

ATTACHMENT C-1: COUNTY LAND USE AND DEVELOPMENT CODE ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE COUNTY LAND USE AND DEVELOPMENT CODE (LUDC), OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES TO REVISE ALLOWABLE TEMPORARY USES TO ENABLE COMMUNITY TOURS AND UPDATE PERMIT REQUIREMENTS AND DEVELOPMENT STANDARDS FOR HOME OCCUPATIONS.

24ORD-00031

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

SECTION 1:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise Section 35.42.190, Home Occupations, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

35.42.190 Home Occupations

- A. **Purpose and applicability.** This Section provides development and operational standards for home occupations where allowed by Article 35.2 (Zones and Allowable Land Uses). The intent is to prevent any adverse effects on the residential enjoyment of surrounding residential properties.
- B. **Applicability.** The provisions of this Section shall apply to all home occupations which include Cottage Food Operations and In-home Retail Sales. Home occupations may be permitted in any dwelling in any zone including nonconforming dwellings.
- C. **Permit requirements.**
 - 1. Before the commencement of a home occupation within a dwelling or artist studio, a ~~Land Use Permit~~Zoning Clearance in compliance with Section ~~35.82.210 (Zoning Clearances)~~35.82.110 (Land Use Permits) shall be issued for the home occupation unless the occupation qualifies for an exemption as stated in Subsection E (Exceptions to permit requirements for home occupations) below.
 - a. ~~Special processing requirements for applications for cottage food operations. The following special processing requirements apply to applications for Land Use Permits for home occupations that qualify as cottage food operations.~~
 - (1) ~~Notice.~~ Notice of the submittal of the application and pending decision of the Zoning Administrator shall be given in compliance with Section ~~35.106.050 (Land Use Permits).~~
 - (2) ~~Hearing not required.~~ The Zoning Administrator shall review the application for compliance with the Comprehensive Plan and any applicable community or area

~~plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the application in compliance with Section 35.82.110 (Land Use Permits). A public hearing shall not be required.~~

~~(3) **Appeal.** The action of the Zoning Administrator is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~

2. Prior to the issuance of a ~~Land Use Permit~~ Zoning Clearance in compliance with Section ~~35.82.210 (Zoning Clearances)~~ 35.82.110 (Land Use Permits) for a home occupation within a dwelling or artist studio, a Notice to Property Owner certifying that the home occupation will be conducted in compliance with the development standards of Subsection D (Development Standards) below, and any other conditions as may be made part of the ~~Land Use Permit~~ Zoning Clearance shall be recorded by the property owner.

D. Development standards.

1. **Home occupations other than cottage food operations.** A home occupation shall comply with all of the following development standards, except that if the home occupation qualifies as a cottage food operation then the development standards of Subsection D.2 (Cottage food operations) shall apply instead.
 - a. Only one home occupation shall be allowed on any one lot. The home occupation shall be conducted either entirely within not more than one room of the dwelling, not including garages, or entirely within an artist studio. A home occupation may not be conducted outside of the dwelling or the artist studio.
 - b. The home occupation shall not alter the residential character of the dwelling or the lot that contains the home occupation. There shall be no internal or external alterations to the dwelling that are not customarily found in residential structures, and the existence of the home occupation shall not be discernible from the exterior of the dwelling.
 - c. The home occupation shall be conducted solely by the occupant(s) of a dwelling located on the lot that contains the home occupation. No employees other than the dwelling occupant(s) shall be permitted for business purposes on the lot that contains the home occupation. The home occupation may have off-site employees or partners provided they do not report for work at the lot that contains the home occupation.
 - d. No displays or signs naming or advertising the home occupation shall be permitted on or off the lot that contains the home occupation. All advertising for the home occupation (e.g., telephone directories, newspaper or other printed material) or on equipment or vehicles associated with the home occupation shall not divulge the location of the home occupation. Business cards and letterhead may list the address of the home occupation.
 - e. There shall be no more than five customers, patients, clients, students, or other persons served by the home occupation upon the lot that contains the home occupation at any one time except for in-home retail sales as allowed in compliance with Subsection E.1.a, below.

