and Limitations).

- b. Revise Section 35.42.015.G.5 (Historical Landmarks Advisory Commission) to read as follows:

5. ~~Historic Landmarks Advisory Commission. If the accessory dwelling unit is proposed to be located entirely or partially within a building that is 50 years old or greater, then the application shall be submitted to the Historic Landmarks Advisory Commission for review and comment as to the compatibility of the proposed development with the historical context of the building, whether the development will result in a detrimental effect on any existing or potential historical significance of the building, and other factors on which the Historic Landmarks Advisory Commission may choose to comment.~~

If the Director determines that the accessory dwelling unit is proposed to be located entirely or partially within a building that is historically significant, then the Director may require that the application for an accessory dwelling unit shall be submitted to the Historic Landmarks Advisory Commission for review and comment as to the compatibility of the proposed development with the historical context of the building, whether the development will result in a detrimental effect on any existing or potential historical significance of the building, and other factors on which the Historic Landmarks Advisory Commission may choose to comment.

- c. Add a new Section 35.42.015.G.6 titled "Location on lot" to read as follows, and to renumber existing Subsections G.6 through G.9 as Subsections G.7 through G.10:

**6. Location on lot.**

- a. For lots that are less than two acres, a detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other zoning provisions such as setback requirements would prohibit compliance with this requirement.
- b. For lots that are two acres or larger but not larger than 20 acres, a detached accessory dwelling unit shall not be located closer to any property line than the lesser of 100 feet or the distance from the principal dwelling to that boundary line unless other zoning provisions such as setback requirements, or the location of existing development on the lot including agricultural operations, would prohibit compliance with this requirement.
- c. For lots that are larger than 20 acres, the location of a detached accessory dwelling unit is not restricted provided the location complies with zoning requirements such as applicable setback requirements or building envelopes.

- d. Delete Section 35.42.015.H.5 (Residency of lot owner) as follows:

~~5. Residency of lot owner:~~

~~a. The owner of the lot shall:~~

- ~~(1) Reside on the lot, either in the principal dwelling or in the accessory dwelling unit except when:~~

~~(a) A disability or infirmity requires institutionalization of the owner, or~~

~~(b) The Director approves in writing the owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause.~~

- ~~(2) Prior to issuance of a Land Use Permit in compliance with Section 35.42.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances):~~

~~(a) Have received a Homeowners' Property Tax Exemption from the County Assessor, or~~

~~(b) Have submitted to the Department a signed and notarized affidavit stipulating that the lot is owner-occupied.~~

~~b. Upon sale or transfer of ownership of the lot, the new owner shall reside on the lot and shall, within 90 days of taking possession of the property, either receive a Homeowners' Property Tax Exemption from the County Assessor or submit to the Department a signed and notarized affidavit stipulating that the lot is owner-occupied or the use of the accessory dwelling unit shall be discontinued and the accessory dwelling unit shall be:~~

~~(1) Attached accessory dwelling unit. Removed or converted into a portion of the principal dwelling or a legal attached accessory structure.~~

~~(2) Detached accessory dwelling unit. Removed or converted into a legal detached accessory structure.~~

~~e. Notice to Property Owner required. Prior to issuance of a Land Use Permit in compliance with Section 35.42.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances), the owner-occupant shall sign and record a Notice to Property Owner that includes at a minimum the requirement that the owner reside on the lot.~~

4. Adopt a Resolution recommending that the Board approve Case No. 16ORD-00000-00016, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment D of the staff report dated January 24, 2018), as revised as follows by the Commission at their hearing of March 28, 2018:

a. Revise Section 35-142.7.5 (Historical Landmarks Advisory Commission) to read as follows:

5. **Historic Landmarks Advisory Commission.** ~~If the accessory dwelling unit is proposed to be located entirely or partially within a building that is 50 years old or greater, then the application shall be submitted to the Historic Landmarks Advisory Commission for review and comment as to the compatibility of the proposed development with the historical context of the building, whether the development will result in a detrimental effect on any existing or potential historical significance of the building, and other factors on which the Historic Landmarks Advisory Commission may choose to comment.~~

If the Director determines that the accessory dwelling unit is proposed to be located entirely or partially within a building that is historically significant, then the Director may require that the application for an accessory dwelling unit shall be submitted to the Historic Landmarks Advisory Commission for review and comment as to the compatibility of the proposed development with the historical context of the building, whether the development will result in a detrimental effect on any existing or potential historical significance of the building, and other factors on which the Historic Landmarks Advisory Commission may choose to comment.

b. Add a new Section 35-142.7.6 titled "Location on lot" and to read as follows, and to renumber existing Subsections 7.6 through 7.10 as Subsections 7.7 through 7.11:

**6. Location on lot.**

a. For lots that are less than two acres, a detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other

zoning provisions such as setback requirements would prohibit compliance with this requirement.

- b. For lots that are two acres or larger but not larger than 20 acres, a detached accessory dwelling unit shall not be located closer to any property line than the lesser of 100 feet or the distance from the principal dwelling to that boundary line unless other zoning provisions such as setback requirements, or the location of existing development on the lot including agricultural operations, would prohibit compliance with this requirement.
- c. For lots that are larger than 20 acres, the location of a detached accessory dwelling unit is not restricted provided the location complies with zoning requirements such as applicable setback requirements or building envelopes.

c. Delete Section 35-142.8.1.e (Residency of lot owner) as follows:

~~e. Residency of lot owner.~~

~~1) The owner of the lot shall:~~

~~a) Reside on the lot, either in the principal dwelling or in the accessory dwelling unit except when:~~

~~i) A disability or infirmity requires institutionalization of the owner, or~~

~~ii) The Director approves in writing the owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause.~~

~~b) Prior to issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits):~~

~~i) Have received a Homeowners' Property Tax Exemption from the County Assessor, or~~

~~ii) Have submitted to the Department a signed and notarized affidavit stipulating that the lot is owner occupied.~~

~~2) Upon sale or transfer of ownership of the lot, the new owner shall reside on the lot and shall, within 90 days of taking possession of the property, either receive a Homeowners' Property Tax Exemption from the County Assessor or submit to the Department a signed and notarized affidavit stipulating that the lot is owner occupied or the use of the accessory dwelling unit shall be discontinued and the accessory dwelling unit shall be:~~

~~a) Attached accessory dwelling unit. Removed or converted into a portion of the principal dwelling or a legal, attached accessory structure.~~

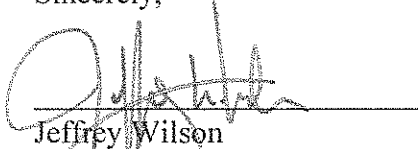
~~b) Detached accessory dwelling unit. Removed or converted into a legal, detached accessory structure.~~

~~3) Notice to Property Owner required. Before the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), the owner-occupant shall sign and record a Notice to Property Owner that includes at a minimum the requirement that the owner reside on the lot.~~

5. Recommend that the Planning and Development Department return to the County Planning Commission with amendments to the accessory dwelling unit regulations that would restrict the development of accessory dwelling units in areas where increased residential density may not be appropriate due to factors including to fire hazard, access, and topography, as is allowed by Government Code Section 65852.2.

6. Recommend that in the next update to the Uniform Rules for Agricultural Preserves and Farmland Security Zones that the Board of Supervisors address allowing accessory dwelling units on lands subject to land conservation contracts.

Sincerely,



Jeffrey Wilson  
Secretary to the County Planning Commission

xc: Case Files: 16ORD-00000-00014, 16ORD-00000-00016  
County Planning Commission File  
Dianne M. Black, Director  
Johannah Hartley, Deputy County Counsel  
Dan Klemann, Deputy Director  
Noel Langle, Planner

Attachments:

- A. Findings
- C. County LUDC Resolution and Ordinance Amendment
- D. Article II CZO Resolution and Ordinance Amendment

JW/dmv

## ATTACHMENT A: FINDINGS

### CASE NOS. 16ORD-00000-00014 & 16ORD-00000-00016

#### 1.0. CEQA FINDINGS

##### 1.1 CEQA Guidelines Exemption Findings

1.1.1 **Case No. 16ORD-00000-00014.** The County Planning Commission finds, and recommends that the Board of Supervisors find, that the proposed project, 16ORD-00000-00014, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15282(h). Please see Attachment B, Notice of Exemption, for further information.

1.1.2 **Case No. 16ORD-00000-00016.** The County Planning Commission finds, and recommends that the Board of Supervisors find, that the proposed project, 16ORD-00000-00016, is exempt from environmental review under CEQA pursuant to CEQA Guidelines Sections 15265 and 15282(h). Please see Attachment B, Notice of Exemption, for further information.

#### 2.0 ADMINISTRATIVE FINDINGS

In compliance with Section 35.104.060.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments) of the Santa Barbara County Land Use and Development Code (County LUDC), and Section 35-180.6 of the Santa Barbara County Coastal Zoning Ordinance (Article II), the County Planning Commission shall make the following findings in order to recommend approval of a text amendment to the County LUDC and Article II to the Board of Supervisors, and the Board of Supervisors shall also make the following findings in order to approve a text amendment to the County LUDC and Article II:

##### 2.1 **The request is in the interests of the general community welfare.**

The proposed ordinances are in the interest of the general community welfare since the ordinances will revise the County LUDC and Article II to (1) be consistent with Government Code Section 65852.2 regarding the permitting of accessory dwelling units (ADUs), (2) implement Government Code Section 65852.2, the purpose of which is to increase the supply of housing units within California, and (3) implements Program 1.4 of the County's Housing Element that encourages the development of housing unit types that are affordable by design.

##### 2.2 **The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws, the County Land Use and Development Code, and the Article II Coastal Zoning Ordinance.**

Adoption of the proposed ordinances amending the County LUDC and Article II will provide more effective implementation of the State planning and zoning laws by revising the County LUDC and Article II to be consistent with Government Code Section 65852.2 regarding the permitting of ADUs.

In order for a permit that allows the development of an ADU to be approved based on these proposed ordinances, it still must be determined that the project is consistent with the policies and development standards of the Comprehensive Plan, including applicable Community Plans and Area Plans, and the Coastal Land Use Plan – with certain exceptions provided in State law.

More specifically, an application for an ADU that may result from these proposed ordinances will be analyzed as to the consistency of the project with adopted policies, and typically projects would not be approved unless they are determined to be consistent with adopted policies and the findings required for approval can be made. However, Government Code Section 65852.2(a)(5) states: "No other local ordinance, policy, or regulation shall be the basis for the denial of a building or use permit." Therefore, except where required within the Coastal Zone in order to be consistent with Coastal Zone resource protection policies, if this analysis identifies a policy inconsistency that cannot be overcome through project redesign (e.g., moving a detached ADU further away from a designated environmentally sensitive habitat area), then this inconsistency cannot be used as the basis for denial of the application for the ADU.

Additionally, Government Code Section 65852.2 states: "An accessory dwelling unit that conforms to [Section 65852.2] shall be found to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot."

Thus, although these proposed ordinances could result in the development and use of ADUs that might be inconsistent with certain requirements of the Comprehensive Plan, including applicable Community Plans and Area Plans, and the Coastal Land Use Plan, the County is preempted from denying an application for an ADU based on an inconsistency with these requirements (except in the case of Coastal Zone resource protection policy), pursuant to the Government Code.

The proposed ordinances are consistent with the remaining portions of the County LUDC and Article II that would not be revised by these ordinances. The proposed ordinances include a provision that where there are conflicts between the standards that apply to ADUs and other portions of the County LUDC or Article II, that the specific ADU standards shall prevail.

Therefore, these ordinances may be found consistent with the requirements of (1) State Planning and Zoning Laws, as well as (2) the Comprehensive Plan including applicable Community Plans and Area Plans, the Coastal Land Use Plan, the County LUDC, and Article II given the preemptions set forth in State law.

Additionally, Government Code Section 65852.2 provides that "[a]n accessory dwelling unit that conforms to [Section 65852.2] shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot."

### **2.3 The request is consistent with good zoning and planning practices.**

The proposed ordinance is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it will revise the County LUDC and Article II to be consistent with State regulations and provide clear and efficient permit processes that will benefit the public. As discussed in Finding 2.2, above, the amendment is consistent with the Comprehensive Plan including applicable Community Plans and Area Plans, the Coastal Land Use Plan, the County LUDC, and Article II.



ATTACHMENT C: COUNTY LUDC RESOLUTION AND ORDINANCE

RESOLUTION OF THE SANTA BARBARA COUNTY 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 35-1, THE SANTA BARBARA COUNTY )  
LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, )  
ZONING, OF THE COUNTY CODE, AMENDING ARTICLE )  
35.2, ZONES AND ALLOWABLE LAND USES, ARTICLE )  
35.3, SITE PLANNING AND OTHER PROJECT ) RESOLUTION NO.: 18 - 09  
STANDARDS, ARTICLE 35.4, STANDARDS FOR SPECIFIC )  
LAND USES, ARTICLE 35.7, SITE DEVELOPMENT ) CASE NO.: 16ORD-00000-00014  
REGULATIONS, ARTICLE 35.8, PLANNING PERMIT )  
PROCEDURES, ARTICLE 35.10, LAND USE AND )  
DEVELOPMENT CODE ADMINISTRATION, AND )  
ARTICLE 35.11, GLOSSARY, TO IMPLEMENT NEW )  
REGULATIONS AND DEVELOPMENT STANDARDS )  
REGARDING ACCESSORY DWELLING UNITS. )

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Land Use and Development Code, Section 35-1 of Chapter 35 of the Santa Barbara County Code.
- B. The County 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. 16ORD-00000-00014) amending Section 35-1 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code, to implement new regulations regarding the permitting of accessory dwelling units in compliance with State Government Code Section 65852.2.

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

- C. With certain exceptions as provided in the State Government Code, the proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including the Community and Area Plans, 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 implement the requirements of State law that promote the development of accessory dwelling units that will increase the supply of housing in the Coastal Zone portion of unincorporated Santa Barbara County.
- E. This County 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 County 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 County Planning Commission Staff Report dated January 24, 2018.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this County 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 County Planning Commission.

PASSED, APPROVED AND ADOPTED this March 28, 2018, by the following vote:

AYES: Brown, Parke, Ferini, Blough

NOES: Cooney


ABSTAIN:

ABSENT:



DANIEL BLOUGH, CHAIR  
SANTA BARBARA COUNTY PLANNING COMMISSION

ATTEST:

  
JEFFREY WILSON  
SECRETARY TO THE COUNTY PLANNING COMMISSION

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By   
Deputy County Counsel

EXHIBITS:

1. 16ORD-00000-00014

## EXHIBIT 1: COUNTY LUDC ORDINANCE AMENDMENT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES, ARTICLE 35.3, SITE PLANNING AND OTHER PROJECT STANDARDS, ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES, ARTICLE 35.7, SITE DEVELOPMENT REGULATIONS, ARTICLE 35.8, PLANNING PERMIT PROCEDURES, ARTICLE 35.10, LAND USE AND DEVELOPMENT CODE ADMINISTRATION, AND ARTICLE 35.11, GLOSSARY, TO IMPLEMENT NEW REGULATIONS AND DEVELOPMENT STANDARDS REGARDING ACCESSORY DWELLING UNITS.

16ORD-00000-00014

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

### SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, excluding Table 2-1, Allowed Land Uses and Permit Requirements, to read as follows:

#### **35.21.030 - Agricultural Zones Allowable Land Uses**

- A. **General permit requirements.** Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) identifies the uses of land allowed by this Development Code in each Agricultural zone, and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-1 (Allowed Land Uses and Permit Requirements for the Agricultural Zones) includes a section number, the referenced Section may affect whether the use requires a ~~Coastal Development Permit or a~~ Land Use Permit, Development Plan, Minor Conditional Use Permit, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. **Development Plan approval required, Inland area.**
  1. **AG-I zone.** Except as provided below in Subsection C.1.a (Final Development Plan not required for accessory dwelling units), property zoned AG-I located within the Inland area, the approval of a Final Development Plan in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval, and (1) is 20,000 or more square feet in gross floor area or (2) is an attached or detached structure and the gross floor area thereof, when added to the gross floor area of existing structures on the lot, will equal or exceed 20,000 square feet.
    - a. **Final Development Plan not required for accessory dwelling units.** The development of an accessory dwelling unit shall only require the approval of a Land Use Permit or Zoning Clearance in compliance with Section 35.42.015 (Accessory Dwelling Units), and does not require the approval of a Final Development Plan.
  2. **AG-II zone.** On property zoned AG-II located within the Inland area, the approval of a Final Development Plan in compliance with Section 35.82.080 (Development Plans) is required prior to

the approval of a Land Use Permit or Zoning Clearance for the following structural development that is not otherwise required by this Development Code to have discretionary permit approval:

- a. **Non-agricultural structural development.** The proposed structure and use thereof does not qualify as agricultural structural development (see Article 35.11, Glossary) and is either 15,000 or more square feet in gross floor area or the structure is an attached or detached addition that, together with existing structures on the site that do not qualify as agricultural structural development, will total 15,000 square feet or more in gross floor area.
  - (1) **Floor area not included in total gross floor area.** The gross floor area of the following structures is not included in the total gross floor area on the lot for the purpose of determining whether the approval of a Final Development plan is required in compliance with Subsections D.2.a, above:
    - (a) The gross floor area of structures that are exempt from planning permit requirements in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements).
    - (b) The gross floor area of one accessory dwelling unit on a single lot approved in compliance with Section 35.42.015 (Accessory Dwelling Units).
- b. **Agricultural structural development.** The proposed structure and use thereof do qualify as agricultural structural development and meets one or more of the following:
  - (1) The proposed structure is 15,000 or more square feet in gross floor area or is an addition to an existing structure that will result in a structure of 15,000 or more square feet in gross floor area after completion of the addition.
  - (2) The proposed structure is 10,000 or more square feet in gross floor area or is an addition to an existing structure that will result in a structure of 10,000 or more square feet in gross floor area after completion of the addition, and:
    - (a) A different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area exists on the lot, or
    - (b) There is an active, unexpired planning permit that allows for the construction of a different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area, or
    - (c) The application for the proposed structure is submitted either in conjunction with or subsequent to an application for a different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area.
  - (3) The proposed structure(s) will result in a total gross floor area on a lot that exceeds the development plan threshold listed for the applicable lot area as shown in the table below. Total gross floor area includes the gross floor area of agricultural development and non-agricultural structural development, both existing and proposed.

Lot Size (acres)	Threshold (sq. ft.)
Less than 40	20,000
40 to less than 100	25,000
100 to less than 200	30,000
200 to less than 320	40,000
320 or more	50,000

- (4) **Floor area not included in total gross floor area.** The gross floor area of the following structures is not included in the total gross floor area on the lot for the purpose of determining whether the approval of a Final Development plan is required in

compliance with Subsection D.2.b.(3), above.

