

**ATTACHMENT 4: MONTECITO LAND USE AND DEVELOPMENT CODE ORDINANCE  
AMENDMENT**

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

AN ORDINANCE AMENDING SECTION 35-2, THE MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES, DIVISION 35.3, MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS, DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, DIVISION 35.6, MONTECITO SITE DEVELOPMENT REGULATIONS, DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES, DIVISION 35.9, MONTECITO LAND USE AND DEVELOPMENT CODE ADMINISTRATION, AND DIVISION 35.10, GLOSSARY, TO IMPLEMENT NEW REGULATIONS AND DEVELOPMENT STANDARDS REGARDING ACCESSORY DWELLING UNITS.

16ORD-00000-00015

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

**SECTION 1:**

DIVISION 35.2, Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection B, Exempt activities and structures, of Section 35.420.040, Exemptions from Planning Permit Requirements, of Chapter 35.420, Development and Land Use Approval Requirements, to read as follows:

- B. Exempt activities and structures.** The following are exempt from all planning permit requirements of this Development Code when in compliance with Subsection A. (General requirements for exemption) above.
- 1. Accessory dwelling units.** One accessory dwelling unit per lot approved in compliance with Section 35.442.015 (Accessory Dwelling Units), as applicable.
  - 2. Animal keeping.** Animal keeping when shown as an "E" in [Section 35.442.040 \(Animal Keeping\)](#).
  - ~~2.3.~~ Antennas.** Ground or roof mounted receive-only satellite dish or wireless television antenna less than one meter in diameter used solely by the occupants of the property on which the antenna is located for the noncommercial, private reception of communication signals, see [Section 35.444.020 \(Noncommercial Telecommunications Facilities\)](#).
  - ~~3.4.~~ Change of occupancy or use.** A change in occupancy or use of an existing structure that complies with all of the following:
    - a. The occupancy or use that exists prior to the change is a legal, permitted use of the structure.
    - b. The change is from a land use listed as a permitted use in the applicable land use tables within [Chapter 35.422](#) through [Chapter 35.425](#) to the same land use (e.g., from restaurant, café or coffee shop to a restaurant, café or coffee shop).
    - c. The new occupancy or use does result in an increase in the number of parking spaces required to be provided on-site.
    - d. The new occupancy or use is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Development Code, including any required provisions and conditions of any existing, approved permits for the subject lot.
    - e. Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit and/or Grading Permit).

- 4.5. Cultivated agricultural, orchards and vineyards.** Cultivated agriculture, orchards and vineyards when shown as an "E" in the Land Use Tables in [Chapter 35.422](#) through [Chapter 35.425](#).
- 5.6. Damaged or destroyed structure.** The replacement or restoration of a conforming structure damaged or destroyed by a disaster, as determined by the Director.
- a. The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use, shall be in the same general footprint location, and shall not exceed the floor area, height, or bulk of the destroyed structure by more than 10 percent, or 250 square feet, whichever is less. For the purposes of this Subsection B.5, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
  - b. If the structure was damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) located on the lot on which the replaced or restored structure would be located, the replaced or restored structure may be relocated on the lot to meet applicable setbacks from top-of-bank and reduce flood hazards, as long as the structure otherwise complies with Subsection 5.a above and with applicable policies of the Comprehensive Plan.
  - c. Notwithstanding the height measurement methodology contained in Section 35.430.090.C, if the structure was damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on the lot on which the replaced or restored structure would be located, the replaced or restored structure may exceed the height of the destroyed or damaged structure (as measured from the post-event grade to peak roof height) by more than 10 percent if necessary to comply with the base flood elevation that exists for the lot after the debris flow or other event. In no case shall the height of the structure, as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents, and noncommercial antennas, exceed the equivalent height of the damaged or destroyed structure by more than 10 percent. The height of the structure, as measured from post-event grade, shall not exceed the height of the applicable zone.
    1. For the purposes of this Subsection 5.c, post-event grade is defined as the existing grade on the lot at the time of application submittal.
  - d. Except as provided in Subsection B.5.d.(1), below, if the Director determines that the exterior design or specifications are proposed to be changed, then the restored or replaced structure shall require Design Review in compliance with [Section 35.472.070 \(Design Review\)](#).
    1. If a structure has been damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on the lot on which the replaced or restored structure would be located, the restored or replaced structure, even if relocated on the lot or increased in height, shall not require Design Review unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director. If the structure is otherwise exempt from requiring a planning permit but requires Design Review, the structure shall receive preliminary and final design review approval before an exemption is issued.
- 6.7. Demolition.** The demolition of a structure less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.
- 7.8. Fences, gates, gateposts, walls, retaining walls.** See [Section 35.430.070 \(Fences and Walls\)](#).
- 8.9. Final or Parcel Map recordation.** The recordation of a Final Map or Parcel Map following the

approval of a Tentative Map including Vesting Tentative Maps.

- 9.10. Grading.** Grading activities that do not require the approval of a Development Plan by the requirements of the applicable zone and grading for which a permit is not required by County Code Chapter 14. The provisions of this Subsection shall not be construed to alter the requirements of County Code Chapter 14.
- 10.11. Grazing.** Grazing when shown as an "E" in the Land Use Tables in [Chapter 35.422](#) through [Chapter 35.425](#) and the Animal Keeping Table (Table 4-1) in [Section 35.442.040 \(Animal Keeping\)](#).
- 11.12. Interior alterations.** Interior alterations that do not increase the gross floor area within the structure, do not increase the required number of parking spaces, or do not result in a change in the permitted use of the structure.
- 12.13. Irrigation lines.** The installation of irrigation lines that do not require a Grading Permit in compliance with County Code Chapter 14.
- 13.14. Lot Line Adjustment recordation.** The recordation of documents required to complete a Lot Line Adjustment.
- 14.15. Minor additions and accessory structures.**
- a. **Accessory structures.** One story detached accessory structures used as tool or storage sheds, playhouses, gazebos, pergolas, and similar structures, provided that the height does not exceed 12 feet, the floor area does not exceed 120 square feet, and the structure does not have plumbing or electrical facilities.
  - b. **Decks, platforms, walks, driveways.** Decks, platforms, walks, and driveways that are not required to have a Building Permit or Grading Permit, and that are not over 30 inches above finish grade, or located over a basement or story below.
  - c. **Door, window features and skylights.** Doors, windows, and skylights, and window awnings that are supported by an exterior wall and project no more than 54 inches from an exterior wall of a building.
  - d. **Spa, hot tub, pond.** A spa, hot tub, fish pond, or other water feature that does not exceed a total area of 120 square feet, including related equipment, or does not contain more than 2,000 gallons of water.
- 15.16. Onsite wastewater treatment systems.**
- a. Onsite wastewater treatment systems, not including alternative wastewater treatment systems, and the installation and performance testing of drywells for sewage disposal.
  - b. The modification, replacement or repair of all or any portion of an existing onsite wastewater treatment system, including alternative wastewater treatment systems, provided that the modification, replacement or repair occurs in substantially the same area as the existing system.
- 16.17. Propane tanks.** Propane tanks located in residential and agricultural zones.
- 17.18. Repair and maintenance.** Repair and maintenance activities that do not result in addition to, or enlargement or expansion of the object of the repair or maintenance activities.
- 18.19. Replacement in-kind of an existing and conforming structure.** The replacement in-kind of an existing permitted and conforming structure provided:
- a. The reconstructed structure shall comply with all requirements of the applicable zone, shall be for the same use, shall be in the same footprint location, and shall not exceed the floor area, height, or bulk of the existing structure. For the purposes of this Subsection B.19, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.