- f. A home occupation shall not use electrical or mechanical equipment that would create any visible or audible radio or television interference or create noise levels in excess of 65 dBA ~~audible~~ beyond the boundaries of the lot that contains the home occupation. ~~Noise levels associated with the home occupation shall not exceed 65 dBA outside the dwelling that contains the home occupation.~~
 - g. No smoke or odor shall be emitted that occurs as a result of the home occupation.
 - h. There shall be no outdoor storage of materials related to the home occupation unless stored in compliance with Subsection 35.23.050.C (Accessory storage of materials).
 - i. No vehicles or trailers, except those incidental to the residential use and those allowed under Subsection 35.36.100.B.2 (Overnight parking of commercial vehicles), shall be kept on the lot that contains the home occupation.
 - j. A home occupation shall be strictly secondary and subordinate to the primary residential use and shall not change or detrimentally affect the residential character of the dwelling, the lot that contains the home occupation, or the neighborhood.
 - k. Where a home occupation will be conducted within a dwelling or artist studio that relies on a septic system, written clearance from the Public Health Department shall be required prior to approval of the ~~Land Use Permit~~ Zoning Clearance in compliance with Section ~~35.82.210 (Zoning Clearances)~~ 35.82.110 (Land Use Permits).
 - l. No hazardous materials other than those commonly found within a residence shall be used or stored on the site. Hazardous materials and equipment shall be limited to quantities that do not constitute a fire, health, or safety hazard.
 - m. Business-related deliveries shall be limited to a maximum of two per week. United States Mail and commercial parcel carriers' deliveries shall be exempt from this limitation.
 - n. A home occupation shall not create vehicular or pedestrian traffic that changes the residential character of the neighborhood and dwelling unit where the business is being conducted, or create a greater demand for parking than can be accommodated onsite or on the street frontage abutting the lot that contains the home occupation.
2. **Cottage food operations.** A cottage food operation shall comply with all of the following development standards.
- a. **Allowed locations.**
 - (1) No more than one cottage food operation shall be allowed within any one dwelling unit.
 - (2) Only one cottage food operation may be allowed on a lot.
 - b. **Allowed location within the dwelling and the lot containing the cottage food operation.** All food preparation, packaging, sales, storage and handling of cottage food products and related ingredients, and equipment, shall be located within the registered or permitted area consisting of the dwelling's private kitchen and one or more attached rooms within the dwelling in which the cottage food operation is operated that are used exclusively for storage.

- (1) No portion of the cottage food operation including sales and storage shall occur within any parking area required in compliance with Chapter 35.36 (Parking and Loading Standards).
- c. **Cottage food operators and cottage food employees.**
- (1) The cottage food operation shall be conducted by the cottage food operator within the dwelling where the cottage food operator resides as their primary residence. Said dwelling shall be a legally established dwelling.
 - (2) One full-time equivalent employee as defined by California Health and Safety Code Section 113758(b)(1) may participate in a cottage food operation in addition to those individuals residing within the dwelling as their primary residence.
- d. **Parking.** All parking of vehicles and trailers associated with the cottage food operation on the lot on which the cottage food operation occurs shall be maintained in compliance with Chapter 35.36 (Parking and Loading Standards).
- (1) Customers and non-resident cottage food employees shall not park their vehicles within or upon a parking space that is required to satisfy the parking requirement for the primary use of the lot.
 - (2) On R-1/E-1 and R-2 zoned lots, the overnight parking of commercial vehicles on the lot shall be in compliance with Subsection 35.36.100.B.2 (Overnight parking of commercial vehicles).
- e. **Sales.** Food items may only be sold, or offered for sale, from the dwelling to customers present at the dwelling between the hours of 9:00 a.m. to 6:00 p.m.
- f. All waste containers shall be in compliance with Section 17-8 (Containers) of Chapter 17 (Solid Waste Services) of the County Code.
- g. A cottage food operation shall not create vehicular or pedestrian traffic or other public nuisance that changes the residential character of the neighborhood and dwelling unit where the business is being conducted, or create a greater demand for parking than can be accommodated onsite or on the street frontage abutting the lot on which the home occupation occurs.
- h. The cottage food operation shall at all times be conducted in compliance with:
- (1) The conditions and limitations of this Subsections D.2 and any other conditions and/or limitations that may be part of the ~~Land Use Permit~~ Zoning Clearance issued to allow the cottage food operation.
 - (2) California Health and Safety Code Section 113758.
 - (3) All other applicable State and County laws, regulations and requirements.
- i. The cottage food operation shall be registered or permitted by the County Public Health Department in compliance with Section 114365 of the California Health and Safety Code. Prior to the issuance of a ~~Land Use Permit~~ Zoning Clearance for a cottage food operation the cottage food operator shall present proof of receipt of registration or permit for the cottage food operation from the County Public Health Department.