- (a) The gross floor area of structures that are exempt from planning permit requirements in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements).
- (b) A maximum of 10,000 square feet of gross floor area of structures that qualify as agricultural structural development and comply with the following:
  - (i) Each structure does not exceed 3,000 square feet of gross floor area.
  - (ii) Each structure has three or fewer walls, and at least one of the long sides of the structure shall be open and shall only utilize posts to support the roof.
- (5) Proposed structures that do not require the approval of a Final Development Plan in compliance with Subsection D.2.b.(3) and Subsection D.2.b.(4), above, shall comply with Subsection 35.21.050.C (Development standards for agricultural structural development that does not require the approval of a Final Development Plan). Proposed structures that do not comply with Subsection 35.21.050.C may be allowed in compliance with an approved Final Development Plan.

3. **Exemptions from floor area calculations, wineries.** Gross floor area associated with the following structures is not included in determining the 20,000 square foot gross floor area threshold for that development which requires a Development Plan in compliance with Subsection D.1 and D.2, above.

- a. The structure qualifies as winery structural development.
- b. If the structure is existing, then it was included in a Land Use Permit issued for a winery or is proposed to become part of a winery for which an application has been submitted to the Department.

D. **Design Review required.** Design Review may be 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 35.82.070 (Design Review).

E. **Accessory structures and uses.** Each use allowed by Table 2-1 (Allowed Land Uses and Permit Requirements for the Agricultural Zones) may include accessory structures and uses that are customarily incidental to the primary use.

**SECTION 2:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-1, Allowed Land Uses and Permit Requirements for Agricultural Zones, of Section 35.21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, to read as follows:

<b>Table 2-1 - Continued</b>  <b>Allowed Land Uses and Permit Requirements for Agricultural Zones</b>	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>				<b>Specific Use Regulations</b>
	<b>AG-I</b>	<b>AG-I CZ</b>	<b>AG-II</b>	<b>AG-II CZ</b>	

**RESIDENTIAL USES**

Accessory dwelling unit	S		S		35.42.015
Agricultural employee housing, 4 or fewer employees	P	MCUP	P	MCUP	35.42.030
Agricultural employee housing, 5 or more employees	CUP	CUP	CUP	CUP	35.42.030
Artist studio	P	P	P	P	35.42.150
Dwelling, one-family (3)	P	P	P	P	
Farmworker dwelling unit	P		P		35.42.135
Farmworker housing complex	P		CUP		35.42.135
Guesthouse	P	P	P	P	35.42.150
Home occupation	P	P	P	P	35.42.190
Monastery	CUP	—	CUP	—	
Residential accessory uses and structures	P	P	P	P	35.42.020
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	35.42.090

**Key to Zone Symbols**

<b>AG-I</b>	Agriculture I
<b>AG-II</b>	Agriculture II

**Notes:**

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.21.030.C.
- (3) One-family dwelling may be a mobile home on a permanent foundation, see Section 35.42.205.
- (4) Limited to specific locations. See the limitations on location for the use in Chapter 35.42 (Standards for Specific Land Uses).

**SECTION 3:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Table 2-3, AG-I and AG-II Zones Development Standards, of Section 35.21.050, Agricultural Zones Development Standards, of Chapter 35.21, Agricultural Zones, to read as follows:

Table 2-3 - AG-I and AG-II Zones Development Standards

Development Feature	Requirement by Zone	
	AG-I Agriculture I	AG-II Agriculture II
Residential density Maximum 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>	
	1 one-family dwelling per lot; plus 1 accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units); plus agricultural employee housing, where allowed by Table 2-1 and applicable standards provided that the lot complies with Section 35.21.040 (Agricultural Zones Lot Standards).	
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>	
	Front	50 ft from road centerline and 20 ft from edge of right-of-way.
	Side	20 ft; 10% of lot width on a lot of less than 1 acre, with no less than 5 ft or more than 10 ft required.
	Rear	20 ft; 25 ft on a lot of less than 1 acre.
Building separation	None, except as required by Building Code.	
Height limit Maximum height	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements and height limit exceptions.</i>	
	35 ft for a residential structure, no limit otherwise; <b>Toro Canyon Plan area - 25 ft for a residential structure.</b>	35 ft for a residential structure, no limit otherwise; <b>Toro Canyon Plan area - 25 ft for a residential structure.</b>
Landscaping	See Chapter 35.34 (Landscaping Standards).	
Parking	See Chapter 35.36 (Parking and Loading Standards).	
Signs	See Chapter 35.38 (Sign Standards).	

**SECTION 4:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Paragraph C, Development Plan approval required, of Section 35.22.030, Resource Protection Zones Allowable Land Uses, of Chapter 35.22, Resource Protection Zones, to read as follows:

**C. Development Plan approval required.**

- 1. MT-GAV, MT-GOL, and MT-TORO zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearance) for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.

- a. **Final Development Plan not required for accessory dwelling units.** The development of an accessory dwelling unit shall only require the approval of a Land Use Permit or Zoning Clearance in compliance with Section 35.42.015 (Accessory Dwelling Units), and does not require the approval of a Final Development Plan.
2. **RMZ zone.** Final Development Plan approval is required for all development, including grading, except for the development of one accessory dwelling unit on a single lot approved in compliance with Section 35.42.015 (Accessory Dwelling Units).

**SECTION 5:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-4, Allowed Land Uses and Permit Requirements for Resource Protection Zones, of Section 35.22.030, Resource Protection Zones Allowable Land Uses, of Chapter 35.22, Resource Protection Zones, to read as follows:

Table 2-4 - Continued Allowed Land Uses and Permit Requirements for Resource Protection Zones	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MT-GAV	MT-GOL	MT-TORO	RMZ		
	LAND USE (1)					
	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				

RESIDENTIAL USES					
LAND USE (1)	MT-GAV	MT-GOL	MT-TORO	RMZ	Specific Use Regulations
Accessory dwelling unit	S	S	S	S	35.42.015
Agricultural employee housing, 4 or fewer employees	MCUP	MCUP	—	—	35.42.030
Artist studio	MCUP	MCUP	MCUP	MCUP	35.42.150
Dwelling, one-family	P	P	P	P	
Farmworker dwelling unit	P	P	P	P	35.42.135
Farmworker housing complex	MCUP	MCUP	MCUP	CUP	35.42.135
Guesthouse	P	P	P	P	35.42.150
Home occupation	P	P	P	P	35.42.190
Monastery	—	CUP	CUP	—	
Residential accessory uses and structures	P	P	P	P	35.42.020
Special care home, 7 or more clients	—	MCUP	MCUP	MCUP	35.42.090
Transitional and supportive housing	S	S	S	S	35.42.090
Agricultural product sales	—	—	—	—	

**Key to Zone Symbols**

<b>MT-GAV</b>	Mountainous - Gaviota	<b>MT-TORO</b>	Mountainous - Toro Canyon
<b>MT-GOL</b>	Mountainous - Goleta	<b>RMZ</b>	Resource Management

**Notes:**

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.22.030.C.



**SECTION 6:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Table 2-6, MT and RMZ Zones Development Standards, of Section 35.22.030, Resource Protection Zones Allowable Land Uses, of Chapter 35.22, Resource Protection Zones, to read as follows:

Table 2-6 - MT and RMZ Zones Development Standards

Development Feature	Requirement by Zone		
	MT-GAV Mountainous - Gaviota & MT-GOL Mountainous - Goleta	MT-TORO Mountainous - Toro Canyon	RMZ Resource Management
<b>Residential density</b>	<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 one-family dwelling per lot; plus 1 accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units); plus agricultural employee housing, where allowed by Table 2-1 and applicable standards.	1 one-family dwelling per lot; plus 1 accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).	1 one-family dwelling per lot; plus 1 accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).
	The lot shall also comply with Section 35.22.040 (Resource Protection Zones Lot Standards), as applicable.		
<b>Setbacks</b>	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front	50 ft. from the road centerline and 20 ft. from the lot lines.		
Side	None.		
Rear	None.		
Building separation	5 ft.		5 ft.
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	25 ft.		
<b>Landscaping</b>	See Chapter 35.34 (Landscaping Standards).		
<b>Parking</b>	See Chapter 35.36 (Parking and Loading Standards).		
<b>Signs</b>	See Chapter 35.38 (Sign Standards).		

**SECTION 7:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Paragraph C, Development Plan approval required, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.22, Residential Zones, to read as follows:

- C. Development Plan approval required.** Except as provided below, Final Development Plan approval is required in compliance with Section 35.82.080 (Development Plans) prior to the approval of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) as follows:
- RR, R-1/E-1, EX-1 and R-2 zones.** Except as provided in Subsection C.1.a (Final Development Plan not required for accessory dwelling units), Final Development Plan approval is required prior to the approval of a Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.

- a. **Final Development Plan not required for accessory dwelling units.** The development of an accessory dwelling unit shall only require the approval of a Land Use Permit or Zoning Clearance in compliance with Section 35.42.015 (Accessory Dwelling Units), and does not require the approval of a Final Development Plan.
2. **DR zone.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development within the DR zone, including grading, except for the following.
  - a. One one-family dwelling and its accessory uses and structures on a single lot where a Final Development Plan was not previously approved unless required in compliance with Subsection C.1 above. The one-family dwelling shall be subject to the development standards applicable to the R-1/E-1 zone in Section 35.23.040 (Residential Zones Development Standards).
  - b. One accessory dwelling unit on a single lot approved in compliance with Section 35.42.015 (Accessory Dwelling Units).
  - c. Orchards, vegetable and flower gardens, raising of field crops and uses and structures accessory and customarily incidental thereto.
3. **MHP, MHS and SLP zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development, including grading within the MHP, MHS, and SLP zones except for the development of one accessory dwelling unit on a single lot zoned SLP approved in compliance with Section 35.42.015 (Accessory Dwelling Units).
4. **PRD zone.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development, including grading, within the PRD zone, except for the following:
  - a. One accessory dwelling unit on a single lot approved in compliance with Section 35.42.015 (Accessory Dwelling Units).
  - b. Orchards, vegetable and flower gardens, the raising of field crops and uses and structures accessory and customarily incidental thereto subject to the development standards of the PRD zone.

**SECTION 8:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-7, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

<b>Table 2-7 - Continued</b>  <b>Allowed Land Uses and Permit Requirements for Residential Zones</b>	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>						<b>Specific Use Regulations</b>
	<b>RR</b>	<b>RR CZ</b>	<b>R-1/E-1</b>	<b>R-1/E-1 CZ</b>	<b>EX-1</b>	<b>EX-1 CZ</b>	

**RESIDENTIAL USES**

Accessory dwelling unit	S		S		S		35.42.015
Dwelling, one-family	P(3)(4)	P(4)	P(3)(4)	P(4)	P(3)(4)	P(4)	
Dwelling, two-family	—	—	—	—	—	—	
Dwelling, multiple	—	—	—	—	—	—	
Emergency shelter	—	—	—	—	—	—	
Farmworker dwelling unit	P		P		P		35.42.135
Farmworker housing complex	CUP		MCUP		MCUP		35.42.135
Guesthouse or artist studio	P	P	P	P	P	P	35.42.150
Home occupation	P	P	P	P	P	P	35.42.190
Mobile Home Park	CUP	CUP	CUP	CUP	CUP	CUP	
Monastery	CUP	—	CUP	—	CUP	—	
Organizational house (sorority, monastery, etc.)	—	—	—	—	—	—	
Residential accessory use or structure	P	P	P	P	P	P	35.42.020
Residential project convenience facilities	—	—	—	—	—	—	
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

**Key to Zone Symbols**

<b>RR</b>	Rural Residential/Residential Ranchette	<b>EX-1</b>	One-Family Exclusive Residential
<b>R-1/E-1</b>	Single-Family Residential	<b>CZ</b>	Coastal Zone

**Notes:**

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) A Zoning Clearance (Section 35.82.210) is required instead of a Land Use Permit (Section 35.82.110) for a primary single-family dwelling on a lot that resulted from the recordation of a Final (tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) One-family dwelling may be a mobile home on a permanent foundation, see Section 35.42.205.

**SECTION 9:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-8, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

<b>Table 2-8 - Continued</b>  <b>Allowed Land Uses and Permit Requirements for Residential Zones</b>	E	Allowed use, no permit required (Exempt)						
	P	Permitted use - Land Use or Coastal Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	ZC	Zoning Clearance						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>							<b>Specific Use Regulations</b>
	<b>R-2</b>	<b>R-2 CZ</b>	<b>DR</b>	<b>DR CZ</b>	<b>MR-O</b>	<b>PRD</b>	<b>PRD CZ</b>	

**RESIDENTIAL USES**

Accessory dwelling unit	S		S		S	S		35.42.015
Dwelling, one-family	P(3)	P	P(3)	P	—	P(3)	P	
Dwelling, two-family	P	P	P	P	—	P	P	
Dwelling, multiple	—	—	P	P	ZC	P	P	
Emergency shelter	—	—	—	—	—	—	—	
Farmworker dwelling unit	P		P		—	P		35.42.135
Farmworker housing complex	MCUP		P		—	—		35.42.135
Guesthouse or artist studio	—	—	—	—	—	—	—	
Home occupation	P	P	P	P	P	P	P	35.42.190
Mobile home park	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Monastery	CUP	—	CUP	—	—	CUP	—	
Organizational house (sorority, monastery, etc.)	—	—	CUP(4)	CUP(4)	—	—	—	
Residential accessory use or structure	P	P	P	P	ZC	P	P	35.42.020
Residential project convenience facilities	—	—	P	P	ZC	P	P	35.42.220
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

**Key to Zone Symbols**

<b>R-2</b>	Two-Family Residential	<b>PRD</b>	Planned Residential Development
<b>DR</b>	Design Residential	<b>CZ</b>	Coastal Zone
<b>MR-O</b>	Multi-Family Residential - Orcutt		

**Notes:**

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) A Zoning Clearance (Section 35.82.210) is required instead of a Land Use Permit (Section 35.82.110) for a primary one-family dwelling on a lot that resulted from recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

**SECTION 10:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-9, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

<b>Table 2-9 - Continued</b>  <b>Allowed Land Uses and Permit Requirements for Residential Zones</b>	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>						<b>Specific Use Regulations</b>
	<b>SLP</b>	<b>SR-M CZ</b>	<b>SR-H CZ</b>	<b>MHP</b>	<b>MHP CZ</b>	<b>MHS</b>	

**RESIDENTIAL USES**

Accessory dwelling unit	S			—			35.42.015
Dwelling, one-family	P(3)	P	P	—	—	—	
Dwelling, two-family	—	P	P	—	—	—	
Dwelling, multiple	—	P	P	—	—	—	
Emergency shelter	—	—	P	—	—	—	
Farmworker dwelling unit	P			—		—	35.42.135
Farmworker housing complex	—			—		—	35.42.135
Guesthouse or artist studio	—	—	—	—	—	—	
Home occupation	P	P	P	—	—	P	35.42.190
Mobile home park	CUP	CUP	CUP	P(4)	P(4)	CUP	
Mobile home	—	—	—	P	P	P(5)	
Modular home	—	—	—	—	—	P	
Monastery	CUP	—	—	CUP	—	CUP	
Organizational house (sorority, monastery, etc.)	—	—	P	—	—	—	
Residential accessory use or structure	P	P	P	P	P	P	35.42.020
Residential project convenience facilities	—	—	—	P	P	—	35.42.220
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

**Key to Zone Symbols**

<b>SLP</b>	Small Lot Planned Development	<b>MHP</b>	Mobile Home Planned Development
<b>SR-M</b>	Medium Density Student Residential	<b>MHS</b>	Mobile Home Subdivision
<b>SR-H</b>	High Density Student Residential	<b>CZ</b>	Coastal Zone

**Notes:**

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) A Zoning Clearance (Section 35.82.210) is required instead of a Land Use Permit (Section 35.82.110) for a primary single-family dwelling on a lot that resulted from the recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) See Section 35.23.080 (Mobile Home Park zone standards).
- (5) Mobile home must be on a permanent foundation, see Section 35.42.205

**SECTION 11:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Table 2-11, Residential Zones Development Standards, of Section 35.23.050, Residential Zones Development Standards, of Chapter 35.23, Residential Zones, to read as follows:

**Table 2-11 - Residential Zones Development Standards**

Development Feature	Requirement by Zone		
	RR Rural Residential Ranchette	R-1/E-1 Single Family Residential	EX-1 One-Family Exclusive Residential
<b>Residential density</b>	<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	One one-family dwelling per lot; plus one accessory dwelling unit where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units); Agricultural employee housing and farmworker housing if allowed by Section 35.23.030 (Residential Zones Allowable Land Uses). The lot shall also comply with Section 35.23.040 (Residential Zones Lot Standards), as applicable.		
<b>Setbacks</b>	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front - Primary	50 ft. from road centerline and 20 ft. from right-of-way, or 20 ft. from private easement serving 5 or more lots. Lot within SC-MC overlay - as required by Section 35.28.175 (SC-MC Overlay Zone)		75 ft. from road centerline; 125 ft. from centerline of road with right-of-way of 80 ft. or more.
Front - Secondary	Lot width less than 100 ft. - 20% of lot width, 10 ft. minimum; Lot width 100 ft. or more - Same as primary front setback. Lot within SC-MC overlay - as required by Section 35.28.175 (SC-MC Overlay Zone).		
Side	20 ft.; 10% of lot width on a lot of less than 1 acre, with no less than 5 ft. or more than 10 ft. required.	10% of lot width; except where zoned for minimum lot area of: <b>2 acres or less</b> - 5 ft. minimum, 10 ft. maximum required; <b>3 acres or more</b> - 10 ft. minimum, 20 ft. maximum required.	25 ft.; see Section 35.23.070 (EX-1 Zone Standards) for a lot less than 150 ft. wide.
Rear	20 ft.; 25 ft. on a lot of less than 1 acre.	25 ft.; 15 ft. if rear abuts permanent open space or a street without access.	25 ft.
Accessory structures	See Section 35.42.020 (Accessory Structures and Uses).		
Building separation	None, except as required by Building Code.	5 ft. between a dwelling or guesthouse, and another detached structure; otherwise none, except as required by Building Code.	
<b>Height limit</b>	<i>Maximum allowable height of structures except where a lesser height is required by design review or other provisions of this Development Code. See Section 35.30.090 (Height Measurement Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft.  Toro Canyon Plan area - 25 ft. for a residential structure.	35 ft.  Toro Canyon Plan area - 25 ft. for a residential structure. Summerland Community Plan area - 25 ft. for a residential structure in the Urban area and Existing Developed Rural Neighborhoods. 16 ft. in the Rural area. See Section 35.28.210 (Community Plan Overlays).	30 ft.
<b>Landscaping</b>	See Chapter 35.34 (Landscaping Standards)		
<b>Parking</b>	See Chapter 35.36 (Parking and Loading Standards)		
<b>Signs</b>	See Chapter 35.38 (Sign Standards)		

Table 2-11 - Residential Zones Development Standards (continued)

Development Feature	Requirement by Zone		
	R-2 Two-Family Residential	DR Design Residential	PRD Planned Residential Development
<b>Residential density</b>	<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	One one-family dwelling or one two-family dwelling per lot; plus one accessory dwelling unit per lot when accessory to a one-family dwelling where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).	See Section 35.23.060 (DR Zone Standards); plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).	As specified in the Land Use Element; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).
	The lot shall also comply with Section 35.23.040 (Residential Zones Lot Standards), as applicable.		
<b>Setbacks</b>	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front - Primary	50 ft. from road centerline and 20 ft. from right-of-way, or 20 ft. from easement serving 5 or more lots.	20 ft. from right-of-way, or 20 ft. from easement serving 5 or more dwellings.	As determined by Final Development Plan.
Front - Secondary	Lot width less than 100 ft. - 20% of lot width, 10 ft. minimum; Lot width 100 ft. or greater - same as primary front setback.		
Side	10% of lot width, with no less than 5 ft. or more than 10 ft. required.	10 ft. (1).	
Rear	25 ft.; 15 ft. if rear abuts permanent open space or a street without access.	10 ft. (1).	
Accessory structures Building separation	See Section 35.42.020 (Accessory Structures and Uses). 5 ft. between a dwelling and other detached structure.	5 ft. between a habitable structure and another structure.	
<b>Site coverage</b>	<i>Maximum percentage of net site area covered by buildings.</i>		
Maximum coverage	N.A.	30% for structures containing dwelling units. (2)	30% for structures containing dwelling units; 50% for all structures.
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations).</i>		
Maximum height	35 ft.	35 ft.; 25 ft. for a residential structure within the Toro Canyon Plan area. (2)	35 ft.
<b>Landscaping</b>	See Chapter 35.34 (Landscaping Standards).		
<b>Parking</b>	See Chapter 35.36 (Parking and Loading Standards).		
<b>Signs</b>	See Chapter 35.38 (Sign Standards).		