- b. The exterior design or specifications is not proposed to be revised, or, if revisions are proposed, the revisions are determined to be minor by the Director.
- c. The structure is less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.

**19.20. Seismic retrofitting.** Seismic retrofits to existing structures that are limited to the addition of foundation bolts, hold-downs, lateral bracing at cripple walls and other structural elements required by County Ordinance 4062. The seismic retrofits shall not increase the gross square footage of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure.

**20.21. Signs, flags, and similar devices.** Signs, flags and similar devices in compliance with [Section 35.438.030 \(Exempt Signs, Flags, and Devices\)](#).

**21.22. Solar energy systems.** The addition of solar energy systems to the roofs of existing structures and the installation of freestanding solar energy systems in compliance with [Section 35.430.160 \(Solar Energy Systems\)](#).

**22.23. Structures of limited value.** A structure with an aggregate value of less than \$2,000, as determined by the Director.

**23.24. Utility facilities.** Poles, wires, underground gas pipelines less than 12 inches in diameter, and similar installations erected, installed, or maintained by a public agency or public service or utility district or company.

**24.25. Water wells.**

- a. The testing and installation of a water well to serve one domestic, commercial, industrial, or recreational connection.
- b. Except in zones requiring Development Plans, water wells for water systems for agricultural purposes.

## **SECTION 2:**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection C, Development Plan approval required, of Section 35.422.030, Resource Protection Zone Allowable Land Uses, of Chapter 35.422, Resource Protection Zone, to read as follows:

**C. Development Plan approval required.** Final Development Plan approval in compliance with [Section 35.472.080 \(Development Plans\)](#) is required prior to the approval of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) or the issuance of an Exemption in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements) or Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) for all development, including grading, except for:

1. Solar solar energy systems allowed in compliance with Section 35.430.160 (Solar Energy Systems), and
2. Accessory Dwelling Units allowed in compliance with Section 35.442.015 (Accessory Dwelling Units).

**SECTION 3:**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection E, Accessory Structures and Uses, of Section 35.422.030, Resource Protection Zone Allowable Land Uses, of Chapter 35.422, Resource Protection Zone, to read as follows:

- E. Accessory Structures and Uses.** Accessory structures and uses that are customarily incidental to the primary use allowed by Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) are not allowed except as follows:
1. **Accessory Dwelling Units.** Accessory dwelling units approved in compliance with Section 35.442.015 (Accessory Dwelling Units).
  2. **Swimming Pools and Water Storage Tanks.** Swimming pools and water storage tanks shall be approved or conditionally approved as accessory structures in compliance with [Section 35.472.080 \(Development Plans\)](#).
  - 2 3. **Solar energy systems.** Solar energy systems allowed in compliance with [Section 35.430.160 \(Solar Energy Systems\)](#).

**SECTION 4:**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-4, Allowed Land Uses and Permit Requirements for Resource Protection Zone, of Section 35.422.030, Resource Protection Zone Allowable Land Uses, of Chapter 35.422, Resource Protection Zone, to read as follows:

<b>Table 2-4</b>  <b>Allowed Land Uses and Permit Requirements for Resource Protection Zone</b>	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required (2)
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
LAND USE (1)	<b>PERMIT REQUIRED BY ZONE</b>	<b>Specific Use Regulations</b>
	<b>RMZ</b>	

**RESIDENTIAL**

Accessory dwelling unit	<u>S</u>	<a href="#">35.442.015</a>
Guesthouse	P	<a href="#">35.442.120</a>
Home occupation	P	<a href="#">35.442.130</a>
Dwelling, one-family	P	
Farmworker dwelling unit	P	<a href="#">35.442.105</a>
Farmworker dwelling complex	CUP	<a href="#">35.442.105</a>
Residential accessory uses and structures	P	<a href="#">35.422.030.E</a>
Special care home, 7 or more clients	CUP	<a href="#">35.442.070</a>
Transitional and supportive housing	S	<a href="#">35.442.070</a>

**Key to Zone Symbols**

<b>RMZ</b>	Resource Management
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**Notes:**

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see 35.422.030.C (Development Plan approval required).

**SECTION 5:**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Table 2-6, Resource Protection Zone Development Standards, of Section 35.422.050, Resource Protection Zone Development Standards, of Chapter 35.422, Resource Protection Zone, to read as follows:

**Table 2-6 - Resource Protection Zone Development Standards**

Development Feature	Requirement by Zone
	RMZ - Resource Management
<b>Residential density</b>	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>
Maximum density	<u>±One one-family dwelling per lot; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units).</u>
<b>Setbacks</b>	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.</i>
Front - Primary	50 ft from road centerline and 20 ft from edge of right-of-way.
Front - Secondary	Lot less than 100 ft wide - 20% of lot width - 10 ft minimum Lot 100 ft wide or more - Same as primary front setback.
Side and Rear	20 ft
Building separation	10 ft
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height limit exceptions.</i>
Maximum height	25 ft
<b>Landscaping</b>	See Chapter 35.434 (Landscaping Standards).
<b>Parking</b>	See Chapter 35.436 (Parking and Loading Standards).
<b>Signs</b>	See Chapter 35.438 (Sign Standards).

