

ATTACHMENT I: ARTICLE II CZO 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 6, PARKING REGULATIONS, DIVISION 7, GENERAL REGULATIONS, DIVISION 10, NONCONFORMING STRUCTURES AND USES, AND DIVISION 11, PERMIT PROCEDURES, TO IMPLEMENT NEW REGULATIONS, REVISE EXISTING REGULATIONS, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 13ORD-00000-00010

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 amended to amend the existing definitions of "Special Care Home" and "Zoning Administrator" of Section 35-58, Definitions, to read as follows:

Special Care Home: A residential home providing non-medical care and supervision (also known as a "Group Home-Children," "Transitional Home, including substance abuse recovery," "Adult Residential Home," "Supported Housing," "Residential Care Facility for the Elderly or Handicapped," or "Foster Home." Note: Homes which serve ~~44~~ six or fewer persons shall be considered a residential use, subject to the regulations for any other residential dwelling in the applicable zone ~~district~~, and the residents and operators of the home shall be considered a family.

SECTION 2:

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 amended to amend Subsection 3.b of Section 35-114, Site, Location, and Design, to read as follows:

- b. Uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.

SECTION 3:

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 amended to amend Section 35-117A, Additional Standards for Residential Zones and Uses, to read as follows:

Section 35-117A. Additional Standards for Residential Zones and Uses.

1. **Exterior parking.** The following standards apply to the keeping, parking, or storage (hereinafter referred to as "parked" or "parking" within the meaning of Section 35-117A of operative and inoperative motor vehicles and recreational vehicles outside of a fully enclosed or fully screened structure. A Coastal Development Permit in compliance with [Section 35-169 \(Coastal Development Permits\)](#) is not required to establish exterior parking except when 1) this Section requires a permit, or 2) the parking involves new development, construction of a new structure, or alteration of an existing structure that is not exempt from a Coastal Development Permit in compliance with [Section 35-169 \(Coastal Development Permits\)](#), or 3)

the parking is not exempt from the requirement to obtain a Coastal Development Permit in compliance with [Subsection 1.f, below, or Section 35-169](#) (Coastal Development [Permits](#)). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Section 35-117A shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

a. Current registration or certificate of non-operation required. All motor vehicles and recreational vehicles parked on a lot outside of a fully enclosed or fully screened structure shall either:

- 1) Have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street; or,
- 2) Have a current, unexpired certificate of non-operation or planned non-operation on file with the California Department of Motor Vehicles.

b. Limitation on number.

- 1) Not including the number of vehicles for which parking spaces are required to be provided in compliance with [Section 35-108 \(Required Number of Spaces: Residential\)](#), the exterior parking of operative motor vehicles and recreational vehicles is allowed provided that the number of such vehicles parked on a lot outside of a fully enclosed or fully screened structure does not exceed one per each bedroom located within the dwelling(s) on the lot.
 - a) Parking allowed in compliance with this Subsection 1.b.1) may be located on driveways including portions of driveways located within a required front setback or side setback area provided:
 - i) Any portion of a driveway on which parking occurs shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.
 - ii) The width of any portion of a driveway located in a front setback area shall not exceed 50 percent of the adjacent street frontage for each front setback area except that a greater width may be allowed if necessary to comply with County or fire protection district regulations and, in all cases a driveway having a maximum width of 10 feet shall be allowed.
 - iii) All parking located within a required front setback shall be located within one contiguous area for each street frontage.
- 2) **Additional parking allowed.** In addition to exterior parking allowed in compliance with Subsection 1.b.1), above, the exterior parking of operative and inoperative motor vehicles and recreational vehicles that are registered with the California Department of Motor Vehicles to a person(s) residing on the lot on which the parking occurs outside of a fully enclosed or fully screened structure is allowed in compliance with the following standards.
 - a) The number of vehicles and the area used for the parking of said vehicles shall be limited to the following maximum number and area based upon the lot area of the lot on which the vehicles are parked:

Lot Area (net)	Maximum Allowed Number of Vehicles	Maximum Allowed Parking Area
Less than 10,000 sq. ft.	1	140 sq. ft.
10,000 sq. ft. to less than 20,000 sq. ft.	2	420 sq. ft.
20,000 sq. ft. or larger	3	700 sq. ft.