**Notes:**

- (1) Except where a larger setback is required by the Commission for light, air, or privacy in the review of a discretionary planning permit.
- (2) See Section 35.23.060.D for site coverage and height limit standards for qualifying affordable housing, senior housing, or special care housing developments.

Table 2-11 - Residential Zones Development Standards (continued)

Development Feature	Requirement by Zone		
	SLP Small Lot Planned Development	MHP & MHP (CZ), MHS Mobile Home Planned Development, Mobile Home Subdivision	MR-O Multi-family Residential - Orcutt
<b>Minimum lot size</b>	<i>Minimum area and width for lots proposed in new subdivisions.</i>		
Area, width	See Section 35.23.110 (SLP Zone Standards).	See Section 35.23.080 (MHP Zone Standards) and Section 35.23.090 (MHS Zone Standards).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
	See Section 35.23.040 (Residential Zones Lot Standards), as applicable.		
<b>Residential density</b>	<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	One one-family dwelling per lot; 7 dwellings per acre; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).	See 35.23.080 (MHP Zone Standards) and Section 35.23.090 (MHS Zone Standards).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards); plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).
<b>Setbacks</b>	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front - Primary	SLP perimeter lot - 50 ft. from road centerline; and 20 ft. from right-of-way. SLP interior lot - 10 ft.	See Section 35.23.080 (Mobile Home Parks) and Section 35.23.090 (Mobile Home Subdivisions).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
Front - Secondary	SLP perimeter lot - Lot width less than 100 ft. - 20% of lot width, 10 ft. minimum; Lot width 100 ft. or greater - Same as primary front setback. SLP interior lot - 10 ft..	Lot width less than 100 ft. - 20% of lot width, 10 ft. min.; Lot width 100 ft. or greater - Same as primary front setback.	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
Side	SLP perimeter lot - 15 ft. SLP interior lot - 5 ft.; 10 ft. where setback abuts a road, public parking area or walk; See Section 35.23.110.B (Side setbacks and building separation).	See Section 35.23.080 (Mobile Home Parks) and Section 35.23.090 (Mobile Home Subdivisions).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
Rear	SLP perimeter lot - 15 ft. SLP interior lot - 10 ft.		
Accessory structures	See Section 35.42.020 (Accessory Structures and Uses).		
Building separation	5 ft. between a habitable structure and any other building, none otherwise.	See Section 35.23.080 (MHP Zone Standards) and Section 35.23.090 (MHS Zone Standards).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
<b>Site coverage</b>	<i>Maximum percentage of net site area covered by structures.</i>		
Maximum coverage	60% for all a lot with a one-family dwelling; no maximum otherwise.	See Section 35.23.080 (MHP Zone Standards) and Section 35.23.090 (MHS Zone Standards).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 35.30.090 for height measurement requirements, and height limit exceptions.</i>		
Maximum height	25 ft.	See Section 35.23.080 (MHP Zone Standards) and Section 35.23.090 (MHP Zone Standards).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
<b>Landscaping</b>	See Chapter 35.34 (Landscaping Standards)		
<b>Parking</b>	See Chapter 35.36 (Parking and Loading Standards)		
<b>Signs</b>	See Chapter 35.38 (Sign Standards)		



**SECTION 12:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection C, Development Plan approval required, of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, to read as follows:

- C. Development Plan approval required.** Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) as follows.
1. **CN and C-1 zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Land Use Permit or Zoning Clearance for structures that exceed 5,000 square feet in gross floor area except for the development of one accessory dwelling unit that is accessory to a one-family dwelling located on a lot zoned C-1 and approved in compliance with Section 35.42.015 (Accessory Dwelling Units).
  2. **C-2 and C-3 zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Land Use Permit or Zoning Clearance for buildings and structures that total 5,000 or more square feet in gross floor area or where onsite buildings and structures and outdoor areas designated for sales or storage total 20,000 square feet or more.
  3. **CH zone.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Land Use Permit or Zoning Clearance for all proposed development, including grading.
  4. **CM-LA zone.** Final Development Plan approval is required for buildings and structures that total 15,000 or more square feet in gross floor area except for the development of one accessory dwelling unit on a lot approved in compliance with Section 35.42.015 (Accessory Dwelling Units).
  5. **C-S, C-V, SC, and PI zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Land Use Permit or Zoning Clearance for all proposed development, including grading.

**SECTION 13:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-14, Allowed Land Uses and Permit Requirements for Commercial Zones, of Section 35.26.030, Residential Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, to read as follows:

Table 2-14 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	PERMIT REQUIRED BY ZONE					Specific Use Regulations	
	LAND USE (1)						
	CN	C-1	C-1 CZ	C-2	C-2 CZ		
	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
<b>RESIDENTIAL USES</b>							
Accessory dwelling unit	—	S (4)		—		35.42.015	
Caretaker/Manager dwelling	—	—	—	—	—		
Dwelling, one-family	—	P (4)	P (4)	—	—		
Emergency shelter	—	—	—	MCUP	MCUP		
Farmworker dwelling unit	MCUP	P		MCUP		35.42.135	
Farmworker housing complex	—	—		—		35.42.135	
Mixed use project residential component	MCUP	P	P	MCUP	MCUP	35.42.200	
Monastery	CUP	CUP	—	CUP	—		
Residential accessory use or structure	MCUP	P	P	MCUP	MCUP	35.42.020	
Residential use existing as of July 19, 1982	—	—	—	—	P		
Single room occupancy facility (SRO)	—	—	—	P	MCUP		
Special care home, 6 or fewer clients	MCUP	P (4)	P (4)	MCUP	MCUP	35.42.090	
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090	
Transitional and supportive housing	MCUP	S		S		35.42.090	

**Key to Zone Symbols**

CN	Neighborhood Commercial	C-2	Retail Commercial
C-1	Limited Commercial	CZ	Coastal Zone

**Notes:**

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.24.030.C (Commercial Zone Allowable Land Uses).
- (3) Includes miniature golf and practice/putting range.
- (4) Allowed only on a lot with no commercial use, and subject to all development standards of the R-1/E-1 zone except minimum lot size

**SECTION 14:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-15, Allowed Land Uses and Permit Requirements for Commercial Zones, of Section 35.26.030, Residential Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, to read as follows:

<b>Table 2-15 - Continued</b>  <b>Allowed Land Uses and Permit Requirements for Commercial Zones</b>	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>				<b>Specific Use Regulations</b>
	<b>C-3</b>	<b>CS</b>	<b>CH</b>	<b>CM-LA</b>	

<b>RESIDENTIAL USES</b>					
LAND USE (1)	C-3	CS	CH	CM-LA	Specific Use Regulations
Accessory dwelling unit	—	—	—	S	35.42.015
Caretaker/Manager dwelling	—	MCUP	P	—	35.42.080
Dwelling, one-family	—	—	—	P	
Dwelling, two-family	—	—	—	P	
Dwelling, multiple	—	—	—	P	
Emergency shelter	P	P	—	MCUP	
Farmworker dwelling unit	MCUP	—	—	P	35.42.135
Farmworker housing complex	—	—	(4)	—	35.42.135
Mixed use project residential component	MCUP	—	—	P	35.42.200
Monastery	CUP	CUP	CUP	—	
Residential accessory use or structure	MCUP	MCUP	P	P	35.42.020
Residential use existing as of July 19, 1982	—	—	—	—	
Single room occupancy facility (SRO)	P	—	P	—	
Special care home, 6 or fewer clients	MCUP	MCUP	MCUP	P	35.42.090
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	35.42.090
Transitional and supportive housing	S	MCUP	S	S	35.42.090

**Key to Zone symbols**

<b>C-3</b>	General Commercial	<b>CH</b>	Highway Commercial
<b>C-S</b>	Service Commercial	<b>CM-LA</b>	Community Mixed Use - Los Alamos

- Notes:**
- (1) See Article 35.11 (Glossary) for land use definitions.
  - (2) Development Plan approval may also be required; see Section 35.24.030.C (Commercial Zone Allowable Land Uses).
  - (3) Includes miniature golf and practice/putting range.
  - (4) Same permit requirement as required for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.

**SECTION 15:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Table 2-17, Commercial Zones Development Standards, of Section 35.24.050, Commercial Zones Development Standards, of Chapter 35.24, Commercial Zones, to read as follows:

**Table 2-17 - Commercial Zones Development Standards**

Development Feature	Requirement by Zone		
	CN Neighborhood Commercial	C-1 Limited Commercial	C-2 Retail Commercial
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>		
Area	None required; minimum lot size shall be determined by the review authority through the subdivision review process.	None required; minimum lot size shall be determined by the review authority through the subdivision review process, except 5,000 sf in Summerland and 7,000 sf elsewhere shall be required for a lot with only a residential use.	None required; minimum lot size shall be determined by the review authority through the subdivision review process.
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	None allowed.	1 unit per existing lot); plus one accessory dwelling unit per lot when accessory to a one-family dwelling and where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).	Section 35.42.200 (Mixed Use).
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front - Primary	50 ft. from road centerline, and 20 ft. from right-of-way.	30 ft. from road centerline, and 15 ft. from right-of-way; An open canopy, porch, or similar structure may extend to within 5 ft. of the right-of-way.	30 ft. from road centerline, and 10 ft. from right-of-way; 42 ft. from centerline and 10 ft. from right-of-way of 2-lane expressway or street with 4 or more lanes; An open canopy, porch or similar structure may encroach up to 12 ft. into the setback, but not into a right-of-way.
Front - Secondary	Same as front.	Lot width less than 100 ft. - 20% of lot width, 10 ft. minimum; Lot width 100 ft. or more - Same as primary front setback.	
Side	5 ft	10% of lot width, with no less than 5 ft. or more than 10 ft. required.	None; 3 ft. minimum when provided.
Rear	10% of lot depth to a maximum requirement of 10 ft.; 25 ft. if abutting a residential zone. See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley.		
Building separation	Buildings containing dwellings shall be located a minimum of 5 feet from any other detached building on the same building site.		
Site coverage	<i>Maximum percentage of net site area covered by structures.</i>		
Maximum coverage	30%.	No maximum.	No maximum.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft.	35 ft. <b>Toro Canyon Plan area - 25 ft. for a residential structure.</b>	35 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards).		
Parking	See Chapter 35.36 (Parking and Loading Standards).		
Signs	See Chapter 35.38 (Sign Standards).		

Table 2-17 - Commercial Zones Development Standards (continued)

Development Feature	Requirement by Zone		
	C-3 General Commercial	C-S Service Commercial	CH Highway Commercial
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions</i>		
Area	None.	None.	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	None allowed.	None allowed.	None allowed.
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front – Primary	30 ft. from road centerline, and 10 ft. from right-of-way; 42 ft. from centerline and 10 ft. from right-of-way of 2-lane expressway or street with 4 or more lanes; An open canopy, porch or similar structure may encroach up to 12 ft. into the setback, but not into a right-of-way.		15 ft. from right-of-way.
Front – Secondary	Lot width less than 100 ft. - 20% of lot width, 10 ft. minimum; Lot width 100 ft. or more - Same as primary front setback.	Same as primary front setback.	Lot width less than 100 ft. - 20% of lot width, 10 ft. minimum; Lot width 100 ft. or more - Same as primary front setback.
Side	None; 3 ft. minimum when provided.		None; except that if the lot abuts a different zone, the abutting zone's side setback applies.
Rear	10% of lot depth, with 10 ft. maximum required; 25 ft. where rear lot line abuts a residential zone.		None; except if lot abuts a different zone, the abutting zone's rear setback applies.
Building separation	See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley.		
	Buildings containing dwellings shall be located a minimum of 5 feet from any other detached building on the same building site.		None.
Site coverage	<i>Maximum percentage of net site area covered by structures</i>		
Maximum coverage	No maximum.	No maximum.	40%
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft.	35 ft.	35 ft. Toro Canyon Plan area - 25 ft. for a residential structure.
Landscaping	See Chapter 35.34 (Landscaping Standards).		
Parking	See Chapter 35.36 (Parking and Loading Standards).		
Signs	See Chapter 35.38 (Sign Standards).		

Table 2-17 - Commercial Zones Development Standards (continued)

Development Feature	Requirement by Zone	
	CM-LA Community Mixed Use - Los Alamos	C-V Visitor-Serving Commercial
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>	
Area	None.	None required; minimum lot size shall be determined by the review authority through the subdivision approval process.
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	See Section 35.24.070); plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).	See Table 2-16 - RESIDENTIAL USES
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>	
Front - Primary	See Section 35.24.070.	50 ft. from road centerline, and 20 ft. from right-of-way.
Front - Secondary	See Section 35.24.070..	Lot width less than 100 ft. - 20% of lot width, 10 ft. minimum. Lot width 100 ft. or more - Same as primary front setback.
Side	See Section 35.24.070.	20 ft.; 50 ft. from a lot zoned residential.
Rear	See Section 35.24.070.	Same as side
Building separation	None required, however if provided any separation shall be a minimum of five feet.	5 ft. for a residential building and any other building; none required otherwise.
Site coverage	<i>Maximum percentage of net site area covered by structures.</i>	
Maximum coverage	None.	30% on a lot surrounded by residential zoning; no maximum elsewhere.
Open space	<i>Minimum percentage of net site area to be maintained in public and/or common open space.</i>	
Minimum open space	None.	40%.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	35 ft.	35 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards).	
Parking	See Chapter 35.36 (Parking and Loading Standards).	
Signs	See Chapter 35.38 (Sign Standards)	

Table 2-17 - Commercial Zones Development Standards (continued)

Development Feature	Requirement by Zone		
	SC Shopping Center	PI Professional and Institutional	
Minimum lot size Area	<i>Minimum area for lots proposed in new subdivisions.</i>		
	None required; minimum lot size shall be determined by the review authority through the subdivision approval process.		
Residential density Maximum 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>		
	See Table 2-16 - RESIDENTIAL USES		
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
	Front - Primary	20 ft from right-of-way.	45 ft from road centerline and 15 ft from right-of-way; 20 ft for a garage or carport that opens directly on the street.
	Front - Secondary	Lot width less than 100 ft - 20% of lot width, 10 ft minimum. Lot width 100 ft or more - Same as primary front setback.	
	Side	20 ft when a Convenience Center abuts a residential zone; 50 ft when Community Center abuts residential zone; 10 ft elsewhere.	15 ft.
	Rear	Same as side	
	Building separation	None required.	Buildings containing dwellings shall be located a minimum of 5 feet from any other detached building on the same building site.
Site coverage Maximum coverage	<i>Maximum percentage of net site area covered by structures.</i>		
	30%.	40% (for buildings only).	
Open space Minimum open space	<i>Minimum percentage of net site area to be maintained in public and/or common open space.</i>		
	No minimum.	No minimum.	
Height limit Maximum height	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
	35 ft.	35 ft.	
Landscaping	See Chapter 35.34 (Landscaping Standards).		
Parking	See Chapter 35.36 (Parking and Loading Standards).		
Signs	See Chapter 35.38 (Sign Standards)		

**SECTION 16:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection C, Development Plan approval required, of Section 35.26.030, Special Purpose Zones Development Standards, of Chapter 35.26, Special Purpose Zones, to read as follows:

- C. Development Plan approval required.** Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required as follows:
1. **MU, NTS, PU, and REC zones.** Except as provided below in Subsection C.1.a, within the MU, NTS, PU, and REC zones, Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to any development, including grading.
    - a. **Final Development Plan not required for accessory dwelling units.** The development of an accessory dwelling unit located on a lot zoned MU or NTS shall only require the approval of a Land Use Permit or Zoning Clearance in compliance with Section 35.42.015 (Accessory Dwelling Units), and does not require the approval of a Final Development Plan.
  2. **OT zones.**
    - a. **OT-R/LC and OT-GC.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for structures that total 5,000 square feet or more in gross floor area, or developments that total 10,000 square feet or more.

- b. **OT-R.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all multi-family residential development, including grading.
- c. **Lot subject to the Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone.** If a lot is subject to Section 35.28.160 (Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone), then the development plan requirements of Section 35.28.160 (Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone) shall apply instead of Subsections 2.a. and 2.b., above.
- d. **Final Development Plan not required for accessory dwelling units.** The development of an accessory dwelling unit located on a lot zoned OT-R, OT-R/LC or OT-R/GC shall only require the approval of a Land Use Permit or Zoning Clearance in compliance with Section 35.42.015 (Accessory Dwelling Units), and does not require the approval of a Final Development Plan.