**SECTION 6:**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection C, Development Plan approval required, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

- C. Development Plan approval required.** Except as provided, below, Final Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or the issuance of an Exemption in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements) or Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) as follows:
- 1. R-1/E-1 and R-2 zones.** Except as provided in Subsection C.1.a (Final Development Plan not required for accessory dwelling units), Final Development Plan approval is required for a structure that is not otherwise required by this Development Code to have discretionary permit approval, and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing

structures on the same lot will total 20,000 square feet or more in gross floor area.

- a. Final Development Plan not required for accessory dwelling units.** The development of an accessory dwelling unit shall only require the issuance of an Exemption or Zoning Clearance in compliance with Section 35.442.015 (Accessory Dwelling Units), and does not require the approval of a Final Development Plan.
- 2. DR zone.** Final Development Plan approval is required for all development, including grading, ~~except that the development of one,~~ for the following:

  - a. One,** one-family dwelling and its accessory uses and structures on a single lot ~~does not require Development Plan approval~~ unless required in compliance with Subsection C.1 above.

    - (1)** Such one-family dwellings, including those subject to Subsection C.1 above, shall be developed in compliance with the development standards applicable to the R-1/E-1 zone provided in [Section 35.423.050 \(Residential Zones Development Standards\)](#).
  - b. One accessory dwelling unit on a single lot approved in compliance with Section 35.442.015 (Accessory Dwelling Units).**
- 3. PRD zone.** Final Development Plan approval is required for all development, including grading, ~~except for the development of one accessory dwelling unit on a single lot approved in compliance with Section 35.442.015 (Accessory Dwelling Units).~~

**SECTION 7:**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-7, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

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

**RESIDENTIAL**

<u>Accessory dwelling unit</u>	<u>S</u>	<u>S</u>	<u>35.442.015</u>
Artist studio	P	—	35.442.120
Dwelling, one-family (3)	P	P	35.442.140
Dwelling, two-family	—	P	
Dwelling, multiple	—	—	
Farmworker dwelling unit	P (3)	P (3)	35.442.105
Farmworker housing complex	CUP	CUP	35.442.105
Guesthouse	P	—	35.442.120
Home occupation	P	P	35.442.130
Mobile home park	CUP	CUP	
Organizational house (fraternity, sorority, etc.)	—	—	
Residential accessory use or structure	P	P	35.442.020
Residential project convenience facilities	—	—	
<del>Residential second unit</del>	<del>P</del>	<del>—</del>	<del>35.442.160</del>
Special care home, 7 or more clients	CUP	CUP	35.442.070

**Key to Zone Symbols**

<b>R-1/E-1</b>	Single One-Family Residential
<b>R-2</b>	Two-Family Residential

**Notes:**

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
- (3) One-family dwelling may be a mobile home on a permanent foundation, see Section 35.442.140 (Mobile Homes on Foundations).



**SECTION 8:**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-8, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

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

**RESIDENTIAL**

<u>Accessory dwelling unit</u>	<u>S</u>	<u>S</u>	<a href="#">35.442.015</a>
Artist studio	—	—	
Dwelling, one-family	P	P	
Dwelling, two-family	P	P	
Dwelling, multiple	P	P	
Farmworker dwelling unit	P	P	<a href="#">35.442.105</a>
Farmworker housing complex	P	—	<a href="#">35.442.105</a>
Guesthouse	—	—	
Home occupation	P	P	35.442.130
Mobile home parks	CUP	CUP	
Organizational house (fraternity, sorority, etc.) (3)	CUP	—	
Residential accessory use or structure	P	P	35.442.020
Residential project convenience facilities	P	P	
<del>Residential second unit</del>	—	—	
Special care home, 7 or more clients	CUP	CUP	35.442.070

**Key to Zone Symbols**

<b>DR</b>	Design Residential
<b>PRD</b>	Planned Residential Development

**Notes:**

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.423.030.C (Development Plan approval required).
- (3) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

**SECTION 9:**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the R-1/E-1 and R-2 portion of Table 2-10, Residential Zones Development Standards, of Section 35.423.050, Residential Zones Development Standards, of Chapter 35.423, Residential Zones, to read as follows:

**Table 2-10 Residential Zones Development Standards**

Development Feature	Requirement by Zone	
	R-1 /E-1 & R-1/E-1 (CZ) Single One-Family Residential	R-2 & R-2 (CZ) Two-Family Residential
<b>Minimum lot size</b>	<i>Minimum area and width for lots proposed in new subdivisions.</i>	
Area, width	See Subsection 35.423.040.A (Minimum lot size)	
<b>Residential density</b>	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>	
Maximum density	<del>±One one-family dwelling per lot; plus one second one accessory dwelling unit per lot where allowed by Section 35.442.160 (Residential Second Units) in compliance with Section 35.442.015 (Accessory Dwelling Units).</del>	<del>±One one-family dwelling, plus one accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units), or 1 two-family dwelling per lot.</del>
<b>Setbacks</b>	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.</i>	
Front - Primary	<del>Inland—50 ft from road centerline and 20 ft from the edge of the right-of-way. Coastal—50 ft from road centerline and 20 ft from right of way, or 20 ft from private easement serving 5 or more lots.</del>	
Front - Secondary	Lot less than 100 ft wide - 20% of lot width - 10 ft. minimum Lot 100 ft wide or more - Same as primary front setback.	
Side	10% of lot width, where minimum lot area requirement is: <b>2 acres or less</b> - 5 ft. minimum, 10 ft. maximum required; <b>3 acres or more</b> - 10 ft. minimum, 20 ft. maximum required.	10% of lot width, 5 ft. minimum, 10 ft. maximum required.
Rear	<del>Inland—25 ft. Coastal—25 ft; 15 ft if rear abuts permanent open space or a street without access.</del>	
Accessory structures	See Section 35.442.020 (Accessory Structures and Uses)	
Building separation	<del>Inland—10 ft. between a dwelling or guesthouse and any other detached structure on the same site. Coastal—5 ft between a dwelling or guesthouse and another detached structure</del>	
<b>Site coverage</b>	<i>Maximum percentage of net site area that may be covered by buildings.</i>	
Maximum coverage	None	
<b>Height limit</b>	<i>Maximum allowable height of structures, except where a lesser height is required by design review or other provisions of this Development Code. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirement and height limit exceptions.</i>	
Maximum height	<del>Inland—35 ft and 2 stories Coastal—25ft</del>	25 ft
Exception	The height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.	
<b>Landscaping</b>	See Chapter 35.434 (Landscaping Standards).	
<b>Parking</b>	See Chapter 35.436 (Parking and Loading Standards).	
<b>Signs</b>	See Chapter 35.438 (Sign Standards).	