- b) Any area used for parking shall be located so that vehicles parked thereon are not visible from any public road or other area of public use (e.g., park, trail), or any adjoining lot.
 - i) Structures or other devices used to comply with this requirement shall not include awnings, fabric shelters, tents, vehicle covers and similar structures or other devices of a nonpermanent type of construction.
- c) On lots having a net lot area of less than 20,000 square feet, vehicles shall not be parked in any area located between the front line of the lot and the principal dwelling.
- c. **Additional standards for inoperative motor vehicles and recreational vehicles.** The parking of inoperative motor vehicles and recreational vehicles outside of a fully enclosed or fully screened structure shall also comply with the following standards in addition to the standards listed in Subsections 1.a and 1.b, above:
 - 1) Vehicles shall not be parked on parking spaces required in compliance with [Section 35-108 \(Required Number of Spaces: Residential\)](#).
 - 2) Any area used for parking shall be designed and installed to prevent the discharge of pollutants onto adjacent lots and adjacent streets.
 - 3) Vehicles that are parked for a period in excess of 14 consecutive days without being moved under their own motive power shall be drained of gasoline, oil and other flammable liquids.
 - 4) The parking of inoperative motor vehicles regulated under Section 35-144K (Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.) shall also be in compliance with the requirements of that Section.
- d. **Modifications to standards allowed with a Minor Conditional Use Permit.** Parking of motor vehicles and recreational vehicles that does not comply with the standards contained in Subsections 1.a through 1.c, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with [Section 35-172 \(Conditional Use Permits\)](#).
- e. **Noncompliance deemed a violation of this Development Code.** As of [six months from the effective date of Ordinance No. 4811], the parking of motor vehicles and recreational vehicles that does not comply with the standards contained in Subsections 1.a through 1.c, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with [Section 35-172 \(Conditional Use Permits\)](#) as allowed by Subsection 1.d, above, shall be considered a violation of this Article and subject to enforcement and penalties in compliance with [Chapter 35-185 \(Enforcement, Legal Procedures, and Penalties\)](#).
- f. Exterior parking does not require a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) if:
 - 1) The exterior parking will be located in an area that has been designated for parking or has been designated as a driveway pursuant to a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) or,

- 2) The exterior parking will:
 - a) Not be located within or adjacent to a wetland, stream, beach, environmentally sensitive habitat area, or on or within 300 feet of a coastal bluff; and
 - b) Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and
 - c) Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways; and
 - d) Not require any grading which involves the movement of more than 50 cubic yards of material and not result in any significant alteration of land forms; and
 - e) Meets all other exemption criteria in compliance with Section 35-169.2.1.

SECTION 4:

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 amended to amend Section 35-122, Swimming Pools and Spas, to read as follows:

Section 35-122. Swimming Pools and Spas.

1. Swimming pools, spas, and appurtenant structures shall be classified as accessory uses.
2. ~~A swimming pool, spa, or any appurtenant structures shall not be located in the required front or side yard setback area and shall not be closer than five feet to any other property lines.~~

Swimming pools, spas, and appurtenant equipment shall not be located ~~in~~:

- a. Lots other than interior lots.** In the required front or side setback areas and, if located within the rear setback, shall not be located closer than five feet to any property line.
- b. Interior lots.** Closer than 10 feet to any property line.

SECTION 5:

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 amended to amend Section 35-132.10, Storage of Trailers as an Accessory Use to a Residential Use, of Section 35-132 Trailer Use, to add a new Subsection 7. to read as follows:

7. Any recreational vehicle that is parked outside of a fully enclosed or fully screened structure shall be in compliance with Section 35-117A (Additional Standards for Residential Zones and Uses).