E. Exceptions to permit requirements for home occupations. A ~~Land Use Permit~~Zoning Clearance shall not be required for home occupations that are in compliance with all of the following criteria:

1. The development standards of Subsection D.1 or D.2, above, as applicable to the specific home occupation except that:
 - a. Clients or customers shall not be served at the lot that contains the home occupation except for in-home retail sales provided that these sales do not exceed four times within a calendar year and that there are no more than 25 customers at each sales event at any one time.
 - b. Business advertisements, except for business cards and letterhead, shall not list the address of the artist studio or dwelling in which the home occupation occurs.
 - c. With the exception of in-home retail sales allowed pursuant to subsection E.1.a above, Bbusiness transactions occurring on the lot that contains the home occupation shall occur by internet, telephone, facsimile, computer modem or other telecommunication medium, or written correspondence.
 - d. Home occupations that comply with these standards (Subsection E.1.a through E.1.c, above) may be exempted from the location requirement of Subsection D.1.a, above, and may be conducted in other structures in addition to the dwelling or artist studio (e.g. garages or workshops), in compliance with all other provisions of this Development Code.

F. Violations of home occupation regulations.

1. It shall be unlawful for a person, firm, or corporation, to establish, cause, allow, or maintain a type of business, profession or other commercial occupation (collectively to be referred to as a "home occupation") within a dwelling before the issuance of a ~~Land Use Permit~~Zoning Clearance in compliance with Section ~~35.82.110 (Land Use Permits)~~ 35.82.210 (Zoning Clearances) allowing the home occupation unless the home occupation does not require the issuance of a ~~Land Use Permit~~Zoning Clearance in compliance with Subsection E (Exceptions to permit requirements for home occupations), above.
2. The home occupation shall at all times be conducted in compliance with the conditions and limitations of Subsection D (Development Standards), above, any other conditions and/or limitations that may be part of the ~~Land Use Permit~~Zoning Clearance issued in compliance with Section ~~35.82.110 (Land Use Permits)~~ 35.82.210 (Zoning Clearances) to allow the home occupation, and it shall be unlawful for a person to conduct a home occupation for which a ~~Land Use Permit~~Zoning Clearance has been issued without complying with all conditions attached to the permit.
3. Failure to comply with conditions and limitations of the ~~Land Use Permit~~Zoning Clearance shall be cause for revocation of the ~~Land Use Permit~~Zoning Clearance in compliance with Section 35.84.060 (Revocations).

4. Occupations that cannot comply with all of the development standards listed in Subsection D (Development Standards), above, shall not be permitted as home occupations. Examples of prohibited occupations include:
 - a. Automotive repair or service.
 - b. Painting of vehicles, trailers, boats or machinery.

SECTION 2:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise Tables 4-14, 4-15, 4-16, and 4-19 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

Table 4-14 Allowed Temporary Uses and Permit Requirements for Agricultural Zones	E (Exempt)	Allowed use, no permit required	
	ZC	Zoning Clearance	
	P	Permitted use, Land Use Permit required	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
	LAND USE (1)	PERMIT REQUIRED BY ZONE	
AG-I		AG-II	Regulations
TEMPORARY EVENTS			
Carnivals, circuses, and similar activities	P	P	35.42.260.F.1
Certified farmers market	—	—	
Certified farmers market (incidental)	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	35.42.260.F.7
Public property	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	35.42.260.F.10
Seasonal sales lots	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	35.42.260.F.13
Art, Garden, and Architecture Tours	E	E	35.42.260.F.16
TEMPORARY DWELLINGS			
During construction of new dwelling	P	P	35.42.260.F.15
Trailer (watchman during construction)	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	35.42.260.G.9

Trailer (dwelling during construction of new dwelling)	P	P	35.42.260.G.8
Trailer (railroad work camp)	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	35.42.260.G.14
TEMPORARY OFFICES/STORAGE			
Trailer (accessory to permanent building)	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	35.42.260.G.6
Trailer (agricultural office)	S	S	35.42.260.G.5
Trailer (construction office, shop, storage, etc.)	S	S	35.42.260.G.7
Trailer (mobile communications temporary facility)	ZC	ZC	35.42.260.G.10
Trailer (storage as accessory to dwelling)	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	35.42.260.G.13

Key to Zone Symbols

AG-I	Agriculture I
AG-II	Agriculture II

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

Table 4-15 Allowed Temporary Uses and Permit Requirements for Resource Protection Zones	E	Allowed use, no permit required (Exempt)		
	ZC	Zoning Clearance		
	P	Permitted use, Land Use Permit required		
	MCUP	Minor Conditional Use Permit required		
	CUP	Conditional Use Permit required		
	S	Permit determined by Specific Use Regulations		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	MT-GOL	MT-TORO	RMZ	
TEMPORARY EVENTS				
Certified farmers market (incidental)	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	35.42.260.F.7
Public property	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	ZC	35.42.260.F.13
Art, Garden, and Architecture Tours	E	E	E	35.42.260.F.16

