



**COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT**

**MEMORANDUM**

**TO:** County Planning Commission  
**FROM:** Noel Langle, Planner III  
**DATE:** June 29, 2011  
**RE:** Revised General Package Ordinance Amendments

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On May 4, 2011, your Commission continued the public hearing on Case Nos. 11ORD-00000-00012 and 11ORD-00000-00014 to June 8, 2011 so that staff could develop revised ordinance language that responds to concerns raised by the Commissioners during the May 4<sup>th</sup> hearing in regards to language pertaining to (1) the accessory storage of motor vehicles and (2) the temporary use of property for special events. No changes were requested to be made to the remaining portions of the ordinance amendments presented on May 4, 2011.

On June 8, 2011, at the request of staff, your Commission again continued the public hearing to July 6, 2011 to provide staff with additional time to develop revised ordinance language that responds to your Commission's concerns.

The revised language is provided in Sections 2.0 and 3.0 of this memo. The complete text of the overall ordinance amendments including the revisions discussed below are attached to this memo as Attachment C and Attachment F.

**1.0 RECOMMENDATION AND PROCEDURES**

**1.1 Case No. 11ORD-00000-00012.** Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 11ORD-00000-00012 as shown in Attachment C based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Adopt the findings for approval, including CEQA findings, and recommend that the Board of Supervisors adopt the findings for approval of the proposed amendment (Attachment A of this memo);
2. Recommend that the Board of Supervisors determine that this ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B of this memo); and,
3. Adopt a Resolution recommending that the Board of Supervisors adopt Case No. 11ORD-00000-00012, an ordinance amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment C of this memo).

**1.2 Case No. 11ORD-00000-00014.** Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 11ORD-00000-00014 as shown in Attachment F based upon the ability to make the appropriate findings. Your Commission's motion should include the

following:

1. Adopt the findings for approval, including CEQA findings, and recommend that the Board of Supervisors adopt the findings for approval of the proposed amendment (Attachment D of this memo);
2. Recommend that the Board of Supervisors determine that this ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment E of this memo); and,
3. Adopt a Resolution recommending that the Board of Supervisors approve Case No. 11ORD-00000-00014, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code (Attachment F of this memo).

Please refer the matter to staff if your Commission takes other than the recommended action for the development of appropriate materials.

## **2.0 EXTERIOR STORAGE OF MOTOR VEHICLES AND MATERIALS**

As originally proposed to your Commission on May 4, 2011, the ordinances would have amended the County Land Use and Development Code (County LUDC) and the Article II Coastal Zoning Ordinance (Article II) to add a new section to the County LUDC (Subsection C, Accessory Storage, of Section 35.23.050, Residential Zones Development Standards), and a new section to Article II (Section 35-144J, Accessory Storage, of Division 7, General Regulations) that included regulations pertaining to three separate activities:

- (1) Exterior storage of:
  - building materials and equipment used in construction projects, and
  - miscellaneous materials.
- (2) Dismantling of motor vehicles.
- (3) Exterior parking of motor vehicles.

In order to clarify how the proposed ordinances would apply to these different activities, the original language was substantially revised to create separate subsections that would separately address the different types of activities instead of combining them together. Other revisions are also proposed to address the Planning Commissioner's concerns that were raised during the May 4<sup>th</sup> hearing, including:

- commercial vehicle parking
- compatibility of motor vehicle dismantling in residential zones
- limits on the area devoted to the storage of junk
- location of exterior motor vehicle storage
- not allowing motor vehicle dismantling or storage to occur in required parking spaces
- number of motor vehicles allowed to be stored outside in relation to lot size
- storage of construction materials and vehicles as part of large construction project
- restrictions on the normal parking of motor vehicles associated with a residence that has several drivers
- type of surface material required for exterior motor vehicle storage areas.

The code sections referenced in the following discussion refer to the language of the revised County LUDC ordinance (Attachment C) unless noted. Similar language is also included in the revised Article II ordinance (Attachment F).

**2.1 Exterior storage of building materials and equipment used construction project and miscellaneous materials.** (Attachment C - SECTION 4; Attachment F - SECTION 11)

The proposed regulations pertaining to the exterior storage of building materials and equipment is now included in a separate Section 35.24.050.C (Accessory storage of materials).