**Table 2-10 - Residential Zone Development Standards - Continued**

Development Feature	Requirement by Zone	
	DR Design Residential	PRD Planned Residential Development
<b>Minimum lot size</b>	<i>Minimum area and width for lots proposed in new subdivisions.</i>	
Area, width	None	
<b>Residential density</b>	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval. Required land area is expressed as gross area.</i>	
Maximum density	See Table 2-11 (DR Zone Maximum Density); <u>plus one accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units).</u>	As specified by the Comprehensive Plan; <u>plus one accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units).</u>
<b>Setbacks</b>	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>	
Front - Primary	20 ft from right-of-way.	As determined by Final Development Plan.
Front - Secondary	20 ft from right-of-way.	
Side	10 ft, except where a larger setback is required by the Montecito Commission in the review of a discretionary planning permit for light, air, or privacy.	
Rear	Same as side.	
Accessory Structures	See <a href="#">Section 35.442.020 (Accessory Structures and Uses)</a> .	
Building separation	10 ft between a habitable building and any other building on the same site.	
<b>Site coverage</b>	<i>Maximum percentage of net site area that may be covered by buildings.</i>	
Maximum coverage	30 %. (1)	30 %.
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations).</i>	
Maximum height	35 ft. (1)	35 ft.
Exception	The height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.	
<b>Open space</b>	<i>Minimum percentage of gross site area to be maintained as common open space.</i>	
Minimum open space	See <a href="#">Section 35.423.060.B (Open Space)</a> . (1)	See <a href="#">Section 35.423.070.E (Open Space)</a>
<b>Landscaping</b>	See <a href="#">Chapter 35.434 (Landscaping Standards)</a> .	
<b>Parking</b>	See <a href="#">Chapter 35.436 (Parking and Loading Standards)</a> .	
<b>Signs</b>	See <a href="#">Chapter 35.438 (Sign Standards)</a> .	

**Notes:**

(1) See [Section 35.423.060.D](#) for site coverage, height limit, and open space standards for qualifying affordable housing, senior housing, or special care housing developments.

**SECTION 10:**

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection C, Exceptions, of Section 35.430.025, Agricultural Buffers, of Chapter 35.430, Standards for All Development and Land Uses, to read as follows:

**C. Exceptions.** This Section does not apply to the following:

1. ~~Single One-family dwellings, residential second~~ accessory dwelling units and residential accessory structures.
2. ~~Farm employee dwellings and farm labor camps~~ Farmworker housing allowed in compliance with Section 35.442.105 (Farmworker Housing).
3. Non-agricultural, discretionary development approved prior to May 9, 2013.
4. Changes to a non-agricultural, discretionary project approved prior to May 9, 2013, provided that prior to an action by the review authority to approve an application in compliance with Subsection 35.474.040 C or D the review authority shall first determine that the changes to the project proposed by the application do not result in any new or greater impacts to agriculture than those resulting from the already approved project.
  - a. If the review authority cannot make the determination required in compliance with Subsection C.4, above, then the project shall be subject to the provisions of this Section.
5. **Non-commercial agricultural uses.** An agricultural buffer is not required adjacent to a common lot line between the project site and an adjacent agriculturally zoned lot if the adjacent lot is used for non-commercial agriculture.
6. State and County roadway projects.
7. Lot line adjustments and modifications to lot line adjustments that:
  - a. Do not exceed a 10 percent increase or decrease in the area of the smallest existing lot; and
  - b. Do not result in an increase in the number of developable lots in compliance with Subsection 35.430.110.B.3.c.

**SECTION 11:**

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.430.090, Height Measurement, Exceptions and Limitations, of Chapter 35.430, Standards for All Development and Land Uses, to add a new Subsection E titled “Accessory dwelling units” to read as follows; to re-letter existing Subsection E, Fences and Walls, and Subsection F, Guesthouses, artist studios and cabañas, as Subsections F and G, respectively; and to delete existing Subsection G, Residential second units:

**E. Accessory dwelling units.** See Section 35.442.015 (Accessory Dwelling Units) for height limits and exceptions for accessory dwelling units.

**SECTION 12:**

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection B, Setback requirements, of Section 35.430.150, Setback Requirements and Exceptions, of Chapter 35.430, Standards for All Development and Land Uses, to read as follows:

**B. Setback requirements.**

1. **General.** Each structure shall be located on its site so that it is set back from property lines and other structures in compliance with the setback requirements of the applicable zone in Division 35.2

(Montecito Zones and Allowable Land Uses), and with any setbacks established for specific uses by Chapter 35.442 (Standards for Specific Land Uses), except as otherwise provided by this Section or this Development Code.

2. **Property lines and rights-of-way.** No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line or into a public street right-of-way, except as provided by Subsection 35.444.020.D.1.d (Extension over neighboring property).

**SECTION 13:**

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Table 3-4 - Residential Parking Standards, of Section 35.436.050, Required Number of Spaces: Residential Uses, of Chapter 35.436, Parking and Loading Standards, to read as follows:

**Table 3-4 - Residential Parking Standards**

Residential	Parking Spaces Required
One-family and two-family dwellings	2 covered spaces per dwelling unit and; 1 uncovered space per dwelling unit (1)
Multiple dwelling units - Single bedroom or studio dwelling unit (3)	1 space per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 2 bedrooms (3)	2 spaces per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 3 bedrooms or more (3)	2.5 spaces per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
<u>Accessory dwelling units</u>	<u>As determined by Section 35.442.015 (Accessory Dwelling Units).</u>
Dormitories, boarding and lodging houses	1 space per 4 beds and; 1 space per 2 employees
Retirement and special care homes (not including senior housing) (3) (4)	1 space per guest room and; 1 space per 2 employees
Guesthouse	1 space per guesthouse
<del>Residential second dwelling unit</del>	<del>1 space per bedroom</del>

**Notes:**

- (1) A minimum of two covered or uncovered parking spaces shall be required for all additions, individually or combined with previous additions permitted subsequent to May 16, 1995 of less than 50 percent of the floor area of the principal dwelling as it existed as of May 16, 1995. One-family and two-family dwellings legally existing as of May 16, 1995 shall not be considered nonconforming solely because the parking required by this section is not provided.
- (2) If located within a one-mile radius of the boundaries of a college or university, a minimum of 2 parking spaces shall be provided, one of which shall be covered.
- (3) See Section 35.423.060.D for parking requirements for qualifying affordable housing, senior housing, and special care housing developments.
- (4) Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.