SECTION 6:

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 amended to amend Section 35-143.3, Special Care Homes, of Section 35-143, Community Care Facilities, to read as follows:

Section 35-143.3 Special Care Homes

Special Care Homes that serve ~~14~~ six or fewer persons shall be considered a Permitted use provided that the home meets all of the following criteria:

1. A single kitchen.
2. Off-street parking is provided pursuant to Section 35-108 (Required Number of Spaces: Residential), and Section 35-114 (Size, Location, and Design) and the requirement in the applicable zone district.
3. Structural installations necessary to accommodate disabled residents (e.g., ramps, lifts, handrails), pursuant to the Fair Housing Act, shall be allowed notwithstanding the processing requirements of Section ~~35-316~~ 173 (Variances) and Section ~~35-321~~ 179 (Modifications).
4. The application and the requirements of this Article shall be waived by the Director of Planning and Development, if necessary to comply with the Federal and/or State Fair Housing and Disability Laws relating to accommodation for persons with disabilities.

Review of Special Care Home pursuant to this Section is a ministerial action exempt from the California Environmental Quality Act, unless the approval is subject to Section 35-169.~~54.2~~ 54.2 or Section 35-169.4.3.

SECTION 7:

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 amended to amend Section 35-144J.C.2.c, Screening required, of Section 35-144J, Accessory Storage of Materials, to read as follows:

- c. **Screening required.** Except for stacked, cut firewood for on-site domestic use only, the outdoor storage of miscellaneous materials shall be enclosed within a six-foot high solid wood fence or masonry wall. The fence or wall shall be located in close proximity to the materials being stored so as to effectively screen the storage area.

SECTION 8:

DIVISION 10, NONCONFORMING STRUCTURES AND USES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 1, Structural Change, of Section 35-162, Nonconforming Buildings and Structures, to read as follows:

1. **Structural change, enlargement, or extension.** ~~A nonconforming structure may be enlarged, extended, moved, or structurally altered provided that any such extension, enlargement, etc., complies with the setback, height, lot coverage, and other requirements of this Article. Seismic retrofits, as defined in Section 35-58 and pursuant to Section 35-169.2.1.m, are allowed throughout the conforming and nonconforming portions of the structure or building. No living quarters may be extended into an accessory building located in the required front, side, or rear yards by such addition or enlargement.~~
 - a. ~~**Exceptions:** A nonconforming structure may be enlarged, extended, reconstructed, moved, and/or structurally altered, subject to the following criteria:~~
 - 1) ~~The structure has been declared to be a historical landmark pursuant to a resolution of the Board of Supervisors may be structurally altered provided that the County Historical Landmarks Advisory Commission has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long term and has reviewed and approved~~

~~the proposed structural alterations.~~

a. Enlargements or extensions allowed in limited circumstances.

- 1) Except as listed below or otherwise provided in this Article, a nonconforming structure shall not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Article.
- 2) **Allowed structural alterations.**
 - a) **Seismic retrofits allowed.** Seismic retrofits as defined in Section 35-58 (Definitions) and in compliance with Section 35-169.2 (Applicability) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).
 - b) **Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.
 - c) **Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.
 - d) **Conforming residential uses and residential accessory uses.** A nonconforming structure that is devoted to a conforming residential use or that is normally or historically accessory to the primary residential use may be structurally altered in a manner that is not otherwise allowed in compliance with Subsection 1.a.1), above, provided that the alteration does not result in a structure that extends beyond the existing exterior, and, for structures that are 50 years old or greater, the Director determines that the alteration will not result in a detrimental effect on any potential historical significance of the structure.
- 3) **Permit required.** The issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or Land Use Permit in compliance with Section 35-178 (Land Use Permits), as applicable, is required prior to the commencement of any structural alteration allowed in compliance with Subsections 1.a.1) or 1.a.2), above, unless the alteration is determined to be exempt in compliance with Section 35-169.2 (Applicability).

b. Accessory living quarters. No living quarters may be extended into an accessory structure located in the required front, side, or rear setbacks by any addition or enlargement.

c. Loss of nonconforming status.

- 1) An existing nonconforming structure that is enlarged, extended, moved, reconstructed, or structurally altered in violation of Subsection 1.a, above, shall no longer be considered to be nonconforming and the rights to continue the nonconforming structure shall terminate unless the enlargement, extension, moving, reconstruction, or structural alteration is specifically allowed by this Article.
- 2) If the rights to continue the nonconforming structure are terminated then the structure shall either be demolished or altered so that the structure may be considered a conforming structure. Failure by the owner to either demolish the structure or alter the structure so that it

may be considered a conforming structure shall be considered a violation of this Article and subject to enforcement and penalties in compliance with Section 35-185 (Enforcement, Legal Procedures, and Penalties).

