

**ATTACHMENT 8: MONTECITO LAND USE AND DEVELOPMENT CODE ORDINANCE
AMENDMENT**

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE TO EXEMPT LARGE AND SMALL FAMILY DAY CARE HOMES SERVING CHILDREN FROM ZONING PERMITS, MAKE CLARIFICATIONS REGARDING LARGE AND SMALL FAMILY DAY CARE HOMES SERVING ADULTS, IMPLEMENT NEW REGULATIONS AND PERMIT PROCEDURES REGARDING DAY CARE CENTERS, EXEMPT EV CHARGING STATIONS AND HYDROGEN FUELING STATIONS, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS BY AMENDING ARTICLE 35.2 ZONES AND ALLOWABLE LAND USES, ARTICLE 35.3 SITE PLANNING AND OTHER PROJECT STANDARDS, ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES, AND ARTICLE 35.10, GLOSSARY.

Case No. 22ORD-00000-00006

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

SECTION 1:

Section 35.420.040, Exemptions from Planning Permit Requirements, of Chapter 35.422, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 35.420.040.B, is hereby amended to revise subsection B.7 to read as follows and renumber/relabel the existing subsections B.7 - B.24 to B.8 - B.25 to reflect the revision:

- ...
- B. Exempt activities and structures.** 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.

...

7. ~~Fences, gates, gateposts, walls, retaining walls.~~ See Section 35.430.070 (~~Fences and Walls~~). **Electric Vehicle Charging Stations and Hydrogen Fueling Stations.** Electric vehicle charging stations and hydrogen-fueling stations that comply with Government Code Section 65850.7.

...

SECTION 2:

Section 35.422.030, Table 2-1 Allowed Land Uses and Permit Requirements for Resource Protection Zones, of Chapter 35.422, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows. "Table 2-1 – Continued" shall remain as-is without amendments.

Table 2-1	E	Allowed use, no permit required (Exempt)
Allowed Land Uses and Permit Requirements	P	Permitted use, Land Use Permit required (2)
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations

for Resource Protection Zone	— Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE	Specific Use Regulations
	RMZ	

AGRICULTURAL, MINING & ENERGY FACILITIES

Animal keeping	S	35.442.040
Aquaculture	CUP	
Cannabis - Cultivation and microbusiness	—	
Cultivated agriculture, orchard, vineyard, new	CUP	
Cultivated agriculture, orchard, vineyard, historic legal use	CUP	
Grazing	E	
Mining	CUP	35.472.140

RECREATION, EDUCATION & PUBLIC ASSEMBLY

Education or research facility, limited	CUP	
Meeting facility, religious	CUP	
Rural recreation	CUP	
School	CUP	
Spa, Natural	CUP	35.442.170

RESIDENTIAL

Accessory dwelling unit	S	35.442.015
Guesthouse	P	35.442.120
Home occupation	P	35.442.130
Dwelling, one-family	P	
Farmworker dwelling unit	P	35.442.105
Farmworker dwelling complex	CUP	35.442.105
Junior accessory dwelling unit	S	35.442.015
Residential accessory uses and structures	P	35.422.030.E
Special care home, 7 or more clients	CUP	35.442.070
Transitional and supportive housing	S	35.442.070

SERVICES

Large family day care home, <u>servicing adults</u>	P	35.442.070
<u>Large family day care home, servicing children</u>	<u>E (3)</u>	35.442.070
Small family day care home, <u>servicing adults</u>	E	35.442.070
<u>Small family day care home, servicing children</u>	<u>E (3)</u>	35.442.070
Day care center, <u>accessory to Non-residential dwelling</u>	CUP (4)	35.442.070
Day care center, <u>Residential-accessory to dwelling</u>	CUP	35.442.070
<u>Day care center, principal use</u>	<u>CUP (4)</u>	35.442.070
Lodging – Homestay	—	
Lodging - Short-term rental	—	

Key to Zone Symbols

RMZ	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 Subsection [35.422.030.C](#) (Development Plan approval required).
- (3) A change of use to a large or small family day care home, servicing children, is exempt from zoning permits. An application to construct a new structure to be used as a large or small family day care home, servicing children, is subject to the same standards and permit requirements as a proposal to construct a residential structure in the same zone.
- (4) Day care centers serving up to and including fifty (50) children may be permitted with a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#).

