

ATTACHMENT G.2

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 SECTION 35.28.080, DESIGN CONTROL (D) OVERLAY, SECTION 35.28.210, COMMUNITY PLAN OVERLAYS, SECTION 35.30.120, OUTDOOR LIGHTING, AND MAKE OTHER MINOR REVISIONS AS NECESSARY TO IMPLEMENT THE SANTA YNEZ VALLEY COMMUNITY PLAN

Case No. 09ORD-00000-00010

The Board of Supervisors of the County of Santa Barbara, State of California, 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 amended to add a new Subsection F, Santa Ynez Valley Community Plan area, to Section 35.28.080, Design Control (D) Overlay, of Chapter 35.28, Overlay Zones:

F. Santa Ynez Valley Community Plan Area

1. Special provisions for projects within the Santa Ynez Valley Community Plan Area.

All structures located on property within the Santa Ynez Valley Community Plan area and zoned with the Design Control (D) Overlay shall require Design Review in compliance with Section 35.82.070 except for the following:

- a. Agricultural accessory structures that have a gross floor area of less than 1,000 square feet.
- b. Deer and livestock fencing up to 8 feet in height.
- c. Structures that cannot be viewed from public roadways or other areas of public use. Landscape screening shall not be taken into consideration when determining whether the structure is visible from public roadways or other areas of public use.
- d. Structures exempt from Design Review in compliance with Subsection 35.82.070.C.

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 amended to add a new Subsection F, Santa Ynez Valley Community Plan area, to Section 35.28.210, Community Plan Overlays, to read as follows, and renumber existing Subsection F and Subsection G as Subsection G and Subsection H, of Chapter 35.28, Overlay Zones:

F. Santa Ynez Valley Community Plan area.

1. Mixed Use – Santa Ynez Valley (MU-SYV) Overlay

- a. **Purpose and Intent.** This Overlay is designed to generate additional opportunities for in-fill housing while simultaneously protecting the commercial viability and potential of the commercial area. Other goals include maintaining the pedestrian-oriented character of the downtown areas, ensuring attractive and compatible architectural

design of future projects, reducing regulatory barriers to mixed-use development and prohibiting uses that conflict with preserving the rural ambience of the townships of Santa Ynez and Los Olivos.

- b. Applicability.** The MU-SYV overlay may only be applied to properties located within the Santa Ynez Valley Community Plan area with a primary zone of C-1 or C-2 and located in an Urban Area as designated on the Comprehensive Plan maps. Each land use and proposed development within the MU-SYV overlay shall comply with all applicable requirements of the primary zone in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the primary zone, the requirements of this Section shall control.
- c. Prohibited Uses.** The following uses are not allowed within the MU-SYV overlay either as a permitted or a conditionally permitted use:
- (1) Auto vehicle sales and rental.
 - (2) Building and landscape materials sales - Outdoor.
 - (3) Drive-through facility.
 - (4) Service station.
 - (5) Single room occupancy facility (SRO)
 - (6) Truck, trailer, construction, farm, heavy equipment sales/rental.
 - (7) Vehicle services.
 - (8) Laundry, dry cleaning plant utilizing perchloroethylene (PERC).
- d. Requirements for mixed use Development.** The development of a site or structure with a combination of residential and commercial uses shall be restricted as follows:
- (1) Ratio of commercial and residential uses.** To ensure the overall purpose and intent of the commercial district is maintained, gross floor area devoted to residential use shall not exceed 66 percent of total gross floor area.
- (a) The approval of a Conditional Use Permit in compliance with Section 35.82.060 is required for mixed use developments having a gross floor area devoted to residential use that is greater than 25 percent and less than or equal to 50 percent of the total gross floor area of the development.
 - (b) The approval of a Conditional Use Permit in compliance with Section 35.82.060 is required for mixed use developments having a gross floor area devoted residential use that is greater than 51 percent and less than or equal to 66 percent of the total gross floor area of the development. Additionally, the following criteria shall be met:
 - (i) The project site is located either on the periphery of the commercial core or is adjacent to an area zoned residential.
 - (ii) The applicant can demonstrate that development of the project site with gross floor area devoted to commercial use that exceeds 49 percent of the total gross floor area of the development is not viable due to the configuration of the project site (e.g., narrow street frontage).