**SECTION 17:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-24, Allowed Land Uses and Permit Requirements for Special Purpose Zones, of Section 35.26.030, Residential Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to read as follows:

<b>Table 2-24 - Continued</b>  <b>Allowed Land Uses and Permit Requirements for Special Purpose Zones</b>	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	---	Use Not Allowed				
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>					<b>Specific Use Regulations</b>
	<b>MU</b>	<b>NTS</b>	<b>OT-R</b>	<b>OT-R/LC</b>	<b>OT-R/GC</b>	

**RESIDENTIAL USES**

Accessory dwelling unit	S	S	S (4)	S (4)(5)	S (4)(5)	35.42.015
Agricultural employee housing, 4 or fewer employees	---	MCUP	---	---	---	35.42.030
Agricultural employee housing, 5 or more employees	---	CUP	---	---	---	35.42.030
Caretaker/manager dwelling	P	---	---	---	---	
Dwelling, one-family	---	P (6)	P (6)	P (5)(-6)	P (5)(6)	
Dwelling, two-family	---	---	P (5)	P (5)	P (5)	
Dwelling, multiple	P	---	P (5)	P (5)	P (5)	
Emergency shelter	---	---	---	---	---	
Farmworker dwelling unit	---	P	P	P	P	35.42.135
Farmworker housing complex	---	P	P	---	---	35.42.135
Guest house or artist studio	---	P	---	---	---	35.42.160
Home occupation	P	P	P (5)	P (5)	P (5)	35.42.190
Live/work unit	P	---	---	---	---	35.26.050
Mixed use development, residential component	P	---	---	---	---	35.26.050
Mobile home park	---	---	---	---	---	35.42.180
Monastery	---	---	CUP	CUP	CUP	
Residential accessory use or structure	P	P	P (5)	P (5)	P (5)	35.42.020
Residential project convenience facility	P	---	P (5)	---	---	35.42.220
Single room occupancy facility (SRO)	---	---	---	P	P	
Special care home, 7 or more clients	MCUP	---	MCUP	MCUP	MCUP	35.42.090

**Key to Zone Symbols**

<b>MU</b>	Mixed Use	<b>OT-R/LC</b>	Old Town - Residential/Light Commercial
<b>NTS</b>	Naples Townsite	<b>OT-R/GC</b>	Old Town - Residential/General Commercial
<b>OT-R</b>	Old Town - Residential		

**Notes:**

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.26.030.C.
- (3) Not allowed in addition to an artist studio.
- (4) Accessory dwelling units restricted to lots where the primary use is a one-family dwelling.
- (5) Use not allowed if the OT designation is OT-LC or OT-GC, and not OT-R/LC or OT-G/LC.
- (6) A Zoning Clearance (Section 35.82.210) is required instead of a Land Use Permit for a primary one-family dwelling on a lot that resulted from recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (7) May include beer brewing and wine making provided (a) the area devoted to beer brewing and wine making, including the area devoted to equipment and storage of materials and supplies, does not exceed 50 percent of the interior floor area of the primary business, and (b) the product is primarily sold for on-site consumption.
- (8) Must be conducted within a completely enclosed building.

**SECTION 18:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-25, Allowed Land Uses and Permit Requirements for Special Purpose Zones, of Section 35.26.030, Residential Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to read as follows:

Table 2-25 - Continued Allowed Land Uses and Permit Requirements for the Special Purpose Zones	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	PU	PU CZ	REC	REC CZ	TC CZ(3)	

**RESIDENTIAL USES**

Accessory dwelling unit	---	---	---	---	---	
Caretaker/manager dwelling	---	---	MCUP	MCUP	---	
Dwelling, one-family	---	---	---	---	---	
Dwelling, two-family	---	---	---	---	---	
Dwelling, multiple	---	---	---	---	---	
Emergency shelter	---	---	---	---	---	
Farmworker dwelling unit	---	---	---	---	---	35.42.135
Farmworker housing complex	---	---	---	---	---	35.42.135
Home occupation	---	---	---	---	---	
Mobile home park	---	---	---	---	---	
Monastery	---	---	---	CUP	CUP	
Residential accessory use or structure	---	---	---	---	---	
Residential project convenience facility	---	---	---	---	---	
Single room occupancy facility (SRO)	---	---	---	---	---	
Special care home, 7 or more clients	---	---	---	MCUP	MCUP	35.42.090

**Key to Zone symbols**

PU	Public Works Facilities	TC	Transportation Corridor
REC	Recreation	CZ	Coastal Zone

**Notes:**

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.26.030.C.
- (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.

**SECTION 19:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Table 2-26, Special Purpose Zones Development Standards, of Section 35.26.040, Special Purpose Zones Development Standards, of Chapter 35.26, Special Purpose Zones, to read as follows:

**Table 2-26 - Special Purpose Zones Development Standards**

Development Feature	Requirement by Zone		
	MU Mixed Use	NTS Naples Townsite	OT-R Old Town - Residential
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>		
Area	None.	None.	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	See Subsection 35.26.050 (MU Zone Additional Standards); plus 1 accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).	See Section 35.26.060; plus 1 accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units). The lot shall also comply with Section 35.23.040 (Residential Zones Lot Standards), as applicable.	See Subsection 35.26.070.A (Maximum lot size and density); plus 1 accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front - Primary	See Subsection 35.26.050 (MU Zone Additional Standards).	As determined by Final Development Plan.	40 ft from road centerline, and 10 ft from right-of-way.
Front - Secondary	See Subsection 35.26.050 (MU Zone Additional Standards).	As determined by Final Development Plan.	Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or more - Same as primary front.
Side	See Subsection 35.26.050 (MU Zone Additional Standards).	As determined by Final Development Plan.	10 ft.
Rear	See Subsection 35.26.050 (MU Zone Additional Standards).	As determined by Final Development Plan.	10 ft.
Building separation	See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley. A minimum of 3 ft. is required if any separation is provided.	As determined by Final Development Plan.	See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley. 10 ft between habitable buildings and any other building; none otherwise.
Site coverage	<i>Maximum percentage of site area covered by structures.</i>		
Maximum coverage	None.	As determined by Final Development Plan.	30% of net site area for residential structures.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft.	See Section 35.26.060.	25 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards).	See Section 35.26.060 and Chapter 35.34 (Landscaping Standards).	See Chapter 35.34 (Landscaping Standards).
Parking	See Chapter 35.36 (Parking and Loading Standards) and for MU also see Subsection 35.26.050.		
Signs	See Chapter 35.38 (Sign Standards).		

Table 2-26 - Special Purpose Zones Development Standards (continued)

Development Feature	Requirement by Zone		
	OT-R/LC Old Town - Residential/ Light Commercial	OT-R/GC Old Town - Residential/ General Commercial	PU Public Works Utilities and Private Service Facilities
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>		
Area	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	See Subsection 35.26.070.A (Maximum lot size and density); plus 1 accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).	See Subsection 35.26.070.A (Maximum lot size and density) ; plus 1 accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).	None allowed
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front - Primary	Residential structure - 40 ft from road centerline, and 10 ft from right-of-way; Non residential or mixed use structure - 10% of lot depth, maximum 10 ft; 25 ft if abutting lot zoned OT-R; Lot within PA-OTO overlay - as required by Section 35.28.160 (PA-OTO overlay).	Residential structure - 40 ft from road centerline, and 10 ft from right-of-way; Non residential or mixed use structure - 10% of lot depth, maximum of 10 ft; 25 ft if abutting OT-R zone; see Section 35.28.160 (PA - OTO overlay) for additional requirements for a lot within the PA-OTO overlay.	50 ft from road centerline, and 20 ft from right-of-way.
Front - Secondary	Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or more - Same as primary front.		Same as primary front.
Side	Residential structure - 10 ft; Non-residential or mixed use structure - None.		10 ft.
Rear	Residential structure - 10 ft; Non-residential or mixed use structure - 10% of lot depth.		10 ft; 50 ft from a lot zoned residential.
Building separation	See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley.		
	5 ft.		None, except as required by Building Code.
Site coverage	<i>Maximum percentage of net site area covered by structures.</i>		
Maximum coverage	30% of net site area for residential structures; 55% of gross site area on a lot with less than 75 ft of frontage, or as required by Section 35.28.160 (PA - OTO overlay); 50% of gross site area on a lot with 75 ft or more of frontage, or as required by Section 35.28.160 (PA - OTO overlay).	30% of net site area for residential structures; 55% of gross site area on a lot with less than 75 ft of frontage or as required by Section 35.28.160 (PA - OTO overlay); 50% of gross site area on a lot with 75 ft or more of frontage, or as required by 35.28.160 (PA - OTO overlay).	None.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	Residential structure - 25 ft;	Non-residential structure - 35 ft.	45 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards).		
Parking	See Chapter 35.36 (Parking and Loading Standards).		
Signs	See Chapter 35.38 (Sign Standards).		

Table 2-26 - Special Purpose Zones Development Standards (continued)

Development Feature	Requirement by Zone
	REC Recreation
Minimum lot size Area	<i>Minimum area for lots proposed in new subdivisions.</i> 1 acre.
Residential density Maximum 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> 1 caretaker dwelling.
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>
Front – Primary	<b>Coastal</b> - 10 ft. <b>Inland</b> - 50 ft from road centerline, and 20 ft from right-of-way.
Front - Secondary	Lot within SC-MC overlay - as required by Section 35.28.175 (SC-MC Overlay Zone) Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or more - Same as primary front setback. Lot within SC-MC overlay - as required by Section 35.28.175 (SC-MC Overlay Zone)
Side	<b>Coastal Zone</b> - 10 ft. <b>Inland</b> - 10 ft; 25 ft on a lot abutting a residential zone.
Rear	<b>Coastal Zone</b> - 10 ft. <b>Inland</b> - 10 ft; 25 ft on a lot abutting a residential zone.
Building separation	See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley. None, except as required by Building Code.
Site coverage	<i>Maximum percentage of net site area covered by structures.</i>
Maximum coverage	<b>Coastal Zone</b> - 10%. <b>Inland</b> - 20%.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.09.0 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>
Maximum height	25 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards).
Parking	See Chapter 35.36 (Parking and Loading Standards).
Signs	See Chapter 35.38 (Sign Standards).

**SECTION 20:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection a, One-family dwellings, of Subsection 1, Floor area limit, of Subsection G, Summerland Community Plan area, of Section 35.28.210, Community Plan overlays, of Chapter 35.28, Overlay Zones, to read as follows:

- a. **One-family dwellings.** All new one-family dwellings and additions to existing one-family dwellings are subject to the following standards:
  - (1) **Lots having a lot area (net) of less than 12,000 square feet.** On lots with a lot area (net) of less than 12,000 square feet, the net floor area of structures subject to this Subsection G.1.a shall be in compliance with the following Table 2-31 (One-family Dwelling Floor Area Limits). The net floor area shall not exceed the amount calculated using the FAR or the Maximum Allowable Square Footage per Lot Area, whichever is less.

**Table 2-31 One-family Dwelling Floor Area Limits**

Net Lot Area (square feet)	FAR	Maximum Allowable Net Floor Area per Lot Area (square feet)
2,500 or less	0.50	950
2,501 to 3,600	0.38	1,296
3,601 to 4,700	0.36	1,598
4,701 to 5,800	0.34	1,856
5,801 to 6,900	0.32	2,070
6,901 to 8,100	0.30	2,268
8,101 to 9,400	0.28	2,538
9,401 to 10,800	0.27	2,808
10,801 to 12,000	0.26	3,100

- (2) **Lots of 12,000 square feet and greater.** On lots with a lot area (net) of 12,000 square feet and greater, the net floor area of structures subject to this Subsection G.1.a shall not exceed 2,500 square feet plus five percent of the net lot area; however, in no case shall the net floor area exceed 8,000 square feet.
- (3) See Subsection G.1.b, below, for allowable adjustments to the maximum floor area.
- (4) **Accessory dwelling units.** The floor area limits enumerated above do not apply to proposed additions to an existing one-family dwelling provided the addition is located within the living area of an accessory dwelling unit approved in compliance with Section 35.42.015 (Accessory dwelling units).

**SECTION 21:**

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection (4), Residential Second Units, of Subsection b, Adjustments to maximum floor area, of Subsection 1, Floor area limit, of Subsection G, Summerland Community Plan area, of Section 35.28.210, Community Plan overlays, of Chapter 35.28, Overlay Zones, to read as follows:

- e. **Accessory Dwelling Units.** Up to 300 square feet of floor area (net) devoted to an attached accessory dwelling unit is not included in the net floor area used to determine compliance with the Subsection G.1, above.

**SECTION 22:**

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection C, Exceptions, of Section 35.30.025, Agricultural Buffers, of Chapter 35.30, Standards for All Development and Land Uses, to read as follows:

- C. **Exceptions.** This Section does not apply to the following:
  - 1. Single-family dwelling, accessory dwelling units and residential accessory structures.
  - 2. Agricultural employee dwellings approved in compliance with Section 35.42.030 (Agricultural Employee Dwellings) and farmworker housing approved in compliance with Section 35.42.135 (Farmworker Housing).
  - 3. Non-agricultural, discretionary development approved prior to May 9, 2013.
  - 4. Changes to a non-agricultural, discretionary project approved prior to May 9, 2013, provided that prior to an action by the review authority to approve an application in compliance with Subsection 35.84.040 C or D the review authority shall first determine that the changes to the project proposed

by the application do not result in any new or greater impacts to agriculture than those resulting from the already approved project.

- a. If the review authority cannot make the determination required in compliance with Subsection C.4, above, then the project shall be subject to the provisions of this Section.
5. Non-commercial agricultural uses. An agricultural buffer is not required adjacent to a common lot line between the project site and an adjacent agriculturally zoned lot if the adjacent lot is used for non-commercial agriculture.
6. State and County roadway projects.
7. Lot line adjustments and modifications to lot line adjustments that:
  - a. Do not exceed a 10 percent increase or decrease in the area of the smallest existing lot; and
  - b. Do not result in an increase in the number of developable lots in compliance with Subsection 35.30.110.B.3.c.

### **SECTION 23:**

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.30.090, Height Measurement, Exceptions and Limitations, of Chapter 35.30, Standards for All Development and Land Uses, to add a new Subsection F titled "Accessory dwelling units" to read as follows; and to re-letter existing Subsection F, Fences and Walls, as Subsection G, to delete existing Subsection G, Greenhouses and greenhouse related development located within the Carpinteria Agricultural (CA) overlay zone, to delete existing Subsection I, Residential second units, and to re-letter existing Subsection J, Telecommunication facilities, and Subsection K, Vision clearance, as Subsections I and J, respectively:

- F. Accessory dwelling units.** See Section 35.42.015 (Accessory Dwelling Units) for height limits and exceptions for accessory dwelling units.

### **SECTION 24:**

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection B, Setback Requirements, of Section 35.30.150, Setback Requirements and Exceptions, of Chapter 35.30, Standards for All Development and Land Uses, to read as follows:

#### **B. Setback requirements.**

1. **General.** Each structure shall be located on its site so that it is set back from property lines and other structures in compliance with the setback requirements of the applicable zone in Article 35.2 (Zones and Allowable Land Uses), and with any setbacks established for specific uses by Chapter 35.42 (Standards for Specific Land Uses) except as otherwise provided by this Section or this Development Code.
2. **Property lines and rights-of-way.** No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line or into a public street right-of-way, except as provided by Subsection E (Projection into right-of-way) below, and Subsection 35.44.020.D.1.d.

**SECTION 25:**

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Table 3-5 - Residential Parking Standards, of Subsection A, Not applicable to CM-LA zone, of Section 35.36.050, Required Number of Spaces: Residential Uses, of Chapter 35.36, Parking and Loading Standards, to read as follows:

**Table 3-5 - Residential Parking Standards**

<b>Residential</b>	<b>Parking Spaces Required</b>
One-family and two-family dwellings (excluding EX-1 & SLP zones)	2 spaces per dwelling unit (1) (2)
One-family located within EX-1 Zone	6 spaces per dwelling unit
Small Lot Planned Development	2 spaces per dwelling unit and 1 space per 5 lots (for storage of recreational vehicles)
Multiple dwelling units - single bedroom or studio dwelling unit (3) (4)	1 space per dwelling unit and 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 2 bedrooms (3) (4)	1 space per dwelling unit and 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 3 bedrooms or more (3) (4)	2 spaces per dwelling unit and 1 space per 5 dwelling units (for visitor parking)
Accessory dwelling unit	As determined by Section 35.42.015 (Accessory Dwelling Units).
Fraternities, sororities, dormitories and boarding and lodging houses	1 space per 4 beds and 1 space per 2 employees
Guesthouse	1 space per guesthouse
Mobile Homes - MHP zone	2 spaces per mobile home space and 1 space per 3 mobile home spaces (for visitor parking) and 1 space per 5 mobile home spaces (for storage of recreational vehicles)
Mobile Home - MHS zone	2 spaces per lot and 1 space per 5 lots (for storage of recreational vehicles)
Retirement and special care homes (not including senior housing) (4) (5)	1 space per guest room and 1 space per 2 employees

**Notes:**

- (1) In the Mission Canyon Community Plan area (excluding the RR zone), a minimum of 3 spaces shall be required for:
  - (a) A new dwelling unit,
  - (b) Habitable additions to an existing dwelling unit, either individually or combined, greater than 500 square feet, or
  - (c) An addition or remodel of an existing dwelling that includes one or more new bedrooms and results in a dwelling with three or more bedrooms.
- (2) In the Summerland Community Plan area additional parking spaces may be required in compliance with Section 35.28.210 (Community Plan Overlays).
- (3) Includes residential units constructed as a live/work unit or a mixed-use residential component.
- (4) See Section 35.23.060.D for parking requirements for qualifying affordable housing, senior housing, or special care housing developments.
- (5) Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.

**SECTION 26:**

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection K, Modification of parking requirements, of Section 35.36.080, Standards for All Zones and Uses, of Chapter 35.36, Parking and Loading Standards, to read as follows:

- H. Location.** Except as provided below, off-street parking spaces shall not be located in the required front or side setback area unless specifically allowed by this Development Code. Provisions shall be made for



direct access from the street to each parking space. The access shall be adequate for standard size automobiles unless the parking area is restricted to compact cars.

1. **Mission Canyon Community Plan area.** Within the Mission Canyon Community Plan area, one of the three required parking spaces associated with the principal dwelling on a lot zoned R-1\E-1 may be located within the front setback area provided the location is approved by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review).
2. When a garage, carport, or covered parking structure is converted or demolished in conjunction with the construction of an accessory dwelling unit, any replacement parking spaces which are required to satisfy the parking requirement for the principal dwelling may be provided in any configuration on the same lot as the accessory dwelling unit, including covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.
  - a. A mechanical parking lift shall:
    - (1) Not be located on a driveway between the principal dwelling and any adjacent street.
    - (2) Be located a sufficient distance away from any structures in order to comply with any fire clearance requirements.
    - (3) Not be used to provide replacement parking spaces if the project site is located in a very high fire hazard severity zone.
    - (4) Be rated for all-weather use unless located within a building.
    - (5) Be located so that the lift and any vehicles parked thereon are screened from view from any public road or other area of public use (e.g., park, trail), or any adjoining lot.