SECTION 3:

Section 35.423.030, Table 2-4 – Continued, Allowed Land Uses and Permit Requirements for Residential Zones, of Chapter 35.423, of Section 35-2, the Santa Barbara County Montecito Land Use

and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows. “Table 2-4” shall remain as-is without amendments.

Table 2-4 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	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)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-2	DR	PRD	

RESIDENTIAL

Accessory dwelling unit	S	S	S	S	35.442.015
Artist studio	P	—	—	—	35.442.120
Dwelling, one-family	P (3)	P (3)	P	P	35.442.140
Dwelling, two-family	—	P	P	P	
Dwelling, multiple	—	—	P	P	
Farmworker dwelling unit	P (3)	P (3)	P	P	35.442.105
Farmworker housing complex	CUP	CUP	P	—	35.442.105
Guesthouse	P	—	—	—	35.442.120
Home occupation	P	P	P	P	35.442.130
Junior accessory dwelling unit	S	S	S	S	35.442.015
Mobile home park	CUP	CUP	CUP	CUP	
Organizational house (fraternity, sorority, etc.) (4)	—	—	CUP	—	
Residential accessory use or structure	P	P	P	P	35.442.020
Residential project convenience facilities	—	—	P	P	
Special care home, 7 or more clients	CUP	CUP	CUP	CUP	35.442.070
Transitional and supportive housing	S	S	S	S	35.442.070

SERVICES

Large family day care home, <u>servicing adults</u>	P	P	P	P	35.442.070
<u>Large family day care home, servicing children</u>	E (5)	E (5)	E (5)	E (5)	35.442.070
Small family day care home, <u>servicing adults</u>	E	E	E	E	35.442.070
<u>Small family day care home, servicing children</u>	E (5)	E (5)	E (5)	E (5)	35.442.070
Day care center, <u>Non-residential principal use</u>	CUP (6)	CUP (6)	CUP (6)	CUP (6)	35.442.070
Day care center, <u>accessory to Non-residential dwelling, accessory</u>	CUP (6)	CUP (6)	P	P	35.442.070
Day care center, <u>Residential-accessory to dwelling</u>	CUP	CUP	CUP	CUP	35.442.070
Lodging - Homestay	P	P	P	P	35.442.135
Lodging - Short-term rental	—	—	—	—	
Medical services - Clinic	—	—	—	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	
Mortuary	—	—	—	—	
Mortuary, accessory to cemetery	—	—	—	—	

Key to Zone Symbols

R-1/E-1	One-Family Residential	DR	Design Residential
R-2	Two-Family Residential	PRD	Planned Residential Development

Notes:

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Subsection [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 \(Mobile Homes on Foundations\)](#).
- (4) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.
- (5) [A change of use to a large or small family day care home, serving children, is exempt from zoning permits. An application to construct a new structure to be used as a large or small family day care home, serving children, is subject to the same standards and permit requirements as a proposal to construct a residential structure in the same zone.](#)
- (6) [Day care centers serving up to and including fifty \(50\) children may be permitted with a Land Use Permit in compliance with Section 35.472.110 \(Land Use Permits\).](#)

SECTION 4:

Section 35.424.030, Table 2-8 – Continued, Allowed Land Uses and Permit Requirements for Commercial Zones, of Chapter 35.424, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows. “Table 2-8” shall remain as-is without amendments.

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	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)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	CN	CV	

RETAIL TRADE

Cannabis - Non-Storefront Retailer	—	—	
Cannabis - Retail	—	—	
Drive-through facility	CUP	—	35.442.100
General retail	P	—	
Grocery and specialty food stores	P	—	
Health club, spa	P	P (3)	
Restaurant, café, coffee shop	P	P (3)	
Service station	P	—	35.442.050
Visitor serving commercial	—	P (3)	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services	P	—	
Business support service	P	—	
Drive-through facility	CUP	—	35.442.100
Medical services - Clinic, urgent care	P	—	
Medical services - Doctor office	P	—	
Medical services - Extended care	CUP	CUP	
Medical services - Hospital	CUP	CUP	
Office - Business/service	P	—	
Office - Professional/administrative	P	—	
Public safety facility	P	—	

SERVICES - GENERAL

Charitable or philanthropic organization	—	—	
Large family day care home, serving adults	P	P	35.442.070
Large family day care home, serving children	E (4)	E (4)	35.442.070
Small family day care home, serving adults	E	E	35.442.070
Small family day care home, serving children	E (4)	E (4)	35.442.070

Day care center, Non-residential-principal use	CUP (5)	CUP (5)	35.442.070
Day care center, accessory to Non-residential-dwelling-accessory	P	P	35.442.070
Day care center, Residential-accessory to dwelling	CUP	CUP	35.442.070
Drive-through, facility	CUP	—	35.442.070
Furniture repair accessory to furniture store or interior decorator	CUP	—	
Lodging - Homestay	—	—	
Lodging - Hotel or Motel	—	—	
Lodging - Resort hotel, guest ranch	—	P	35.424.060
Lodging - Short-term rental	—	P	35.442.160
Personal services	P	P (3)	
Vehicle services - Minor maintenance/repair	P	—	35.442.050

Key to Zone Symbols

CN	Neighborhood Commercial
CV	Resort/Visitor Serving Commercial

Notes:

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Subsection [35.424.030.C](#) (Development Plan approval required).
- (3) Use only allowed accessory and incidental to an approved resort or guest ranch.
- (4) A change of use to a large or small family day care home, serving children, is exempt from zoning permits. An application to construct a new structure to be used as a large or small family day care home, serving children, is subject to the same standards and permit requirements as a proposal to construct a residential structure in the same zone.
- (5) Day care centers serving up to and including fifty (50) children may be permitted with a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#).

SECTION 5:

Section 35.425.030, Table 2-10 Allowed Land Uses and Permit Requirements for Special Purpose Zones, of Chapter 35.425, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows. “Table 2-10 – Continued” shall remain as-is without amendments.

Table 2-10 Allowed Land Uses and Permit Requirements for Special Purpose Zones	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)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	REC	PU	

AGRICULTURAL, MINING & ENERGY FACILITIES

Animal keeping (except equestrian facilities- see RECREATION below)	S	S	35.442.040
Cannabis – Cultivation, nursery, and microbusiness	—	—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

County club, swim and tennis club	CUP	—	
Equestrian facility	CUP	—	
Golf course	P	—	
Library	CUP	CUP	
Meeting facility, public or private	CUP	CUP	
Meeting facility, religious	CUP	CUP	
Museum	CUP	CUP	
Park, playground - Public	P	—	

School	CUP	CUP	
Sports & outdoor recreation facilities	CUP	CUP	
Trail for bicycles, hiking, or riding	P	—	
Zoo	CUP	—	

RESIDENTIAL USES

Accessory dwelling unit	—	—	35.442.015
Caretaker/Manager dwelling	CUP	—	35.442.060
Junior accessory dwelling unit	—	—	35.442.015
Transitional and supportive housing	CUP	—	35.442.070

RETAIL TRADE

Cannabis - Non-Storefront Retailer	—	—	
Cannabis - Retail	—	—	
Restaurant, café, coffee shop, accessory to allowed recreation use	CUP	—	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Medical services - Extended care	CUP	CUP	
Medical services - Hospital	CUP	CUP	
Office - Accessory	P	P	

SERVICES - GENERAL

Large family day care home, <u>servicing adults</u>	P	—	35.442.070
<u>Large family day care home, servicing children</u>	E (3)	E (3)	35.442.070
Small family day care home, <u>servicing adults</u>	E	—	35.442.070
<u>Small family day care home, servicing children</u>	E (3)	E (3)	35.442.070
<u>Day care center, principal use</u>	CUP (4)	CUP (4)	35.442.070
Day care center, <u>accessory to Non-residential dwelling</u>	CUP (4)	CUP (4)	35.442.070
Day care center, <u>Residential accessory to dwelling</u>	CUP	—	35.442.070
Lodging - Homestay	—	—	
Lodging - Short-term rental	—	—	

Key to Zone Symbols

REC	Recreation
PU	Public Utilities

Notes:

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Subsection [35.425.030.C](#) (Development Plan approval required).
- (3) A change of use to a large or small family day care home, servicing children, is exempt from zoning permits. An application to construct a new structure to be used as a large or small family day care home, servicing children, is subject to the same standards and permit requirements as a proposal to construct a residential structure in the same zone.
- (4) Day care centers serving up to and including fifty (50) children may be permitted with a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#).

SECTION 6:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of the MLUDC, is hereby amended to revise Chapter 35.436, Parking and Loading Standards, is hereby amended to revise Sections 35.436.050, Required Number of Spaces: Residential Uses and 35.436.060, Required Number of Spaces: Nonresidential Uses, to read as follows:

35.436.050 - Required Number of Spaces: Residential Uses

Residential parking requirements shall be in compliance with the provisions in this Section, and in [Section 35.436.070 \(Standards for All Zones and Uses\)](#) and [Section 35.436.090 \(Standards for Residential Zones and Uses\)](#) below.

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)
Accessory dwelling units	As determined by Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units) .
Junior accessory dwelling units	No parking spaces required
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
Day care center (5)	1 space per 10 children/adults and; 1 drop-off/loading space
Guesthouse	1 space per guesthouse

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 Subsection [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.
- (5) [A reduction in required parking may be allowed: \(1\) with the submittal of a parking study that sets forth substantial evidence to support a reduction in the required parking \(e.g., the daycare center involves clients that do not have access to automobiles, the daycare center is located in proximity to a major transit stop, and/or sufficient parking already exists on or near the project site\); and \(2\) subject to a Minor Conditional Use Permit. If a Conditional Use Permit is otherwise required for the daycare center, a Minor Conditional Use Permit is not required and the decision-making authority shall consider the reduction in parking when considering the findings of approval for the Conditional Use Permit \(Subsection 35.472.067.E\).](#)

35.436.060 - Required Number of Spaces: Nonresidential Uses

Nonresidential parking requirements shall be in compliance with the provisions in this Section, and in [Section 35.436.070 \(Standards for All Zones and Uses\)](#) and [Section 35.436.100 \(Standards for Nonresidential Zones and Uses\)](#) below.

Table 3-5 - Nonresidential Parking Standards

Recreation, Education & Public Assembly Uses	Parking Spaces Required
Day care center (accessory or principal use) (1)	1 space per 10 children/adults and; 1 drop-off/loading space
Library, museum, art gallery, or similar use	1 space per 2 employees and; 1 space per 300 square feet of gross floor area

Recreation, Education & Public Assembly Uses	Parking Spaces Required
Religious institutions, school auditoriums, college auditoriums, theaters, general auditoriums, stadiums, mortuaries, lodges, halls, and other places of general assembly	With fixed seats - 1 space per 4 fixed seats Without fixed seats - 1 space per 30 square feet of auditorium floor space
Racquetball and tennis facility	1.5 spaces per court
School - College	1 space per 5 students and; 1 space per 3 employees
School - Day school or Nursery school	1 space per 10 students and; 1 space per 2 employees
School - Elementary and Middle School	1.5 spaces per teaching station
School - High School	6 spaces per teaching station
Spas, health clubs, etc.	1 space per 200 square feet of spa area and; 1 space per 500 square feet of area related to the spa facilities
Spectator seating	1 space per 5 seats or 1 space per 35 square feet of seating area
Swimming pools, public	1 space per 200 square feet of pool area and; 1 space per 500 square feet of area related to the pool facilities
Retail Trade	Parking Spaces Required
Furniture and appliance stores, hardware stores	1 space per 1,000 square feet of gross floor area
Restaurants, cafes, , etc.	1 space per 300 square feet of space devoted to patrons and; 1 space per 2 employees
Retail business and general commercial	1 space per 500 square feet of gross floor area
Services & Offices - Business, Financial, Professional	Parking Spaces Required
Business and professional offices e.g., banks, lawyers' offices	1 space for each 300 square feet of gross floor area
Hotels/motels	1 space per guest room and; 1 space per 5 employees
Medical services - extended care	1 space per 3 beds and; 1 space per 3 employees
Medical services - hospitals	1 space per 2 beds and; 1 space per 3 employees
Medical services - medical clinics, medical and dental offices	1 space per 200 square feet of gross floor area
Short-Term Rental	1 space per bedroom

Notes:

- (1) A reduction in required parking may be allowed (1) with the submittal of a parking study that sets forth substantial evidence to support a reduction in the required parking (e.g., the daycare center involves clients that do not have access to automobiles, the daycare center is located in proximity to a major transit stop, and/or sufficient parking already exists on or near the project site); and (2) subject to a Minor Conditional Use Permit. If a Conditional Use Permit is otherwise required for the daycare center, a Minor Conditional Use Permit is not required and the decision-making authority shall consider the reduction in parking when considering the findings of approval for the Conditional Use Permit (Subsection 35.472.067.E).

