

2013 General Package Ordinance Amendments

County Land Use and Development Code
Montecito Land Use and Development Code
Article II Coastal Zoning Ordinance

County Board of Supervisors Hearing
April 15, 2014



Purpose of This Hearing

- Review the recommendations of the County and Montecito Planning Commission and approve:
 - 13ORD-00000-00008, an ordinance that amends the County Land Use and Development Code
 - 13ORD-00000-00009, an ordinance that amends the Montecito Land Use and Development Code
 - 13ORD-00000-00010, an ordinance that amends the Article II Coastal Zoning Ordinance

Summary

- The proposed amendments:
 - Implement revisions required by State law
 - Respond to Board of Supervisors requests
 - Clarify existing procedures and requirements
 - Correct errors and omissions
 - Delete Coastal Zone regulations in the County & Montecito Land Use & Development Codes

Summary

- This package includes 20 issue areas
- Only 2 areas were revised by the Planning Commission
 - Maximum build-out periods for phased Conditional Use Permits and Development Plans
 - Structural alterations to nonconforming structures
- These will be reviewed in detail

Summary

■ Remaining issue areas

- Agricultural Processing definition
- Restaurants in the CN zone
- Commercial zones exterior uses
- Amendment processing procedures
- M-1/M-2 Development Plan requirements
- Exterior storage screening
- Exterior trailer storage
- Grocery/Specialty Food Store definition
- Hostels not allowed in the AG-1 zone
- PI zone permit requirement for churches
- PI zone office floor area limitation
- Pool setbacks for interior lots
- Residential setback exemptions
- Special Care Home client restrictions
- Special Care Home permit requirements
- Surface mining interim plans for idle mines
- Time extension procedures
- Zoning Administrator definitions

Maximum Build-out Periods for Phased CUPs & FDPs (CLUDC, MLUDC & Article II)

- Requested by the Board of Supervisors:
 - Limit the period of time in which all follow-on permits must be issued to 10 years
 - 10 year period begins following the effective date of the phased CUP or FDP
 - Planning Commissions recommend allowing the 10 year period to be extended via a Time Extension

Structural Alterations to Nonconforming Structures (CLUDC, MLUDC & Article II)

- **Current regulations:**
 - Nonconforming structures are legal structures that do not conform to current requirements regarding height, setback, lot coverage, etc.
 - May remain as long as they are otherwise lawful but are expected to be removed over time
 - Special exception allows for rebuilding nonconforming residential structure destroyed by natural disaster.

Structural Alterations to Nonconforming Structures (CLUDC, MLUDC & Article II)

- **Current regulations (cont.):**
 - Structural alterations are not allowed unless:
 - Would result in a conforming structure, or
 - Qualifies as a seismic retrofit, or
 - Helps preserve and maintain a historical landmark

Structural Alterations to Nonconforming Structures (CLUDC, MLUDC & Article II)

- **Current regulations (cont.):**
 - Regulations do not explicitly address situations where nonconforming structures are structurally altered without permits and cannot be permitted
 - Existing practice:
 - Such structures must either be altered so that they conform or be removed
 - Returning a structure to its previous configuration usually not possible without altering the structural elements of the building

Structural Alterations to Nonconforming Structures (CLUDC, MLUDC & Article II)

- **Proposed regulations:**
 - Allow alterations to nonconforming structures devoted to conforming residential uses and their accessory uses provided:
 - The alteration does not extend beyond the existing exterior
 - If the structure is 50 years old or greater, the Director determines that the alteration will not negatively impact any historical significance

Structural Alterations to Nonconforming Structures (CLUDC, MLUDC & Article II)

- **Proposed regulations (cont):**
 - Add a new procedure that applies when nonconforming structures are structurally altered without permits (and a permit cannot be approved)
 - This procedure codifies existing practice
 - Would typically only apply to commercial and industrial structures

Structural Alterations to Nonconforming Structures (CLUDC, MLUDC & Article II)

- **Proposed regulations (cont):**
 - Procedure provides that:
 - The structure must either be altered so that it conforms or be demolished
 - If the structure is not altered or demolished, then it is subject to zoning enforcement
 - The determination that a structural alteration has occurred in violation of the ordinance may be appealed to Planning Commission

Structural Alterations to Nonconforming Structures (CLUDC, MLUDC & Article II)

- **Effect of proposed regulations:**
 - Relaxes the current restrictions on structural alterations to nonconforming residential structures
 - Allows the long-term continuation of nonconforming structures that contain conforming residential uses including any nonconforming accessory structures
 - Does not require that these structures be removed unless the owner chooses to do so
 - A structure may be returned to its previous configuration if expanded in violation of the ordinance

Next Steps

- Amendments to CLUDC and MLUDC are effective 30 days after adoption by Board
- Amendment to the Article II must be submitted to the Coastal Commission for certification before it is effective

Recommendations

- Make the findings for approval (Attachments A, D & G)
- Find that the projects are exempt from CEQA (Attachments B, E & H)
- Approve the Ordinances (Attachments C, F & I)