#### **SECTION 27:**

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection K, Modification of parking requirements, of Section 35.36.080, Standards for All Zones and Uses, of Chapter 35.36, Parking and Loading Standards, to read as follows:

- K. Modifications of parking requirements.** Modifications to the parking requirement may be granted, in compliance with Section 35.42.015 (Accessory Dwelling Units), Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), Section 35.82.080 (Development Plans), Section 35.82.130 (Modifications), or Section 35.82.200 (Variances).

#### **SECTION 28:**

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended by adding a new Section 35.42.015 titled "Accessory Dwelling Units" to read as follows:

##### **35.42.015 - Accessory Dwelling Units**

- A. Purpose and intent.** The purpose of this Section is to establish permit procedures and development standards for attached and detached accessory dwelling units in compliance with California Government Code Section 65852.2. The intent is to encourage the development of accessory dwelling units that contribute needed housing to the community's housing stock.
- B. Applicability.**

An application for an accessory dwelling units may be approved on a lot as allowed in compliance with Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones), Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zones), Tables 2-7 through 2-9 (Allowed

Land Uses and Permit Requirements for Residential Zones), Tables 2-14 and 2-15 (Allowed Land Uses and Permit Requirements for Commercial Zones), and Table 2-24 (Allowed Land Uses and Permit Requirements for Special Purpose Zones).

**C. Allowed density and use.**

1. As required by Government Code Section 65852.2, an accessory dwelling unit shall:
  - a. Be deemed to be an accessory use or an accessory building.
  - b. Not be considered to exceed the allowable density for the lot on which it is located.
  - c. Be deemed to be a residential use that is consistent with the existing Comprehensive Plan and zoning designation for the lot on which the accessory dwelling unit is located.
  - d. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.
2. A lot may contain only one accessory dwelling unit, and shall be accessory to and be located on the same lot as an existing or proposed one-family dwelling.

**D. Application and processing requirements.**

**1. Permit required.**

- a. Prior to the development or use of a building or portion thereof as an accessory dwelling unit, an application for a Land Use Permit or Zoning Clearance, as applicable, shall be submitted in compliance with Section 35.80.030 (Application Preparation and Filing), and the Land Use Permit or Zoning Clearance shall be issued in compliance with Section 35.82.110 (Land Use Permits) or Section 35.82.210 (Zoning Clearances), as applicable.

**(1) Zoning Clearance required.** An application for an accessory dwelling unit that is in compliance with the development standards of Subsection F (Accessory dwelling units located entirely within existing buildings), below, may be permitted with a Zoning Clearance.

**(2) Land Use Permit required.** An application for an accessory dwelling unit that is in compliance with the development standards of Subsection G (Accessory dwelling units located either partially within existing buildings or within new buildings), below, may be permitted with a Land Use Permit.

**2. Ministerial review and review period.**

- a. The Director shall consider an application for a Land Use Permit or Zoning Clearance for an accessory dwelling unit ministerially without discretionary review or hearing.
- a. The Director shall approve, conditionally approve, or deny an application for an accessory dwelling within 120 days following the submittal of an application for an accessory dwelling to the Department in compliance with Section 35.80.030 (Application Preparation and Filing).

**3. Conflicts with other Sections of this Development Code.** Where there are conflicts between the standards in this Section 35.42.015 (Accessory Dwelling Units), the standards in Section 35.42.020 (Accessory Structures and Uses), and the standards in the specific zone regulations (Article 35.2 (Zones and Allowable Land Uses)), the provisions of this Section shall prevail.

**E. Exclusion areas.** Because of the adverse impacts on the public health, safety, and welfare, accessory dwelling units shall not be allowed in Special Problem Areas designated by the Board except as provided in Subsections E.1 or E.2 below, based upon the finding that Special Problem Areas by definition are areas having present or anticipated flooding, drainage, grading, soils, geology, road width, access, sewage disposal, water supply, location, or elevation problems.

1. An accessory dwelling unit may be approved within a designated Special Problem Area subject to compliance with all of the following requirements:

- a. The project application involves two contiguous legal lots under one-ownership, at least one of which is vacant.
  - b. Except as provided in Subsection E.1.b.(1), below, the owner has submitted an offer to dedicate a Covenant of Easement in compliance with Article VII (Covenants of Easement) of Chapter 35 of the County Code over the vacant lot so long as an accessory dwelling unit is maintained on the developed lot.
    - (1) Within the Mission Canyon Community Plan area, the owner shall merge the two contiguous legal lots through the recordation of a Voluntary Merger prior to issuance of the building permit for the accessory dwelling unit.
  - c. The vacant lot is determined to be residentially developable in compliance with the following criteria:
    - (1) The lot was legally created, it is not a fraction lot and the documents reflecting its creation do not preclude the lot from being used for residential purposes or designate the lot for a nonresidential purpose including well sites, reservoirs, and roads.
    - (2) The lot has adequate water resources to serve the estimated interior and exterior needs for residential development as evidenced by:
      - (a) A letter of service from the appropriate district or company that documents that adequate water service is available to the lot and that the service is in compliance with the company's Domestic Water Supply Permit, or
      - (b) The owner demonstrates that the lot could be served by a Public Health Department or State approved water system.
    - (3) The lot:
      - (a) Is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district, or
      - (b) Can be served by an onsite wastewater treatment system that meets all the requirements of the Public Health Department.
    - (4) The lot:
      - (a) Is currently served by an existing private road that meets applicable fire agency roadway standards that connects to a public road or right-of-way easement, or
      - (b) Can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.
    - (5) The Special Problems Committee has reviewed the lot and has determined that site conditions would not cause the Committee to recommend denial of the site for residential purposes in compliance with Subsection E.3.
2. Except within the Mission Canyon Community Plan area, the Director may approve an accessory dwelling unit within a designated Special Problem Area where all applicable development standards can be met and the project has been reviewed by the Special Problems Committee.
  3. **Special Problems Area Committee review.**
    - a. The Director may approve a permit for an accessory dwelling unit that is proposed to be located within a designated Special Problems Area if:
      - (1) All of the applicable development standards in this Section 35.42.015 (Accessory Dwelling Units) and applicable provisions and policies of this Development Code and the Comprehensive Plan Land Use Element can be met,
      - (2) The project has been reviewed by the Special Problems Committee, and
      - (3) The individual members of the Special Problems Committee are able to identify any

and all reasonable conditions of approval that may be required to mitigate present or anticipated problems within the scope of the committee's charge, or to prevent damage to public or private property, risk of injury to persons, or creation of a public nuisance.

- b. Where an individual member or members of the Special Problems Committee are unable to identify feasible mitigation of such problems, damage, or risk, each may recommend denial of the permit that would authorize the construction of the proposed accessory dwelling unit to the Director.

**F. Accessory dwelling units located entirely within existing buildings.** A permit for an accessory dwelling unit that is proposed to be located entirely within an existing one-family dwelling or an existing accessory building on a lot that contains an existing one-family dwelling at the time the application for the accessory dwelling unit is submitted shall not be issued unless it complies with all of the following development standards contained in this Subsection F (Accessory dwelling units located entirely within existing buildings) and in compliance with Subsection H (Additional development standards that apply to accessory dwelling units).

1. **Appearance and style.** Any exterior alterations to an existing building that result from the conversion of all or a portion of an existing building to an accessory dwelling unit are limited to minor alterations such as the addition of doors and windows.
2. **Maximum and minimum living area requirements.** As used in Section 35.42.015 (Accessory Dwelling Units), living area means the interior habitable area of a dwelling unit including basements and attics but not including an attached garage or any other attached accessory building.
  - a. **Maximum living area.** The living area of the accessory dwelling unit shall not exceed the following standards:
    - (1) **Attached accessory dwelling unit:** 50 percent of the living area of the principal dwelling that exists at the time of application for the accessory dwelling unit, provided that the living area of the accessory dwelling unit does not exceed 1,200 square feet.
    - (2) **Detached accessory dwelling unit:** 1,200 square feet.
  - b. **Minimum living area.** The living area of an accessory dwelling unit shall be a minimum of 300 square feet unless the accessory dwelling unit qualifies as an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1208.4.
3. **Parking requirements.** Additional parking spaces are not required to be provided for accessory dwelling units permitted in compliance with this Subsection F (Accessory dwelling units located entirely within existing buildings).
4. **Setbacks.** No additional setback shall be required provided the existing side and rear setbacks are sufficient for fire safety purposes.

**G. Accessory dwelling units located either partially within existing buildings or within new buildings.** A permit for an accessory dwelling unit that is proposed to be located either partially or wholly within an addition to an existing one-family dwelling or existing accessory building, or is attached to a new one-family dwelling, or is located within a new accessory building, shall not be issued unless it complies with all of the following development standards contained in this Subsection G (Accessory dwelling units located either partially within existing buildings or within new buildings) and in Subsection H (Additional development standards that apply to accessory dwelling units).

1. **Accessory to a principal dwelling.** If an application for an accessory dwelling unit is submitted for a lot that does not contain a principal dwelling at the time of application, then the application for a principal dwelling shall be submitted in conjunction with an application for an accessory dwelling unit.
  - a. Final building permit inspection for the proposed principal dwelling shall be approved prior to final building permit inspection approval for the accessory dwelling unit.

2. **Appearance and style.** The exterior appearance and architectural style of the proposed accessory dwelling unit shall be in compliance with the following.
  - a. The design of an accessory dwelling unit that will be attached to an existing building shall reflect the exterior appearance and architectural style of the existing building and use the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
  - b. The design of an accessory dwelling unit that will not be attached to an existing building shall reflect the exterior appearance and architectural style of the principal dwelling and use the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
  - c. The entrance to an accessory dwelling unit that will be attached to the principal dwelling is structurally shielded so that the entrance is not visible when viewed from any street abutting the lot on which the accessory dwelling unit is located. This standard may be waived by the Director if it would prohibit the construction of an attached accessory dwelling unit on the lot.
  - d. All exterior lighting complies with Section 35.30.120 (Outdoor Lighting).
  - e. Proposed landscaping will screen the accessory dwelling unit, including any architectural elements such as foundations and retaining walls, mechanical equipment, and parking required to be provided for the accessory dwelling unit, from public viewing areas (e.g., public road, trails, or recreation areas). Said landscaping shall be compatible with existing landscaping on the lot in terms of plant species and density of planting.
3. **Environmentally sensitive habitat areas.** The development of an accessory dwelling unit shall be in compliance with the requirements of Section 35.28.100 (Environmentally Sensitive Habitat Area Overlay Zone).
4. **Height limit.**
  - a. An accessory dwelling unit shall be in compliance with the following height limits as applicable. However, these height limits may be exceeded when the portion of the accessory dwelling unit that would exceed these height limits is located within:
    - (1) The existing space of a one-family dwelling or an accessory building.
    - (2) A proposed addition to an existing building and increased height is necessary to allow the roofline of the addition to match the roofline of the existing building to which the accessory dwelling unit is being added.
  - b. **Attached accessory dwelling units.**
    - (1) **Located below another floor.** The height of an accessory dwelling unit that would be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.
    - (2) **Located above another floor or on-grade where there is no floor above.** The height of an accessory dwelling unit that would be located above another floor or on-grade where there is no floor above shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35.30.090 (Height Measurement, Exceptions and Limitations).
  - c. **Detached accessory dwelling units.**
    - (1) **Connected to a detached accessory structure.**
      - (a) **Located above or below another floor.**
        - (i) **Located above another floor.** The height of an accessory dwelling unit that would be located above another floor shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35.30.090

(Height Measurement, Exceptions and Limitations).

(ii) **Located below another floor.** The height of an accessory dwelling unit that would be connected to a detached accessory structure and would be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.

(iii) Notwithstanding the above, the height of the combined structure shall not exceed a height of 25 feet as measured in compliance with Section 35.30.090 (Height Measurement, Exceptions, and Limitations).

(b) **Located above another floor or on grade where there is no floor above.** The height of an accessory dwelling unit that would be located above another floor or on-grade where there is no floor above shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35.30.090 (Height Measurement, Exceptions and Limitations).

(2) **Not connected to a detached accessory structure.** The height of an accessory dwelling unit that is not connected by any means to another structure shall not exceed a height of 16 feet as determined in compliance with Section 35.30.090 (Height Measurement, Exceptions and Limitations).

5. **Historic Landmarks Advisory Commission.** If the Director determines that the accessory dwelling unit is proposed to be located entirely or partially within a building that is historically significant, then the Director may require that the application for an accessory dwelling unit shall be submitted to the Historic Landmarks Advisory Commission for review and comment as to the compatibility of the proposed development with the historical context of the building, whether the development will result in a detrimental effect on any existing or potential historical significance of the building, and other factors on which the Historic Landmarks Advisory Commission may choose to comment.

6. **Location on lot.**

a. For lots that are less than two acres, a detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other zoning provisions such as setback requirements would prohibit compliance with this requirement.

b. For lots that are two acres or larger but not larger than 20 acres, a detached accessory dwelling unit shall not be located closer to any property line than the lesser of 100 feet or the distance from the principal dwelling to that boundary line unless other zoning provisions such as setback requirements, or the location of existing development on the lot including agricultural operations, would prohibit compliance with this requirement.

c. For lots that are larger than 20 acres, the location of a detached accessory dwelling unit is not restricted provided the location complies with zoning requirements such as applicable setback requirements or building envelopes.

7. **Maximum and minimum living area requirements.** As used in Section 35.42.015 (Accessory Dwelling Units), living area means the interior habitable area of a dwelling unit including basements and attics but not including an attached garage or any other attached accessory building.

a. **Maximum living area.** The living area of the accessory dwelling unit shall not exceed eight percent of the net lot area of the lot on which the accessory dwelling unit will be located, provided that living area of the accessory dwelling unit does not exceed 1,200 square feet.

(I) **Attached accessory dwelling unit:** In addition to the maximum living area specified above in Subsection G.7.a (Maximum living area), the living area of an attached accessory dwelling unit shall not exceed 50 percent of the living area of:

(a) The principal dwelling that exists at the time of application for the accessory dwelling unit, or

(b) The proposed principal dwelling if an application for the principal dwelling is submitted concurrently with the application for the accessory dwelling unit.

b. **Minimum living area.** The living area of an accessory dwelling unit shall be a minimum of 300 square feet unless the accessory dwelling unit qualifies as an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1208.4.

**8. Parking requirements.**

a. Except as provided in Subsection G.6.b, below, in addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot on which the accessory dwelling unit is located. The additional parking shall be provided as specified in the base zone and in Chapter 35.36 (Parking and Loading Standards) except that said parking may be provided as tandem parking on a driveway and in compliance with the following:

(1) The additional parking shall be permitted in the side or rear setback areas, or through tandem parking, unless:

(a) The Director finds that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or

(b) The project site is located in a very high fire hazard severity zone, in which case tandem parking is not allowed.

b. Additional off-street parking spaces are not required to be provided for accessory dwelling units that comply with any of the following criteria:

(1) The accessory dwelling unit is located within one-half mile of public transit (e.g., a bus stop).

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(4) When there is a car share vehicle located within one block of the accessory dwelling unit.

9. **Setbacks.** An accessory dwelling unit shall comply with the setback regulations that apply to the principal dwelling except that a setback of five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above an existing garage.

10. **Tree protection.** An application for an accessory dwelling unit shall comply with the following standards.

a. All development associated with the accessory dwelling unit shall avoid the removal of or damage to all native trees including native oak trees, and specimen trees. For the purposes of this Subsection G.9 (Tree protection), specimen trees are defined as mature native trees that are healthy and structurally sound and have grown into the natural stature particular to the species.

b. No grading, paving, and other site disturbance shall occur within the dripline of the tree including the area six feet outside of tree driplines unless the conclusion of a report submitted by the applicant and prepared by a licensed arborist is that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s).

H. **Additional development standards that apply to all accessory dwelling units.** The following development standards shall also apply to all applications for accessory dwelling units in addition to the development standards contained in Subsection F (Accessory dwelling units located entirely within

existing buildings) or Subsection G (Accessory dwelling units located either partially within existing buildings or within new buildings), as applicable.

1. **Fees.** The applicant shall pay development impact mitigation fees in compliance with ordinances and/or resolutions adopted by the County. The amount of the required fee shall be based on the fee schedules in effect when paid.
2. **Passageway not required.** A passageway shall not be required to be provided in conjunction with the construction of an accessory dwelling unit.
3. **Private and public services.**
  - a. **Potable water.** Where service by a public water district or mutual water company is not available, the accessory dwelling unit may be served by a private water system subject to review and approval by the Public Health Department or State as applicable.
  - b. **Wastewater.** Where public sewer service is not available, the accessory dwelling unit may be served by an onsite wastewater treatment system subject to review and approval by the Public Health Department.
4. **Rental and sale.**
  - a. An accessory dwelling unit may be used for rentals provided that the length of any rental shall be longer than 30 consecutive days.
  - b. An accessory dwelling unit shall not be sold separately from the principal dwelling.

**I. Notice.** Notice of an application for an accessory dwelling unit shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).

1. Notice of applications for accessory dwelling units, and additions thereto, as may be allowed in compliance with Section 35.42.015 (Accessory Dwelling Units) shall also include a statement that:
  - a. The grounds for appeal of an approved or conditionally approved Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable development standards provided in Section 35.42.015 (Accessory Dwelling Units), and
  - b. The Director shall not accept for processing an appeal of the Director's decision to approve or conditionally approve a Land Use Permit for an accessory dwelling unit if the appellant fails to identify how the approved or conditionally approved project is inconsistent with the applicable development standards provided in Section 35.42.015 (Accessory Dwelling Units).

**J. Appeals.** The action of the Director to approve, conditionally approve, or deny an application for an accessory dwelling unit is final subject to appeal in compliance with Chapter 35.102 (Appeals).

1. In addition to the requirements of Chapter 35.102 (Appeals):
  - a. The grounds for an appeal of a Land Use Permit for an accessory dwelling unit approved or conditionally approved in compliance with Section 35.42.015 (Accessory Dwelling Units) shall be limited to whether the approved or conditionally approved project is consistent with the applicable development standards for accessory dwelling units provided in Section 35.42.015 (Accessory Dwelling Units). If the approval or conditional approval of a Land Use Permit for an accessory dwelling unit is appealed, the appellant shall identify how the approved or conditionally approved project is inconsistent with development standards for accessory dwelling units provided in Section 35.42.015 (Accessory Dwelling Units).
  - b. The Director shall not accept for processing an appeal of the Director's decision to approve or conditionally approve a Land Use Permit for an accessory dwelling unit if the appellant fails to identify how the approved or conditionally approved project is inconsistent with the applicable development standards provided in Section 35.42.015 (Accessory Dwelling Units).