TEMPORARY DWELLINGS				
During construction of new dwelling	P	P	P	35.42.260.F.15
Trailer (4 or fewer agricultural employees)	MCUP	MCUP	MCUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	35.42.260.G.14
Trailer (dwelling after destruction of dwelling)	P	P	P	35.42.260.G.9
Trailer (dwelling during construction of new dwelling)	P	P	P	35.42.260.G.8
Trailer (railroad work camp)	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	35.42.260.G.14
TEMPORARY OFFICE/STORAGE				
Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	35.42.260.G.6
Trailer (construction office, shop, storage, etc.)	S	S	S	35.42.260.G.7
Trailer (mobile communications temporary facility)	ZC	ZC	ZC	35.42.260.G.10
Trailer (storage as accessory to dwelling)	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	ZC	35.42.260.G.13

Key to Zone Symbols

MT-GOL	Mountainous Area - Goleta
MT-TORO	Mountainous Area - Toro Canyon
RMZ	Resource Management

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

Table 4-16 Allowed Temporary Uses and Permit Requirements for Residential Zones	E (Exempt)	Allowed use, no permit required
	ZC	Zoning Clearance
	P	Permitted use, Land Use Permit required
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	ALL RESIDENTIAL ZONES	Specific Use Regulations

TEMPORARY EVENTS		
Certified farmers market (incidental)	CUP (2)	35.42.260.F.3
Charitable functions	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	35.42.260.F.7
Public property	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	35.42.260.F.10
Seasonal sales lots	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	35.42.260.F.12
Subdivision sales office	ZC	35.42.260.F.13
Art, Garden, and Architecture Tours	<u>E</u>	<u>35.42.260.F.16</u>
TEMPORARY DWELLINGS		
During construction of new dwelling	P	35.42.260.F.15
Trailer (4 or fewer agricultural employees)	MCUP(3)	35.42.260.G.4
Trailer (watchman during construction)	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	35.42.260.G.9
Trailer (dwelling during construction of new dwelling)	P	35.42.260.G.8
Trailer (railroad work camp)	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	35.42.260.G.14
TEMPORARY OFFICES/STORAGE		
Trailer (accessory to permanent building)	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	35.42.260.G.6
Trailer (agricultural office)	—	
Trailer (construction office, shop, storage, etc.)	S	35.42.260.G.7
Trailer (mobile communications temporary facility)	ZC	35.42.260.G.10
Trailer (storage as accessory to dwelling)	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	35.42.260.G.13

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Use not allowed in the EX-1 zone.
- (3) Use not allowed in the SLP, MHP, and MHS zones.

Table 4-19	E	Allowed use, no permit required (Exempt)
Allowed Temporary Uses and Permit Requirements for Special Purpose Zones	ZC	Zoning Clearance
	P	Permitted use, Land Use Permit required
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed

TEMPORARY OFFICE/STORAGE	
--------------------------	--

Trailer (accessory to permanent building)	MCUP	—	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.6
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	S	S	35.42.260.G.7
Trailer (mobile communications temporary facility)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	35.42.260.G.10
Trailer (storage as accessory to dwelling)	E	E	E	E	E	E	—	35.42.260.G.12
Trailer (subdivision sales office)	ZC	P	ZC	ZC	—	ZC	ZC	35.42.260.G.13

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

SECTION 3:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise Subsection F, Permit requirements and development standards for specific temporary uses, of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to add a new subsection F.16, Art, Garden, and Architecture Tours, as follows:

F. Permit requirements and development standards for specific temporary uses. This Section provides the permit requirements and development and operational standards for specific temporary uses of property, except for trailers allowed in compliance with Subsection G. (Trailer use) below, in addition to the permit requirements and development standards identified in Table 4-14 through Table 4-19. The temporary uses of property may include the erection of temporary structures (e.g., fences, booths, tents, or the parking of trailers) for use during the period of time that the temporary use is operating.

...

16. Art, Garden, and Architecture Tours. Tours organized by a civic, educational, or service institution or organization directly engaged in civic, charitable, or philanthropic efforts, and involving community tours of individual properties, are exempt from the permit requirements of this Section provided:

- a. Commercial sales or transactions of goods in residential zones are limited to properties with home occupations, including artist studios, operating under a valid Zoning Clearance or qualifying as an exempt home occupation pursuant to Section 35.42.190.

- b. No more than four events per calendar year may be conducted by a single entity or on an individual lot and individual events shall last no longer than three consecutive days.
- c. Admission is open to the general public, with or without ticket sales. The number of registered attendees present at the event does not exceed 300 per day.
- d. The use of a lot for reception or gathering functions in support of the tour shall be limited to non-residential zones, unless conducted in compliance with Subsection F.4 above.

...

SECTION 4:

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

SECTION 5:

Except as amended by this ordinance, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 6:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 7:

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 Independent, 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 _____, 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

LAURA CAPPS, 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:

RACHEL VAN MULLEN
COUNTY COUNSEL

By _____

Deputy County Counsel