**SECTION 14:**

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection H, Location, of Section 35.436.070, Standards for All Zones and Uses, of Chapter 35.436, Parking and Loading Standards, to read as follows:

**H. Location.** Off-street parking spaces shall not be located in the required front or side setback area unless specifically allowed in the applicable zone regulations. Provisions shall be made for direct access from the street to each parking space. The access shall be adequate for standard size automobiles unless the parking area is restricted to compact cars.

1. When a garage, carport, or covered parking structure, or portion thereof, is converted or demolished in conjunction with the construction of a new, detached accessory dwelling unit that is not connected by any means to another structure, any replacement parking spaces which are required to satisfy the parking requirement for the principal dwelling may be provided in any configuration on the same lot as the accessory dwelling unit, including covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

a. A mechanical parking lift shall:

- (1) Not be located on a driveway between the principal dwelling and any adjacent street.
- (2) Be located a sufficient distance away from any structures in order to comply with any fire clearance requirements.
- (3) Not be used to provide replacement parking spaces if the project site is located in a very high fire hazard severity zone.
- (4) Be rated for all-weather use unless located within a building.
- (5) Be located so that the lift and any vehicles parked thereon are screened from view from any public road or other area of public use (e.g., park, trail), or any adjoining lot.

## **SECTION 15:**

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection K, Modifications of parking requirements, of Section 35.436.070, Standards for All Zones and Uses, of Chapter 35.436, Parking and Loading Standards, to read as follows:

**K. Modifications of parking requirements.** Modifications to the parking requirement may be granted, in compliance with ~~Section 35.442.160 (Residential Second Units)~~ Section 35.442.015 (Accessory Dwelling Units), Section 35.472.060 (Conditional Use Permits), Section 35.472.080 (Development Plans), Section 35.472.120 (Modifications), or Section 35.472.180 (Variances).

## **SECTION 16:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Chapter 35.442, Standards for Specific Land Uses, to add a new Section 35.420.015 titled as “Accessory Dwelling Units” and to read as follows:

### **35.442.015 - Accessory Dwelling Units**

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

**B. Applicability.** An application for an accessory dwelling unit may be approved on a lot as allowed in compliance with Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zone), and Table 2-7 and Table 2-8 (Allowed Land Uses and Permit Requirements for Residential Zones).

**C. Allowed density and use.**

1. In compliance with Government Code Section 65852.2, an accessory dwelling unit shall:
  - a. Be deemed to be an accessory use or an accessory building.
  - b. Not be considered to exceed the allowable density for the lot upon which it is located.
  - c. Be deemed to be a residential use that is consistent with the existing Comprehensive Plan and zoning designation for the lot the accessory dwelling unit is located on.
  - d. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.
2. A lot may contain no more than one accessory dwelling unit, and shall be accessory to and be located on the same lot as an existing or proposed one-family or multiple-family dwelling.

**D. Application and processing requirements.**

**1. Permit required.**

- a. Prior to the development or use of a building or portion thereof as an accessory dwelling unit, an application for an Exemption or Zoning Clearance, as applicable, shall be submitted in compliance with Section 35.470.030 (Application Preparation and Filing), and the Exemption or Zoning Clearance shall be issued in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements) or Section 35.472.190 (Zoning Clearances), as applicable.
  - (1) **Exemption required.** An application for an accessory dwelling unit that is in compliance with the development standards of Subsection E (Accessory dwelling units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use) or Subsection F (Accessory dwelling units located entirely within existing one-family or multiple-family buildings on lots zoned for one-family or multiple-family use), below, may be allowed with an Exemption.
  - (2) **Zoning Clearance required.** An application for an accessory dwelling unit that is in compliance with the development standards of Subsection G (Accessory dwelling units located either partially within existing buildings or within new buildings on lots zoned for one-family or multiple-family use), below, may be permitted with a Zoning Clearance.
2. **Ministerial review and review period.** The Director shall consider an application for a Zoning Clearance for an accessory dwelling unit ministerially without discretionary review or hearing.
3. **Conflicts with other Sections of this Development Code.** Where there are conflicts between the standards in this Section 35.442.015 (Accessory Dwelling Units), the standards in Section 35.442.020 (Accessory Structures and Uses), and the standards in the specific zone regulations (Division 35.2 (Montecito Zones and Allowable Land Uses)), the provisions of this Section shall prevail.

**E. Accessory dwelling units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use.** An accessory dwelling unit that is proposed entirely within an existing one-family dwelling or an existing accessory building shall be exempt from the planning permit requirements of this Development Code when in compliance with all of the following standards:

1. The lot contains no more than one accessory dwelling unit.

2. The primary use of the lot is a one-family dwelling.
3. The accessory dwelling unit is proposed to be located in one of the following zones:
  - a. Single Family Residential (R-1/E-1) zone
  - b. Design Residential (DR) zone
  - c. Planned Residential Development (PRD) zone
4. The accessory dwelling unit has independent exterior access from the existing one-family dwelling.
5. The existing side and rear setbacks are sufficient for fire safety purposes in compliance with the current, adopted edition of the California Fire Code.
6. Additional parking spaces are not required to be provided for accessory dwelling units permitted in compliance with this Subsection E.
7. Accessory dwellings units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use that do not meet all of the standards in this Subsection E may be allowed in compliance with Subsection F (Accessory dwelling units located entirely within existing one-family or multiple-family buildings on lots zoned for one-family or multiple-family use), below.