**K. Revocation.** Revocation of a Conditional Use Permit, Land Use Permit, or Zoning Clearance, for a accessory dwelling unit shall be in compliance with Section 35.84.060 (Revocations).



### **SECTION 29:**

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 3, Height restrictions, of Subsection B, Development standards, of Section 35.42.020, Accessory Structures and Uses, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

3. **Height restrictions.** Accessory structures shall comply with the height restrictions of the applicable zones except as specified below:
  - a. **Accessory dwelling units.** See Section 35.42.015 (Accessory Dwelling Units) for height limits for accessory dwelling units.
  - b. **Fences and walls.** See Section 35.30.070 (Fences and Walls) for height limits for fences and walls.
  - c. **Guesthouses, artist studios and cabañas.** See Section 35.42.150 (Guesthouses, Artist Studios, and Cabañas) for height limits for guesthouses, artist studios and cabañas.
  - d. **Located in the rear setback.** The height limit for accessory structures located in the rear setback is 12 feet except as allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).
  - e. **Telecommunication facilities.** See Chapter 35.44 (Telecommunications Facilities) height limits and exception for commercial and noncommercial telecommunication facilities.

### **SECTION 30:**

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection a, Location in rear setback, Subsection 4, Setback Requirements, of Subsection B, Development standards, of Section 35.42.020, Accessory Structures and Uses, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

- a. **Location in rear setback.**
  - (1) **Accessory dwelling units.** An accessory dwelling unit may be located in the required rear setback only when allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).
  - (2) **Other accessory structures.** Except as provided in Subsection B.4.a.(1), above, an accessory structure, other than guesthouses, artist studios and cabañas (Section 35.42.150), may be located in the required rear setback provided that:
    - (a) It is not attached to the principal structure.
    - (b) It is located no closer than five feet to the principal structure.
    - (c) It does not exceed 40 percent of the required rear setback.
    - (d) It does not exceed a height of 12 feet.
    - (e) If located on a corner lot backing on a key lot, the accessory structure shall be set back from the rear property line by a distance equal to the side setback requirement applicable to the key lot.
    - (f) A swimming pool, spa, and appurtenant equipment shall not be located closer than five feet to any property line.
    - (g) An accessory structure may otherwise be located adjacent to the rear property line provided that all other provisions (e.g., building code or fire code requirements for separation between structures) are complied with.

### SECTION 31:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 5, Kitchen or cooking facilities/amenities prohibited, of Subsection B, Development standards, of Section 35.42.020, Accessory Structures and Uses, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

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

### SECTION 32:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 6, Gross floor area and footprint limitations, of Subsection B, Development standards, of Section 35.42.020, Accessory Structures and Uses, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

6. **Gross floor area and footprint limitations.** Except for accessory dwelling units allowed in compliance with Section 35.42.015 (Accessory Dwelling Units), accessory structures, excluding barns, garages and stables, shall not exceed a gross floor area of 800 square feet if located on a lot of one acre or less.
  - a. **Summerland Community Plan area.** See Section 35.28.210.G (Summerland Community Plan area) for additional standards regarding the allowable floor area of detached accessory structures.

### SECTION 33:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 8, Use restrictions, of Subsection B, Development standards, of Section 35.42.020, Accessory Structures and Uses, of Chapter 35.42, 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. accessory dwelling units or agricultural employee dwellings) accessory structures shall not be used for overnight accommodations.

### SECTION 34:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection F, Additional standards for agricultural employee dwellings located in the NTS zone, of Section 35.42.030, Agricultural Employee Dwellings, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

- F. **Additional standards for agricultural employee dwellings located in the NTS zone.** On a lot zoned NTS:
  - a. The minimum gross lot area on which an agricultural employee dwelling may be approved is 100 acres.

- b. An agricultural employee dwelling shall not be allowed in addition to an accessory dwelling unit, artist studio, or guesthouse.
- c. The gross floor area of an agricultural employee dwelling shall not exceed 1,200 square feet.
- d. Only one Conditional Use Permit that allows additional dwellings housing five or more employees may be allowed within each project site area covered by an approved Final Development Plan.

### **SECTION 35:**

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection O, Residential second unit, of Section 35.42.150, Guesthouses, Artist Studios, and Cabañas, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

- O. **Accessory dwelling unit.** If an accessory dwelling unit exists or has current approval on a lot, a guesthouse or artist studio shall not also be approved.

### **SECTION 36:**

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete existing Section 35.42.230, Residential Second Units, of Chapter 35.42, Standards for Specific Land Uses, in its entirety and reserve the section number for future use.

### **SECTION 37:**

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 3, Accessory Structures, of Subsection B, Standards for address numbers, of Section 35.76.060, Address Numbers - Procedures, Standards and Display, of Chapter 35.76, Road Naming and Address Numbering, to read as follows:

3. **Accessory structures.** Except as provided below, an accessory structure shall not be issued a street address number unless the property owner can demonstrate to the satisfaction of the Fire Department that special circumstances justify a separate number.
  - a. A street address number shall be issued for an accessory dwelling unit if required by the Fire Department.

### **SECTION 37:**

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 4, Design review required, of Subsection D, Processing, of Section 35.82.060, Conditional Use Permits and Minor Conditional Use Permits, of Chapter 35.82, Permit Review and Decisions, to read as follows:

4. **Design review required.** Except for Accessory Dwelling Units approved in compliance with Section 35.42.015 (Accessory Dwelling Units), the following applications shall be subject to Design Review in compliance with Section 35.82.070 (Design Review).
  - a. An application for a Conditional Use Permit.
  - b. An application for a Minor Conditional Use Permit as specifically identified by the Director, Zoning

Administrator, Commission, or Board.

**SECTION 38:**

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 1, General, of Subsection C, Exceptions to Design Review Requirements, of Section 35.82.070, Design Review, of Chapter 35.82, Permit Review and Decisions, to read as follows:

**I. General.**

- a. Accessory dwelling units; however approval from the Director may be required in compliance with Section 35.42.015 (Accessory Dwelling Units).
- b. Decks.
- c. Fences, gates, gateposts and walls as follows; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the Design Review of a new structure or a remodeling or an addition to a structure requiring Design Review:
  - (1) Fences, gates, and walls six feet or less in height and gateposts of eight feet or less in height, when located in the front setback area.
  - (2) Fences, gates, and walls of eight feet or less in height and gateposts of 10 feet or less in height when located outside of front setback areas and not closer than 20 feet from the right-of way line of any street.
- d. Hot tubs, spas, and swimming pools.
- e. Interior alterations.
- f. Solar panels.
- g. Other exterior alterations determined to be minor by the Director.

**SECTION 39:**

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection f, Reduction of parking spaces, of Subsection 3, Allowed Modifications, of Subsection B, Applicability, of Section 35.82.130, Modifications, of Chapter 35.82, Permit Review and Decisions, to read as follows:

- f. **Reduction of parking spaces.** A reduction in the required number and/or a Modification in the design or location of parking spaces and loading zones may be allowed provided that in no case shall:
  - (1) The number of required bicycle parking spaces be reduced,
  - (2) The number of spaces required for an accessory dwelling unit be reduced or be allowed to be located within the required front setback area.
  - (3) Any parking or screening requirement for a vehicle with more than two axles, a recreational vehicle or bus, a trailer, or other non-passenger vehicle be modified.
  - (4) A reduction in the required number of parking spaces for development within the Summerland Community Plan Area be allowed that results in an increase in on-street parking.
  - (5) The required number of parking spaces in the Mission Canyon Community Plan area be reduced from three to two in the R-1/E-1 (Single Family Residential) zone for habitable additions to an existing dwelling unit of 500 square feet or greater or an addition or remodel that includes one or more new bedrooms and results in a dwelling with three or more bedrooms, unless:

- (a) The reduction would preserve the integrity of a historic structure, or
- (b) There is no space for the third parking space due to topography, lot configuration, or other physical constraints as determined by the Director. The reduction shall not be granted if the addition or remodel is proposed in a location that would be suitable for the required third parking space.
- (c) The floor area of the addition, or location of the bedrooms, is within an accessory dwelling unit approved in compliance with Section 35.42.015 (Accessory Dwelling Units).

#### **SECTION 40:**

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection (1), Residential structures, of Subsection a, Inland area, of Subsection 5, Sites within the Mission Canyon Community Plan area or the Toro Canyon Plan Area, of Subsection B, Damage, of Section 35.101.030, Nonconforming Structures, of Chapter 35.101, Nonconforming Uses, Structures and Lots, to read as follows:

##### **(1) Residential structures.**

- (a) A residential structure that is damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure may be reconstructed to the same or lesser size on the same site and in the same general footprint location.
- (b) A residential structure that is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted under the applicable Plan that requires partial or complete reconstruction or structural repair due to normal wear-and-tear (e.g., structural pest damage or dry rot) may be reconstructed or repaired to the same or lesser size on the same site and in the same general footprint location.
- (c) A residential structure that is nonconforming solely due to its location within an Environmentally Sensitive Habitat area or Environmentally Sensitive Habitat buffer area may be expanded upward, or outward and away from the Environmentally Sensitive Habitat area, consistent with Development Standards BIO-MC-3.8 of the Mission Canyon Community Plan or BIO-TC-7.5 and BIO-TC-7.8 of the Toro Canyon Plan, and in a manner that otherwise complies with the regulations of the applicable Plan and this Development Code.
- (d) For the purpose of this Subsection, “residential structure” shall mean primary dwellings, secondary dwellings including accessory dwelling units, agricultural employee dwellings, farmworker dwelling units, farmworker housing complexes, guesthouses, and all attached appurtenances (e.g., garages and storage rooms) that share at least one common wall with the residential structure. One detached private garage structure may be included within the meaning of “residential structure” in compliance with Section 35.82.140 (Nonconforming Status and Extent of Damage Determination).

#### **SECTION 41:**

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Subsection b, Coastal Zone, of Subsection 5, Sites within the Mission Canyon Community Plan area or the Toro Canyon Plan Area, of Subsection B, Damage, of Section 35.101.030, Nonconforming Structures, of Chapter 35.101, Nonconforming Uses, Structures and Lots, in its entirety.

#### **SECTION 42:**

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara

County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection b, Appeals regarding residential second units, of Subsection 2, Additional requirements for certain appeals, of Subsection C, Requirements for contents of an appeal, of Section 35.102.020, General Appeal Procedures, of Chapter 35.102, Appeals, to read as follows:

**b. Appeals regarding accessory dwelling units.**

- (1) The grounds for an appeal of the approval or conditional approval of a Land Use Permit for an accessory dwelling unit in compliance with Section 35.42.015 (Accessory Dwelling Units) shall be limited to whether the approved or conditionally approved project is in compliance with the applicable development standards for accessory dwelling units provided in Section 35.42.015 (Accessory Dwelling Units).
- (2) If the approval or conditional approval of a Land Use Permit for an accessory dwelling unit is appealed, the appellant shall identify how the approved or conditionally approved project is inconsistent with the applicable development standards for accessory dwelling units provided in Section 35.42.015 (Accessory Dwelling Units).
- (3) The Director shall not accept for processing an appeal of the Director's decision to approve or conditionally approve a Land Use Permit for an accessory dwelling unit if the appellant fails to identify how the approved or conditionally approved project is inconsistent with the applicable development standards for accessory dwelling units provided in Section 35.42.015 (Accessory Dwelling Units).

**SECTION 43:**

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection e of Subsection 1, By the Department, of Subsection A, Minimum requirements, of Section 35.106.050, Land Use Permits, of Chapter 35.106, Noticing and Public Hearings, to read as follows:

- e. The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.
- (1) Notice of applications for accessory dwelling units, and additions thereto, as may be allowed in compliance with Section 35.42.015 (Accessory Dwelling Units) shall include a statement that:
    - (a) The grounds for appeal of an approved or conditionally approved Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable development standards provided in Section 35.42.015 (Accessory Dwelling Units), and
    - (b) The Director shall not accept for processing an appeal of the Director's decision to approve or conditionally approve a Land Use Permit for an accessory dwelling unit if the appellant fails to identify how the approved or conditionally approved project is inconsistent with the applicable development standards provided in Section 35.42.015 (Accessory Dwelling Units).

**SECTION 44:**

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to change the existing definition of "Residential Second Unit" to read as follows:

**Residential Second Unit.** See Accessory Dwelling Unit.

**SECTION 45:**

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to add new definitions of "Accessory Dwelling Unit" and "Passageway" to read as follows:

**Accessory dwelling unit.** An attached or a detached residential dwelling unit on a permanent foundation that is located on the same lot as a one-family dwelling that the accessory dwelling unit is accessory to and (1) provides complete independent living facilities for one or more persons including permanent provisions for cooking, eating, living, sanitation, and sleeping, (2) provides interior access between all habitable rooms, and (3) includes an exterior access that is separate from the access to the principal dwelling or accessory structure in which the accessory dwelling unit is located. An accessory dwelling unit may also include an efficiency unit, as defined in Section 17958.1 of Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

1. **Attached accessory dwelling unit.** An accessory dwelling unit that shares a common wall with the principal dwelling.
2. **Detached accessory dwelling unit.** An accessory dwelling unit that is detached from the principal dwelling and is located on the same lot as the principal dwelling.

**Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of an accessory dwelling unit.

**SECTION 46:**

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to delete the existing definitions of "Attached Residential Second Unit," and "Detached Residential Second Unit."

**SECTION 47:**

Except as amended by this Ordinance, Articles 35.2, 35.3, 35.4, 35.7, 35.8, 35.10, and 35.11 of Section 35-1, the Santa Barbara County 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 48:**

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 \_\_\_\_\_, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
DAS WILLIAMS, 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



ATTACHMENT D: ARTICLE II RESOLUTION AND ORDINANCE AMENDMENT

RESOLUTION OF THE SANTA BARBARA COUNTY 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 THE SANTA BARBARA COUNTY ARTICLE II )  
COASTAL ZONING ORDINANCE, OF CHAPTER 35 OF )  
THE COUNTY CODE, AMENDING DIVISION 2, )  
DEFINITIONS, DIVISION 4, ZONING DISTRICTS, ) RESOLUTION NO.: 18 - 10  
DIVISION 7, GENERAL REGULATIONS, DIVISION 11, )  
PERMIT PROCEDURES, DIVISION 12, ADMINISTRATION, ) CASE NO.: 16ORD-00000-00016  
DIVISION 13, SUMMERLAND COMMUNITY PLAN )  
OVERLAY, AND DIVISION 16, TORO CANYON PLAN )  
(TCP) OVERLAY DISTRICT, TO IMPLEMENT NEW )  
REGULATIONS AND DEVELOPMENT STANDARDS )  
REGARDING ACCESSORY DWELLING UNITS.\_\_\_\_\_)

WITH REFERENCE TO THE FOLLOWING:

- A. On July 19, 1982, by Ordinance 3312, the Board of Supervisors adopted the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code,
- B. The County 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. 16ORD-00000-00016) amending Article II of Chapter 35 of the Santa Barbara County Code, the Coastal Zoning Ordinance, to implement new regulations regarding the permitting of accessory dwelling units in compliance with State Government Code Section 65852.2.

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

- C. With certain exceptions as provided in the State Government Code, the proposed Ordinance is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, 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 implement the requirements of State law that promote the development of accessory dwelling units that will increase the supply of housing in the Coastal Zone portion of unincorporated Santa Barbara County.
- E. This County 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 County 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 County Planning Commission Staff Report dated January 24, 2018.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this County 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 County Planning Commission.

PASSED, APPROVED, AND ADOPTED this January 31, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

  
DANIEL BLOUGH, CHAIR  
SANTA BARBARA COUNTY PLANNING COMMISSION

ATTEST:

  
JEFFREY WILSON  
SECRETARY TO THE COUNTY PLANNING COMMISSION

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By   
Deputy County Counsel

EXHIBITS:

1. 16ORD-00000-00016

EXHIBIT 1: ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 4, ZONING DISTRICTS, DIVISION 7, GENERAL REGULATIONS, DIVISION 11, PERMIT PROCEDURES, DIVISION 12, ADMINISTRATION, DIVISION 13, SUMMERLAND COMMUNITY PLAN OVERLAY, AND DIVISION 16, TORO CANYON PLAN (TCP) OVERLAY DISTRICT, TO IMPLEMENT NEW REGULATIONS AND DEVELOPMENT STANDARDS REGARDING ACCESSORY DWELLING UNITS.

16ORD-00000-00016

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

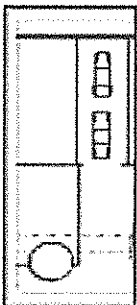
**SECTION 1:**

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add new definitions of “Accessory Dwelling Unit,” “Parking, Tandem,” and “Passageway” to read as follows:

**Accessory dwelling unit.** An attached or a detached residential dwelling unit on a permanent foundation that is located on the same lot as a single-family dwelling to which the accessory dwelling unit is accessory and (1) provides complete independent living facilities for one or more persons including permanent provisions for cooking, eating, living, sanitation, and sleeping, (2) provides interior access between all habitable rooms, and (3) includes an exterior access that is separate from the access to the principal dwelling or accessory structure in which the accessory dwelling unit is located. An accessory dwelling unit may also include an efficiency unit, as defined in Section 17958.1 of Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

1. **Attached accessory dwelling unit.** An accessory dwelling unit that is either attached to (e.g., shares a common wall) or is located within the living area of the existing or proposed principal dwelling.
2. **Detached accessory dwelling unit.** An accessory dwelling unit that is detached from the existing or proposed principal dwelling and is located on the same lot as the existing or proposed principal dwelling.

**Parking, Tandem.** The arrangement of not more than two parking spaces in depth, wherein one space is located directly in front of another space, such that it is necessary to pass through one space in order to enter or leave the other space, see the figure below.



**Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of an accessory dwelling unit.

## **SECTION 2:**

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the existing definitions of "Floor Area - Gross," "Owner," and "Residential Second Unit" to read as follows:

**Floor Area - Gross:** The area included within the surrounding exterior walls of all floors or levels of a building or portion thereof, exclusive of vent shafts and unroofed courtyards, as measured to the interior surfaces of exterior walls, or from the centerline of a common or party wall separating two buildings, and including:

- (1) Corridors and halls;
- (2) Stairways;
- (3) Elevator shafts;
- (4) Closets, storage, service, utility and mechanical equipment rooms;
- (5) Attached garages;
- (6) Open or roofed porches, balconies, or porticos;
- (7) Roofed arcades, plazas, courts, walkways, or breezeways;
- (8) Permanently roofed and either partially enclosed or unenclosed, building features used for sales, service, display, storage or similar uses;
- (9) Basements, cellars or attic areas where the floor to ceiling height is six feet or greater and that are deemed usable by the building official;
- (10) In residential zone districts, additionally all roofed porches, arcades, balconies, porticos, breezeways or similar features when located above the ground floor.