SECTION 7:

Section 35.442.020 of Chapter 35.442, of the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete the self-reference in Subsection B.4.a(1), to read as follows:

...

4. **Setback requirements.** Accessory structures, including swimming pools, spas, and appurtenant equipment, shall comply with the front and side setback requirements of the applicable zone unless otherwise specifically allowed in compliance with this Development Code.

- a. **Location in rear setback.**

- (1) **Other accessory structures.** ~~Except as provided in Subsection B.4.a.(1), above, a~~An accessory structure, other than guesthouses, artist studios and cabañas (Section 35.442.120) may be located in the required rear setback provided that:

...

SECTION 8:

Section 35.442.070, of Chapter 35.442, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise Subsections A through C, to read as follows:

35.442.070 - Community Care Facilities

- A. **Purpose and applicability.** This Section establishes standards for community care facilities where allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#). Community care facilities shall be ~~in~~ operated in compliance with State law and in a manner that recognizes the needs of community care operators and minimizes the effects on surrounding properties. Licensing by the appropriate State agency is required for community care facilities unless they are able to operate legally without a license in compliance with State law.
- B. **Family day care home.** Large and small family day care home.
 1. **Processing Allowable uses and permit requirements, for day care home serving adults.** Large and small family day care homes, serving adults shall be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
 - a. ~~Family day care homes may be allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses). The use of a family day care home shall be incidental and secondary to the use of the property for residential purposes and must be located in the day care provider's current residence.~~
 - b. ~~The review of an application for a family day care home shall be a ministerial action.~~
 - e. ~~If required, notice of the application and pending decision on a permit for a family day care home shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).~~
 2. **Standards that apply to all family day care homes.** Family day care homes shall comply with the following standards: [Allowable uses and permit requirements, for day care home serving children.](#) Small and large family day care homes, serving children shall be considered a residential use unless otherwise preempted by State Law, and exempt from permit requirements in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
 - a. ~~During the operation of the family day care home the provider shall have a valid license or a statement of exemption from licensing requirements from the California State Department of Social Services if such license or exemption is required in compliance with State law.~~

3. ~~Additional standards that apply to large family day care homes.~~ Large family day care homes shall also comply with the following standards in addition to the standards of Subsection B.2, above:
 - a. ~~The large family day care home shall be located more than 300 feet from any other large family day care home.~~ During the operation of the family day care home, the provider shall have a valid license or a statement of exemption from licensing requirements from the California State Department of Social Services if such license or exemption is required in compliance with Health and Safety Code Section 1597.44.

C. Day care centers.

1. ~~Processing Allowable uses and permit requirements, for adult day care centers.~~ A day care center where group care is provided in a dwelling for fifteen (15) or more adults, may be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
 - a. ~~Day care centers may be allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).~~
 - b. ~~If required, notice of the application and pending decision on a permit for a day care center shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).~~
2. ~~Standards that apply to all day care centers.~~ Day care centers shall comply with the following standards:
 - ~~Allowable uses and permit requirements, for child day care centers.~~ A day care center where group care is provided in a dwelling for fifteen (15) or more children, may be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
 - a. ~~During the operation of the day care center the provider shall have a valid license or a statement of exemption from licensing requirements from the California State Department of Social Services if such license or exemption is required in compliance with State law.~~ **Day care center, accessory use to dwelling.** A day care center where group care is provided in a dwelling for fifteen (15) or more children, including children who reside at the home, as an accessory use to the principal use of a lot as a dwelling may be allowed in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#).
 - b. **Day care center, accessory use to non-dwelling.** A day care center that is accessory to a non-residential principal assembly use (e.g., school, church, and/or office) may be allowed in compliance with the following specifications:
 - (1) Day care centers serving up to and including fifty (50) children may be allowed with a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#). If the existing non-dwelling principal assembly use is subject to a Conditional Use Permit, a revision to the existing Conditional Use Permit is not required to allow the day care center serving up to and including fifty (50) children.
 - (2) Day care centers serving fifty-one (51) or more children may be allowed with a Conditional Use Permit or revision to the existing Conditional Use Permit for the principal use of the lot, if applicable.
 - c. **Day care center, principal use.** A day care center where group care is the principal use of a lot may be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
 - (1) Day care centers serving up to and including fifty (50) children may be allowed with a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#).
 - (2) Day care centers serving fifty-one (51) or more children may be allowed with a Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#).