**F. Accessory dwelling units located entirely within existing one-family or multiple-family buildings on lots zoned for one-family or multiple-family use.** Excluding accessory dwelling units that comply with Subsection E (Accessory dwelling units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use), above, an accessory dwelling unit proposed entirely within an existing one-family or multiple-family dwelling or existing accessory building shall be exempt from the planning permit requirements of this Development Code when in compliance with all of the following development standards:

1. Accessory dwelling units allowed in compliance with this Subsection F shall also comply with the development standards in Subsection H (Additional development standards that apply to accessory dwelling units).
2. **Appearance and style.** Any exterior alterations to an existing building that result from the conversion of all or a portion of the existing building to an accessory dwelling unit shall be limited to minor alterations such as the addition of doors and windows.
3. **Maximum and minimum living area requirements.** As used in Section 35.442.015 (Accessory Dwelling Units), living area means the interior habitable area of a dwelling unit including basements and attics but not including an attached garage or any other attached accessory structure.
  - a. **Maximum living area.** The living area of the accessory dwelling unit shall not exceed the following standards:
    - (1) **Attached accessory dwelling unit:** 50 percent of the living area of the principal dwelling that exists at the time of application for the accessory dwelling unit, provided that the living area of the accessory dwelling unit does not exceed 1,200 square feet.
    - (2) **Detached accessory dwelling unit:** 1,200 square feet.
  - b. **Minimum living area.** The living area of an accessory dwelling unit shall be a minimum of 300 square feet unless the accessory dwelling unit qualifies as an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1208.4.
4. **Parking requirements.** Additional parking spaces are not required to be provided for accessory dwelling units permitted in compliance with this Subsection F.
5. **Setbacks.** Except as provided below in Subsection F.5.a, no additional setbacks shall be required



provided the existing side and rear setbacks are sufficient for fire safety purposes in compliance with the current, adopted edition of the California Fire Code.

a. No setback shall be required for an accessory dwelling unit that is proposed to be located entirely within an existing garage.

**G. Accessory dwelling units located either partially within existing buildings or within new buildings on lots zoned for one-family or multiple-family use.** An accessory dwelling unit proposed either partially or wholly within an addition to an existing one-family or multiple-family dwelling or existing accessory building, or is attached to a new one-family or multiple-family dwelling, or is located within a new accessory building, shall be issued a Zoning Clearance when in compliance with all of the following development standards:

1. Accessory dwelling units allowed in compliance with this Subsection G shall also comply with the development standards in Subsection H (Additional development standards that apply to accessory dwelling units).

2. **Accessory to a principal dwelling.** If an application for an accessory dwelling unit is submitted for a lot that does not contain a principal dwelling at the time of application, then the application for a principal dwelling shall be submitted in conjunction with an application for an accessory dwelling unit.

a. Final building permit inspection for the proposed principal dwelling shall be approved prior to final building permit inspection approval for the accessory dwelling unit.

**3. Appearance and style.**

a. The exterior appearance and architectural style of the proposed accessory dwelling unit shall be in compliance with the following.

(1) The design of an accessory dwelling unit that will be attached to an existing building reflects the exterior appearance and architectural style of the existing building and uses the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.

(2) The design of an accessory dwelling unit that will not be attached to an existing building reflects the exterior appearance and architectural style of the existing or proposed principal dwelling and uses the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.

(3) The entrance to an accessory dwelling unit that will be attached to the existing or proposed principal dwelling is structurally shielded so that the entrance is not visible when viewed from any street abutting the lot on which the accessory dwelling unit is located. This standard may be waived by the Director if it would prohibit the construction of an attached accessory dwelling unit on the lot.

(4) All exterior lighting complies with Section 35.430.120 (Outdoor Lighting).

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

b. The Chair of the Montecito Board of Architectural Review, or designee, may review the exterior appearance and architectural style of the proposed accessory dwelling unit and provide comments to the Director regarding whether the application is in compliance with the design criteria listed above in Subsection G.3.a.

**4. Environmentally sensitive habitat areas.** The development of an accessory dwelling unit shall be in compliance with the requirements of Section 35.428.040 (Environmentally Sensitive Habitat (ESH) Overlay Zone).

**5. Height limit.**

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

- (1) The existing space of a one-family or multiple-family dwelling or an accessory building.
- (2) A proposed addition to an existing building and increased height is necessary to allow the roofline of the addition to match the roofline of the existing building that is being added to.

**b. Attached accessory dwelling units.**

- (1) Located below another floor. The height of an accessory dwelling unit that is proposed to be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.
- (2) Located above another floor or on-grade where there is no floor above. The height of an accessory dwelling unit that is proposed to be located above another floor or on-grade where there is no floor above shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35.430.090 (Height Measurement, Exceptions and Limitations).

**c. Detached accessory dwelling units.**

(1) Connected to a detached accessory structure.

(a) Located above or below another floor.

- (i) Located above another floor. The height of an accessory dwelling unit that is proposed to be located above another floor shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35.430.090 (Height Measurement, Exceptions and Limitations).
- (ii) Located below another floor. The height of an accessory dwelling unit that is proposed to be connected to a detached accessory structure and would be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.
- (iii) Notwithstanding the above, the height of the combined structure shall not exceed a height of 25 feet as determined in compliance with Section 35.430.090 (Height Measurement, Exceptions and Limitations).

(b) Located above another floor or on grade where there is no floor above. The height of an accessory dwelling unit that is proposed to be located above another floor or on-grade where there is no floor above shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35.430.090 (Height Measurement, Exceptions and Limitations).

- (2) Not connected to a detached accessory structure. The height of an accessory dwelling unit that is not connected by any means to another structure shall not exceed a height of 16 feet as determined in compliance with Section 35.430.090 (Height Measurement, Exceptions and Limitations).

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

**7. Location on lot.**

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

**8. Maximum and minimum living area requirements.** As used in Section 35.442.015 (Accessory Dwelling Units), living area means the interior habitable area of a dwelling unit including basements and attics but not including an attached garage or any other attached accessory structure.

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

(1) **Attached accessory dwelling unit.** In addition to the maximum living area specified above in Subsection G.8.a (Maximum living area), the living area of an attached accessory dwelling unit shall not exceed 50 percent of the living area of:

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

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

**9. Parking requirements.**

a. Except as provided in Subsection G.9.b, below, in addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot on which the new, detached accessory dwelling unit is located. The additional parking shall be provided as specified in the base zone and in Chapter 35.436 (Parking and Loading Standards) except that said parking may be provided as tandem parking on a driveway and in compliance with the following:

(1) The additional parking may be permitted in the side or rear setback areas, or through

tandem parking, unless:

- (a) The Director finds that parking in setback areas or tandem parking is infeasible based upon specific site or regional topographical or fire and life safety conditions,  
or
- (b) The project site is located in a very high fire hazard severity zone, in which case tandem parking is not allowed.

- b. Additional off-street parking spaces are not required to be provided for new, detached accessory dwelling units that comply with any of the following criteria:
  - (1) The accessory dwelling unit is located within one-half mile of public transit (e.g., a bus stop).
  - (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
  - (3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - (4) When there is a car share vehicle located within one block of the accessory dwelling unit.

**10. Setbacks.** Except as provided below, an accessory dwelling unit shall comply with the setback regulations that apply to the principal dwelling.