- (2) **Restriction to commercial uses.** If the project site has more than one street frontage, then the ground floor of the development adjacent to the street with the highest number of average daily traffic trips shall be restricted to commercial uses.
- e. **Development Standards.** The development standards of the primary zone shall apply to all structures except as follows:
- (1) **Setbacks.** No front setback shall be required.
- (2) **Parking.**
- (a) The required number of parking spaces for existing or proposed mixed-use development may be reduced up to 50 percent from the number of spaces required in compliance with Section 35.36.110 (Standards for Nonresidential Zones and Uses).
- (b) The required number of parking spaces for residential uses shall be in compliance with Section 35.36.100 (Standards for Residential Zones and Uses).
- (c) The review authority may approve a reduction or waiver of the on-site parking requirement subject to first making one or more of the following findings:
- (i) A shared parking agreement in a form approved by County Counsel is executed and recorded by the applicant and nearby property owner(s) within 1,000 feet of the MU-SYV overlay to accommodate the parking deficit.
- (ii) The configuration of the project site does not allow for driveway access from the rear or side of the project site and would require installation of a driveway along a pedestrian-oriented stretch of sidewalk to the detriment of pedestrian safety or streetscape aesthetics.
- (iii) A parking study has determined that adequate parking exists in either on the street or within public parking lots in the Mixed-Use Overlay District that will accommodate 80 percent of the peak parking demand generated by the project.
- (3) Prior to the issuance of any Land Use Permit for structures, all final plans of structures shall receive final approval by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review).

SECTION 3:

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 amended to amend Section 35.30.120, Outdoor Lighting, of Chapter 35.30, Standards for all Development and Land Uses, to read as follows:

C. Santa Ynez Valley Community Plan area.

- 1. General.** The regulations contained in this Subsection C. shall be known and referred to as the “Outdoor Lighting Regulations for the Santa Ynez Valley Community Plan Area”.

2. Purpose and intent. The purpose of this Subsection C. is to create standards for outdoor lighting that minimize light pollution, glare, and light trespass caused by inappropriate or misaligned light fixtures. These standards conserve energy and preserve the nighttime sky while maintaining night-time safety, utility, security and productivity. The County recognizes that the unique development patterns and environment of the Santa Ynez Valley make it an ideal area for astronomical observation and enjoyment of the nighttime sky. The County, through the provisions contained herein, intends to preserve and protect the nighttime environment of the Santa Ynez Valley by regulating unnecessary and excessive outdoor lighting.

3. Definitions. For the purposes of this Subsection C. the following words and phrases shall have the meanings respectively ascribed to them by this Subsection. The illustrations of the defined words or phrases are merely illustrative. If any conflict exists between the text of a definition and the corresponding illustration, the text shall govern.

Directional Lighting Methods. Direction of light downward, rather than upward or outward, with the intention of directing light where it is needed; on the ground. Downward lighting also prevents unnecessary and unwanted spillover of light to adjacent areas and properties.

Fossil Fuel Lighting. Fossil fuel light produced directly by the combustion of natural gas or other utility-type fossil fuels, for example: gas, propane and kerosene lighting.

High Intensity Discharge Lamp. High pressure sodium, mercury vapor, metal halide, low pressure sodium, and other similar lamps.

Light Pollution. Any artificial light which causes a detrimental effect on the environment, astronomical research, enjoyment of the night sky or causes undesirable glare or light trespass.

Light Trespass. Artificial light that produces unnecessary and/or unwanted illumination of an adjacent property.

Luminous Tube Lighting. Gas filled glass tubing which when subjected to high voltage becomes luminescent in a color characteristic of the gas used (neon, argon etc.).

Outdoor Light Fixture. Artificial Illuminating Devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include but are not limited to outdoor lighting for:

1. Landscape lighting.
2. Parking lots.
3. Recreational facilities.
4. Signs.
5. Street Lighting.
6. Structures.
7. Walkway lighting.

Outdoor Recreation Facility. An area designated for active recreation, whether publicly or privately owned, including baseball and softball diamonds, soccer and football fields,

equestrian arenas, golf courses, tennis courts, skateboard ramps and swimming pools.

Shielding. A barrier around a fixture that helps to conceal the lamp and control light distribution.

Fully Shielded (full cutoff). Outdoor light fixtures with a solid barrier that emit no light rays above the horizontal plane and effectively obscure the visibility of a lamp.

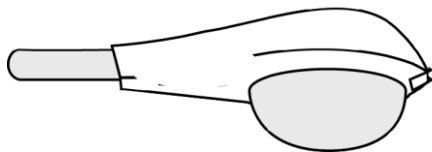
Fully Shielded (full cutoff) Fixtures



Partially Shielded. A fixture that may allow some light to pass through a semi-translucent barrier, and/or may allow visibility of the lamp from certain perspectives.



Unshielded. Unshielded means light fixtures lacking any means to restrict light emitted above the horizontal plane.