3. ~~Additional standards that apply to non-residential day care centers. Non-residential day care centers shall also comply with the following standards in addition to the standards of Subsection C.2, above: Standards.~~
 - a. ~~Nonresidential day care centers shall be accessory and subordinate to the principle permitted use on the project site. Day care centers shall comply with the Parking and Loading Standards in Chapter 35.436 (Parking and Loading Standards).~~
 - b. ~~The day care center shall be sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent lots, as determined by the Department.~~
 - c. ~~DR and PRD zones. Non-residential day care centers in the DR and PRD zones shall be for use solely by onsite residents and/or employees of the development.~~
 - d. ~~CN and CV zones. Non-residential day care centers in the CN and CV zones shall be for use solely by onsite employees of the development.~~

...

SECTION 9:

Article 35.10, Glossary, "Day Care" of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise the definitions of Day Care Center and Family Day Care Home and add a definition for Family Day Care Home, serving children to read as follows:

Day Care. Facilities that provide non-medical care and supervision of adults or minor children in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual for periods of less than 24 hours. These facilities include the following which may be required to be licensed by the County or the State unless they are able to operate legally without a license in compliance with County and State laws.

1. **Day Care Center.** A commercial or non-profit ~~facility use~~ designed and approved to accommodate 15 or more adults or children. Includes facilities providing overnight care, providing that said care is for periods of less than twenty-four hours per day. A day care center may be operated in conjunction with a school or church facility, or as an independent land use. The owner or operator of a residential day care center is not required to reside at the day care center.
 - a. ~~Non-residential dwelling, principal use.~~ A day care center where group care is provided in a structure not used as a dwelling unit.
 - b. ~~Non-residential dwelling, A~~accessory. A day care center that is within or on the site of another use and provides day care services for occupants of the other use.
 - c. ~~Residential Dwelling, accessory.~~ A day care center where group care is provided in a dwelling for 15 or more adults or children, including adults or children who reside at the home.
2. **Family Day Care Home, serving adults.** A one-family dwelling whose regular and permanent occupant(s) provides, on a regular basis, care, protection, and supervision for 14 or fewer adults ~~or children~~ for periods of less than 24 hours per day while the parents or guardians are away. Family day care homes ~~serving adults~~ shall be classified as follows:

- a. **Large Family Day Care Home, servicing adults.** A day care facility that provides family day care for seven to 14 adults ~~or children, inclusive, including children under the age of 10 years who reside in the dwelling.~~
- b. **Small Family Day Care Home, servicing adults.** A day care facility that provides family day care for six or fewer adults, or eight or fewer children, ~~including children under the age of 10 years who reside in the dwelling.~~

3. Family Day Care Home, servicing children. A facility (in a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses) that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day while the parents or guardians are away. Family day care homes serving children shall be classified as follows:

- a. **Large Family Day Care Home, servicing children.** A day care facility that provides care, protection, and supervision for seven to 14 children, inclusive, including children under the age of 10 years who reside at the home, as set forth in Health and Safety Code Section 1597.465 and as defined in state regulations, as may be amended.
- b. **Small Family Day Care Home, servicing children.** A day care facility provides care, protection, and supervision for eight or fewer children, including children under the age of 10 years who reside at the home, as set forth in Health and Safety Code Section 1597.44 and as defined in state regulations, as may be amended.

SECTION 10:

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Santa Barbara County 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 11:

Except as amended by this Ordinance, the Santa Barbara County 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 12:

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 _____, 2022, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

JOAN HARTMANN, 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:

RACHEL VAN MULLEN
COUNTY COUNSEL

By: _____
Deputy