SECTION 9:

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 amended to amend Section 35-172.9, Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration, of Section 35-172, Conditional Use Permits, to re-title Subsection 3, Time Limit, as “Time limit, permit expiration and extension.”

SECTION 10:

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 amended to amend Subsection b, Conditional Use Permits with approved phasing plans, of Subsection 3, Time Limit, of Section 35-172.9, Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration, of Section 35-172, Conditional Use Permits, to add a new Subsection 6) to read as follows:

- 6) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits shall be issued within 10 years of the effective date of the Conditional Use Permit.
- a) This 10 year period may be extended by the Planning Commission provided an application for a Time Extension is submitted in compliance with Section 35-179B (Time Extensions).

SECTION 11:

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 amended to amend Section 35-174.9, Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration, of Section 35-174, Development Plans, to re-title Subsection 3, Time Limit, as “Time limit, permit expiration and extension.”

SECTION 12:

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 amended to amend Subsection 2), Final Development Plans with approved phasing plans, of b., Final Development Plans, of Subsection 3, Time Limit, of Section 35-174.9, Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration, of Section 35-174, Development Plans, to read add a new Subsection f) to read as follows:

- f) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits shall be issued within 10 years of the effective date of the Final Development Plan.
- i) This 10 year period may be extended by the Planning Commission provided an application for a Time Extension is submitted in compliance with Section 35-179B (Time Extensions). This extension is not subject to Section 35-179B.D.3 (Development Plans (Preliminary and Final)) that limits the extension of the

approval of a Development Plan to 12 months.

SECTION 13:

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 amended to amend Section 35-177, Reclamation and Surface Mining Permits, to add a new Section 35-177.11 titled "Interim Management Plan Requirements" and to read as follows:

Section 35-177.11 *Interim management plan requirements.*

- 1. *Timing, content, processing.*** Within 90 days of a surface mining operation becoming idle, the operator shall file an interim management plan with the Department. (SMARA, Section 2770(h))
 - a. The interim management plan shall comply with all applicable requirements of the State Act, Section 2770(h) and shall provide measures the operator will implement to maintain the site in compliance with the State Act, including all conditions of the Conditional Use Permit or Minor Conditional Use Permit and/or Reclamation Plan.
 - b. The interim management plan shall be processed as an amendment to the Reclamation Plan and shall not be considered a project for the purposes of environmental review in compliance with the California Environmental Quality Act. (SMARA, Section 2770(h))
 - c. The idle mine shall comply with the financial assurance requirements for reclamation specified in the State Act, Section 2773.1.
- 2. *Director review and decision.*** The Director shall be the decision-maker for an amendment to a Reclamation Plan required to incorporate an interim management plan associated with mining operations.
 - a. Within 60 days of receipt of the interim management plan, or longer period mutually agreed upon by the Department and the operator, the Director shall review, and approve or deny the plan in compliance with Section 35-177.6 (Procedures), above, except that a public hearing is not required.
 - 1) The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Department, to submit a revised plan.
 - 2) The Director shall approve or deny the revised interim management plan within 60 days of receipt of the plan.
 - 3) An action of the Director to deny the revised interim management plan is final subject to appeal in compliance with Section 35-182 (Appeals).
- 3. *Time limit, extension.*** The interim management plan shall remain in effect for a period not to exceed five years, at which time the Director shall do one of the following:
 - a. Renew the interim management plan for an additional period not to exceed five years, which may be renewed for additional five-year periods at the expiration of each five year period, if the Director finds that the surface mining operator has complied fully with the interim management plan.
 - b. Require the surface mining operator to commence reclamation in compliance with the approved Reclamation Plan. (SMARA Section 2770(h)(2))

- c. An action of the Director to either renew the interim management plan or require the commencement of reclamation is final subject to appeal in compliance with Section 35-182 (Appeals).

SECTION 14:

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 County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 15:

Except as amended by this Ordinance, Division 2, Division 4, Division 6, Division 7, Division 10 and Division 11 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 16:

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 _____, 2014, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

STEVE LAVAGNINO, 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