4. **Approved materials and methods of installation.** The provisions of this Subsection are not intended to prevent the use of any design, material or method of installation not specifically proscribed by this Subsection provided any such alternate has been approved by the County. The Department may approve any such alternate provided that the proposed design, material or method:
 - a. Provides approximate equivalence to the specific requirements of this Subsection C.
 - b. Is otherwise satisfactory and complies with the intent of this Subsection C.
5. **Prohibited lights.**
 - a. All illuminated advertising signs shall be off between 11:00 p.m. and sunrise, except that on-premises signs may be illuminated while the business is open to the public.
 - b. All outside illumination that is not fully shielded (full cutoff) of any building and/or surrounding landscape, public or private, for aesthetic and decorative purposes is prohibited between 9:00 p.m. and sunrise.
 - c. No outdoor recreational facility with lights that are not fully shielded (full cutoff) shall be illuminated between 9:00 p.m. and sunrise except to complete a specific organized recreational event, in progress and under illumination in conformance with this Subsection C. at 9:00 p.m. Fully shielded (full cutoff) lights are not subject to a time restriction.
 - d. Search lights, laser source lights, or similar high intensity lights shall not be permitted except in emergencies, by police and/or fire personnel, or for the purposes of gathering meteorological data.
6. **Exemptions.** The following are exempt from the provision of this Subsection C.
 - a. All outdoor lighting fixtures existing and lawfully installed prior to the effective date of this ordinance are exempt from the shielding requirements of this Subsection C. Existing lighting fixtures shall be subject to the remaining requirements of this Subsection C. including the requirements of Subsection C.5 above, requiring lights that are not fully shielded (full cutoff) be turned off at 9:00 p.m. Fully shielded (full cutoff) lights are not subject to a turn-off time.
 - b. Fossil fuel lights.
 - c. Traffic control signs and devices.
 - d. Street lights installed prior to the effective date of this ordinance.
 - e. Temporary emergency lighting (e.g., fire, police, public works).
 - f. Moving vehicle lights.
 - g. Navigation lights (e.g., airports, heliports, radio/television towers).
 - h. Seasonal decorations with individual lights in place no longer than 60 days.
 - i. Lighting for special events as provided by Subsection C.9 (Temporary exemption).
 - j. Temporary lighting for agricultural activities of a limited duration, not including unshielded arena lights.

- k. Security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than 10 to 12 minutes after activation.
- l. Projects with approved construction plans prior to the effective date of this Subsection C are excluded from compliance with this Subsection in the initial installation only.
- m. Solar walkway lights.

7. General requirements. All non-exempt light fixtures requiring a County permit for their installation shall be subject to the following general requirements:

- a. All outdoor lighting fixtures installed after the effective date of this Subsection C and thereafter maintained upon private property, public property, or within the public right-of way shall be fully shielded (full cutoff).
- b. All replaced or repaired lighting fixtures requiring a permit shall be subject to the requirements of this Subsection C.
- c. Light trespass and glare shall be reduced to the maximum extent feasible through directional lighting methods.
- d. Externally illuminated signs, advertising displays and building identification shall use top mounted light fixtures which shine downward and are fully shielded (full cutoff).
- e. Outdoor light fixtures used for outdoor recreational facilities shall be fully shielded (full cutoff) except when such shielding would cause impairment to the visibility required in the intended recreational activity. In such cases, partially shielded fixtures and downward lighting methods shall be utilized to limit light pollution, glare, and light trespass to a reasonable level as determined by the Director.
- f. Illumination from recreational facility light fixtures shall be shielded to minimize glare extending towards roadways where impairment of motorist vision might cause a hazard.

8. Submittal of plans and evidence of compliance. For any permit required by the County for work involving outdoor light fixtures (except for exempt fixtures in compliance with Subsection C.6) the applicant shall submit evidence that the proposed work will comply with this Subsection. The submittal shall contain:

- a. Plans showing the locations of outdoor lighting fixtures.
- b. Description of the outdoor lighting fixtures including, but not limited to manufacturers catalog cuts and drawings. Description and drawings should include lamp or bulb type, wattage, beam angle, and shielding.

The above plans and descriptions shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this Subsection C has been met.

9. Temporary exemption.

- a. The Director may grant a temporary exemption, as defined herein, for such activities, including, but not limited to circuses, fairs, carnivals, sporting events, and promotional activities, if he first makes all of the following findings:
 - (1) The purpose for which the lighting is proposed is not intended to extend beyond 30 days.

- (2) The proposed lighting is designed in such a manner as to minimize light pollution as much as feasible.
 - (3) The proposed lighting will comply with the general intent of this article.
- b. The application for a temporary exemption shall at a minimum include all of the following information:
- (1) Name and address of applicant and property owner.
 - (2) Location of proposed fixtures.
 - (3) Type, wattage and lumen output of lamp(s).
 - (4) Type and shielding of proposed features.
 - (5) Intended use of lighting.
 - (6) Duration of time for requested exemption.
 - (7) The nature of the exemption.
 - (8) Such other information as the Department may request.

SECTION 4:

Except as amended by this Ordinance, Chapters 35.2 and 35.3 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 5:

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 this _____ day of _____, 2009 by the following vote:

AYES:

NOES:

ABSENT:

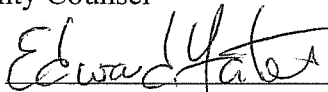
Chair of the Board of Supervisors
County of Santa Barbara

ATTEST:

Michael F. Brown
Clerk of the Board of Supervisors

APPROVED AS TO FORM:
DENNIS A. MARSHALL
County Counsel

By: _____
Deputy Clerk

By: 

Deputy County Counsel