The following concerns were raised by your Commission during the May 4<sup>th</sup> hearing in regards to the original language of this section:

- limits on the area devoted to the storage of junk, and
- storage of construction materials and vehicles as part of large construction project.

**Limits on the area devoted to the storage of junk.** During the May 4<sup>th</sup> hearing it was brought out that proposed language may allow for the storage of junk inconsistent with the existing limitations of the County LUDC and the Article II. Presently a “junk yard is defined as follows:

**Junk Yard.** In a non-residential zone, the use of an aggregate area of 200 square feet or more for the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale. In a residential zone, the area that may be used for the storage of junk and other listed materials may not exceed 100 square feet. See County Code Chapter 19 (Junk Yard and Dumps) for definitions of "dump" and "auto wrecking yard" and the applicable permit requirements.

Therefore, Subsection C.2.a.(2), below, is added to insure consistency with the existing definition:

- (2) No more than 100 square feet of the maximum allowed area of storage shown in the table above may be devoted to the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale.

**Storage of construction materials and vehicles as part of large construction project.** The concern raised during the May 4<sup>th</sup> hearing was that the proposed language of the ordinance regarding limiting the storage of material and construction equipment used during a construction project could possibly interfere with normal construction activities that occur during the development of a large project where several lots are under construction at the same time. To address this concern, Subsection C.1.a.(2), below, is added so that as this Subsection would now affirmatively state that such an activity is an allowed use in residential zones:

- (2) Construction related to an approved Final Development Plan. The storage of building materials and equipment used in a construction project where concurrent development is occurring on several lots at the same time in compliance with an approved Final Development Plan or other planning permit or building permit that allows construction activities to occur on several lots that are proximate to one another.

The proposed new Subsection C, revised as discussed above, is shown below.

**C. Accessory storage of materials.** Storage of materials accessory to the principal structure or use on the lot on which the storage is located is subject to the following standards. A Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) is not required to establish storage of materials except when 1) this Subsection C. requires a permit for a specific type of storage, or 2) the storage includes the construction of a new structure or alteration of an existing structure that is not exempt from a Land Use Permit in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), or 3) the storage

in not in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements). 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 Subsection 35.23.050.C 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.

**1. Building materials and equipment used in a construction project.**

a. The following storage of building materials and equipment used in a construction project is allowed on residentially zoned lots. Storage of building materials and equipment include stockpiles of construction materials, tools, equipment, and building component assembly operations.

**(1) Same or adjacent site.** The storage of building materials and equipment used in a construction project on the same lot on which the construction is occurring or on a lot adjacent to the lot on which the construction is occurring provided:

(a) There is a valid building permit or planning permit in effect for the construction project; and

(b) When storage is proposed on a lot adjacent to the site on which the construction is occurring, the planning permit application for the construction project shall also include the adjacent lot and shall describe the storage proposed to occur on the adjacent lot.

**(2) Construction related to an approved Final Development Plan.** The storage of building materials and equipment used in a construction project where concurrent development is occurring on several lots at the same time in compliance with an approved Final Development Plan or other planning permit or building permit that allows construction activities to occur on several lots that are proximate to one another.

b. The storage of building materials and equipment not allowed by Subsection C.1.a, above, or C.2, below, is considered a Contractor Equipment Storage Yard which is not allowed in residential zones.

**2. Outdoor storage of miscellaneous materials.** The storage of miscellaneous materials including articles, building materials not associated with the construction of a structure for which there is an valid planning or building permit, equipment, junk, motor vehicle parts, scrap or tools outside of a fully enclosed structure is subject to the following requirements.

**a. Area occupied by stored materials.**

(1) Stored materials shall be limited to the following maximum area, based upon the lot area of the site.

<b><u>Lot Area (gross)</u></b>	<b><u>Maximum Allowed Area of Storage</u></b>
<u>Less than 10,000 sq. ft.</u>	<u>300 sq. ft.</u>
<u>10,000 sq. ft. to less than 1 acre</u>	<u>500 sq. ft.</u>
<u>1 acre or larger</u>	<u>1,000 sq. ft.</u>

(2) No more than 100 square feet of the maximum allowed area of storage shown in the table above may be devoted to the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale.