The gross floor area of a structure that lacks walls shall be the area of all floors or levels included under the roofed or covered area of the structure.

**Owner:** The record owner or any person having possession and control of the subject property.

**Residential Second Unit:** See Accessory Dwelling Unit.

## **SECTION 3:**

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete the existing definitions of "Attached Residential Second Unit" and "Detached Residential Second Unit."

## **SECTION 4:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Subsection 9 of Section 35-68.3, Permitted Uses, of Section 35-68, AG-I - Agriculture I, and renumber existing Subsections 10 and 11 as Subsections 9 and 10, respectively.

## **SECTION 5:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Subsection 2 of Section 35-68.5, Uses Permitted with a Minor Conditional Use Permit, of Section 35-68, AG-I - Agriculture I, and renumber existing Subsection 3 as Subsection 2.

**SECTION 6:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Section 35-68.12, Maximum Gross Floor Area (Floor Area Ratio or FAR), of Section 35-68, AG-I - Agriculture I, and renumber existing Subsection 13, Findings for Major Conditional Use Permit for Greenhouse Development, as Subsection 12.

**SECTION 7:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Subsection 9 of Section 35-70.3, Permitted Uses, of Section 35-70, RR - Rural Residential, and renumber existing Subsections 10 and 11 as Subsections 9 and 10, respectively.

**SECTION 8:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Section 35-70.10, Maximum Gross Floor Area (Floor Area Ratio or FAR), of Section 35-70, RR - Rural Residential.

**SECTION 9:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Subsection 8 of Section 35-71.3, Permitted Uses, of Section 35-71, R-1/E-1 - Single-Family Residential, and renumber existing Subsections 9 and 10 as Subsections 8 and 9, respectively.

**SECTION 10:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Section 35-71.13, Maximum Gross Floor Area (Floor Area Ratio or FAR), of Section 35-71, R-1/E-1 - Single-Family Residential.

**SECTION 11:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Subsection 9 of Section 35-73.3, Permitted Uses, of Section 35-73, EX-1 - One-Family Exclusive Residential, and renumber existing Subsections 10 and 11 as Subsections 9 and 10, respectively.

**SECTION 12:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Section 35-73.10, Maximum Gross Floor Area (Floor Area Ratio or FAR), of Section 35-73, EX-1 - One-Family Exclusive Residential.

**SECTION 13:**

DIVISION 6, Parking Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance,

of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 7 of Section 35-107, Required Number of Spaces: General, to read as follows:

7. Modifications to the parking requirement may be granted pursuant to Section 35-142 (Accessory Dwelling Units), Section 35-144C.4 (Density Bonus for Affordable Housing Projects), Section 35-172.12 (Conditional Use Permits), Section 35-173 (Variances), Section 35-174.8 (Development Plans), or Section 35-179 (Modifications).

#### **SECTION 14:**

DIVISION 6, Parking Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-108, Required Number of Spaces: Residential, to add a new Subsection 7 titled "Accessory dwelling units" and to read as follows:

7. **Accessory dwelling units.** As determined by Section 35-142 (Accessory Dwelling Units).

#### **SECTION 15:**

DIVISION 6, Parking Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2, Location, of Section 35-114, Size, Location, and Design, to read as follows:

#### **2. Location.**

- a. Off-street parking spaces shall not be located in the required front or side setback area unless specifically allowed in the applicable zone district regulations. Provisions shall be made for direct access from the street to each parking space. Such access shall be adequate for standard size automobiles unless the parking area is restricted to compact cars.
  - 1) When a garage, carport, or covered parking structure, or portion thereof, is converted or demolished in conjunction with the construction of an accessory dwelling unit, any replacement parking spaces which are required to satisfy the parking requirement for the principal dwelling may be provided in any configuration on the same lot as the accessory dwelling unit, including covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.
    - a) A mechanical parking lift shall:
      - i) Not be located on a driveway between the principal dwelling and any adjacent street.
      - ii) Be located a sufficient distance away from any structures in order to comply with any fire clearance requirements.
      - iii) Not be used to provide replacement parking spaces if the project site is located in a very high fire hazard severity zone. occasional
      - iv) Be rated for all-weather use unless located within a building.
      - v) Be located so that the lift and any vehicles parked thereon are screened from view from any public road or other area of public use (e.g., park, trail), or any adjoining lot.
- b. For all types of dwellings, the required parking spaces shall be provided on the same site on which the dwelling(s) is located, unless specifically permitted in the applicable zone district regulations.
- c. For non-residential structures or uses, the required parking spaces shall be provided within 500 feet of the main building or site, if there is not main building, as measured along streets not alleys.

**SECTION 16:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 4 of Section 35-119, Accessory Structures, to read as follows:

4. Except as provided in Subsection 4.a (Accessory dwelling units), below, accessory structures shall conform to the height measurements and the front and side setback regulations of the district. An accessory structure may be located in the required rear yard setback provided that it is located no closer than 10 feet to the principal structure and that it occupies no more than 40 percent of the required rear yard, and that it does not exceed a height of 12 feet.
  - a. **Accessory dwelling units.**
    - 1) See Section 35-142 (Accessory dwelling units) for height limits for accessory dwelling units.
    - 2) An accessory dwelling unit may be located in the required rear setback only when allowed in compliance with Section 35-142 (Accessory dwelling units).

**SECTION 17:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 8 of Section 35-119, Accessory Structures, to read as follows:

8. Accessory structures, including artist studios, cabañas, and guesthouses, shall not contain kitchen or cooking facilities unless the accessory structure is specifically permitted as a dwelling (e.g., accessory dwelling units). Artist studios, cabañas and guesthouses are not dwellings.

**SECTION 18:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 14 of Section 35-120, Guest House, Artist Studio, or Pool House/Cabaña, to read as follows:

14. If an accessory dwelling unit exists or is approved for development on a lot, a guesthouse or artist studio shall not also be approved.

**SECTION 19:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 3, General height limit exceptions, of Subsection A, Height measurement, of Section 35-127, Guest Height, to add a new Subsection g titled "Accessory Dwelling Units" and to read as follows:

- g. **Accessory dwelling units.** See Section 35-142 (Accessory Dwelling Units) for height limits and exceptions for accessory dwelling units.

**SECTION 20:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to repeal existing Section 35-142, Residential Second Units, in its entirety and to adopt a new Section 35-142 to be titled "Accessory Dwelling Units" and to read as follows:

**Section 35-142. Accessory Dwelling Units.**

**Section 35-142.1 Purpose and Intent.**

The purpose of this Section is to establish permit procedures and development standards for attached and detached accessory dwelling units in compliance with California Government Code Section 65852.2. The intent is to encourage the development of accessory dwelling units that contribute needed housing to the community's housing stock.

**Section 35-142.2 Applicability.**

1. In addition to the allowable uses listed in Division 4, Zoning Districts, an accessory dwelling unit may be allowed on a lot zoned as follows:
  - a. **Agricultural zones.**
    - 1) AG-I (Agriculture I).
    - 2) AG-II (Agriculture II).
  - b. **Resource Protection Zones.**
    - 1) MT-TORO (Mountainous Area - Toro Canyon Planning Area).
    - 2) RES (Resource Management).
  - c. **Residential zones.**
    - 1) EX-1 (One-Family Exclusive Residential).
    - 2) R-1/E-1 (Single-Family Residential).
    - 3) R-2 (Two-Family Residential).
    - 4) DR (Design Residential).
    - 5) PRD (Planned Residential Development).
    - 6) RR (Rural Residential).
    - 7) SR-H (High Density Student Residential).
    - 8) SR-M (Medium Density Student Residential).
  - d. **Commercial zones.**
    - 1) C-1 (Limited Commercial).
      - a) An accessory dwelling unit may only be approved or conditionally approved on a lot where a single family residence may be allowed, and subject to the regulations of Section 35-77A.6 (Minimum Lot Size) and Section 35-71 (R-1/E-1).

**Section 35-142.3 Allowed Density and Use.**

1. As required by Government Code Section 65852.2, an accessory dwelling unit shall:
  - a. Be deemed to be an accessory use or an accessory building.
  - b. Not be considered to exceed the allowable density for the lot upon which it is located.
  - c. Be deemed to be a residential use that is consistent with the existing Coastal Land Use Plan and zoning designation for the lot on which the accessory dwelling unit is located.
  - d. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.
2. A lot may contain only one accessory dwelling unit, and it shall be accessory to and located on the same lot as an existing or proposed single-family dwelling.
3. An accessory dwelling unit shall not be located on a lot that contains more than one dwelling.



**Section 35-142.4 Application and Processing Requirements.**

1. **Permit required.** Prior to the development or use of a building or portion thereof as an accessory dwelling unit, an application for a Coastal Development Permit shall be submitted in compliance with Section 35-57A (Application Preparation and Filing), and the Coastal Development Permit shall be issued in compliance with Section 35-169 (Coastal Development Permits).
2. **Ministerial review and review period.**
  - a. An application for a Coastal Development Permit for an accessory dwelling unit shall be considered ministerially without discretionary review or hearing.
  - b. The Director shall approve, conditionally approve, or deny an application for a Coastal Development Permit for an accessory dwelling unit within 120 days following the submittal of an application to the Department in compliance with Section 35-57A (Application Preparation and Filing).
3. **Conflicts with other sections of this Article.** Except as provided in Subsection 3.a (Coastal resource protection), where there are conflicts between the standards in this Section 35-142 (Accessory Dwelling Units), the standards in Section 35-119 (Accessory Structures), and the standards in the specific zone regulations (Division 4 Zoning Districts), the provisions of this Section shall prevail.
  - a. **Coastal resource protection.** If there is a conflict between the standards of this Section 35-142 (Accessory Dwelling Units) and standards that protect coastal resources, the requirements which are most protective of coastal resources shall prevail.

**Section 35-142.5 Exclusion Areas.**

1. Because of the adverse impact on the public health, safety, and welfare, accessory dwelling units shall not be permitted in Board of Supervisors-designated Special Problem Areas, except as provided in Section 35-142.5.2, given that Special Problem Areas by definition are areas having present or anticipated flooding, drainage, grading, soils, geology, road width, access, sewage disposal, water supply, location or elevation problems.
2. Notwithstanding the above, the Director may approve a permit for an accessory dwelling unit that is proposed to be located within a designated Special Problems Area if:
  - a. All of the applicable development standards in this Section 35-142 (Accessory Dwelling Units) and applicable provisions and policies of this Article and the Coastal Land Use Plan can be met,
  - b. The project has been reviewed by the Special Problems Committee, and
  - c. The individual members of the Special Problems Committee are able to identify any and all reasonable conditions of approval that may be required to mitigate present or anticipated problems within the scope of the committee's charge, or to prevent damage to public or private property, risk of injury to persons, or creation of a public nuisance.
3. Where an individual member or members of the Special Problems Committee are unable to identify feasible mitigation of such problems, damage, or risk, each may recommend denial of the permit that would authorize the construction of the proposed accessory dwelling unit to the Director.

**Section 35-142.6 Accessory dwelling units located entirely within existing buildings.**

A permit for an accessory dwelling unit that is proposed to be located entirely within the existing space of a single-family dwelling or accessory building on a lot that contains a single-family dwelling at the time the application for the accessory dwelling unit is submitted, shall not be issued unless it complies with all of the following development standards contained in this Section 35-142.6 (Accessory dwelling units located entirely within existing buildings) and in Section 35-142.8 (Additional development standards that apply to accessory dwelling units).

1. **Appearance and style.** Any exterior alterations to an existing building that result from the conversion of all or a portion of the existing building to an accessory dwelling unit shall be limited to minor alterations such as the addition of doors and windows.

2. **Maximum and minimum living area requirements.** As used in Section 35-142 (Accessory Dwelling Units), living area means the interior habitable area of a dwelling unit including basements and attics but not including an attached garage or any other attached accessory structure.
  - a. **Maximum living area.** The living area of the accessory dwelling unit shall not exceed the following standards:
    - 1) **Attached accessory dwelling unit:** 50 percent of the living area of the principal dwelling that exists at the time of application for the accessory dwelling unit, provided that the living area of the accessory dwelling unit does not exceed 1,200 square feet.
    - 2) **Detached accessory dwelling unit:** 1,200 square feet.
  - b. **Minimum living area.** The living area of an accessory dwelling unit shall be a minimum of 300 square feet unless the accessory dwelling unit qualifies as an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1208.4.
3. **Parking requirements.** Additional parking spaces are not required to be provided for accessory dwelling units permitted in compliance with this Section 35-142.6 (Accessory dwelling units located entirely within existing buildings).
4. **Setbacks.** The existing side and rear setbacks may be increased only when required to provide a sufficient setback for fire safety purposes.

***Section 35-142.7 Accessory dwelling units located either partially within existing buildings or within new buildings.***

A permit for an accessory dwelling unit that is proposed to be located either partially or wholly within an addition to an existing one-family dwelling or existing accessory building, or is attached to a new one-family dwelling, or is located within a new accessory building, shall not be issued unless it complies with all of the following development standards contained in this Section 35-142.7 (Accessory dwelling units located either partially within existing buildings or within new buildings) and in Section 35-142.8 (Additional development standards that apply to accessory dwelling units).

1. **Accessory to a principal dwelling.** If an application for an accessory dwelling unit is submitted for a lot that does not contain a principal dwelling at the time of application, then the application for a principal dwelling shall be submitted in conjunction with an application for an accessory dwelling unit.
  - a. Final building permit inspection for the proposed principal dwelling shall be approved prior to final building permit inspection approval for the accessory dwelling unit.
2. **Appearance and style.**
  - a. The exterior appearance and architectural style of the proposed accessory dwelling unit shall be in compliance with the following:
    - 1) The design of an accessory dwelling unit that will be attached to an existing building reflects the exterior appearance and architectural style of the existing building and uses the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
    - 2) The design of an accessory dwelling unit that will not be attached to an existing building reflects the exterior appearance and architectural style of the existing or proposed principal dwelling and uses the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
    - 3) The entrance to an accessory dwelling unit that will be attached to the existing or proposed principal dwelling is structurally shielded so that the entrance is not visible when viewed from any street abutting the lot on which the accessory dwelling unit is located. The Director may waive this standard if it would prohibit the construction of an attached accessory dwelling unit on the lot.
    - 4) All exterior lighting complies with Section 35-139 (Exterior Lighting).

5) Proposed landscaping will screen the accessory dwelling unit, including any architectural elements such as foundations and retaining walls, mechanical equipment, and parking required to be provided for the accessory dwelling unit, from public viewing areas (e.g., public road, trails, or recreation areas). Said landscaping shall be compatible with existing landscaping on the lot in terms of plant species and density of planting.

b. **Within the Montecito Community Plan area.** The Chair of the Montecito Board of Architectural Review, or designee, may review the exterior appearance and architectural style of the proposed accessory dwelling unit proposed to be located within the Montecito Community Plan Area and provide comments to the Director regarding whether the application complies with the design criteria listed above in Section 35-142.7.2.a.

**3. Coastal resource protection.**

a. All development associated with the construction of an accessory dwelling unit shall be located in compliance with the requirements of Section 35-97 (ESH - Environmentally Sensitive Habitat Area Overlay District).

b. Accessory dwelling units shall not significantly obstruct public views from any public road or from a public recreation area to, and along, the coast.

c. Accessory dwelling units shall not obstruct public access to and along the coast or public trails.

d. **Lots zoned AG-I and AG-II.** The development of a detached accessory dwelling unit on lots zoned AG-I (Agriculture I) and AG-II (Agriculture II) shall also comply with the following development standards in addition to the development standards shown above. If these requirements are in conflict with other provisions of the Coastal Land Use Plan or any applicable community or area plan, this Article, or any permit conditions established by the County, the requirements which are most protective of coastal resources shall control.

1) The proposed ADU shall be sited to so as to minimize impacts to ongoing agriculturally-related activities and shall avoid prime soils to the maximum extent feasible.

2) The development of the accessory dwelling unit shall preserve natural features, landforms, and native vegetation such as trees to the maximum extent feasible.

**4. Height limit.**

a. An accessory dwelling unit shall be in compliance with the following height limits as applicable. However, these height limits may be exceeded when the portion of the accessory dwelling unit that would exceed these height limits is located within:

1) The existing space of a single-family dwelling or an accessory building.

2) A proposed addition to an existing building and increased height is necessary to allow the roofline of the addition to match the roofline of the existing building that is being added to.

b. **Attached accessory dwelling units.**

1) **Located below another floor.** The height of an accessory dwelling unit that would be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.

2) **Located above another floor or on-grade where there is no floor above.** The height of an accessory dwelling unit that would be located above another floor or on-grade where there is no floor above shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35-127 (Height).

c. **Detached accessory dwelling units.**

1) **Connected to a detached accessory structure.**

a) **Located above or below another floor.**

i) **Located above another floor.** The height of an accessory dwelling unit that would be located above another floor shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35-127 (Height).

ii) **Located below another floor.** The height of an accessory dwelling unit that would be connected to a detached accessory structure and would be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.

iii) Notwithstanding the above, the height of the combined structure shall not exceed a height of 25 feet as determined in compliance with Section 35-127 (Height).

b) **Located above another floor or on grade where there is no floor above.** The height of an accessory dwelling unit that would be located above another floor or on-grade where there is no floor above shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35-127 (Height).

2) **Not connected to a detached accessory structure.** The height of an accessory dwelling unit that is not connected by any means to another structure shall not exceed a height of 16 feet as determined in compliance with Section 35-127 (Height).

5. **Historic Landmarks Advisory Commission.** If the Director determines that the accessory dwelling unit is proposed to be located entirely or partially within a building that is historically significant, then the Director may require that the application for an accessory dwelling unit shall be submitted to the Historic Landmarks Advisory Commission for review and comment as to the compatibility of the proposed development with the historical context of the building, whether the development will result in a detrimental effect on any existing or potential historical significance of the building, and other factors on which the Historic Landmarks Advisory Commission may choose to comment.

6. **Location on lot.**

a. For lots that are less than two acres, a detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other zoning provisions such as setback requirements would prohibit compliance with this requirement.

b. For lots that are two acres or larger but not larger than 20 acres, a detached accessory dwelling unit shall not be located closer to any property line than the lesser of 100 feet or the distance from the principal dwelling to that boundary line unless other zoning provisions such as setback requirements, or the location of existing development on the lot including agricultural operations, would prohibit compliance with this requirement.

c. For lots that are larger than 20 acres, the location of a detached accessory dwelling unit is not restricted provided the location complies with zoning requirements such as applicable setback requirements or building envelopes.