- a. A setback of five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above an existing garage.
- b. No setback shall be required for an accessory dwelling unit that is proposed to be located partially within an existing garage.

**11. Tree protection.** An application for an accessory dwelling unit shall be in compliance with the following standards.

- a. To the maximum extent feasible, all development associated with the accessory dwelling unit shall avoid the removal of or damage to all native trees including native oak trees, and specimen trees. For the purposes of this Subsection G.11 (Tree protection), specimen trees are defined as mature non-native trees that are healthy and structurally sound and have grown into the natural stature particular to the species. Trees that may be removed or damaged shall be relocated or replaced onsite.
- b. No grading, paving, and other site disturbance shall occur within the dripline of the tree including the area six feet outside of tree driplines unless the conclusion of a report submitted by the applicant and prepared by a licensed arborist is that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s).

**H. Additional development standards that apply to accessory dwelling units.** The following development standards shall also apply to accessory dwelling units in addition to the development standards contained in Subsection F (Accessory dwelling units located entirely within existing one-family or multiple-family buildings on lots zoned for one-family or multiple-family use) or Subsection G (Accessory dwelling units located either partially within existing buildings or new accessory buildings on lots zoned for one-family or multiple-family use), as applicable.

- 1. Fees.** The applicant will be required to pay development impact mitigation fees in compliance with ordinances and/or resolutions adopted by the County. The amount of the required fee shall be based on the fee schedules in effect when paid.
- 2. Passageway not required.** A passageway shall not be required to be provided in conjunction with the construction of an accessory dwelling unit.

**3. Private and public services.**

- a. Potable water.** Where service by a public water district or mutual water company is not available, the accessory dwelling unit may be served by a private water system subject to review and approval by the Public Health Department or State as applicable.
- b. Wastewater.** Where public sewer service is not available, the accessory dwelling unit may be served by an onsite wastewater treatment system subject to review and approval by the Public Health Department.

**4. Rental and sale.**

- a.** An accessory dwelling unit may be used for rentals provided that the length of any rental shall be longer than 30 consecutive days.
- b.** An accessory dwelling unit shall not be sold separately from the principal dwelling.

**SECTION 17:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 3, Height restrictions, of Subsection B, Development standards, of Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

**3. Height restrictions.** Accessory structures shall conform to the following height limits:

- a. Accessory structures.** Except as provided below, the height limit for accessory structures is 16 feet unless located in the rear setback, in which case the height limit is 12 feet.
  - (1) Accessory dwelling units.** See Section 35.442.015 (Accessory dwelling units) for height limits for accessory dwelling units.
  - b. (2) Barns and stables.** Barns and stables shall comply with the height limit of the applicable zone unless located in the rear setback, in which case the height limit is 12 feet.
  - e. (3) Fences and walls.** See Section 35.430.070 (Fences and Walls) for height limits for fences and walls.
  - d. (4) Guesthouses, artist studios and cabañas.** See Section 35.442.120 (Guesthouses, Artist Studios, and Cabañas) for height limits for guesthouses, artist studios and cabañas.
  - e. ~~Residential second units.~~** See Section 35.442.160 (~~Residential Second Units~~) for height limits for ~~residential second units~~.
  - f.b. Telecommunication facilities.** See Chapter 35.444 (Telecommunications Facilities) for height limits and exception for commercial and noncommercial telecommunication facilities.

**SECTION 18:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection a, Location in rear setback, of Subsection 4, Setback requirements, of Subsection B, Development standards, of Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

**a. Location in rear setback.**

- (1) **Accessory dwelling units.** An accessory dwelling unit may be located in the required rear setback only when allowed in compliance with Section 35.442.015 (Accessory dwelling units).
- (2) **Other accessory structures.** Except as provided in Subsection B.4.a.(1), above, an ~~An~~ accessory structure, other than guesthouses, artist studios and cabañas (Section 35.442.120), ~~and residential second units (Section 35.442.160)~~ may be located in the required rear setback provided that:
  - (1) (a) It is not attached to the principal structure.
  - (2) (b) It is not located closer than 10 feet to the principal structure.
  - (3) (c) It does not exceed 30 percent of the required rear setback.
  - (4) (d) It does not exceed a height of 12 feet.
  - (5) (e) If located on a corner lot backing on a key lot, the accessory structure shall be set back from the rear property line by a distance equal to the side setback requirement applicable to the key lot.
  - (6) (f) A swimming pool, spa, and appurtenant equipment shall not be located closer than five feet to any property line.
  - (7) (g) An accessory structure may otherwise be located adjacent to the rear property line provided that all other provisions (e.g., building code or fire code requirements for separation between structures) are complied with.

**SECTION 19:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 5, Kitchen or cooking facilities/amenities prohibited, of Subsection B, Development standards, of Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

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

**SECTION 20:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 8, Use restrictions, of Subsection B, Development standards, of Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

8. **Use restrictions.** Accessory structures shall not be used as guesthouses, artist studios, or cabañas, unless specifically permitted for these uses. Except for guesthouses or structures specifically permitted as dwellings, (e.g., ~~residential second~~ accessory dwelling units) accessory structures shall not be used for overnight accommodations.

**SECTION 21:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection D, Number on a lot, of Section 35.442.120, Guesthouses, Artist Studios, and Cabañas, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

**D. Number on a lot.**

**~~1. Coastal Zone.~~**

- ~~a. A lot may contain one artist studio or one guesthouse.~~
- ~~b. A lot may contain one cabaña in addition to one artist studio or one guesthouse in compliance with Subsection M. (Cabaña).~~

**~~2. Inland area.~~**

**~~a. AG-I zone. On lots zoned AG-I:~~**

- ~~(1) A lot may contain one artist studio or one guesthouse.~~
- ~~(2) A lot may contain one cabaña in addition to one artist studio or guesthouse in compliance with Subsection M. (Cabaña).~~

**~~b. Zones other than AG-I. On lots zoned other than AG-I:~~**

**1. Except as provided in Subsection D.2 (Accessory dwelling units), below:**

- ~~(1) a. A lot may contain one artist studio and one guesthouse.~~
- ~~(2) b. A lot may contain one cabaña in addition to one artist studio and one guesthouse in compliance with Subsection M. (Cabaña).~~

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

**SECTION 22:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.442.120, Guesthouses, Artist Studios, and Cabañas, of Chapter 35.442, Standards for Specific Land Uses, to delete existing Subsection O, Residential second unit.

**SECTION 23:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Chapter 35.442, Standards for Specific Land Uses, to delete existing Section 35.440.160, Residential Second Units, in its entirety and to reserve the section number for future use.