**b. Maximum height of stored materials:** Five feet.

**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, masonry wall, or other equivalent screening determined to be suitable by the Director. This requirement may be:

(1) Waived by the Director where the Director determines that the proposed storage area is not visible from any public road or other area of public use (e.g., park, trail), or any adjoining lot; or,

(2) Modified by the Director to increase the height of the solid wood or masonry fence where the Director determines that due to the topography of the subject lot and adjacent area a six foot high fence would not adequately screen the proposed storage area from any public road or other area of public use (e.g., park, trail), or any adjoining lot. Any required height increase shall comply with the height limit applicable to the location of the fence unless a greater height is allowed in compliance with an approved planning permit.

**d. Location of storage.** Storage of miscellaneous materials shall not be located within required front setback or side setback areas in compliance with Section 35.23.050 (Residential Zones Development Standards).

**e. Modifications to standards allowed with a Minor Conditional Use Permit.** The storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

**f. Noncompliance deemed a violation of this Development Code.** As of [six months from the effective date of these regulations], storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) as allowed by Subsection C.2.e, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35.108 (Enforcement and Penalties).

## **2.2 Dismantling of motor vehicles.** (Attachment C - SECTION 5; Attachment F - SECTION 12)

The proposed regulations pertaining to the exterior storage of building materials and equipment is now included in a separate Section 35.24.050.D (Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc).

The following concerns were raised by your Commission during the May 4<sup>th</sup> hearing in regards to the original language of this section:

- compatibility of motor vehicle dismantling in residential zones
- not allowing motor vehicle dismantling or storage to occur in required parking spaces

**Compatibility of motor vehicle dismantling in residential zones.** The amendments reviewed with your Commission on May 4<sup>th</sup> included the following language (Subsection C.2.d in the LUDC and Article II) which would allow motor vehicle dismantling in residential zones under certain circumstances:

- d. Wrecked and abandoned vehicle dismantling or storage. Wrecked and abandoned vehicle dismantling or storage is not allowed outside of an enclosed garage or other completely enclosed structure.**

In response to concerns regarding potential negative impacts of allowing vehicle dismantling in residential zones, the proposed language was substantially rewritten as a new Subsection D (included below) and expanded to cover motor vehicle assembling, disassembling, modifying, repairing, restoring, servicing, and wrecking in addition to the dismantling of wrecked or abandoned vehicles, in order to provide additional protections for surrounding residential areas. As proposed occasional minor maintenance such as changing belts, hoses, oil and spark plugs would not be restricted by this Subsection D. The requirements contained in Subsection D would:

- limit vehicles to those that are registered with the California Department of Motor Vehicles to a person residing on the lot on which the work occurs
- require that vehicle dismantling occur within a fully enclosed structure, and not occur on required parking spaces
- require that any storage of vehicle parts located outside of a fully enclosed structure comply with the new requirements for exterior storage in Subsection C. (Accessory storage of materials), and prohibit the storage from occurring on required parking spaces, and
- not allow any work associated with the preparation for sale of vehicles or vehicle parts for sale.

**Not allowing motor vehicle dismantling or storage to occur in required parking spaces.** The requirements contained in Subsection D would also not allow the vehicles to be kept, parked or stored outside of a fully enclosed structure or on required parking spaces.

The revised language would also provide (1) that these standards could be modified through the Minor Conditional Use Permit process, and (2) that noncompliance with these standards would be considered a violation of the Development Code following six months from the effective date of this new ordinance.

The revised ordinance also includes a new definition of “fully enclosed” to specify what is meant by a fully enclosed structure:

**Fully enclosed.** A structure with four walls that extend from the foundation floor to the roof of the structure, a roof that completely covers the structure, and doors that are kept closed and latched. A fully enclosed structure does not include a carport or other accessory structure that allows the contents therein to be observed from outside the structure other than when viewed through a window.

Additionally, vehicle dismantling is further limited by County Code Chapter 19 (Junk Yards and Dumps) that contains the following definition of auto wrecking yard:

**Auto Wrecking Yard.** The placing on any lot or parcel of land three or more non-operative motor vehicles for a period exceeding thirty days and where parts have been removed therefrom for reuse or sale shall constitute use of land for an auto wrecking yard.

Auto wrecking yards are not an allowed use in residential zones.

The proposed new Subsection D of Section 35.23.050 (Residential Zones Development Standards) is shown below.

**D. Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.** The assembling, disassembling, modifying, repairing, restoration, servicing, wrecking or otherwise working (hereinafter referred to as “work” within the meaning of this Subsection D) on a motor vehicle is allowed only in compliance with the following standards. This Subsection D. shall not apply to occasional minor maintenance such as changing belts, hoses, oil and spark plugs. Nothing in this Subsection D. shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services) or Chapter 19 (Junk Yards and Dumps) or Chapter 23 (Motor Vehicles and Traffic) of the County Code.

1. Work is restricted to vehicles that are registered with the California Department of Motor Vehicles to a person residing on the lot on which the work occurs. Residing on a lot does not include transient occupancies where the occupancy is for a period of less than 30 days.
2. Vehicle dismantling shall not occur outside of a fully enclosed structure and such vehicles shall not be kept, parked or stored outside of a fully enclosed structure or on parking spaces required in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses).
3. Any storage of vehicle parts located outside of a fully enclosed structure shall be in compliance with Subsection C. (Accessory storage of materials), above, and shall not be located on parking spaces required in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses).
4. Work associated with the preparation for sale of vehicles or vehicle parts for sale is not allowed.
- 5. Modifications to standards allowed with a Minor Conditional Use Permit.** Work that does not comply with the standards contained in Subsections D.1 through D.4, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
- 6. Noncompliance deemed a violation of this Development Code.** As of [six months from the effective date of these regulations], any motor vehicle assembly, dismantling, maintenance, repair, restoration, etc that does not comply with the standards contained in Subsections D.1 through D.4, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) as allowed by Subsection D.5, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35.108 (Enforcement and Penalties).

### **2.3 Exterior parking of motor vehicles.** (Attachment C - SECTION 8; Attachment F - SECTION 4)

The proposed regulations addressing the exterior parking of motor vehicles discussed at the May 4<sup>th</sup> hearing have been substantially revised and are now proposed to be included as a new separate Section 35.36.100.K (Exterior parking) in the parking standards sections of the County LUDC and Article II for clarity and to avoid duplication (County LUDC Section 35.36.100, Standards

for Residential Zones and Uses, and Article II Division 6, Parking Regulations).

The following concerns were raised by your Commission during the May 4<sup>th</sup> hearing in regards to the original language of this section:

- commercial vehicle parking
- location of exterior motor vehicle storage
- not allowing motor vehicle storage to occur in required parking spaces
- number of motor vehicles allowed to be stored outside in relation to lot size
- restrictions on the normal parking of motor vehicles associated with a residence that has several drivers
- type of surface material required for exterior motor vehicle storage areas.

**Commercial vehicle parking.** The concerns expressed by your Commission related to the types of commercial vehicles that would be regulated by proposed language limiting commercial vehicle parking. As originally proposed Subsection C.2.a (LUDC) would have added the following language (similar language was proposed to be added to Article II):

- a. Commercial vehicle parking.** The overnight parking of commercial vehicles on property zoned either R-1/E-1 or R-2 is not allowed except in compliance with Section 35.36.100 (Standards for Residential Zones and Uses).

This language has been deleted from the revised ordinances as it is unnecessary due to the existing language in the County LUDC and Article II that provides that:

“For one-family and two-family dwelling units located on property zoned either R-1/E-1 or R-2, not more than one bus or nonpassenger motor vehicle or trailer used in commerce may be parked overnight on a lot. The bus, motor vehicle, or trailer shall not exceed two axles, four tons, or eight feet in height. This restriction shall not apply to the emergency overnight parking of disabled motor vehicles or trailers and the occasional overnight parking of moving vans, pickup, or delivery or construction vehicles or trailers when occasional overnight parking is reasonably serving the residential use of a particular lot.” (County LUDC Subsection 35.36.100.B.2)

**Location of exterior motor vehicle storage.** Concern was expressed about the aesthetic impacts of allowing parking of vehicles for the purpose of maintaining a personal collection to occur on smaller residential lots, especially in regards to how such parking is viewed from adjoining streets. To address this concern the revised proposed language includes the following new standard (Subsection K.2.b.(3)) in addition to the previously proposed standard that would require that such vehicles 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:

- (3) 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.

**Not allowing motor vehicle storage to occur in required parking spaces.** Concern was also expressed about inoperative motor vehicles parking in spaces that are required to satisfy the residential parking requirement of the zone. In order to clarify that outdoor storage of inoperative motor vehicles may not displace parking areas that are required to comply with the parking requirement of the zone that the lot is located in, the revised language includes the following new standard (K.3.a):

- (a) [Inoperative motor] Vehicles shall not be parked on parking spaces required in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses).



**Number of motor vehicles allowed to be stored outside in relation to lot size.** The original amendments contained the following language which would have allowed the exterior storage of up to five operative or inoperative motor vehicles for the purposes of maintaining a personal collection on an area limited to 700 square feet regardless of lot size (Subsection C.2.c(1)(a) in the LUDC and Article II):

- (a) The number of vehicles kept, parked or stored outside of an enclosed garage or other completely enclosed structure is limited to five vehicles, and the area on which the vehicles are kept, parked or stored shall comply with all of the following:
  - (i) The cumulative area shall not exceed 700 square feet.

To address the concern that the number of vehicles and allowed storage area may not be appropriate for smaller residential lots, and that consideration should be give to including a sliding scale based on lot size, a new Subsection K.2.b.(1) as shown below is proposed to be added as follows:

**b.** **Additional parking allowed.** In addition to exterior parking allowed in compliance with Subsection K.2.a, above, the exterior parking of operative and inoperative motor 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 structure is allowed in compliance with the following standards.

- (1) 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:

<b><u>Lot Area (net)</u></b>	<b><u>Maximum Allowed Number of Vehicles</u></b>	<b><u>Maximum Allowed Parking Area</u></b>
<u>Less than 10,000 sq. ft.</u>	<u>1</u>	<u>140 sq. ft.</u>
<u>10,000 sq. ft. to less than 20,000 sq. ft.</u>	<u>3</u>	<u>420 sq. ft.</u>
<u>20,000 sq. ft. or larger</u>	<u>5</u>	<u>700 sq. ft.</u>

**Restrictions on the normal parking of motor vehicles associated with a residence that has several drivers.** During the May 4<sup>th</sup> hearing concerns were raised that the proposed limitations on the exterior storage of motor vehicles could unduly restrict what would be considered normal parking activities associated with residences that have multiple drivers and thus multiple vehicles that are routinely driven on and off the site. To address this situation the following language is proposed to be added (Subsection K.2.a) that would allow for such parking. The number of vehicles allowed under this subsection is proposed to be related to the number of bedrooms located within the dwelling. This revised language would also allow these vehicles to be parked on driveways located within the required front and side setback areas.

- a. Not including the number of vehicles for which parking spaces are required to be provided in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses), the exterior parking of operative motor vehicles is allowed provided that the number of such vehicles parked on a lot outside of a fully enclosed structure does not exceed one per each bedroom located within the dwelling(s) on the lot.
  - (1) Parking allowed in compliance with this Subsection K.2.a. may be located on driveways including portions of driveways located within a required front setback or side setback area.

The following definition of bedroom is also proposed to be added to the County LUDC and Article II:

**Bedroom.** An enclosed habitable room within the conditioned area of a structure that (1) is arranged, designed or intended to be occupied by one or more persons primarily for sleeping purposes (2) complies with applicable building and housing codes, and (3) is permitted by Santa Barbara County to be used as a bedroom. Also known as a sleeping room.

The definition of driveway is also proposed to be revised as follows:

**Driveway.**

1. A designated passageway providing vehicular access between an alley or street and a garage or carport, a designated parking area, or other driveway or street.
2. A private right-of-way that provides the principal means of vehicular access from a public right-of-way to four or fewer lots that, in aggregate, under the minimum lot area requirements of this Development Code, cannot be divided into more than four lots.

**Type of surface material required for exterior motor vehicle storage areas.** The draft ordinance language discussed at the May 4<sup>th</sup> hearing included the requirement that “The [area used for exterior parking of motor vehicles for the purpose of keeping a personal collection] shall be paved with a minimum of two inches of asphalt, brick, concrete pavers, or equivalent on a suitable base.” However, input from the Water Resources Division of the Santa Barbara County Public Works Department recommended that the parking surface be constructed of permeable materials in order to minimize the runoff of fluids from the parking area onto adjacent properties and roadways. To address this concern the revised ordinances do not contain any specific language regarding the surface requirements for the exterior storage of motor vehicles and instead relies on the following existing language in the County LUDC (Article II contains similar language):

“Uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, or equivalent on a suitable base.”

This language allows the use of permeable materials such as concrete pavers and turf block. Existing parking requirements also require that “Parking areas shall be graded and drainage shall be provided so as to dispose of surface water without erosion, flooding, and other inconveniences or hazards.”

The revised ordinance would also replace the previously proposed definition of inoperative and operative motor vehicles with the following definitions:

**Motor vehicle.** Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passengers, trucks, and recreational vehicles with motive power.

**Motor vehicle, inoperative.** A motor vehicle that is incapable of being immediately started and moved under its own power without any modifications or repairs or does not 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.

**Motor vehicle, operative.** A motor vehicle that is able to be immediately started without any modifications or repairs and has 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.

**Summary of new ordinance language that would apply to parking of motor vehicles.**

The following table provides a brief summary of the requirements and restrictions that would apply to the exterior parking of motor vehicles. The total number of vehicles proposed to be allowed to be parked outside equals the number allowed by each of the three columns when added together. For example, a four bedroom house on a 15,000 square foot lot potentially could park up to nine vehicles outside of a fully enclosed structure provided all the development standards were complied with.

	<b>Parking required by zone</b>	<b>Exterior parking associated with daily use by residents</b>	<b>Exterior parking associated with maintaining a personal collection</b>
<b>Number required/allowed</b>	2 spaces per dwelling unit (typical)	Additional allowance for 1 vehicle per bedroom	Additional 1 to 5 vehicles depending on lot size <ul style="list-style-type: none"> <li>• 1 vehicle for lots less than 10,000 sq. ft.</li> <li>• 3 vehicles for lots 10,000 sq. ft. to less than 20,000 sq. ft.</li> <li>• 5 vehicles for lots 20,000 sq. ft. or larger</li> </ul>
<b>Location</b>	Not allowed within front and side setback areas unless located on a driveway	Not allowed within front and side setback areas unless located on a driveway	<ul style="list-style-type: none"> <li>• Not allowed within front and side setback areas</li> <li>• On lots less than 20,000 s.f., vehicles may not be parked between street and residence</li> </ul>
<b>Operational status</b>	Operative	Operative	Operative or inoperative
<b>Screening</b>	None required	None required	Required
<b>Surface material</b>	Pervious or impervious material	Pervious or impervious material	Pervious or impervious material
<b>Other</b>			Inoperative must be drained of fluids if parked in excess of 14 days

The proposed new Subsection K of Section 35.36.100 (Standards for Residential Zones and Uses) is shown below.

**K. Exterior parking.** The following standards apply to the keeping, parking, or storage (hereinafter referred to as “parked” or “parking” within the meaning of this Subsection K) of operative and inoperative motor vehicles outside of a fully enclosed structure. A Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) is not required to establish exterior parking except when 1) this Subsection 35.36.100.K requires a permit, or 2) the parking involves construction of a new structure or alteration of an existing structure that is not exempt from a Land Use Permit in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), or 3) the parking is not in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements). 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 Subsection 35.36.100.K 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.

**1. Current registration or certificate of non-operation required.** All vehicles parked on a lot outside of a fully enclosed structure shall either:

- a. 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,
- b. Have a current, unexpired certificate of non-operation or planned non-operation on file with the California Department of Motor Vehicles.

**2. Limitation on number.**

- a. Not including the number of vehicles for which parking spaces are required to be provided in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses), the exterior parking of operative motor vehicles is allowed provided that the number of such vehicles parked on a lot outside of a fully enclosed structure does not exceed one per each bedroom located within the dwelling(s) on the lot.

(1) Parking allowed in compliance with this Subsection K.2.a. may be located on driveways including portions of driveways located within a required front setback or side setback area.

- b. **Additional parking allowed.** In addition to exterior parking allowed in compliance with Subsection K.2.a, above, the exterior parking of operative and inoperative motor 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 structure is allowed in compliance with the following standards.

(1) 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:

<u>Lot Area (net)</u>	<u>Maximum Allowed Number of Vehicles</u>	<u>Maximum Allowed Parking Area</u>
<u>Less than 10,000 sq. ft.</u>	<u>1</u>	<u>140 sq. ft.</u>
<u>10,000 sq. ft. to less than 20,000 sq. ft.</u>	<u>3</u>	<u>420 sq. ft.</u>
<u>20,000 sq. ft. or larger</u>	<u>5</u>	<u>700 sq. ft.</u>

(2) 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.

(3) 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.

- 3. Additional standards for inoperative motor vehicles.** The parking of inoperative motor vehicles outside of a fully enclosed structure shall also comply with the following standards in addition to the standards listed in Subsections K.1 and K.2, above:

  - a. Vehicles shall not be parked on parking spaces required in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses).
  - b. Any area use for parking shall be designed and installed to prevent the discharge of pollutants onto adjacent lots and adjacent streets.
  - c. 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.
  - d. The parking of inoperative motor vehicles regulated under Subsection 35.23.050.D (Residential Zones Development Standards) shall also be in compliance with the requirements of that Subsection.
- 4. Modifications to standards allowed with a Minor Conditional Use Permit.** Parking of motor vehicles that does not comply with the standards contained in Subsections K.1 through K.3, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
- 5. Noncompliance deemed a violation of this Development Code.** As of [six months from the effective date of these regulations], the parking of motor vehicles that does not comply with the standards contained in Subsections K.1 through K.3, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) as allowed by Subsection K.4, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35.108 (Enforcement and Penalties).

### **3.0 TEMPORARY USE OF PROPERTY FOR SPECIAL EVENTS (Attachment C - SECTION 12; Attachment F - SECTIONS 6, 7 & 8)**

The ordinances discussed at the May 4<sup>th</sup> hearing included text amendments aimed at closing a loophole in the existing regulations pertaining to the temporary uses of property that allows property to be rented for use as a reception facility for weddings and similar gatherings without obtaining a Minor Conditional Use Permit (CUP) as would normally be required by the County Land Use and Development Code (CLUDC) and the Article II Coastal Zoning Ordinance. The ordinances sought to close this loophole by specifying that in order to qualify as a tenant, and thus be able to hold an event without having to obtain a Minor CUP, that the term “tenant” did not include transient occupancies where the rental of the lot is for a period of less than 30 days. The concern raised by your Commission was that the language as proposed would not accomplish the goal of eliminating this loophole.

In response the ordinances are revised as follows:

- Subsection F.4 (Charitable and other noncommercial functions) is revised to clarify that in order for a temporary event to qualify as a charitable or other noncommercial function, neither the owner nor the tenant may receive any remuneration associated with the holding the event. Additionally the language is revised to include the use of a portion of the lot and any structures

located on the lot.

- The table that contains the permit requirements and development standards is revised to replace the word “charitable” with “such” in the development standard that refers to the number of times a function may occur within a calendar to clarify that the standard applies to those temporary events allowed by the lead paragraph of Subsection F.4 (Charitable and other noncommercial functions).
- A new Subsection F.4 a is added that specifies that if any tenant rents the lot or any portion thereof for less than 30 days for a noncommercial function, then the temporary event must be permitted as a “Reception and Similar Gathering Facility (commercial)” which is presently allowed with a Minor Conditional Use Permit in all zones. This will mean that any temporary event where the rental is for less than a 30 day period will not be able to qualify for an exemption from planning permits as a noncommercial function under this Subsection.
- A new Subsection F.4 b is added exempts noncommercial functions from the permit requirements and development standards of Subsection F.4 where the number of persons present at the function at any one time does not exceed 25. The intent of this revision is to exempt very small scale activities that may occur on a more frequent basis than is normally provided for. For example, for lots that are less than five acres in size, the number of functions is normally limited to five per calendar year; this exemption could be used in situations where a homeowner hosts small dinner gatherings on a monthly basis.
- The existing definition of Charitable Function in the County LUDC is revised as shown below (this same definition would be added to Article II); this revised definition restricts charitable functions to those that are held by organizations that are registered with the federal Internal Revenue Service as a Internal Revenue Code 501(c)(3) nonprofit organization. Other charitable functions that are not held by “501(c)(3) nonprofit organizations” may still be accommodated under Section 35.42.260.B.3.a which provides that the Director may determine that other temporary uses may be exempt from permit requirements provided that:
  - the temporary use is similar to those identified as being exempt from permit requirements; and
  - the temporary use does not have the potential to result in an adverse effect on surrounding properties.

**Charitable Function.** ~~An event or activity whose primary purpose is of a charitable or nonecommercial nature~~ that is held by a charitable nonprofit organization that is registered with the federal Internal Revenue Service as a Internal Revenue Code 501(c)(3) nonprofit organization.

- Lastly, both existing Subsection F.9 that provides standards for reception facilities, and the definition of reception facility, are proposed to be revised as shown below in order to be consistent with each other and how the term is listed in the temporary event use tables:
  9. **Reception and similar gathering facilities (commercial).** Reception and similar gathering facilities providing indoor or outdoor facilities that are accessory and incidental to the principal use of the property on a temporary, commercial basis for receptions, parties, weddings, or other similar gatherings that are not included in Subsection F.7 (Public assembly facilities) above.

**Reception and similar gathering facilities (commercial).** Reception and similar gathering facilities providing indoor or outdoor facilities that are accessory and incidental to the principal use of the property on a temporary, commercial basis for receptions, parties,

weddings, or other similar gatherings that are not included in Subsection F.7 (Public assembly facilities) above.

The proposed new Subsection F.4 of Section 35.42.260 (Temporary Uses and Trailers) is shown below.

- 4. Charitable and other noncommercial functions.** The use of a lot or portion thereof, including any structures located on the lot, for charitable and other noncommercial functions where ~~the~~ no owner or tenant of the lot on which the function occurs receives ~~no~~ any remuneration associated with such use, including fundraisers, parties, receptions, weddings and other similar gatherings, may be allowed in compliance with the following permit requirements and development standards.

Permit Requirement	Development Standards
Exempt	For a lot that is less than five gross acres in area. Use of the lot for <del>charitable</del> <u>such</u> functions does not exceed five times within the same calendar year. The number of persons present at the event at any one time does not exceed 300.
Exempt	For a lot that is five gross acres or more in area. Use of the lot for <del>charitable</del> <u>such</u> functions may exceed five times within the same calendar year. The number of persons present at the event at any one time does not exceed 300.
Coastal Development Permit or Land Use Permit	For a lot that is less than five gross acres in area. Use of the lot for <del>charitable</del> <u>such</u> functions may exceed five times within the same calendar year. The number of persons present at the event at any one time does not exceed 300.
Coastal Development Permit or Land Use Permit	For a lot that is five gross acres or more in area. Use of the lot for <del>charitable</del> <u>such</u> functions may exceed five times within the same calendar year. The number of persons present at the event at any one time exceeds 300.
Minor Conditional Use Permit	For a lot that is less than five gross acres in area. Use of the lot for <del>charitable</del> <u>such</u> functions may exceed five times within the same calendar year. The number of persons present at the event at any one time exceeds 300.

- a. If any tenant rents the lot or portion thereof, including any structures located on the lot, for a period of less than 30 days for a noncommercial function, then an approved applicable permit for a Reception and Similar Gathering Facility (commercial) identified in Tables 4-10 through 4-15, above, and 35.42.260.F.9 (Reception and similar gathering facilities (commercial)) is required in compliance with this Section 35.42.260 and other applicable development standards of this Development Code.

- b. The permit requirements and development standards of this Subsection F.4. do not apply to noncommercial functions where the number of persons present at the function at any one time does not exceed 25.