7. **Maximum and minimum living area requirements.** As used in Section 35-142 (Accessory Dwelling Units), living area means the interior habitable area of a dwelling unit including basements and attics but not including an attached garage or any other attached accessory structure.

a. **Maximum living area.** The living area of an accessory dwelling unit shall not exceed eight percent of the net lot area of the lot on which the accessory dwelling unit will be located, provided that the living area of the accessory dwelling unit does not exceed 1,200 square feet.

1) **Attached accessory dwelling unit.** In addition to the maximum living area specified above in Section 35-142.7.7.a) (Maximum living area), the living area of an attached accessory

dwelling unit shall not exceed 50 percent of the living area of:

- a) The existing principal dwelling that exists at the time of application for the accessory dwelling unit, or
- b) The proposed principal dwelling if an application for the principal dwelling is submitted concurrently with the application for the accessory dwelling unit.

**b. Minimum living area.** The living area of an accessory dwelling unit shall be a minimum of 300 square feet unless the accessory dwelling unit qualifies as an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1208.4.

**8. Parking requirements.**

a. Except as provided in Section 35-142.7.8.b, below, in addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot on which the accessory dwelling unit is located. The additional parking shall be provided as specified in the base zone and in Division 6 (Parking Regulations) except that said parking may be provided as tandem parking on a driveway and in compliance with the following:

- 1) The additional parking may be permitted in the side or rear setback areas, or through tandem parking, unless:
  - a) The Director finds that parking in setback areas or tandem parking is infeasible based upon specific site or regional topographical or fire and life safety conditions, or
  - b) The project site is located in a very high fire hazard severity zone, in which case tandem parking is not allowed.

b. Additional off-street parking spaces are not required to be provided for accessory dwelling units that comply with any of the following criteria:

- 1) The accessory dwelling unit is located within one-half mile of public transit (e.g., a bus stop).
- 2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- 3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- 4) When there is a car share vehicle located within one block of the accessory dwelling unit.

**9. Setbacks.** An accessory dwelling unit shall comply with the setback regulations that apply to the principal dwelling except that a setback of five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above an existing garage.

**10. Tree protection.** An application for an accessory dwelling unit shall comply with the following standards.

a. All development associated with the accessory dwelling unit shall avoid the removal of or damage to all protected trees. For the purposes of this Section 35-142.7.10 (Tree protection), protected trees are defined as trees are defined for the purpose of this policy as mature native, naturalized, or roosting/nesting trees that do not pose a threat to health and safety and include:

- 1) Oaks (*Quercus agrifolia*).
- 2) Sycamores (*Platanus racemosa*).
- 3) Willow (*Salix sp.*).
- 4) Redwoods (*Sequoia sempervirens*).
- 5) Maples (*Acer macrophyllum*).
- 6) California Bay Laurels (*Umbellularia californica*).
- 7) Cottonwood (*Populus fremontii* and *Populus balsamifera*).

- 8) White Alder (*Alnus rhombifolia*).
  - 9) California Walnut (*Juglans californica*).
  - 10) Any tree serving as known or discovered raptor nesting and/or raptor roosting sites.
  - 11) Any trees serving as Monarch butterfly habitat, including aggregation sites.
- b. No grading, paving, and other site disturbance shall occur within the dripline of a protected tree including the area six feet outside of tree driplines unless the conclusion of a report submitted by the applicant and prepared by a licensed arborist is that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s).
  - c. The protection measures included in Subsections 35-142.7.10.a and b, above do apply to invasive species.
11. **Additional standards for accessory dwelling units that are proposed to be located within the Montecito Community Plan area.**
- a. **Site preparation.**
    - 1) Grading associated with the development of the accessory dwelling unit shall not exceed 1,500 cubic yards of cut and fill.
    - 2) Any freestanding retaining wall shall not exceed eight feet in height. The height of the wall shall be measured from the natural or finished grade at the base of the lower side of the wall to the top edge of the wall material.

**Section 35-142.8 Additional development standards that apply to accessory dwelling units.**

1. **Development standards that apply to all accessory dwelling units.** The following development standards shall also apply to all applications for accessory dwelling units in addition to the development standards contained in Section 35-142.7 (Accessory dwelling units located entirely within existing buildings) or Section 35-142.7 (Accessory dwelling units located either partially within existing buildings or new accessory buildings), as applicable.
- a. **Fees.** The applicant shall pay development impact mitigation fees in compliance with ordinances and/or resolutions adopted by the County. The amount of the required fee shall be based on the fee schedules in effect when paid.
  - b. **Passageway not required.** A passageway shall not be required to be provided in conjunction with the construction of an accessory dwelling unit.
  - c. **Private and public services.**
    - 1) **Potable water.** Where service by a public water district or mutual water company is not available, the accessory dwelling unit may be served by a private water system subject to review and approval by the Public Health Department or State as applicable.
    - 2) **Wastewater.** Where public sewer service is not available, the accessory dwelling unit may be served by an onsite wastewater treatment system subject to review and approval by the Public Health Department.
  - d. **Rental and sale.**
    - 1) An accessory dwelling unit may be used for rentals provided that the length of any rental shall be longer than 30 consecutive days.
    - 2) An accessory dwelling unit shall not be sold separately from the principal dwelling.

**Section 35-142.9 Findings for Approval.**

A Coastal Development Permit application for an accessory dwelling unit shall only be approved or conditionally approved if, in addition to the findings required under Section 35-169 (Coastal Development Permits), the decision-maker first finds that the proposal is consistent with the applicable policies and

development standards of the certified Local Coastal Program.

***Section 35-142.10 Notice.***

1. Notice of an application for an accessory dwelling unit shall be given in compliance with Section 35-181 (Noticing) requirements for discretionary decision-maker actions.
2. Notice of applications for accessory dwelling units, and additions thereto, as may be allowed in compliance with Section 35-142 (Accessory Dwelling Units) shall also include a statement that the grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the standards set forth in the certified Local Coastal Program or does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).

***Section 35-142.11 Appeals***

1. The action of the decision-maker to approve, conditionally approve, or deny an application for an accessory dwelling unit is final subject to appeal in compliance with Section 35-182 (Appeals) except that the grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).
2. All decisions to approve, or conditionally approve, a Coastal Development Permit for an accessory dwelling unit that is defined as appealable development shall be subject to appeal to the Coastal Commission pursuant to Section 35-182.6.

***Section 35-142.12 Revocation.***

1. Revocation of Coastal Development Permit for an accessory dwelling unit shall comply with Section 35-169.8 (Revocation).

**SECTION 21:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 3, Accessory structures, of Subsection B, Standards for address numbers, of Section 35-144.N.6, Address Numbers - Procedures, Standards and Display, of Section 35-144N, Road Naming and Address Numbering, to read as follows:

3. **Accessory structures.** Except as provided below, an accessory structure shall not be issued a street address number unless the property owner can demonstrate to the satisfaction of the Fire Department that special circumstances justify a separate number.
  - a. A street address number shall be issued for an accessory dwelling unit if required by the Fire Department.

**SECTION 22:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection C, Exceptions, of Section 35-144O, Agricultural Buffers, to read as follows:

- C. **Exceptions.** This Section does not apply to the following:
  1. Single-family dwelling, accessory dwelling units and residential accessory structures.
  2. Farmworker housing allowed in compliance with Section 35-144P (Farmworker Housing) and Section 35-144R (Agricultural Employee Dwellings).

3. Non-agricultural, discretionary development approved prior to March 11, 2015.
4. Changes to a non-agricultural, discretionary project approved prior to March 11, 2015, provided that prior to an action by the decision-maker to approve an application in compliance with Subsections 35-172.11.1, 35-172.11.2, 35-174.10.1 and 35-174.10.2, the decision-maker shall first determine that the changes to the project proposed by the application do not result in any new or greater impacts to agriculture than those resulting from the already approved project.
  - a. If the decision-maker cannot make the determination required in compliance with Subsection C.4, above, then the project shall be subject to the provisions of this Section.
5. **Non-commercial agricultural uses.** An agricultural buffer is not required adjacent to a common lot line between the project site and an adjacent agriculturally zoned lot if the adjacent lot is used for non-commercial agriculture.
6. State and County roadway projects.
7. Lot line adjustments and modifications to lot line adjustments that
  - a. Do not exceed a 10 percent increase or decrease in the area of the smallest existing lot; and
  - b. Do not result in an increase in the number of developable lots in compliance with Subsection 35-134.A.3.a(3).

### **SECTION 23:**

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2, of Section 35-169.2, Applicability, of Section 35-169, Coastal Development Permits, to read as follows:

2. Except as provided in Subsection 2.a (Final Development Plan not required for accessory dwelling units), the approval of a development plan as provided in Section 35-174 (Development Plans) shall be required prior to the approval of any Coastal Development permit for a structure that is not otherwise required to have a discretionary permit and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that, together with existing structures on the lot will total 20,000 square feet or more of gross floor area.
  - a. **Final Development Plan not required for accessory dwelling units.** If Development Plan approval would be required in compliance with Section 35-169.2.2, and the application for development includes an accessory dwelling unit, then only the approval of a Coastal Development Permit in compliance with Section 35-142 (Accessory Dwelling Units) is required for the proposed accessory dwelling unit.

### **SECTION 24:**

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection c, Decision-maker, hearing requirements and notice requirements, of Section 35-169.4.2, Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with Section 35-169.4.3, of Section 35-169.4, Processing, of Section 35-169, Coastal Development Permits, to read as follows:

- c. **Decision-maker, hearing requirements and notice requirements.**
  - 1) **Applications for certain solar energy facilities and Accessory Dwelling Units.** Applications for freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system



is accessory and incidental to, and Accessory Dwelling Units, shall be processed in compliance with the following:

- a) Notice of the submittal of the application and pending decision of the Director shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
  - b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.
  - c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with Section 35-182 (Appeals).
- 2) **All other applications.** Applications for development other than such development specified in Subsection 2.c.1) (Applications for certain solar energy facilities and Accessory Dwelling Units), above, shall be processed in compliance with the following:
- a) The decision-maker shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations.
  - b) The Zoning Administrator shall hold at least one noticed public hearing unless waived in compliance with Subsection 2.d (Waiver of public hearing), below, on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.
  - c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
  - d) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).

## **SECTION 25:**

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection f, of Subsection 3, of Section 35-179.2, Applicability, of Section 35-179, Modifications, to read as follows:

- f. **Reduction of parking spaces.** A reduction in the required number and/or a modification in the design or location of parking spaces and loading zones may be allowed provided that in no case shall:
- 1) The number of required parking spaces be reduced in the Medium Density Student Residential, High Density Student Residential, or Single Family Restricted Overlay Districts.
  - 2) The number of required bicycle parking spaces be reduced.
  - 3) The number of spaces required for an accessory dwelling unit be reduced or be allowed to be located within the required front setback, unless such reduction in the number of spaces is allowed in compliance with Section 35-142 (Accessory Dwelling Units).
  - 4) Any parking or screening requirement for a vehicle with more than two-axles, a recreational vehicle or bus, a trailer or other non-passenger vehicle be modified.

## **SECTION 26:**

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection e, Contents of Notice, of Subsection 1, By the Department, of Subsection A, Minimum requirements, of

Section 35-181.3, Coastal Development Permits and Land Use Permits, of Section 35-181, Noticing, to add a new Subsection 1) to read as follows:

- e. **Contents of Notice.** The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice).
  - 1) Notice of applications for accessory dwelling units, and additions thereto, as may be allowed in compliance with Section 35-142 (Accessory Dwelling Units) shall also include a statement that the grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).

#### **SECTION 27:**

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2, Additional requirements for certain appeals, of Subsection C, Requirements for Contents of an Appeal, of Section 35-182.2, General Appeal Procedures, of Section 35-182, Appeals, to add a new Subsection c. to read as follows:

- c. **Appeals regarding accessory dwelling units.** The grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).

#### **SECTION 28:**

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 1, General, of Section 35-184.3, Exceptions, of Section 35-184, Board of Architectural Review, to read as follows:

- 1. **Exceptions to Design Review Requirements.** Board of Architectural Review approval is not required for the following:
  - a. Accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units).
  - b. Interior alterations.
  - c. Decks.
  - d. Swimming pools, hot tubs, and spas.
  - e. Fences, gates, gateposts and walls as follows; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the architectural review of a new residence, a remodeling, or an addition to a structure requiring architectural review:
    - 1) Fences, gates, and walls six feet or less in height and gateposts of eight feet or less in height, when located in the front setback area.
    - 2) Fences, gates, and walls of eight feet or less in height and gateposts of 10 feet or less in height when located outside of front setback areas and not closer than 20 feet from the right-of-way line of any street.
  - f. Solar panels.

- g. Any other exterior alteration determined to be minor by the Director.

**SECTION 29:**

DIVISION 13, Summerland Community Plan Overlay, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection a, One-family dwellings, of Subsection 1, Floor area limit, of Section 35-191.5, Floor Area Limit, of Section 35-191, Summerland - SUM, to read as follows:

- a. **One-family dwellings.** All new one-family dwellings and additions to existing one-family dwellings in any zone district except the Design Residential (DR) Zone District are subject to the following standards:

- 1) **Lots having a lot area (net) of less than 12,000 square feet.** On lots with a lot area (net) of less than 12,000 square feet, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall be in compliance with the following Table 13-1 (One-Family Dwelling Floor Area Limits). The net floor area shall not exceed the amount calculated using the FAR or the Maximum Allowable Square Footage per Lot Area, whichever is less.

Table 13-1 - One-Family Dwelling Floor Area Limits

Net Lot Area (square feet)	FAR	Maximum Allowable Net Floor Area per Lot Area (square feet)
2,500	.50	950
2,501 to 3,600	.38	1,296
3,601 to 4,700 sf	.36	1,598
4,701 to 5,800 sf.	.34	1,856
5,801 to 6,900 sf.	.32	2,070
6,901 to 8,100 sf.	.30	2,268
8,101 to 9,400 sf.	.28	2,538
9,401 to 10,800 sf.	.27	2,808
10,801 to 12,000 sf.	.26	3,100

- 2) **Lots between 12,000 square feet and 10 acres.** On lots with a lot area (net) of 12,000 square feet and greater but less than 10 acres, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall not exceed 2,500 square feet plus five percent of the net lot area; however, in no case shall the net floor area exceed 8,000 square feet.
- 3) **Lots between 10 acres and 20 acres.** On lots with a lot area (net) of 10 acres and greater but less than 20 acres, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall not exceed 8,000 square feet plus 0.25 percent of the net lot area; however, in no case shall the net floor area exceed 10,000 square feet.
- 4) **Lots between 20 acres and 40 acres.** On lots with a lot area (net) of 20 acres and greater but less than 40 acres, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall not exceed 8,000 square feet plus 0.25 percent of the net lot area; however, in no case shall the net floor area exceed 12,000 square feet.
- 5) **Lots 40 acres and greater.** On lots with a lot area (net) of 40 acres or greater, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall not exceed 8,000 square feet plus 0.25 percent of the net lot area; however, in no case shall the net floor area exceed 15,000 square feet.
- 6) **Accessory dwelling units.** The floor area limits enumerated above do not apply to proposed additions to existing one-family dwellings provided the addition is located within the living area of an accessory dwelling unit approved in compliance with Section 35-142 (Accessory Dwelling Units).

**SECTION 30:**

DIVISION 13, Summerland Community Plan Overlay, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection e, Residential Second Units, of Subsection 2, Adjustments to maximum floor area, of Section 35-191.5, Floor Area Limit, of Section 35-191, Summerland - SUM, to read as follows:

- e. **Accessory Dwelling Units.** Up to 300 square feet of floor area (net) devoted to an attached accessory dwelling unit is not included in the net floor area used to determine compliance with the Subsection 1, above.

**SECTION 31:**

DIVISION 16, Toro Canyon Plan (TCP) Overlay District, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 1, Nonconforming residential structures damaged or destroyed by calamity, of Section 35-194.5, Nonconforming Structures and Uses, of Section 35-194, General, to read as follows:

1. **Nonconforming residential structures damaged or destroyed by calamity:** Any nonconforming residential structure that is damaged or destroyed by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, "residential structure" shall mean primary dwellings, secondary dwellings including Accessory Dwelling Units, guesthouses, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage existed, one detached private garage structure may be included provided that evidence of such structure's use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction shall commence within 24 months of the time of damage or destruction and shall be diligently carried to completion. The 24 month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the 24 month period. Where the reconstruction permitted above does not commence within the specified 24 months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article.

**SECTION 32:**

DIVISION 16, Toro Canyon Plan (TCP) Overlay District, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2, Reconstruction of nonconforming residential structures located within Rural Neighborhood Areas and within or adjacent to an Environmentally Sensitive Habitat (ESH) area, of Section 35-194.5, Nonconforming Structures and Uses, of Section 35-194, General, to read as follows:

2. **Reconstruction of nonconforming residential structures located within Rural Neighborhood Areas and within or adjacent to an Environmentally Sensitive Habitat (ESH) area:** Lawfully established structures that serve as residences in an Existing Developed Rural Neighborhood located within ESH buffer areas or adjacent to ESH, which are damaged due to normal wear and tear such as structural pest damage or dry rot, may be reconstructed to the same or lesser size (square footage, height, and bulk) in the same footprint. If the reconstructed residence is proposed to be larger than the existing structure, it may only be permitted where findings are made that such development shall not adversely impact the adjacent riparian species, meets all other provisions of this Plan and the Local Coastal Program including

development standards for native and non-native protected tree species, and complies with development standards DevStd BIO-TC-5.1 through DevStd BIO-TC-5.4. Reconstruction includes any project that results in the demolition of more than 50 percent of the exterior walls. For the purpose of this section, "residential structure" shall include primary dwellings, secondary dwellings including Accessory Dwelling Units, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage exists, one detached private garage structure may be included provided that evidence of such structure's use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction or structural repair shall commence within 24 months of the time of the owner's first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The 24 month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the 24 month period. Where the reconstruction or structural repair permitted above does not commence within the specified 24 months or the extended time period that may be granted by the Director, such structure shall not be reconstructed or repaired except in conformity with the regulations of the Toro Canyon Plan and this Article.

**SECTION 33:**

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

**SECTION 34:**

Except as amended by this Ordinance, Divisions 2, 4, 7, 11, 12, 13, and 16 of the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

**SECTION 35:**

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or 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 \_\_\_\_\_, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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DAS WILLIAMS, 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