**SECTION 24:**

DIVISION 35.6, Montecito Site Development Regulations, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 3, Accessory structures, of Subsection B, Standards for address numbers, of Section

35.460.060, Address Numbers - Procedure, Standards, and Display, of Chapter 35.460, Road Naming and Address Numbering, to read as follows:

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

**SECTION 25:**

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection C, Exceptions to Design Review Requirements, of Section 35.472.070, Design Review, of Chapter 35.472, Permit Review and Decisions, to read as follows:

**C. Exceptions to Design Review Requirements.**

1. Accessory dwelling units.
2. Decks.
- 2-3. Fences, gates or walls six feet or less and gateposts of eight feet or less in height; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the Design Review of a new structure or a remodeling or an addition to a structure requiring Design Review in compliance with this Section.
- 3-4. Hot tubs, spas, and swimming pools.
- 4-5. Interior alterations.
- 5-6. Solar panels.
- 6-7. Other exterior alterations determined to be minor by the Director.
7. ~~Residential second units; however approval from the Montecito Board of Architectural Review Chairperson, or designee, is required unless the residential second unit would only require exterior alterations to an existing structure that are determined to be minor by the Director.~~

**SECTION 26:**

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection d, Reduction of parking Spaces, of Subsection 3, Allowed Modifications, of Subsection B, Applicability, of Section 35.472.120, Modifications, of Chapter 35.472, Permit Review and Decisions, to read as follows:

- d. **Reduction of parking spaces.** A reduction in the required number and/or a Modification in the design or location of parking spaces and loading zones may be allowed provided that in no case shall:
  - (1) The ~~required~~ number of required bicycle parking spaces be reduced.
  - (2) The number of spaces required for ~~a residential second~~ an accessory dwelling unit be reduced or be allowed to be located within the required front setback ~~area~~, unless such reduction in the number of spaces is allowed in compliance with Section 35.442.015 (Accessory Dwelling Units).



- (3) Any parking or screening requirement for a vehicle with more than two axles, a recreational vehicle or bus, a trailer, or other non-passenger vehicle be modified.

**SECTION 27:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2, Additional requirements for certain appeals, of Subsection C, Requirements for contents of an appeal, of Section 35.492.020, General Appeal Procedures, of Chapter 35.492, Appeals, to read as follows:

2. **Additional requirements for certain appeals.** The following information is required to be submitted for the appeals listed below in addition to the information required to be submitted by Subsection C.1 (General requirements) above:
  - a. **Appeals regarding a previously approved discretionary permit.** If the approval of a ~~Coastal Development Permit or Land Use Permit~~ required by a previously approved discretionary permit is appealed, the appellant shall identify:
    - (1) How the ~~Coastal Development Permit or Land Use Permit~~ is inconsistent with the previously approved discretionary permit; or
    - (2) How the discretionary permit's conditions of approval that are required to be completed before the approval of a ~~Coastal Development Permit or Land Use Permit~~ have not been completed; or
    - (3) How the approval is inconsistent with Chapter 35.496 (Noticing and Public Hearings).
  - b. **Appeals regarding residential second units.**
    - ~~(1) **Coastal Zone.** The grounds for an appeal of the approval or conditional approval of a Coastal Development Permit or Land Use Permit for a residential second unit in compliance with Section 35.442.160 (Residential Second Units) shall be limited to whether the approved or conditionally approved project is in compliance with the applicable provisions and policies of the Coastal Land Use Plan and the provisions of this Development Code. If the approval or conditional approval of a Coastal Development Permit or Land Use Permit for a residential second unit is appealed, the appellant shall identify how the approved or conditionally approved project is not in compliance with the applicable provisions and policies of the Coastal Land Use Plan and the provisions of this Development Code.~~
    - ~~(2) **Inland Area.** The grounds for an appeal of the approval or conditional approval of a Land Use Permit for a residential second unit in compliance with Section 35.442.160 (Residential Second Units) shall be limited to whether the approved or conditionally approved project is in compliance with development standards for residential second units provided in Subsection 35.442.160.F (Development standards). If the approval or conditional approval of a Land Use Permit for a residential second unit is appealed, the appellant shall identify how the approved or conditionally approved project is not in compliance with development standards for residential second units provided in Subsection 35.442.160.F (Development standards).~~
  - e. **Appeals of final decision of the Montecito Board of Architectural Review.** A decision of the Montecito Board of Architectural Review to grant final approval may not be appealed to the Montecito Commission unless the appellant can demonstrate that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval. If the Director determines that the appeal does not raise a substantial issue that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval, then

the Director shall make that determination in writing, and the appeal shall not be processed. This decision of the Director is final and not subject to appeal.

### **SECTION 28:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection e of Subsection 1, By the Department, of Subsection A, Minimum requirements, of Section 35.496.050, Land Use Permits, of Chapter 35.496, Noticing and Public Hearings, to read as follows:

- e. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.
  - (1) ~~Notice of applications for Residential Second Units, and additions thereto, as may be allowed in compliance with Section 35.442.160 (Residential Second Units) shall include a statement that the grounds for appeal of an approved or conditionally approved Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable provisions of Subsection 35.42.160.F (Development standards).~~

### **SECTION 29:**

DIVISION 35.10, Glossary, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to amend the existing definition of “Residential Second Unit” to read as follows:

~~**Residential Second Unit.** A dwelling unit on a permanent foundation that provides complete, independent living facilities for one or more persons in addition to the principal dwelling on the same lot. The residential second unit may either be an attached residential second unit or detached residential second unit. See Accessory Dwelling Unit.~~

- ~~1. **Attached Residential Second Unit.** A residential second unit that shares a common wall with the principal dwelling.~~
- ~~2. **Detached Residential Second Unit.** A residential second unit that is not attached to the principal dwelling by a common wall.~~

### **SECTION 30:**

DIVISION 35.10, Glossary, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to add new definitions of “Accessory Dwelling Unit” and “Passageway” to read as follows:

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

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

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

**SECTION 31:**

DIVISION 35.10, Glossary, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to delete the existing definitions of “Attached Residential Second Unit,” and “Detached Residential Second Unit.”

**SECTION 32:**

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

**SECTION 33:**

Except as amended by this ordinance, Divisions 35.2, 35.3, 35.4, 35.6, 35.7, 35.9 and 35.10 of Section 35-2, the Montecito 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 34:**

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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DAS WILLIAMS, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel