

**ATTACHMENT C-1: COUNTY LAND USE AND DEVELOPMENT CODE
ORDINANCE AMENDMENT CHANGES SHOWN**

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE (LUDC), OF CHAPTER 35, ZONING, OF THE COUNTY CODE, 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; ARTICLE 35.5, OIL AND GAS, WIND ENERGY AND COGENERATION FACILITIES; ARTICLE 35.8 PLANNING PERMIT PROCEDURES; ARTICLE 35.10, LAND USE AND DEVELOPMENT CODE ADMINISTRATION; ARTICLE 35.11, GLOSSARY; APPENDIX C, GUIDELINES FOR MINOR CHANGES TO LAND USE PERMITS; AND APPENDIX F, SUBSTANTIAL CONFORMITY DETERMINATION GUIDELINES, TO STREAMLINE AND MODERNIZE THE ORDINANCE AND TO IMPLEMENT STANDARDS FOR HOUSING ACCOMMODATION.

Case No. 25ORD-00006

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

SECTION 1:

ARTICLE 35.1, Development Code Applicability, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.10.040, Applicability of the Development Code, of Chapter 35.10, Purpose and Applicability of Development Code, is hereby amended to read as follows:

35.10.040 Applicability of the Development Code

This Development Code applies to all land uses, subdivisions, and development within the County, except for the area designated as the Coastal Zone as defined in Article 35.11 (Glossary) and the Montecito Community Plan area, as follows.

- A. **New land uses or structures, changes to land uses or structures.** It shall be unlawful, and a violation of this Development Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the ~~requirements provisions of Section 35.20.020 (Prerequisites for Development and New Land Uses) and Chapter 35.101 (Nonconforming Uses, Structures, and Lots)~~this Development Code. No Building Permit or Grading Permit shall be issued by the Department unless the proposed construction complies with all applicable provisions of this Development Code.
- B. **Subdivisions.** Any subdivision of land proposed within the County after the effective date of this Development Code shall be consistent with the minimum lot area and width requirements of Article 35.2 (Zones and Allowable Land Uses) unless a reduction is allowed in compliance with Section 35.82.200 (Variances), the County's subdivision regulations (County Code, Chapter 21) and all other applicable requirements of this Development Code.
- C. **Continuation of an existing land use.** An existing land use is lawful and not in violation of this Development Code only when operated and maintained in compliance with all

applicable provisions of this Development Code, including Chapter 35.101 (Nonconforming Uses, Structures, and Lots). ~~However, the requirements of this Development Code are not retroactive in their effect on a land use that was lawfully established before the effective date of this Development Code or any applicable Amendment, except as otherwise provided by Chapter 35.101 (Nonconforming Uses, Structures, and Lots).~~

- D. **Effect of Development Code changes on projects in progress.** A project that is under construction on the effective date of this Development Code or any Amendment, need not be changed to satisfy any new or different requirements of this Development Code, provided that the construction, i.e., the placing of construction materials in permanent position and fastened in a permanent manner, was lawfully begun prior to the effective date of this Development Code or any Amendment.
- E. **Incorporation of existing ordinances and development plans.** Previously adopted ordinances which added development and zone text provisions applicable to particular property in compliance with the following provisions of previously adopted zoning regulations are hereby incorporated by reference into this Section and shall have the same force and effect as if the provisions of those ordinances were specifically and fully set forth in this Section.
 - 1. **Ordinances.**
 - a. Ordinance No. 453, Article 3.1.
 - b. Ordinance No. 661, Article IV.
 - c. ~~Preliminary~~ Development Plans incorporated into rezoning ordinances in compliance with Article III of Chapter 35 of the County Code.
 - 2. **Development Plans.**
 - a. Development Plans and Precise Plans previously adopted in compliance with Ordinance No. 661.
 - b. Development Plans previously adopted in compliance with Article III of Chapter 35 of the County Code.
- F. **Conflicting requirements.**
 - 1. **Development Code and County Code provisions.** If conflicts occur between requirements of this Development Code or between this Development Code and the Santa Barbara County Code, or other regulations of the County, the most restrictive shall control unless specifically indicated otherwise.
 - 2. **Development Agreements or Specific Plans.** If conflicts occur between the requirements of this Development Code and standards adopted as part of any Development Agreement or applicable Specific Plan, the requirements of the Development Agreement or Specific Plan shall apply.

3. **Private agreements.** This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs) without affecting the applicability of any agreement or restriction. The County shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement, or a portion thereof.
- G. **State, County, Local Agency, and School District sites and facilities.** Within the unincorporated Inland areas of the County, the provisions of this Development Code do not apply to the following governmental properties and activities.
1. Development by the Federal Government on leased or Federally owned land.
 2. Development by the County or any district of which the Board is the governing body.
 3. Development within any state university or college.
 4. Development by the State or an agency of the State acting in its sovereign (governmental) capacity.
 5. Certain facilities of local agencies as defined in Government Code Section 53090 et seq.
- H. **Other requirements may apply.** Nothing in this Development Code eliminates the need for obtaining any other permits required by the County, or any permit, approval or entitlement required by any other applicable special district or agency and/or the regulations of any State, or Federal agency.

SECTION 2:

ARTICLE 35.1, Development Code Applicability, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Table 1-1, Zones, of Section 35.14.020, Zoning Map and Zones, of Chapter 35.14, Zoning Map, is hereby amended to read as follows:

Table 1-1- Zones

Zone Symbol	Name of Zone	Applicable Code Chapter
Agricultural Zones		
AG-I	Agricultural I	35.21
AG-II	Agricultural II	
Resource Protection Zones		

<u>MT-GAV</u>	<u>Mountainous - Gaviota</u>	35.22
MT-GOL	Mountainous - Goleta	
MT-TORO	Mountainous - Toro Canyon	
RMZ	Resource Management	
Residential Zones		
RR	Residential Ranchette	35.23
E-1	Single Family Estate Residential	
R-1	Single Family Residential	
EX-1	One-Family Exclusive Residential	
R-2	Two-Family Residential	
DR	Design Residential	
MR-O	Multi-Family Residential - Orcutt	
PRD	Planned Residential Development	
SLP	Small-Lot Planned Development	
MHP	Mobile Home Planned Development	
MHS	Mobile Home Subdivision	
Commercial Zones		
<u>CN</u>	<u>Neighborhood Commercial</u>	35.24
C-1	Limited Commercial	
C-2	Retail Commercial	
C-3	General Commercial	
CH	Highway Commercial	

CM-LA	Community Mixed Use - Los Alamos	
C-S	Service Commercial	
C-V	Resort/Visitor-Serving Commercial	
PI	Professional and Institutional	
Industrial Zones		
M-RP	Industrial Research Park	35.25
M-1	Light Industry	
M-2	General Industry	
M-CR	Coastal-Related Industry	
Special Purpose Zones		
MU	Mixed Use	35.26
NTS	Naples Townsite	
OT-R (1)	Old Town-Residential (1)	
OT-R/LC	Old Town - Residential/Light Commercial	
OT-R/GC	Old Town - Residential/General Commercial	
PU	Public Utilities	
REC	Recreation	
Overlay Zones		
AH	Affordable Housing	35.28
CVC	Critical Viewshed Corridor	
F	Airport Approach	

D	Design Control	
ESH-GAV	Environmentally Sensitive Habitat - Gaviota Coast	
ESH-GOL	Environmentally Sensitive Habitat - Goleta	
ESH-MC	Environmentally Sensitive Habitat - Mission Canyon	
ESH-TCP	Environmentally Sensitive Habitat - Toro Canyon	
FA	Flood Hazard	
HC	Highway 101 Corridor	
HWMF	Hazardous Waste Management Facility	
LAE	Limited Agricultural Enterprise	
PA-OTO	Pedestrian Area - Old Town Orcutt	
RC-GOL	Riparian Corridor - Goleta	
SC-MC	Scenic Corridor - Mission Canyon	
Community Plan Overlay Zones		
GAV	Gaviota Coast Plan	35.28.210
GOL	Goleta	
LA	Los Alamos	
ORC	Orcutt	
SYV	Santa Ynez Valley	
SUM	Summerland	
TCP	Toro Canyon Plan	

SECTION 3:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Chapter 35.20, Development and Land Use Approval Requirements, is hereby amended to read as follows:

CHAPTER 35.20 DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS

35.20.010 Purpose

This Chapter describes the County's requirements for the approval of proposed development and new land uses. ~~The permit requirements established by this Development Code for specific land uses are in Chapters 35.21 through 35.26 and Chapter 35.28 (Overlay Zones).~~

35.20.020 Prerequisites for Development and New Land Uses

Each land use and structure shall be established, constructed, reconstructed, altered, moved, or replaced in compliance with the following requirements.

- A. **Allowable use.** A proposed land use must be allowed by this Development Code in the zone applied to the site. ~~The basis for determining whether a use is allowable is in Section 35.20.030 (Allowable Development and Planning Permit Requirements).~~
- B. **Permit and approval requirements.** Any planning permit or other approval required by ~~Section 35.20.030 (Allowable Development and Planning Permit Requirements)~~ this Development Code shall be obtained before the issuance of any grading, building, or other construction permit, and before commencing any work pertaining to any development or use or using any land or structure, ~~unless such structure or use is listed in Section 35.20.040 (Exemptions from Planning Permit Requirements).~~
- C. **Development standards, conditions of approval, Comprehensive Plan.** Each land use and structure shall comply with the development standards of this Chapter, ~~the provisions of Article 35.2 through Article 35.8, all other applicable requirements of this Development Code, the Comprehensive Plan, including any applicable community, specific or area plan and any applicable conditions imposed by a previously granted planning permit.~~
- D. **Legal lot.** The site of a proposed development or land use shall be one or more lots as defined in this Development Code.

35.20.030 Allowable Development and Planning Permit Requirements

- A. **Allowable land uses.** The land uses allowed by this Development Code in each zone and overlay zone are listed in Chapters 35.21 through 35.28, together with the type of planning permit required for each use. Each listed land use type is defined in Article 35.11 (Glossary).
 - 1. **Uses not defined.** In cases where a specific land use or activity is not defined, the Director shall determine the defined land use type that the land use or activity is substantially similar in character and intensity to, and it shall be subject to the same processing requirements and standards. A land use or activity that is not defined and

not found to be substantially similar to any defined use shall not be allowed. The decision of the Director in such instances may be appealed under Chapter 35.102 (Appeals). ~~Establishment of an allowable use. Any land use identified by Chapters 35.21 through 35.28 as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements of Subsection B. (Permit requirements) below, and compliance with all applicable requirements of this Development Code, unless the approval and/or issuance of a planning permit is not required in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements).~~

2. **Use not listed.** A Where a proposed land use is not listed specifically enumerated in a zone, it may be allowed if the Director finds the use to be similar in character to uses that are already enumerated as permitted uses within that zone.

a. Where a proposed, but unlisted, use is determined to be similar to a listed permitted use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.

b. A land use not listed and not determined to be substantially similar to the land uses listed in Chapters 35.21 through 35.28 or not shown in the table of allowable land uses and permit requirements for a particular zone is not allowed, except as otherwise provided in Subsection A.3 (Similar and compatible use may be allowed) below.

c. The decision of the Director in such instances may be appealed under Chapter 35.102 (Appeals).

3. ~~Similar and compatible use may be allowed.~~ In the following zones the Commission may determine that a proposed use not listed in this Chapter is allowable in compliance with Section 35.82.190 (Use Determinations).

a. ~~Applicable zones:~~

~~(1) C-1 (Limited Commercial);~~

~~(2) C-2 (Retail Commercial);~~

~~(3) C-3 (General Commercial);~~

~~(4) CH (Highway Commercial);~~

~~(5) CM-LA (Community Mixed Use - Los Alamos)~~

~~(6) CN (Neighborhood Commercial);~~

~~(7) CS (Service Commercial);~~

~~(8) M-1 (Light Industry);~~

~~(9) MRP (Industrial Research Park);~~

~~(10) OT-R/GC (Old Town Residential/General Commercial);~~

~~(11) OT-R/LC (Old Town Residential/Light Commercial);~~

~~(12) PI (Professional and Institutional);~~

~~(13) PU (Public Utilities);~~

~~(14) REC (Recreation); and~~

~~b. **Applicable standards and permit requirements.** When the review authority determines that a proposed but unlisted use is similar to a listed allowable use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.~~

B. **Permit requirements.** Proposed development and land uses shall comply with the following permit requirements established in any part of the Development Code, in addition to the requirements of a Building Permit or other permit required by the County Code.

1. **General Land use table planning permit requirements.** The allowable land uses are established in the land use tables within Chapters 35.21 through 35.26 ~~provide for land uses that are by letter designation as follows:~~

- a. Permitted subject to compliance with all applicable provisions of this Development Code, ~~subject to first obtaining a Land Use Permit (Section 35.82.110). These are and~~ shown as "P" uses in the tables. A Land Use Permit may be required pursuant to Section 35.82.110;
- b. Allowed subject to the approval of a Minor Conditional Use Permit (Section 35.82.060) and shown as "MCUP" uses in the tables;
- c. Allowed subject to the approval of a Conditional Use Permit (Section 35.82.060) and shown as "CUP" uses in the tables;
- d. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Zoning Clearance (Section 35.82.210). These are shown as "ZC" uses in the tables;
- e. Allowed as an exempt use as listed in Section 35.20.040 (Exemptions from Planning Permit Requirements) and shown as "E" uses in the tables;
- f. Allowed subject to the type of County approval required by a specific provision of Chapter 35.42 (Standards for Specific Land Uses) and shown as "S" uses in the tables; and
- g. Not allowed in particular zones and shown as "—" in the tables. ~~Use may be subject to a similar use determination in compliance with Subsection A.3 (Similar and compatible use may be allowed) above.~~

- h. Where the last column in each table ("Specific Use Regulations") includes a section number, the referenced Section may ~~affect whether the use requires a Zoning Clearance, Land Use Permit, Development Plan, Minor Conditional Use Permit, or Conditional Use Permit,~~ establish a different planning permit requirement for a specific use and/or may establish other requirements and standards applicable to the use.

~~A proposed land use type that is not listed in the tables is not allowed, except as provided by Subsection A.3 (Similar and compatible use may be allowed) above, or if allowed in compliance with Chapter 35.28 (Overlay Zones), or if allowed in compliance with Article 35.4 (Standards for Specific Land Uses).~~

2. **Design Review.** Development authorized in compliance with Subsection B.1 (~~General Land use table~~ planning permit requirements) above may also require Design Review approval in compliance with Section 35.82.070 (Design Review).

35.20.040 Exemptions from Planning Permit Requirements

Unless specifically stated otherwise in another part of this Development Code, the following are exempt from all planning permit requirements of this Development Code, provided the use, activity, or structure is in compliance with the provisions of this Development Code, including the development and performance standards herein, and any permit or design review approval issued pursuant hereto. The temporary or transitory nature of a use does not exempt it from this requirement. The requirements of this Development Code that one or more planning permits (e.g., Land Use Permit, Conditional Use Permit, Minor Conditional Use Permit, Development Plan) be obtained prior to proposed development or the establishment of a land use do not apply to the land uses, structures, and activities identified by this Section.

- A. **General requirements for exemption.** The land uses, structures, and activities identified by Subsection B. (Exempt activities and structures) below, are exempt from the planning permit requirements of this Development Code only when:
 1. The use, activity, or structure is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Development Code, the required provisions and conditions of any existing, approved permits for the subject lot and, where applicable, Chapter 35.101 (Nonconforming Uses, Structures, and Lots); and
 2. Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit and/or Grading Permit).
- 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 exemptions) above, except if addressed by Policy OS-O-5 and Development Standards 5.1 through 5.3 of the Orcutt Community Plan, the MT-GOL (Mountainous-Goleta) zone, Section 35.28.100 (Environmentally Sensitive Habitat Overlay Zone) as it applies to sites located within the Eastern Goleta Valley Community Plan, the

Goleta Community Plan or Mission Canyon Community Plan areas, or Section 35.28.170 (Riparian Corridor-Goleta (RC-GOL) Overlay Zone).

1. **Animal keeping.** Animal keeping when shown as an "E" in the Land Use Tables in Chapters 35.21 through 35.26 (Table 2-1 and following) and the Animal Keeping Table (Table 4-2 and following) in Section 35.42.060 (Animal Keeping).
2. **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 Chapter 35.44 (Telecommunications Facilities).
3. **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 Chapters 35.21 through 35.26 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 not 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. **Cultivated agricultural, orchards and vineyards.** Cultivated agriculture, orchards and vineyards when shown as an "E" in the Land Use Tables in Chapters 35.21 through 35.26 (Table 2-1 and following).
5. ~~**Damaged or destroyed structure.** The replacement or restoration of a conforming structure damaged or destroyed by a disaster, as determined by the Director in consultation with the Flood Control District as applicable.~~
 - 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 or affecting 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 35.30.090.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 or affecting 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 35.82.070 (Design Review), if the structure is otherwise required to have Design Review (e.g. the site is within the Design Control overlay).~~
 - ~~(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 or affecting 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.~~

- ~~65~~. **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.
- ~~76~~. **Electric Vehicle Charging Stations.** Electric vehicle charging stations and hydrogen-fueling stations that comply with Government Code Section 65850.7.
- ~~87~~. **Fences, gates, gateposts, walls, retaining walls.** See Section 35.30.070 (Fences and Walls).
- ~~98~~. **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.
- ~~109~~. **Grading.** Grading activities that do not require the approval of a Development Plan by the requirements of the applicable zone, and that comply with the following, except if addressed by Policy GEO-O-3 of the Orcutt Community Plan, the MT-GOL (Mountainous-Goleta) zone, Section 35.28.100 (Environmentally Sensitive Habitat Overlay Zone) as it applies to sites located within the Eastern Goleta Valley Community Plan, the Goleta Community Plan or Mission Canyon Community Plan areas, or the RC-GOL (Riparian Corridor-Goleta) overlay zone.
- a. **General grading.** Grading for which a permit is not required by County Code Chapter 14 (Grading).
- b. **Oil field grading.** Grading in a State-designated oil field involving less than 1,500 cubic yards of cut or fill on a slope of less than 30 percent; provided that the grading:
- (1) Does not have the potential to change or adversely affect an intermittent or perennial stream or regional watercourse;
 - (2) Will not adversely impact paleontological, archaeological, or uniquely important cultural resources;
 - (3) Will not adversely affect exceptional wildlife values;
 - (4) Is not proposed to be located within one mile and in the visible area of a scenic highway, public park, or area designated as recreational or open space on the Comprehensive Plan Land Use Maps; or
 - (5) Does not require the removal of three or more trees that are each greater than 17 inches in circumference measured two feet above the ground.

The requirements of this Subsection shall not be construed to alter the provisions and regulations of County Code Chapter 14 (Grading).

- ~~110~~. **Grazing.** Grazing when shown as an "E" in the Land Use Tables in Chapters 35.21 through 35.26 (Table 2-1 and following) and the Animal Keeping Tables (Table 4-2 and following), in Section 35.42.060 (Animal Keeping).

- ~~12~~11. **Hoop structures and shade structures.** Hoop structures and shade structures that are exempt in compliance with Section 35.42.140.C (Hoop structures and shade structures in agricultural zones).
- ~~13~~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.
- ~~14~~13. **Irrigation lines.** The installation of irrigation lines that do not require a Grading Permit in compliance with County Code Chapter 14.
- ~~15~~14. **Lot Line Adjustment recordation.** The recordation of documents required to complete a Lot Line Adjustment.
- ~~16~~15. **Minor additions, accessory and temporary filming 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 (gross) does not exceed 120 square feet, and the structure does not have plumbing or electrical facilities.
 - b. **Agricultural accessory structures.**
 - (1) **Livestock loading ramps.** In the AG-II zone, loading ramps used for the purpose of loading livestock for transport.
 - (2) **Pole barns.** In the RR, AG-I, and AG-II zones, agricultural accessory structures that are roofed and supported by posts or poles, do not exceed 500 square feet of roof area, are unenclosed on all sides, and do not have plumbing or electrical facilities.
 - c. **Decks, platforms, walk, 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.
 - d. **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.
 - e. **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.
 - f. **Temporary filming structures.** Structures and related development required for temporary motion picture, television, and theater stage sets and scenery, and still photographic sessions, provided that the development does not require alterations of the natural environment such as removal of vegetation, grading, or earthwork, and is in compliance with all applicable requirements of County Code Chapter 14C (Film Permit Office).

- ~~17~~**16. Oil drilling and production accessory equipment.** In the AG-II, M-2 or M-CR zones accessory equipment, excluding the installation of water flooding or steam injection systems using fresh groundwater, incidental to existing production facilities when the installation of such equipment will not require grading or expansion of the site.
- ~~18~~**17. 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, except for lots located in a Special Problems Area that is designated as such due to sewage disposal constraints.
 - b. The modification, replacement or repair of all or any portion of an existing onsite wastewater treatment system, including alternative wastewater treatment systems and wastewater treatment systems located on a lot in a Special Problem Area that is designated as such due to sewage disposal constraints, provided that the modification, replacement or repair occurs in substantially the same area as the existing system.
- ~~19~~**18. Propane tanks.** Propane tanks located in residential or agricultural zones.
- ~~20~~**19. 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.
- ~~21~~**20. 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.20, 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.
- ~~22~~**21. 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.
- ~~23~~**22. Signs.** Signs in compliance with Section 35.38.030 (Exemptions).

- 2423. Solar energy systems.** The addition of solar energy systems to the roofs of existing structures.
- 2524. Structures of limited value.** A structure with an aggregate value of less than \$2,000, as determined by the Director.
- 2625. 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, other than those facilities defined as natural gas telecommunications facilities in compliance with Section 33.44.030 (Telecommunications Facilities Appurtenant to natural Gas Distribution Facilities). However, these structures shall comply with the applicable height limitations of the F (Airport Approach Area) overlay zone.
- 2726. 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.
- C. **Exempt accessory dwelling units and junior accessory dwelling units.** The development of an accessory dwelling unit or junior accessory dwelling unit is exempt from the planning permit requirements of this Development Code, including the requirements of Section 35.20.040.A (General requirements for exemptions), above, Section 35.82.080 (Development Plans), and all sections of this Development Code requiring Final Development Plan approval, when in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units). Notwithstanding the foregoing, the gross floor area of any existing or proposed accessory dwelling unit or junior accessory dwelling unit shall be included in the gross floor area calculations for the purpose of processing a Development Plan.
- D. **Process.** Any determination made by the Director that a use, activity, or structure is exempt from the planning permit requirements of this Development Code in accordance with this Section is final and not subject to appeal.

35.20.050 Temporary Uses

Requirements for establishing a temporary use (e.g., seasonal sales lot, special event, temporary office trailer) are in Section 35.42.260 (Temporary Uses and Trailers).

SECTION 4:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.21.030,

Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, is hereby amended to read as follows:

35.21.030 Agricultural Zones Allowable Land Uses

- A. **General permit requirements.** Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) identifies the uses of land allowed by this Development Code in each Agricultural zone, and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-1 (Allowed Land Uses and Permit Requirements for the Agricultural Zones) includes a section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, Minor Conditional Use Permit, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. **Development Plan approval required.**
 - 1. **AG-I zone.** On property zoned AG-I, the approval of a ~~Final~~ Development Plan in compliance with Section 35.82.080 (Development Plans) is required ~~prior to the approval of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or the issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearance)~~ for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval, and is either of the following:
 - a. 20,000 or more square feet in gross floor area; or
 - b. An attached or detached structure and the gross floor area thereof, when added to the gross floor area of existing structures on the lot, will equal or exceed 20,000 square feet.
 - 2. **AG-II zone.** On property zoned AG-II, the approval of a ~~Final~~ Development Plan in compliance with Section 35.82.080 (Development Plans) is required ~~prior to the approval of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or the issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances)~~ for the following structural development that is not otherwise required by this Development Code to have discretionary permit approval:
 - a. **Non-agricultural structural development.** The proposed structure and use thereof does not qualify as agricultural structural development (see Article 35.11, Glossary) and is either 15,000 or more square feet in gross floor area or the structure is an attached or detached addition that, together with existing structures on the site that do not qualify as agricultural structural development, will total 15,000 square feet or more in gross floor area.

- (1) **Floor area not included in total gross floor area.** The gross floor area of the following structures is not included in the total gross floor area on the lot for the purpose of determining whether the approval of a ~~Final~~ Development plan is required in compliance with Subsections C.2.a, above:
 - (a) The gross floor area of structures that are exempt from planning permit requirements in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements).
- b. **Agricultural structural development.** The proposed structure and use thereof do qualify as agricultural structural development and meets one or more of the following:
 - (1) The proposed structure is 15,000 or more square feet in gross floor area or is an addition to an existing structure that will result in a structure of 15,000 or more square feet in gross floor area after completion of the addition.
 - (2) The proposed structure is 10,000 or more square feet in gross floor area or is an addition to an existing structure that will result in a structure of 10,000 or more square feet in gross floor area after completion of the addition, and:
 - (a) A different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area exists on the lot, or
 - (b) There is an active, unexpired planning permit that allows for the construction of a different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area, or
 - (c) The application for the proposed structure is submitted either in conjunction with or subsequent to an application for a different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area.
 - (3) The proposed structure(s) will result in a total gross floor area on a lot that exceeds the development plan threshold listed for the applicable lot area as shown in the table below. Total gross floor area includes the gross floor area of agricultural development and non-agricultural structural development, both existing and proposed.

Lot Size (acres)	Threshold (sq. ft.)
Less than 40	20,000
40 to less than 100	25,000

100 to less than 200	30,000
200 to less than 320	40,000
320 or more	50,000

(4) **Floor area not included in total gross floor area.** The gross floor area of the following structures is not included in the total gross floor area on the lot for the purpose of determining whether the approval of a ~~Final~~ Development plan is required in compliance with Subsection ~~DC.2.b.(3)~~, above.

- (a) The gross floor area of structures that are exempt from planning permit requirements in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements).
- (b) A maximum of 10,000 square feet of gross floor area of structures that qualify as agricultural structural development and comply with the following:
 - (i) Each structure does not exceed 3,000 square feet of gross floor area.
 - (ii) Each structure has three or fewer walls, and at least one of the long sides of the structure shall be open and shall only utilize posts to support the roof.

(5) Proposed structures that do not require the approval of a ~~Final~~ Development Plan in compliance with Subsection ~~DC.2.b.(3)~~ and Subsection ~~DC.2.b.(4)~~, above, shall comply with Subsection 35.21.050.C (Development standards for agricultural structural development that does not require the approval of a ~~Final~~ Development Plan). Proposed structures that do not comply with Subsection 35.21.050.C may be allowed in compliance with an approved ~~Final~~ Development Plan.

3. **Exemptions from floor area calculations, wineries.** Gross floor area associated with the following structures is not included in determining the 20,000-square foot gross floor area threshold for that development which requires a Development Plan in compliance with Subsection ~~DC.1~~ and ~~DC.2~~, above.

- a. The structure qualifies as winery structural development.
- b. If the structure is existing, then it was included in a Land Use Permit issued for a winery or is proposed to become part of a winery for which an application has been submitted to the Department.

- D. **Design Review required.** Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with Section 35.82.070 (Design Review).
- E. **Accessory structures and uses.** Each use allowed by Table 2-1 (Allowed Land Uses and Permit Requirements for the Agricultural Zones) may include accessory structures and uses that are customarily incidental to the primary use, provided that the accessory structures and uses are in compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in Chapter 35.42 (Standards for Specific Land Uses).

Table 2-1 Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u>	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	ZC	Zoning Clearance	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	AG-I	AG-II	
AGRICULTURAL, MINING, & ENERGY FACILITIES			
Agricultural accessory structure	P	P	35.42.020
Agricultural processing - On-premises products	P	S (32)	35.42.040
Agricultural processing - Off-premises products	—	S (32)	35.42.040
Agricultural processing – Small-scale processing beyond the raw state	P	S (32)	35.42.040
Agricultural processing – Tree nut hulling	—	S (32)	35.42.040
Agricultural processing - Extensive	—	CUP (43)	35.42.040
Animal keeping (except equestrian facilities, see RECREATION)	S	S	35.42.060
Aquaculture	—	CUP	

Aquaponics	—	S (32)	35.2142.035
Cannabis—Cultivation and nursery	S	S	35.42.075
Cannabis—Microbusiness	—	S	35.42.075
Cultivated agriculture, orchard, vineyard	E	E	
Grazing	E	E	
Greenhouse	P	P (54)	35.42.140
Hoop structure and shade structure	S	S	35.42.140
Mining - Agricultural soil export	—	MCUP	35.82.160
Mining, extracting & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P (65)	P (65)	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	35.82.160
Oil and gas uses	S	S	35.5
Utility-scale photovoltaic facilities	—	CUP	35.59
Winery	S	S	35.42.280
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING			
Cannabis—Manufacturing	S	S	35.42.075
Cannabis—Testing	—	—	
Composting facility	MCUP	MCUP	35.42.100
Composting (small scale and agricultural material)	—	S (32)	35.2142.100
Fertilizer manufacturing	—	CUP (32)	

Firewood processing and sales	—	S (32)	35. 2142 .035
Lumber processing and milling (small scale)	—	S (32)	35. 2142 .035

Key to Zone Symbols

AG-I	Agriculture I	AG-II	Agriculture II
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Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.21.030.C.~~

(~~32~~) Limitations apply on lands zoned with the Limited Agricultural Enterprise (LAE) overlay zone; see Section 35.28.155.

(~~43~~) Use limited to areas designated on the Land Use Element Maps with the "Agricultural Industry overlay."

(~~54~~) See Subsection 35.42.140.B.2 for special permit requirements and development standards that apply within the Gaviota Coast Plan area.

(~~65~~) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-1- Continued Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	ZC	Zoning Clearance
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	AG-I	AG-II	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES			
Campground and low-impact camping area	—	S (32)	35.42.240
Country club	CUP	CUP	
Educational experiences and opportunities	—	S (32)	35.42.035
Equestrian facilities	CUP	P	
Fairgrounds	CUP	CUP	
Fishing operation	—	S (32)	35.42.240
Golf course	CUP	CUP	
Golf driving range	CUP	CUP	
Horseback riding	—	S (32)	35.42.240
Hunting	—	S (32)	35.42.240
Incidental food service	—	S	35.42.035
Meeting facility, public or private	CUP	CUP	
Meeting facility, religious	CUP	CUP	
Museum	CUP	CUP	
Rural recreation	—	CUP	35.42.240
School	CUP	CUP	
School - Business, professional or trade	CUP	CUP	
Small-scale special events	—	S (32)	35.42.035
Sports and outdoor recreation facilities	CUP	CUP	

Key to Zone Symbols

AG-I	Agriculture I
AG-II	Agriculture II

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- ~~(2) Development Plan approval may also be required; see Subsection 35.21.030.C.~~
- ~~(3)~~ Limitations apply on lands zoned with the Limited Agricultural Enterprise (LAE) overlay zone; see Section 35.28.155.

Table 2-1- Continued Allowed Land Uses and Permit Requirements for Agricultural Zones	E Allowed use, no permit required (Exempt)		
	P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)		
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	ZC	Zoning Clearance	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	AG-I	AG-II	
RESIDENTIAL USES			
Accessory dwelling unit	S	S	35.42.015
Agricultural employee housing	S	S	35.42.030

Ordinance Streamlining and Housing Accommodation Amendments

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Artist studio	P	P	35.42.150
Dwelling, one-family (3)	P	P	
Farmworker dwelling unit	P	P	35.42.135
Farmworker housing complex	P	CUP	35.42.135
Guesthouse	P	P	35.42.150
Home occupation	P	P	35.42.190
Incentive dwelling unit	—	P (4 <u>2</u>)	35.28.210.1
Junior accessory dwelling unit	S	S	35.42.015
Monastery	CUP	CUP	
Residential accessory uses and structures	P	P	35.42.020
Special care home, 7 or more clients	MCUP	MCUP	35.42.090
Supportive housing	S	S	35.42.265
Transitional housing	S	S	35.42.265
RETAIL TRADE			
Agricultural product sales, Farm stands	P	S (5 <u>2</u>)	35.42.050
Cannabis - Retail	—	—	
SERVICES			
Cemetery	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	
Large family day care home, serving adults	P	P	35.42.090
Large family day care home, serving children	E (6 <u>4</u>)	E (6 <u>4</u>)	35.42.090
Small family day care home, serving adults	E	E	35.42.090

Small family day care home, serving children	E (64)	E (64)	35.42.090
Day care center, accessory to non-dwelling	MCUP (75)	MCUP (75)	35.42.090
Day care center, accessory to dwelling	MCUP	MCUP	35.42.090
Day care center, principal use	MCUP (75)	MCUP (75)	35.42.090
Lodging - Farmstay	—	S (53)	35.42.134
Lodging - Guest ranch	—	CUP	35.42.240
Lodging - Homestay	P	—	35.42.193
Lodging - Hostel	—	CUP	35.42.240
Lodging - Short-term rental	—	—	
Mausoleum	CUP	CUP	
Medical services - Animal hospital	MCUP (6)	P (6)	35.42.250
Mortuary, accessory to cemetery	CUP (7)	CUP (7)	35.42.120

Key to Zone Symbols

AG-I	Agriculture I
AG-II	Agriculture II

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.21.030.C.~~

~~(3) One family dwelling may be a mobile home on a permanent foundation, see Section 35.42.205.~~

~~(42)~~ Limited to locations within the Gaviota Coast Plan area; see Subsection 35.28.210.I.

(53) Limitations apply on lands zoned with the Limited Agricultural Enterprise (LAE) overlay zone; see Section 35.28.155.

(64) 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.

(75) Day care centers serving up to and including fifty (50) children may be permitted with a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits).

(6) All animals shall be kept within a completely enclosed, soundproof building designed to eliminate outdoor odor and reduce the level of noise so that adjacent residential properties will not be adversely affected in any way by noise or odors.

(7) Allowed in the following locations subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits):

1. Within cemeteries operating under a valid use permit; or
2. On any lot abutting a cemetery.

Table 2-1- Continued Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	ZC	Zoning Clearance	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	AG-I	AG-II	
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE			
Agricultural product transportation facility	—	CUP	35.42.040.B.2
Airport, public	CUP	CUP	
Airstrip, private and temporary	CUP	CUP	
Cannabis - Distribution	S	S	35.42.075
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	
Electrical substation - Minor (3) <u>2</u>	MCUP	MCUP	
Electrical transmission line (4) <u>3</u>	CUP	CUP	
Flood control project, less than 20,000 sf total area	P	P	

Flood control project, 20,000 sf or more total area	MCUP	MCUP	
Heliport	CUP	CUP	
Pipeline - Oil or gas	P	P	35.5
Public utility facility	CUP	CUP	
Public works or private service facility	MCUP	MCUP	
Road, street, less than 20,000 sf total area	P	P	
Road, street, 20,00 sf or more total area	P	P	
Telecommunications facility	S	S	35.44
Wind turbines and wind energy systems	S	S	35.57
WATER SUPPLY & WASTEWATER FACILITIES			
Onsite Wastewater Treatment System, individual, alternative	MCUP	MCUP	
Onsite Wastewater Treatment System, individual, conventional	E	E	
Onsite Wastewater Treatment System, individual, supplemental	E	E	
Pipeline - Water, reclaimed water, wastewater	P	P	
Reservoir, less than 50,000 sf of total development	P	P	
Reservoir, 50,000 sf or more of total development	MCUP	MCUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	
Water diversion project	P	P	

Water extraction, commercial	CUP	CUP	
Water system with 1 connection	E	E	
Water system with 2 to less than 5 connections	P	P	
Water system with 5 or more connections	MCUP	MCUP	
Water well, agricultural	E	E	

Key to Zone Symbols

AG-I	Agriculture I
AG-II	Agriculture II

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- ~~(2) Development Plan approval may also be required; see Subsection 35.21.030.C.~~
- ~~(3)~~ Use is subject to the standards of the PU zone.
- ~~(4)~~ Does not include electrical transmission lines outside the jurisdiction of the County.

SECTION 5:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.21.050, Agricultural Zones Development Standards, of Chapter 35.21, Agricultural Zones, is hereby amended to read as follows:

35.21.050 Agricultural Zones Development Standards

- A. **General development standards.** Development within the Agricultural zones shall be designed, constructed, and established in compliance with the requirements in Table 2-3 (AG-I and AG-II Zones Development Standards) below, and all applicable standards in Article 35.3 through Article 35.7 of this Development Code.
- B. **Community Plan overlay requirements.** Section 35.28.210 (Community Plan Overlays) establishes additional requirements and standards that apply to development and uses

located in an applicable community or area plan as specified in Section 35.28.210 (Community Plan Overlays).

Table 2-3- AG-I and AG-II Zones Development Standards

Development Feature	Requirement by Zone	
	AG-I Agriculture I	AG-II Agriculture II
Residential density	<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	One one-family dwelling per lot; plus one accessory dwelling unit or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units); plus agricultural employee housing where allowed by Table 2-1 and applicable standards provided that the lot complies with Section 35.21.040 (Agricultural Zones Lot Standards).	
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site <u>Setbacks are measured from property line unless otherwise stated.</u></i>	
Front	50 ft from road centerline and 20 ft from edge of right-of-way.	50 ft from road centerline and 20 ft from edge of right-of-way.
Side	20 ft; 10% of lot width on a lot of less than 1 acre, with no less than 5 ft or more than 10 ft required.	None.
Rear	20 ft; 25 ft on a lot of less than 1 acre.	None.
Building separation	None, except as required by Building Code.	
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	

Maximum height	35 ft for a residential structure, no limit otherwise; Toro Canyon Plan area - 25 ft for a residential structure.	35 ft for a residential structure, no limit otherwise; Toro Canyon Plan area - 25 ft for a residential structure.
Landscaping	See Chapter 35.34 (Landscaping Standards).	
Parking	See Chapter 35.36 (Parking and Loading Standards).	
Signs	See Chapter 35.38 (Sign Standards).	

C. Development standards for agricultural structural development that does not require the approval of a ~~Final~~ Development Plan. In addition to the development standards listed in Subsection 35.21.050.A, above, all development associated with the construction of agricultural structural development that does not require the approval of a ~~Final~~ Development Plan in compliance with Subsection 35.21.030.D.2.b.(2) and Subsection 35.21.030.D.2.b.(3) shall comply with all of the additional development standards listed below. If these requirements are in conflict with other provisions of the Comprehensive Plan or any applicable community or area plan, this Development Code, or any permit conditions established by the County, the more restrictive requirements shall control.

1. The development shall avoid or minimize significant impacts to agriculture to the maximum extent feasible by siting structures so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.
2. The development shall be located no less than 100 feet from the following environmental sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential.
 - a. Native plant communities recognized as rare by California Department of Fish and Wildlife (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.
 - b. Native woodlands and forests.
 - c. Nesting, roosting, and/or breeding areas for rare, endangered or threatened animal species.
 - (1) Rare, endangered, or threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet

the definition of "rare" in Section 15380 of California Environmental Quality Act.

- (2) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100-foot separation may not fully protect known breeding ponds for California Tiger Salamander).
- d. Plant communities known to contain rare, endangered, or threatened species.
 - e. Streams, riparian areas, vernal pools, and wetlands.
 - f. Any designated Environmental Sensitive Habitat Areas.
- 3. The development shall preserve natural features, landforms and native vegetation such as trees to the maximum extent feasible.
- 4. The development shall be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards.
 - a. Exterior lighting shall be for safety purposes only and shall comply with the following requirements:
 - (1) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (2) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
 - b. Building materials and colors (earth tones and non-reflective paints) compatible with the surrounding natural environment shall be used to maximize the visual compatibility of the development with surrounding areas.
- D. **Development standard for agricultural cultivation located in the Gaviota Coast Plan area.** Agricultural cultivation, such as the installation of new areas of cultivated agriculture, orchards or vineyards, located on slopes of 30 percent or greater on agriculturally zoned lands shall adhere to the best management practices in the Steep Slope Guidelines, Gaviota Coast Plan Appendix D, to ensure slope stabilization, soil conservation, and water quality control.

SECTION 6:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.22.030, Resource Protection Zones Allowable Land Uses, of Chapter 35.22, Resource Protection Zones, is hereby amended to read as follows:

35.22.030 Resource Protection Zones Allowable Land Uses

- A. **General permit requirements.** Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zones) identifies the uses of land allowed by this Development Code in each Resource Protection Zone, and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zones) includes a section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, Minor Conditional Use Permit or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. **Development Plan approval required.**
1. **MT-GAV, MT-GOL, and MT-TORO zones.** ~~Final~~ Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required ~~prior to the approval of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or the issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances)~~ for a structure, other than an agricultural reservoir, 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 site will total 20,000 square feet or more in gross floor area.
 2. **RMZ zone.** ~~Final~~ Development Plan approval is required for all development, including grading.
- D. **Design Review required.** Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with Section 35.82.070 (Design Review).
- E. **Accessory structures and uses.** Each use allowed by Table 2-4 (Allowed Land Uses and Permit Requirements for the Resource Protection Zones) may include accessory structures and uses that are customarily incidental to the primary use, provided that the accessory structures and uses are in compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in Chapter 35.42 (Standards for Specific Land Uses).

<p>Table 2-4</p> <p>Allowed Land Uses and Permit Requirements for Resource Protection Zones</p>	<p>E Allowed use, no permit required (Exempt)</p> <p>P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u></p>
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	MCUP Minor Conditional Use Permit required 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
	MT-GAV	MT-GOL	MT-TORO	RMZ	
AGRICULTURAL, MINING, & ENERGY FACILITIES					
Agricultural accessory structure	P	P	P	P	35.42.020
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	S	35.42.060
Aquaculture	CUP	CUP	—	CUP	
Cannabis — Cultivation, nursery, and microbusiness	—	—	—	—	
Cultivated agriculture, orchard, vineyard	—	—	—	—	
Cultivated agriculture, orchard, vineyard - Historic legal use	—	—	E	MCUP	
Cultivated agriculture, orchard, vineyard - Limited slope	E	E	MCUP	CUP	
Cultivated agriculture, orchard, vineyard - Steep slope	MCUP	MCUP	MCUP	CUP	
Grazing	E	E	—	E	
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	CUP	35.82.160

Mining - Surface, less than 1,000 cubic yards	P (32)	P (32)	P (32)	P (32)	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	CUP	CUP	35.82.160
Oil and gas development, offshore, from onshore location	—	—	—	S	35.5
Oil and gas development, onshore	CUP	CUP	CUP	S	35.5
Oil and gas treatment and processing	—	—	—	S	35.5
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES					
Country club	—	CUP	CUP	CUP	
Education or research facility, limited	CUP	CUP	CUP	CUP	
Equestrian facilities	CUP	CUP	CUP	CUP	
Fairgrounds	—	CUP	CUP	CUP	
Golf course	—	CUP	CUP	CUP	
Golf driving range	—	CUP	CUP	CUP	
Library	—	—	CUP	—	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	—	CUP	CUP	CUP	
Rural recreation	CUP	CUP	CUP	CUP	35.42.240
School	CUP	CUP	CUP	CUP	
School - Business, professional or trade	—	CUP	CUP	CUP	
Sports and outdoor recreation facilities	—	CUP	CUP	CUP	

Key to Zone Symbols

MT-GAV	Mountainous - Gaviota	MT-TORO	Mountainous - Toro Canyon
MT-GOL	Mountainous - Goleta	RMZ	Resource Management

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.22.030.C.~~

(3) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, than a CUP is required.

Table 2-4- Continued Allowed Land Uses and Permit Requirements for Resource Protection Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u> MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed				
	PERMIT REQUIRED BY ZONE LAND USE (1)				Specific Use Regulations
	MT-GAV	MT-GOL	MT-TORO	RMZ	
RESIDENTIAL USES					
Accessory dwelling unit	S	S	S	S	35.42.015
Agricultural employee housing, 4 or fewer employees	MCUP	MCUP	—	—	35.42.030

Artist studio	MCUP	MCUP	MCUP	MCUP	35.42.150
Dwelling, one-family	P	P	P	P	
Farmworker dwelling unit	P	P	P	P	35.42.135
Farmworker housing complex	MCUP	MCUP	MCUP	CUP	35.42.135
Guesthouse	P	P	P	P	35.42.150
Home occupation	P	P	P	P	35.42.190
Junior accessory dwelling unit	S	S	S	S	35.42.015
Monastery	—	CUP	CUP	—	
Residential accessory uses and structures	P	P	P	P	35.42.020
Special care home, 7 or more clients	—	MCUP	MCUP	MCUP	35.42.090
Supportive housing	S	S	S	S	35.42.265
Transitional housing	S	S	S	S	35.42.265
RETAIL TRADE					
Agricultural product sales	—	—	—	—	
Cannabis - Retail	—	—	—	—	
SERVICES					
Cemetery	—	CUP	CUP	CUP	
Charitable or philanthropic organization	—	CUP	CUP	CUP	
Large family day care home, serving adults	P	P	P	P	35.42.090
Large family day care home, serving children	E (32)	E (32)	E (32)	E (32)	35.42.090
Small family day care home, serving adults	E	E	E	E	35.42.090
Small family day care home, serving children	E (32)	E (32)	E (32)	E (32)	35.42.090

Ordinance Streamlining and Housing Accommodation Amendments

Case No. 25ORD-00006

Hearing Date: December 16, 2025

Attachment C-1 – Page 40

Day care center, accessory to non-dwelling	—	MCUP (43)	MCUP (43)	MCUP (43)	35.42.090
Day care center, accessory to dwelling	MCUP	MCUP	MCUP	MCUP	35.42.090
Day care center, principal use	MCUP (43)	MCUP (43)	MCUP (43)	MCUP (43)	35.42.090
Drive-through facility, accessory to a permitted use	—	—	CUP	—	
Lodging - Guest ranch, low intensity	—	—	CUP	CUP	
Lodging - Homestay	—	—	—	—	
Lodging - Hostel	CUP	CUP	CUP	CUP	
Lodging - Short-term rental	—	—	—	—	
Mausoleum	—	CUP	CUP	CUP	
Medical services - Clinic	—	—	CUP	—	
Medical services - Extended care	—	—	CUP	—	
Medical services - Hospital	—	—	CUP	—	
Mortuary, accessory to cemetery	—	CUP (4)	CUP (4)	CUP (4)	35.42.120
Mortuary	—	—	—	—	35.42.120
Music recording studio	—	—	CUP	—	

Key to Zone Symbols

MT-GAV	Mountainous - Gaviota	MT-TORO	Mountainous - Toro Canyon
MT-GOL	Mountainous - Goleta	RMZ	Resource Management

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.22.030.C.~~

~~(3)~~ 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.

~~(4)~~ Day care centers serving up to and including fifty (50) children may be permitted with a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits).

(4) Allowed in the following locations subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits):

1. Within cemeteries operating under a valid use permit; or
2. On any lot abutting a cemetery.

Table 2-4- Continued Allowed Land Uses and Permit Requirements for Resource Protection Zones	E		Allowed use, no permit required (Exempt)		
	P		Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)		
	MCUP		Minor Conditional Use Permit required		
	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
	MT-GAV	MT-GOL	MT-TORO	RMZ	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING					

Cannabis - Manufacturing	—	—	—	—	
Cannabis - Testing	—	—	—	—	
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE					
Airport, public	—	CUP	CUP	CUP	
Airstrip, private and temporary	—	CUP	CUP	CUP	
Airstrip, temporary	—	CUP	—	—	
Cannabis - Distribution	—	—	—	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Minor (32)	MCUP	MCUP	MCUP	MCUP	
Electrical transmission line (43)	CUP	CUP	CUP	CUP	
Heliport	CUP	CUP	CUP	CUP	
Pipeline - Oil and gas	P	P	P	P	35.5
Public utility facility	CUP	CUP	CUP	CUP	
Public works or private service facility	MCUP	MCUP	MCUP	MCUP	
Road, street, less than 20,000 sf total area (54)	P	P	P	P	
Road, street, 20,000 sf or more total area (54)	P	P	P	P	
Telecommunications facility	S	S	S	S	35.44
Wind turbines and wind energy systems	S	S	S	S	35.57
WATER SUPPLY & WASTEWATER FACILITIES					

Onsite wastewater treatment system, individual, alternative	MCUP	MCUP	MCUP	MCUP	
Onsite wastewater treatment system, individual, conventional	E	E	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	E	E	
Pipeline - Water, reclaimed water, wastewater	P	P	P	P	
Reservoir, less than 50,000 sf total development	P	P	P	P	
Reservoir, 50,000 sf or more total development	MCUP	MCUP	MCUP	MCUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water diversion project	P	P	P	P	
Water extraction, commercial	CUP	CUP	CUP	CUP	
Water system with 1 connection	E	E	E	E	
Water system with 2 to less than 5 connections	P	P	P	P	
Water system with 5 or more connections	MCUP	MCUP	MCUP	MCUP	
Water well, agricultural	E	E	E	E	

Key to Zone Symbols

MT-GAV	Mountainous - Gaviota	MT-TORO	Mountainous - Toro Canyon
MT-GOL	Mountainous - Goleta	RMZ	Resource Management

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- ~~(2) Development Plan approval may also be required; see Subsection 35.22.030.C.~~
- ~~(3)~~ Use is subject to the standards of the PU zone.
- ~~(4)~~ Does not include lines outside the jurisdiction of the County.
- ~~(5)~~ Not applicable to facilities constructed by the County.

SECTION 7:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.22.050, Resource Protection Zones Development Standards, of Chapter 35.22, Resource Protection Zones, is hereby amended to read as follows:

35.22.050 Resource Protection Zones Development Standards

- A. **General development standards.** Development within the Resource Protection zones shall be designed, constructed, and established in compliance with the requirements in Table 2-6 (MT and RMZ Zones Development Standards), below and all applicable standards in Article 35.3 through Article 35.7 of this Development Code.
- B. **Community Plan overlay requirements.** Section 35.28.210 (Community Plan Overlays) establishes additional requirements and standards that apply to development and uses located in an applicable community or area plan as specified in Section 35.28.210 (Community Plan Overlays).

Table 2-6- MT and RMZ Zones Development Standards

Development Feature	Requirement by Zone		
	MT-GAV Mountainous - Gaviota & MT-GOL Mountainous - Goleta	MT-TORO Mountainous - Toro Canyon	RMZ Resource Management
Residential density	<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	One one-family dwelling per lot; plus one accessory dwelling unit or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units); plus agricultural employee housing, where allowed by Table 2-1 and applicable standards.	One one-family dwelling per lot; plus one accessory dwelling unit or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).	One one-family dwelling per lot; plus one accessory dwelling unit or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
	The lot shall also comply with Section 35.22.040 (Resource Protection Zones Lot Standards), as applicable.		
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. <u>Setbacks are measured from property line unless otherwise stated.</u></i> Required building separation is between buildings on the same site.		
Front	50 ft from the road centerline and 20 ft from the lot lines.		
Side	None.		
Rear	None.		
Building separation	5 ft.	5 ft.	
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	25 ft.		

Landscaping	See Chapter 35.34 (Landscaping Standards).
Parking	See Chapter 35.36 (Parking and Loading Standards).
Signs	See Chapter 35.38 (Sign Standards).

SECTION 8:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.22.060, Resource Protection Zones Findings for Project Approval, of Chapter 35.22, Resource Protection Zones, is hereby deleted in its entirety and reserved for future use.

SECTION 9:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Chapter 35.23, Residential Zones, is hereby amended to read as follows:

CHAPTER 35.23 RESIDENTIAL ZONES

35.23.010 Purpose

This Chapter lists the land uses that may be allowed within the residential zones established by Section 35.14.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use and provides basic standards for site layout and building size.

35.23.020 Purposes of the Residential Zones

The purposes of the individual residential zones and the manner in which they are applied are as follows.

- A. **RR (Residential Ranchette).** The RR zone is applied within Urban, Inner-Rural and Existing Developed Rural Neighborhood areas as designated on the Comprehensive Plan maps where low density residential and agricultural uses are appropriate. This zone is intended to preserve the character of an area and to minimize the services required by providing for low density residential development.
- B. **R-1/E-1 (Single Family Residential) zone.** The R-1 and E-1 zones are applied to areas appropriately located for one-family living at a reasonable range of population densities, consistent with sound standards of public health, safety, and welfare. This zone is intended to protect the residential characteristics of an area ~~and to promote a suitable environment for family life.~~
- C. **EX-1 (One-Family Exclusive Residential) zone.** The EX-1 zone is applied to areas appropriate for high standards of residential estate development on lots larger than one acre. The intent

is to ensure that development protects the residential character of the area and is consistent with sound standards that promote public health, safety, and welfare.

- D. **R-2 (Two-Family Residential) zone.** The R-2 zone is applied to areas appropriate for residential development in the form of two-family dwellings (duplexes) and to maintain a residential character similar to that of one-family neighborhoods. This zone is intended to ensure the compatibility of duplex development with surrounding multiple and one-family dwellings and neighborhoods.
- E. **DR (Design Residential) zone.** The DR zone is applied to areas appropriate for one-family, two-family, and multi-family dwellings. This zone is intended to ensure comprehensively planned and well designed residential development, while allowing flexibility and encouraging innovation and diverse design, and encouraging clustering of structures to preserve significant natural, scenic, and cultural resources of a site requiring that substantial open space be maintained within new residential developments.
- F. **PRD (Planned Residential Development) zone.** The PRD zone ensures the comprehensively planned development of large acreage within Urban Areas as designated on the Comprehensive Plan maps that are intended primarily for residential use. The intent of this zone is to:
1. Promote flexibility and innovative design of residential development, to provide desirable aesthetic and efficient use of space and to preserve significant natural, scenic, and cultural resources of a site;
 2. Encourage clustering of structures to preserve ~~a maximum amount of~~ open space;
 3. Allow for a diversity of housing types; and
 4. Provide recreational opportunities for use by both the residents of the site and the public.
- G. **SLP (Small Lot Planned Development) zone.** SLP zone is applied to areas appropriate for increased opportunities for affordable housing, and establishes standards for the development of individual small lots for one-family homes. The intent of this zone is to:
1. Provide housing opportunities which meet the needs of the community, including housing for low, moderate, and middle income households, families with children, senior citizens, and other identified households in need; and
 2. Ensure a safe and attractive residential environment by promoting high standards of site planning, architecture, and landscaping for small lot planned development.
- H. **MHP (Mobile Home Planned Development) zone.** The MHP zone is applied to areas appropriate for mobile homes on non-permanent foundations, in planned developments including mobile home rental parks and mobile home statutory (air space) condominiums. The intent is to meet community needs by providing affordable housing opportunities. The intent is also to ensure a safe and attractive residential environment by promoting high

standards of site planning, architecture, and landscaping design for mobile home developments.

- I. **MHS (Mobile Home Subdivision) zone.** The MHS zone is applied to areas appropriate for increasing opportunities for affordable housing, and established standards for the development of mobile home subdivisions. To this end, the intent of this MHS zone is to meet community needs by providing housing opportunities for low, moderate, and middle income households, families with children, senior citizens, and other identified households in need. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site planning, architecture, and landscaping for mobile home developments.
- J. **MR-O (Multi-Family Residential - Orcutt) zone.** The MR-O zone is applied to areas located within the Orcutt Community Plan that are appropriate for new high quality multi-family residential opportunities at densities considered by state law to be affordable by design to very low and low-income households. The regulations ~~will~~ are intended to ensure projects located in this zone will provide safe, aesthetically pleasing and desirable new residential neighborhoods that are compatible with existing developments. ~~To achieve these purposes, this zone incorporates a number of basic, self-mitigating design components that promote quality design and efficient land use, the provision of open space, energy conservation, and recreational opportunities for residents and families. In addition, the regulations provide certainty to property owners, developers, and neighbors about the type of development and density allowed on these two sites. The application of the MR O zone to Orcutt Community Plan Key Sites 3 and 30 will allow the development of not less than 372 multi-family housing units. The minimum residential density within the MR O zone shall be equal to the maximum allowed residential density of 20 units per acre, excluding private and public rights of way and except as required by state law.~~

35.23.030 Residential Zones Allowable Land Uses

- A. **General permit requirements.** Tables 2-7 and 2-8 (Allowed Land Uses and Permit Requirements for Residential Zones) identify the uses of land allowed by this Development Code in each residential zone, and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Tables 2-7 and 2-8 (Allowed Land Uses and Permit Requirements for the Residential Zones) includes a Section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, Minor Conditional Use Permit, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. **Development Plan approval required.** Except as provided below, ~~Final~~ Development Plan approval is required in compliance with Section 35.82.080 (Development Plans) ~~prior to the~~

~~approval of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or the issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances)~~ as follows:

1. **RR, R-1/E-1, EX-1 and R-2 zones.** ~~Final~~ Development Plan approval is required ~~prior to the approval of a Land Use Permit or the issuance of a Zoning Clearance~~ for a structure, other than an agricultural reservoir, 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 site will total 20,000 square feet or more in gross floor area.
 2. **DR zone.** ~~Final~~ Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development within the DR zone, including grading, except that the following:
 - a. One one-family dwelling and its accessory uses and structures on a single lot where a ~~Final~~ Development Plan was not previously approved unless required in compliance with Subsection C.1 above. The one-family dwelling shall be subject to the development standards applicable to the R-1/E-1 zone in Section 35.23.040 (Residential Zones Development Standards).
 - b. Orchards, vegetable and flower gardens, raising of field crops and uses and structures accessory and customarily incidental thereto.
 3. **MHP, MHS and SLP zones.** ~~Final~~ Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development, including grading within the MHP, MHS, and SLP zones.
 4. **PRD zone.** ~~Final~~ Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development, including grading, within the PRD zone, except for the following:
 - a. Orchards, vegetable and flower gardens, the raising of field crops and uses and structures accessory and customarily incidental thereto subject to the development standards of the PRD zone.
- D. **Design Review required.** Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or an alteration of an existing structure in compliance with Section 35.82.070 (Design Review).
- E. **Accessory structures and uses.** Each use allowed by Tables 2-7 and 2-8 (Allowed Land uses and Permit Requirements for Residential Zones) may include accessory structures and uses that are customarily incidental to the primary use, provided that the accessory structures and uses are in compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in Chapter 35.42 (Standards for Specific Land Uses).÷

1. ~~Within the R-1/E-1, EX-1, R-2, DR, MR-O and SLP zones, when accessory to dwellings are for the exclusive use of the residents of the site and their guests and do not involve a commercial enterprise on the site; and~~
2. ~~In compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in Chapter 35.42 (Standards for Specific Land Uses).~~

Table 2-7 Allowed Land Uses and Permit Requirements for Residential Zones	E (Exempt)		Allowed use, no permit required			
	P		Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)			
	MCUP required		Minor Conditional Use Permit			
	CUP		Conditional Use Permit required			
	S Regulations		Permit determined by Specific Use			
	—		Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	RR	R-1/E-1	EX-1	R-2	DR	
AGRICULTURAL, MINING, & ENERGY FACILITIES						
Agricultural accessory structure	P	P	P	P	P	35.42.020
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	S	S	35.42.060
Aquaculture	CUP	—	—	—	—	
Cannabis — Cultivation, nursery, and microbusiness	—	—	—	—	—	
Cultivated agriculture, orchard, vineyard	E	E	E	E	E	
Greenhouse, 300 sf or less	P	P	P	P	P	35.42.140

Greenhouse, more than 300 sf to 800 sf	CUP	MCUP	MCUP	MCUP	—	35.42.140
Greenhouse, 800 sf or more	CUP	—	—	—	—	35.42.140
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P (32)	P (32)	P (32)	P (32)	P (32)	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	CUP	CUP	CUP	35.82.160
Oil and gas uses	S	—	—	—	—	35.5
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES						
Community center	—	P	P	P	P	
Conference center	—	CUP	—	CUP	CUP	
Country club	CUP	CUP	CUP	CUP	CUP	
Equestrian facilities	CUP	CUP	—	CUP	CUP	
Fairgrounds	CUP	CUP	—	CUP	CUP	
Golf course	CUP	CUP	P	CUP	P	
Golf driving range	CUP	CUP	CUP	CUP	CUP	
Library	—	CUP	—	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	—	CUP	CUP	
Meeting room accessory to organization house	—	—	—	—	—	
Museum	CUP	CUP	—	CUP	CUP	

Park, playground - Commercial	—	—	—	—	—	
Park, playground - Private	—	—	P	—	—	
Park, playground - Public	—	P	P	P	P	
Private residential recreational facility	—	—	—	—	P	
School	CUP	CUP	CUP	CUP	CUP	
School - Business, professional or trade	CUP	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	—	CUP	CUP	

Key to Zone Symbols

RR	Residential Ranchette
R-1/E-1	Single-Family Residential
R-2	Two-Family Residential
DR	Design Residential
EX-1	One-Family Exclusive Residential

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.23.030.C.~~

~~(3)~~ (2) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-7- Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u>
	(2)	
	MCUP	Minor Conditional Use Permit required
	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
	RR	R-1/E-1	EX-1	R-2	DR	
RESIDENTIAL USES						
Accessory dwelling unit	S	S	S	S	S	35.42.015
Dwelling, one-family	P (32)(4)	P (32)(4)	P (32)(4)	P (32)	P (32)	
Dwelling, two-family	—	—	—	P	P	
Dwelling, multiple	—	—	—	—	P	
Emergency shelter	—	—	—	—	—	
Farmworker dwelling unit	P	P	P	P	P	35.42.135
Farmworker housing complex	CUP	MCUP	MCUP	MCUP	P	35.42.135
Guesthouse or artist studio	P	P	P	—	—	35.42.150
Home occupation	P	P	P	P	P	35.42.190
Junior accessory dwelling unit	S	S	S	S	S	35.42.015
Mobile Home Park	CUP	CUP	CUP	CUP	CUP	
Monastery	CUP	CUP	CUP	CUP	CUP	
Organizational house (sorority, monastery, etc.)	—	—	—	—	CUP(53)	
Residential accessory use or structure	P	P	P	P	P	35.42.020

Residential project convenience facilities	—	—	—	—	P	35.42.220
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Supportive housing	S	S	S	S	S	35.42.265
Transitional housing	S	S	S	S	S	35.42.265
RETAIL TRADE						
Agricultural product sales, onsite production only	P	MCUP	—	MCUP	MCUP	35.42.050
Cannabis - Retail	—	—	—	—	—	
Commercial recreational facilities					CUP	35.23.060
Convenience store	—	—	—	—	S	35.23.060
Drive-through facility, accessory to permitted use	—	—	—	—	—	
Neighborhood-serving commercial uses (64)	—	—	—	—	S	35.23.060
Visitor-serving commercial	—	—	—	—	—	

Key to Zone Symbols

RR	Residential Ranchette
R-1/E-1	Single-Family Residential
R-2	Two-Family Residential
DR	Design Residential
EX-1	One-Family Exclusive Residential

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.23.030.C.~~

~~(32)~~ A Zoning Clearance (Section 35.82.210) is required instead of a Land Use Permit (Section 35.82.110) for a primary single-family dwelling on a lot that resulted from the recordation of a Final (tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.

~~(4) One family dwelling may be a mobile home on a permanent foundation, see Section 35.42.205.~~

~~(53)~~ Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

~~(64)~~ As defined in the CN Zone and the accompanying list of allowable uses.

Table 2-7- Continued Allowed Land Uses and Permit Requirements for Residential Zones	E		Allowed use, no permit required (Exempt)			
	P		Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u>			
	MCUP		Minor Conditional Use Permit required			
	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
	RR	R-1/E-1	EX-1	R-2	DR	
SERVICES						
Cemetery	CUP	CUP	—	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	—	CUP	CUP	
Large family day care home, serving adults	P	P	P	P	P	35.42.090

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Case No. 25ORD-00006

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Large family day care home, serving children	E (32)	E (32)	E (32)	E (32)	E (32)	35.42.090
Small family day care home, serving adults	E	E	E	E	E	35.42.090
Small family day care home, serving children	E (32)	E (32)	E (32)	E (32)	E (32)	35.42.090
Day care center, principal use	MCUP (43)	MCUP (43)	MCUP (43)	MCUP (43)	MCUP (43)	35.42.090
Day care center, accessory to non-dwelling	—	—	—	—	P	35.42.090
Day care center, accessory to dwelling	MCUP (43)	MCUP (43)	MCUP (43)	MCUP (43)	MCUP (43)	35.42.090
Drive-through facility, accessory to permitted use	—	CUP	—	CUP	CUP	35.42.130
Lodging - Homestay	P	P	P	P	P	35.42.193
Lodging - Hostel	CUP	CUP	—	CUP	CUP	
Lodging - Hotel or motel	—	—	—	—	—	
Lodging - Short-term rental	—	—	—	—	—	
Mausoleum	CUP	CUP	—	CUP	CUP	
Medical services - Clinic	—	CUP	—	CUP	CUP	
Medical services - Extended care	—	CUP	—	CUP	CUP	
Medical services - Hospital	—	CUP	—	CUP	CUP	
Mortuary	—	—	—	—	—	
Mortuary, accessory to cemetery	CUP (4)	CUP (4)	—	CUP (4)	CUP (4)	35.42.120
Music recording studio	—	CUP	—	CUP	CUP	

Personal services	—	—	—	—	—	
Resort visitor-serving facilities	—	—	—	—	—	

Key to Zone Symbols

RR	Residential Ranchette
R-1/E-1	Single-Family Residential
R-2	Two-Family Residential
DR	Design Residential
EX-1	One-Family Exclusive Residential

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.23.030.C.~~

~~(32)~~ 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.

~~(43)~~ Day care centers serving up to and including fifty (50) children may be permitted with a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits).

(4) Allowed in the following locations subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits):

1. Within cemeteries operating under a valid use permit; or
2. On any lot abutting a cemetery.

Table 2-7- Continued	E Allowed use, no permit required (Exempt)
Allowed Land Uses and Permit Requirements for Residential Zones	P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u>

	MCUP Minor Conditional Use Permit required 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
	RR	R-1/E-1	EX-1	R-2	DR	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE						
Airport, public	CUP	CUP	—	CUP	CUP	
Airstrip, private and temporary	CUP	CUP	—	CUP	CUP	
Airstrip, temporary	—	—	—	—	—	
Cannabis - Distribution	—	—	—	—	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	—	MCUP	MCUP	
Electrical substation - Minor (32)	MCUP	MCUP	CUP	MCUP	MCUP	
Electrical substation - Major	—	—	CUP	—	—	
Electrical transmission line (43)	CUP	CUP	—	CUP	CUP	
Flood control project, less than 20,000 sf total area (5)	P	P	P	P	P	
Flood control project, 20,000 sf or more total area (5)	MCUP	MCUP	—	MCUP	MCUP	
Heliport	CUP	CUP	—	CUP	CUP	

Parking facility, commercial, for residential use	—	—	—	—	—	
Pipeline - Oil and gas	P	P	P	P	P	35.5
Public utility facility	CUP	CUP	CUP	CUP	CUP	
Public works or private service facility	MCUP	MCUP	MCUP	MCUP	MCUP	
Road, street, less than 20,000 sf total area (<u>54</u>)	P	P	P	P	P	
Road, street, 20,000 sf or more total area (<u>54</u>)	P	P	P	P	P	
Sea wall, revetment, groin, or other shoreline structure	—	—	—	—	—	
Telecommunications facility	S	S	S	S	S	35.44
Utility service line with less than 5 connections (<u>43</u>)	—	—	—	—	—	
Utility service line with 5 or more connections (<u>43</u>)	—	—	—	—	—	
Wind turbines and wind energy systems	S	S	S	S	S	35.57

Key to Zone Symbols

RR	Residential Ranchette
R-1/E-1	Single-Family Residential
R-2	Two-Family Residential
DR	Design Residential
EX-1	One-Family Exclusive Residential

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- ~~(2) Development Plan approval may also be required; see Subsection 35.23.030.C.~~
- (3) Use is subject to the standards of the PU Zone.
- (4) Does not include lines outside the jurisdiction of the County.
- ~~(5)~~ Not applicable to facilities constructed by the County.

Table 2-7- Continued Allowed Land Uses and Permit Requirements for Residential Zones	E Allowed use, no permit required (Exempt)					
	P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u>					
	MCUP Minor Conditional Use Permit required					
	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
	RR	R-1/E-1	EX-1	R-2	DR	
WATER SUPPLY & WASTEWATER FACILITIES						
Onsite wastewater treatment system, individual, alternative	MCUP	MCUP	MCUP	MCUP	MCUP	
Onsite wastewater treatment system, individual, conventional	E	E	E	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	E	E	E	
Pipeline - Water, reclaimed water, wastewater,	P	P	P	P	P	

Reservoir, less than 20,000 sf total development	P	P	P	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	P	P	P	P	
Reservoir, 50,000 sf or more total development	MCUP	MCUP	—	MCUP	MCUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	—	CUP	CUP	
Water diversion project	P	P	P	P	P	
Water extraction, commercial	CUP	CUP	—	CUP	CUP	
Water system with 1 connection	E	E	E	E	E	
Water system with 2 to less than 5 connections	MCUP	MCUP	—	MCUP	P	
Water system with 5 or more connections	MCUP	MCUP	MCUP	MCUP	MCUP	
Water trucking facility, commercial	MCUP	MCUP	—	MCUP	MCUP	
Water well, agricultural	E	E	E	E	E	

Key to Zone Symbols

RR	Residential Ranchette
R-1/E-1	Single-Family Residential
R-2	Two-Family Residential
DR	Design Residential
EX-1	One-Family Exclusive Residential

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.23.030.C.~~

Table 2-8 Allowed Land Uses and Permit Requirements for Residential Zones	E (Exempt)		Allowed use, no permit required			
	P		Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)			
	MCUP		Minor Conditional Use Permit required			
	CUP		Conditional Use Permit required			
	S		Permit determined by Specific Use Regulations			
	ZC		Zoning Clearance			
	—		Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	PRD	SLP	MHP	MHS	MR-O	
AGRICULTURAL, MINING & ENERGY FACILITIES						
Agricultural accessory structure	P	—	—	—	—	35.42.020
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	S	S	35.42.060
Aquaculture	—	—	—	—	—	
Cannabis - Cultivation, nursery, and microbusiness	—	—	—	—	—	
Cultivated agriculture, orchard, vineyard	E	—	—	—	—	
Greenhouse, 300 sf or less	—	—	—	—	—	
Greenhouse, 300 sf to 800 sf	—	—	—	—	—	

Greenhouse, 800 sf or more	—	—	—	—	—	
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	CUP	—	35.82.160
Mining - Surface, less than 1,000 cubic yards	P (32)	P (32)	P (32)	P (32)	—	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	CUP	CUP	—	35.82.160
Oil and gas uses	—	—	—	—	—	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES						
Community center	—	—	—	—	—	
Conference center	CUP	CUP	CUP	CUP	—	
Country club	CUP	CUP	CUP	CUP	—	
Equestrian facilities	CUP	CUP	CUP	CUP	—	
Fairgrounds	CUP	CUP	CUP	CUP	—	
Golf course	CUP	CUP	CUP	CUP	—	
Golf driving range	CUP	CUP	CUP	CUP	—	
Library	CUP	CUP	CUP	CUP	—	
Meeting facility, public or private	CUP	CUP	CUP	CUP	—	
Meeting facility, religious	CUP	CUP	CUP	CUP	—	
Meeting room accessory to organizational house	—	CUP	—	—	—	
Museum	CUP	CUP	CUP	CUP	—	
Park, playground - Commercial	CUP (4)	—	—	—	—	

Park, playground - Private	P	P	P	P	—	
Park, playground - Public	—	—	—	—	—	
Private residential recreation facility	P	P	P	P	ZC	
School	CUP	CUP	CUP	CUP	—	
School - Business, professional or trade	CUP	CUP	CUP	CUP	—	
Sports and outdoor recreation facilities	CUP (4)	CUP	CUP	CUP	—	

Key to Zone Symbols

PRD	Planned Residential Development
SLP	Small Lot Planned Development
MHS	Mobile Home Subdivision
MR-O	Multi-Family Residential - Orcutt
MHP	Mobile Home Planned Development

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.23.030.C.~~

~~(3)~~ (2) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

(4) See Section 35.23.100.G.

Table 2-8- Continued	E Allowed use, no permit required (Exempt)
Allowed Land Uses and Permit Requirements for Residential Zones	P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)
	MCUP Minor Conditional Use Permit required

	CUP Conditional Use Permit required S Permit determined by Specific Use Regulations ZC Zoning Clearance — Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	PRD	SLP	MHP	MHS	MR-O	
RESIDENTIAL USES						
Accessory dwelling unit	S	S	S	S	S	35.42.015
Dwelling, one-family	P(32)	P(32)	—	—	—	
Dwelling, two-family	P	—	—	—	—	
Dwelling, multiple	P	—	—	—	ZC	
Emergency shelter	—	—	—	—	—	
Farmworker dwelling unit	P	P	—	—	—	35.42.135
Farmworker housing complex	—	—	—	—	—	
Guesthouse or artist studio	—	—	—	—	—	
Home occupation	P	P	—	P	P	35.42.190
Junior accessory dwelling unit	S	S	S	S	S	35.42.015
Mobile home park	CUP	CUP	P(43)	CUP	CUP	
Mobile home	—	—	P	P(54)	—	
Modular home	—	—	—	P	—	
Monastery	CUP	CUP	CUP	CUP	—	
Organizational house (sorority, monastery, etc.)	—	—	—	—	—	

Residential accessory use or structure	P	P	P	P	ZC	35.42.020
Residential project convenience facilities	P	—	P	—	ZC	35.42.220
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Supportive housing	S	S	S	S	S	35.42.265
Transitional housing	S	S	S	S	S	35.42.265
RETAIL TRADE						
Agricultural product sales, on-site production only	MCUP	—	—	—	—	35.42.050
Cannabis - Retail	—	—	—	—	—	
Convenience store	CUP	—	—	—	—	35.23.100.G
Drive-through facility, accessory to permitted use	CUP	—	—	—	—	35.42.130
Visitor-serving, commercial	—	—	—	—	—	

Key to Zone Symbols

PRD	Planned Residential Development
SLP	Small Lot Planned Development
MHS	Mobile Home Subdivision
MR-O	Multi-Family Residential - Orcutt
MHP	Mobile Home Planned Development

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.23.030.C.~~

~~(32)~~ A Zoning Clearance (Section 35.82.210) is required instead of a Land Use Permit (Section 35.82.110) for a primary single-family dwelling on a lot that resulted from the recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.

~~(43)~~ See Section 35.23.080 (Mobile Home Park Zone Standards).

~~(54)~~ Mobile home must be on a permanent foundation, ~~see Section 35.42.205~~

Table 2-8- Continued		E Allowed use, no permit required (Exempt)				
Allowed Land Uses and Permit Requirements for Residential Zones		P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)				
		MCUP Minor Conditional Use Permit required				
		CUP Conditional Use Permit required				
		S Permit determined by Specific Use Regulations				
		ZC Zoning Clearance				
		— Use Not Allowed				
LAND USE (1)		PERMIT REQUIRED BY ZONE				
		PRD	SLP	MHP	MHS	MR-O
SERVICES						
Cemetery	CUP	CUP	CUP	CUP	—	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	—	
Large family day care home, serving adults	P	P	P	P	—	35.42.090
Large family day care home, serving children	E (32)	E (32)	E (32)	E (32)	E (32)	35.42.090

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Case No. 25ORD-00006

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Small family day care home, serving adults	E	E	E	E	E	35.42.090
Small family day care home, serving children	E (32)	E (32)	E (32)	E (32)	E (32)	35.42.090
Day care center, principal use	MCUP (43)	MCUP (43)	MCUP (43)	MCUP (43)	—	35.42.090
Day care center, accessory to non-dwelling	P	P	—	—	ZC	35.42.090
Day care center, accessory to dwelling	MCUP (43)	MCUP (43)	MCUP (43)	MCUP (43)	—	35.42.090
Drive-through facility, accessory to permitted use	CUP	—	—	—	—	35.42.130
Kennel, animal boarding, commercial	—	—	—	—	—	
Kennel, private	—	—	—	—	—	
Lodging - Homestay	P	P	P	P	P	35.42.193
Lodging - Hostel	CUP	CUP	CUP	CUP	—	
Lodging - Hotel or motel	—	—	—	—	—	
Lodging - Short-term rental	—	—	—	—	—	
Mausoleum	CUP	CUP	CUP	CUP	—	
Medical services - Clinic	CUP	CUP	CUP	CUP	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	—	
Medical services - Hospital	CUP	CUP	CUP	CUP	—	
Mortuary	—	—	—	—	—	35.42.120
Mortuary, accessory to cemetery	CUP (<u>4</u>)	CUP (<u>4</u>)	CUP (<u>4</u>)	CUP (<u>4</u>)	—	35.42.120

Music recording studio	CUP	CUP	CUP	CUP	—	
Personal services	CUP	—	—	—	—	35.23.100.G
Resort visitor-serving	—	—	—	—	—	

Key to Zone Symbols

PRD	Planned Residential Development
SLP	Small Lot Planned Development
MHS	Mobile Home Subdivision
MR-O	Multi-Family Residential - Orcutt
MHP	Mobile Home Planned Development

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.23.030.C.~~

~~(3)~~ 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.

~~(4)~~ Day care centers serving up to and including fifty (50) children may be permitted with a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits).

(4) Allowed in the following locations subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits):

1. Within cemeteries operating under a valid use permit; or
2. On any lot abutting a cemetery.

Table 2-8- Continued	E (Exempt) P	Allowed use, no permit required Permitted use, Land Use Permit
-----------------------------	--------------------	---

Allowed Land Uses and Permit Requirements for Residential Zones	required, <u>except as specified elsewhere in this Development Code (2)</u>					
	MCUP Minor Conditional Use Permit required					
	CUP Conditional Use Permit required					
	S Permit determined by Specific Use Regulations					
	ZC Zoning Clearance					
	— Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	PRD	SLP	MHP	MHS	MR-O	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE						
Airport, public	CUP	CUP	CUP	CUP	—	
Airstrip, private and temporary	CUP	CUP	CUP	CUP	—	
Airstrip, temporary	—	—	—	—	—	
Cannabis - Distribution	—	—	—	—	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Minor (32)	MCUP	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Major	—	—	—	—	—	
Electrical transmission line (43)	CUP	CUP	CUP	CUP	CUP	
Flood control project, less than 20,000 sf total area (54)	P	P	P	P	P	
Flood control project, 20,000 sf or more total area (54)	MCUP	MCUP	MCUP	MCUP	MCUP	

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Heliport	CUP	CUP	CUP	CUP	—	
Parking facility, commercial, for residential use	—	—	—	—	—	
Pipeline - Oil and gas	P	P	P	P	—	35.5
Public utility facility	CUP	CUP	CUP	CUP	CUP	
Public works or private service facility	MCUP	MCUP	MCUP	MCUP	MCUP	
Road, street, less than 20,000 sf total area (54)	P	P	P	P	P	
Road, street, 20,000 sf or more total area (54)	P	P	P	P	P	
Sea wall, revetment, groin, or other shoreline structure	—	—	—	—	—	
Telecommunications facility	S	S	S	S	S	35.44
Utility service line with less than 5 connections (43)	—	—	—	—	—	
Utility service line with 5 or more connections (43)	—	—	—	—	—	
Wind turbines and wind energy systems	S	S	S	S	—	35.57

Key to Zone Symbols

PRD	Planned Residential Development
SLP	Small Lot Planned Development
MHS	Mobile Home Subdivision
MR-O	Multi-Family Residential - Orcutt

MHP	Mobile Home Planned Development
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Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
~~(2) Development Plan approval may also be required; see Subsection 35.23.030.C.~~
~~(3)~~ Use is subject to the standards of the PU Zone.
~~(4)~~ Does not include lines outside the jurisdiction of the County.
~~(5)~~ Not applicable to facilities constructed by the County.

Table 2-8- Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	ZC	Zoning Clearance				
	—	Use Not Allowed				
	LAND USE (1)	PERMIT REQUIRED BY ZONE				
PRD		SLP	MHP	MHS	MR-O	
WATER SUPPLY & WASTEWATER FACILITIES						
Onsite wastewater treatment system, individual, alternative	MCUP	—	—	—	—	
Onsite wastewater treatment system, individual, conventional	E	—	—	—	—	
Onsite wastewater treatment system, individual, supplemental	E	—	—	—	—	

Pipeline - Water, reclaimed water, wastewater	P	P	P	P	P	
Reservoir, less than 20,000 sf of total development	P	P	P	P	—	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	P	P	P	—	
Reservoir, 50,000 sf or more of total development	MCUP	MCUP	MCUP	MCUP	—	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	—	
Water diversion project	P	P	P	P	—	
Water extraction, commercial	CUP	CUP	CUP	CUP	—	
Water system with 1 connection	E	E	E	E	—	
Water system with 2 to less than 5 connections	P	P	P	P	—	
Water system with 5 or more connections	MCUP	MCUP	MCUP	MCUP	—	
Water trucking facility, commercial	MCUP	MCUP	MCUP	MCUP	—	
Water well, agricultural	E	—	—	—	—	

Key to Zone Symbols

PRD	Planned Residential Development
SLP	Small Lot Planned Development
MHS	Mobile Home Subdivision
MR-O	Multi-Family Residential - Orcutt
MHP	Mobile Home Planned Development

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.23.030.C.~~

35.23.040 Residential Zones Lot Standards

A. Minimum lot size.

1. **Minimum area and width.** Each lot in a proposed subdivision shall comply with the minimum lot area and width requirements in Table 2-9 (Minimum Lot Size and ~~Minimum Building Site Area~~ Width). Area requirements are gross or net as noted, minimum lot widths are gross or net, as noted. (Note that lot width is defined differently in the EX-1 zone than other zones, see the definition of "Lot Width, Gross" in Article 35.11 (Glossary)).
2. **Minimum depth.** Minimum lot depth shall be determined by the review authority through the subdivision approval process; except that minimum lot depth in the SLP zone shall be 80 feet.

~~B. **Minimum building site area for residential use.** Each primary dwelling and its allowed accessory structures shall be located on a lot with the minimum area and width shown in Table 2-9 (Minimum Lot Size and Minimum Building Site Area), except that:~~

- ~~1. A dwelling and its accessory structures and uses may be located on a lot of less area, except for a fraction lot; and~~
- ~~2. A dwelling and its accessory structures and uses may be located on a lot of less width.~~

~~C. **Minimum building site area for residential use – Summerland.** Within the Summerland Community Plan area, a minimum net lot area of 10,000 square feet is required for the development of a two-family dwelling in a 10-R-2 zone, instead of the minimum building site area required by Subsection B. (Minimum building site area for residential use) above.~~

Table 2-9- Minimum Lot Size and ~~Minimum Building Site Area~~ Width

Zoning Map Symbol	Minimum Lot and Building Site Area <u>Size</u>	Minimum Lot Width
RR-5	5 acres gross	250 ft gross
RR-10	10 acres gross	250 ft gross
RR-15	15 acres gross	250 ft gross
RR-20	20 acres gross	250 ft gross

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RR-40	40 acres gross	250 ft gross
RR-100	100 acres gross	250 ft gross
7-R-1	7,000 sf net	65 ft net
8-R-1	8,000 sf net	75 ft net
10-R-1	10,000 sf net	80 ft net
12-R-1	12,000 sf net	80 ft net
15-R-1	15,000 sf net	90 ft net
20-R-1	20,000 sf net	100 ft net
1-E-1	1 acre gross	120 ft net
2-E-1	2 acres gross	150 ft net
3-E-1	3 acres gross	210 ft net
5-E-1	5 acres gross	270 ft net
10-E-1	10 acres gross	380 ft net
1.5-EX-1	1.5 acres gross	150 ft gross (1)
2.5-EX-1	2.5 acres gross	200 ft gross (1)
3.5-EX-1	3.5 acres gross	225 ft gross (1)
7-R-2	7,000 sf net	65 ft net
8-R-2	8,000 sf net	75 ft net
10-R-2	10,000 sf net	80 ft net
12-R-2	12,000 sf net	80 ft net
15-R-2	15,000 sf net	90 ft net
20-R-2	20,000 sf net	100 ft net

30-R-2	30,000 sf net	110 ft net
DR (2)	See Section 35.23.060 (DR Zone Standards)	
PRD	None; see 35.23.100	
SLP	4,000 sf net	50 ft net
MHP	See Section 35.23.080	
MHS	See Section 35.23.090	
MR-O	See Section 35.23.130	

Notes:

- (1) Lot width is defined differently for the EX-1 zone than other zones. See the definition of "Lot Width, Gross" in Article 35.11 (Glossary).
- (2) The DR zoning map symbol is accompanied by a number(s) that specifies the allowable number of units per gross acre, see Table 2-11A (DR Zone Maximum Density) and Table 2-11B (DR Zone Minimum and Maximum Density).

35.23.050 Residential Zones Development Standards

- A. **General development standards.** Development within the residential zones shall be designed, constructed, and established in compliance with the requirements in Table 2-10 (Residential Zones Development Standards) below and all applicable standards in Article 35.3 through Article 35.7 of this Development Code.
- B. **Community Plan overlay requirements.** Section 35.28.210 (Community Plan Overlays) establishes additional requirements and standards that apply to development and uses located in an applicable community or area plan as specified in Section 35.28.210 (Community Plan Overlays).

Table 2-10- Residential Zones Development Standards

Development Feature	Requirement by Zone		
	RR Residential Ranchette	R-1/E-1 Single Family Residential	EX-1 One-Family Exclusive Residential
<u>Minimum Lot Size</u>	<i><u>Minimum area and width for lots proposed in new subdivisions</u></i>		

<u>Area, width</u>	<u>See Section</u> <u>35.23.040</u> <u>(Residential Zone Lot Standards).</u>	<u>See Section</u> <u>35.23.040</u> <u>(Residential Zone Lot Standards).</u>	<u>See Section</u> <u>35.23.040</u> <u>(Residential Zone Lot Standards).</u>
Residential density	<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	One one-family dwelling per lot; plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units) ; Agricultural employee housing and farmworker housing if allowed by Section 35.23.030 (Residential Zones Allowable Land Uses).		
	The lot shall also comply with Section 35.23.040 (Residential Zones Lot Standards), as applicable.		
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site <u>Setbacks are measured from property line unless otherwise stated.</u></i>		
Front - Primary	50 ft from road centerline and 20 ft from edge of right-of-way, or 20 ft from private easement serving 5 or more lots. Lot within SC-MC overlay - as required by Section 35.28.175 (SC-MC Overlay Zone)	75 ft from road centerline; 125 ft from centerline of road with right-of-way of 80 ft or more.	
Front - Secondary	Lot width less than 100 ft – 20% of lot width, with no less than 10 ft minimum; Lot width 100 ft or more – Same as primary front setback <u>than 20 ft required. Lot within SC-MC overlay - as required by Section 35.28.175 (SC-MC Overlay Zone).</u>		
Side	<u>Lots less than 1 acre:</u> 20 ft; 10% of lot width on a lot of less than 1 acre, with no less than 5 ft or more than 10 ft required.	<u>Lots less than 2 acres:</u> 10% of lot width; except where zoned for minimum lot area of: 2 acre or less – 5 ft minimum, 10 ft	<u>15% of lot width, with no less than 10 ft or more than 25 ft required; see Section 35.23.070 (EX-1 Zone Standards) for a lot less than 150 ft wide.</u>

	<u>Lots 1 acre or more:</u> <u>20 ft</u>	maximum, with no less than 5 ft or more than 10 ft required; <u>Lots 32 acre or more:</u> -10% of lot width, with no less than 10 ft or more than 10 ft minimum, 20 ft maximum required.	
Rear	<u>Lots less than 1 acre:</u> 20 ft; 25 ft on a lot of less than 1 acre. <u>Lots 1 acre or more:</u> <u>20 ft</u>	25 ft; 15 ft if rear abuts permanent open space or a street without access.	25 ft.
Accessory structures	See Section 35.42.020 (Accessory Structures and Uses).		
Building separation	None, except as required by Building Code.	5 ft between a dwelling or guesthouse, and another detached structure; otherwise none, except as required by Building Code.	
Height limit	<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 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft. Toro Canyon Plan area - 25 ft for a residential structure.	35 ft. Toro Canyon Plan area - 25 ft. for a residential structure. Summerland Community Plan area - 25 ft. for a residential structure in the Urban area and Existing Developed Rural Neighborhoods. 16 ft. in the Rural area. See Section 35.28.210	30 ft.

		(Community Plan Overlays).	
Landscaping	See Chapter 35.34 (Landscaping Standards).		
Parking	See Chapter 35.36 (Parking and Loading Standards).		
Signs	See Chapter 35.38 (Sign Standards).		

Table 2-10- Residential Zones Development Standards (continued)

Development Feature	Requirement by Zone		
	R-2 Two-Family Residential	DR Design Residential	PRD Planned Residential Development
		<u>Maximum Zone Density of Less than 20 Dwelling Units per Gross Acre (i.e. DR-0.1- DR-16)</u>	<u>Maximum Zone Density of 20 Dwelling Units per Gross Acre or More (i.e. DR-20- DR- 30/40)</u>
<u>Minimum lot size</u>	<u>Minimum area and width for lots proposed in new subdivisions.</u>		
<u>Area, width</u>	See <u>Section 35.23.040 (Residential Zone Lot Standards).</u>	See Section 35.23.040 (Residential Zone Lot Standards).	See <u>Section 35.23.040 (Residential Zone Lot Standards).</u>
Residential density	<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	One one-family dwelling or one two-	See Section 35.23.060 (DR Zone Standards);	As specified in the Land Use Element;

	family dwelling per lot; plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).	plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).	plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).	
	The lot shall also comply with Section 35.23.040 (Residential Zones Lot Standards), as applicable.			
Setbacks	Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site. <u>Setbacks are measure from property line unless otherwise stated.</u>			
Front - Primary	50 ft from road centerline and 20 ft from edge or right-of-way; or 20 ft from easement serving 5 or more lots.	20 ft from <u>edge of right-of-way; or 20 ft from easement serving 5 or more dwellings.</u>	<u>10 ft from edge of right-of-way or easement serving 5 or more dwellings</u>	The following except as specifically determined by Development Plan approval: <ul style="list-style-type: none"><u>PRD area density less than 20 dwelling units per gross area: Same as DR-16 Zone.</u>
Front - Secondary	Lot width less than 100 ft— 20% of lot width, with no less than 10 ft minimum; Lot width 100 ft or greater— same as primary front setback. Or more than 20 ft required	<u>20% of lot width, with no less than 10 or more than 20 ft required</u>	<u>10 ft</u>	<ul style="list-style-type: none"><u>PRD area density of 20 dwelling units per gross acre or more: Same as DR-20 Zone</u> As determined by Final Development Plan.

Side	10% of lot width, with no less than 5 ft or more than 10 ft required.	10 ft (1) .		
Rear	25 ft; 15 ft if rear abuts permanent open space or a street without access.	10 ft (1) .		
Accessory structures	See Section 35.42.020 (Accessory Structures and Uses).			
Building separation	5 ft between a dwelling and other detached structure.	5 ft between a habitable structure and another structure.		
Site coverage	Maximum percentage of net site area covered by buildings.			
Maximum coverage	N.A.	30% for structures containing dwelling units. (2)	30% for structures containing dwelling units; 50% for all structures.	
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations).</i>			
Maximum height	35 ft.	35 ft; 25 ft for a residential structure within the Toro Canyon Plan area. (2)	<u>45 ft.</u>	<u>The following except as specifically determined by Development Plan approval:</u> • <u>PRD area density less than 20 dwelling units per gross area: Same as DR-16 Zone.</u> • <u>PRD area density of 20 dwelling units per</u>
		<u>25 ft for a residential structure within the Toro Canyon Plan area</u>		

			<u>gross acre or more:</u> <u>Same as DR-20 Zone</u> <u>35 ft.</u>
Landscaping	See Chapter 35.34 (Landscaping Standards).		
Parking	See Chapter 35.36 (Parking and Loading Standards).		
Signs	See Chapter 35.38 (Sign Standards).		

Notes:

- (1) ~~Except where a larger setback is required by the Commission for light, air, or privacy in the review of a discretionary planning permit.~~
- (2) ~~See Section 35.23.060.D for site coverage and height limit standards for qualifying affordable housing, senior housing, or special care housing developments.~~

Table 2-10- Residential Zones Development Standards (continued)

Development Feature	Requirement by Zone		
	SLP Small Lot Planned Development	MHP & MHS Mobile Home Planned Development, Mobile Home Subdivision	MR-O Multi-family Residential - Orcutt
Minimum lot size	<i>Minimum area and width for lots proposed in new subdivisions.</i>		
Area, width	See Section 35.23.110 (SLP Zone Standards) <u>35.23.040 (Residential Zone Lot Standards)</u>	See Section 35.23.080 (MHP Zone Standards) and Section 35.23.090 (MHS Zone Standards).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
	See Section 35.23.040 (Residential Zones Lot Standards), as applicable.		
Residential density	<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	One one-family dwelling per lot; 7 dwellings per acre; plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).	See Section 35.23.080 (MHP Zone Standards) and Section 35.23.090 (MHS Zone Standards); plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards); plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. <u>Setbacks are measured from property line unless otherwise stated</u> Required building separation is between buildings on the same site.</i>		
Front - Primary	SLP perimeter lot - 50 ft from road centerline; and 20 ft from edge of right-of-way. SLP interior lot - 10 ft.	See Section 35.23.080 (Mobile Home Parks) and Section 35.23.090 (Mobile Home Subdivisions).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
Front - Secondary	SLP perimeter lot - Lot width less than 100 ft - 20% of lot width, with no less than 10 ft minimum or more than 20 ft required; Lot width 100 ft or greater - Same as primary front	Lot width less than 100 ft - 20% of lot width, 10 ft min.; Lot width 100 ft or greater - Same as primary front setback.	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).

	setback. SLP interior lot - 10 ft.		
Side	SLP perimeter lot - 15 ft. SLP interior lot - 5 ft; 10 ft where setback abuts a road, public parking area or walk; See Section 35.23.110.B (Side setbacks and building separation).	See Section 35.23.080 (Mobile Home Parks) and Section 35.23.090 (Mobile Home Subdivisions).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
Rear	SLP perimeter lot - 15 ft. SLP interior lot - 10 ft.		
Accessory structures	See Section 35.42.020 (Accessory Structures and Uses).		
Building separation	5 ft between a habitable structure and any other building, none otherwise.	See Section 35.23.080 (MHP Zone Standards) and Section 35.23.090 (MHS Zone Standards).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
Site coverage	Maximum percentage of net site area covered by structures.		
Maximum coverage	60% for all a lot with a one family dwelling; no maximum otherwise.	See Section 35.23.080 (MHP Zone Standards) and Section 35.23.090 (MHS Zone Standards).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
Height limit	Maximum allowable height of structures. See Section 35.30.090 for height measurement requirements, and height limit exceptions.		
Maximum height	25 ft.	See Section 35.23.080 (MHP Zone Standards) and Section 35.23.090	See Section 35.23.130 (Multi-family Residential -

		(MHS Standards). Zone	Orcutt Standards). Zone
Landscaping	See Chapter 35.34 (Landscaping Standards).		
Parking	See Chapter 35.36 (Parking and Loading Standards).		
Signs	See Chapter 35.38 (Sign Standards).		

- C. **Accessory storage of materials.** Storage of materials accessory to the principal structure or use on the lot on which the storage is located is subject to the following standards. A Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) is not required to establish storage of materials except when 1) this Subsection C. requires a permit for a specific type of storage, or 2) the storage includes the construction of a new structure or alteration of an existing structure that is not exempt from a ~~Land Use Permit~~ planning permit in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirement), or 3) the storage is not in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirement). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Subsection 35.23.050.C shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

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

- a. The following storage of building materials and equipment used in a construction project is allowed on residentially zoned lots. Storage of building materials and equipment include stockpiles of construction materials, tools, equipment, and building component assembly operations,
 - (1) **Same or adjacent lot.** The storage of building materials and equipment used in a construction project on the same lot on which the construction is occurring or on a lot adjacent to the lot on which the construction is occurring provided:
 - (a) There is a valid building permit or planning permit in effect for the construction project; and
 - (b) When storage is proposed on a lot adjacent to the lot on which the construction is occurring, the planning permit application for the construction project shall also include the adjacent lot and shall describe the storage proposed to occur on the adjacent lot.

- (2) **Construction related to an approved ~~Final~~ Development Plan.** The storage of building materials and equipment used in a construction project where concurrent development is occurring on several lots at the same time in compliance with an approved ~~Final~~ Development Plan or other planning permit or building permit that allows construction activities to occur on several lots that are proximate to one another.
- b. The storage of building materials and equipment not allowed by Subsection C.1.a, above, or C.2, below, is considered a Contractor Equipment Storage Yard which is not allowed in residential zones.
2. **Outdoor storage of miscellaneous materials.** The storage of miscellaneous materials including articles, building materials not associated with the construction of a structure for which there is a valid planning or building permit, equipment, junk, motor vehicle parts, scrap or tools outside of a fully enclosed or fully screened structure is subject to the following requirements.
- a. **Area occupied by stored materials.**
- (1) Stored materials shall be limited to the following maximum area, based upon the lot area of the lot.

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

- (2) No more than 100 square feet of the maximum allowed area of storage shown in the table above may be devoted to the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale.
- b. **Maximum height of stored materials:** Five feet.
- c. **Screening required.** Except for stacked, cut firewood for on-site domestic use only, the outdoor storage of miscellaneous materials shall be enclosed within a six-foot high solid wood fence or masonry wall. The fence or wall shall be located in close proximity to the materials being stored so as to effectively screen the storage area.

- d. **Location of storage.** Storage of miscellaneous materials shall not be located within required front setback or side setback areas in compliance with Section 35.23.050 (Residential Zones Development Standards).
 - e. **Modifications to standards allowed with a Minor Conditional Use Permit.** The storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
 - f. **Noncompliance deemed a violation of this Development Code.** As of June 1, 2012, storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) as allowed by Subsection C.2.e, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35.108 (Enforcement and Penalties).
- D. **Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.** The assembling, disassembling, modifying, repairing, restoration, servicing, wrecking or otherwise working (hereinafter referred to as "work" within the meaning of this Subsection D) on a motor vehicle is allowed only in compliance with the following standards. This Subsection D. shall not apply to occasional minor maintenance such as changing belts, hoses, oil and spark plugs. Nothing in this Subsection D. shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services) or Chapter 19 (Junk Yards and Dumps) or Chapter 23 (Motor Vehicles and Traffic) of the County Code.
- 1. Work is restricted to vehicles that are registered with the California Department of Motor Vehicles to a person residing on the lot on which the work occurs. Residing on a lot does not include transient occupancies where the occupancy is for a period of less than 30 days.
 - 2. Vehicle dismantling shall not occur outside of a fully enclosed or fully screened structure and such vehicles shall not be kept, parked or stored outside of a fully enclosed or fully screened structure or on parking spaces required in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses).
 - 3. Any storage of vehicle parts located outside of a fully enclosed or fully screened structure shall be in compliance with Subsection C. (Accessory storage of materials), above, and shall not be located on parking spaces required in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses).
 - 4. Work associated with the preparation for sale of vehicles or vehicle parts for sale is not allowed.

5. **Modifications to standards allowed with a Minor Conditional Use Permit.** Work that does not comply with the standards contained in Subsections D.1 through D.4, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
6. **Noncompliance deemed a violation of this Development Code.** As of June 1, 2012, any motor vehicle assembly, dismantling, maintenance, repair, restoration, etc. that does not comply with the standards contained in Subsections D.1 through D.4, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) as allowed by Subsection D.5, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35.108 (Enforcement and Penalties).

35.23.060 DR Zone Standards

Proposed development and new land uses within the DR zone shall comply with the following standards, in addition to those in Section 35.23.050 (Residential Zones Development Standards).

A. Density.

1. **Maximum density.** The number of dwelling units on a lot shall not exceed the maximum specified by Table 2-11A (DR Zone Maximum Density) for each DR zoning designation shown in Table 2-11A (DR Zone Maximum Density).

Table 2-11A- DR Zone Maximum Density

Zoning Map Symbol	Maximum Dwelling Units per Gross Acre
DR-0.1	0.1
DR-0.2	0.2
DR-0.33	0.33
DR-0.5	0.5
DR-1	1
DR-1.5	1.5
DR-1.8	1.8
DR-2	2

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Zoning Map Symbol	Maximum Dwelling Units per Gross Acre
DR-2.5	2.5
DR-3	3
DR-3.3	3.3
DR-3.5	3.5
DR-4	4
DR-4.6	4.6
DR-5	5
DR-6	6
DR-7	7
DR-8	8
DR-9	9
DR-10	10
DR-12	12
DR-12.3	12.3
DR-14	14
DR-16	16
DR-20	20
DR-25	25
DR-30	30

2. **Minimum and maximum density.** The number of dwelling units on a lot shall comply with the minimums and maximums specified by Table 2-11B (DR Zone Minimum and Maximum Density) for each DR zoning designation shown in Table 2-11B (DR Zone Minimum and Maximum Density).

Table 2-11B- DR Zone Minimum and Maximum Density

Zoning Map Symbol	Minimum Dwelling Units per Gross Acre	Maximum Dwelling Units per Gross Acre
DR-20/25	20	25
DR-20/30	20	30
DR-30/40	30	40

- a. **Lower density allowance.** An applicant may propose a lower density than the minimum density specified in Table 2-11B (DR Zone Minimum and Maximum Density) when physical, environmental, or infrastructure constraints would preclude a project from meeting the specified minimum density.
- (1) **Finding.** The applicant must demonstrate, based upon a preponderance of evidence in the record, and the review authority must find that no feasible method(s) exists to satisfactorily mitigate or avoid the specific constraint(s) without rendering the housing project financially infeasible for the development of housing for very low, low, and/or moderate-income households. Feasible methods may include alternative siting, alternative design, and/or smaller units.
- (2) **Project phasing.** Applicants that request a lower density allowance than the specified minimum density based on current infrastructure constraints (e.g., deficient public water supply or sewer capacity) shall reserve a portion of the site and design and develop the housing project in phases to allow additional housing units in compliance with the specified minimum density for the overall site when adequate infrastructure becomes available. Each phase of the project shall include a proportional share of any required housing for very low-, low-, and/or moderate-income households.
- B. **Open space.** Open space, unoccupied by main or accessory structures not directly related to the open space amenities, storage, parking areas, public or private streets, driveways, and loading areas, shall be provided in accordance with the following standards.
1. **Minimum amount of open space area.** ~~Except for developments that are permitted in compliance with Subsection D (Affordable housing, senior housing, or special care~~

~~housing developments), below, a minimum of 40 percent of the net site area shall be reserved for the life of the project as common and/or public open space.~~

- a. **Maximum Zone Density of Less than 20 Dwelling Units per Gross Acre (i.e. DR-0.1-DR-16).** A minimum of 200 square feet of open space shall be provided per dwelling unit. The required open space shall be provided as common or private open space in conformance with the standards of this section.
 - b. **Maximum Zone Density of 20 Dwelling Units per Gross Acre or More (i.e. DR-20-DR-30/40).** A minimum of 60 square feet of open space shall be provided per dwelling unit. A minimum of 25 percent of the required open space shall be provided as common open space in conformance with the standards of this section. The balance of the required open space shall be provided as private or common open space in conformance with the standards of this section.
2. **Configuration. Title to common open space area.** ~~Title to the common open space, common recreational facilities, common parking areas and private streets shall be held by a non-profit association of all homeowners within the project area, or other non-profit individual or entity on such reasonable terms and conditions as the Board may prescribe. The reasonable terms and conditions may include restricting the rights to develop the property to the uses described in the approved Final Development Plan for the project. The preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to these areas.~~
- a. **Private Open Space.** Private open space typically consists of balconies, decks, patios, yards, and other similar areas outside the residential unit that are exclusively used by occupants of the specific unit and their guests.
 - b. **Common Open Space.** Common open space typically consists of recreational areas, landscaped areas, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development and may be used by all occupants of the development. All or a portion of required common open space may be provided as public open space and developed as public parks, trails, or other public recreational facilities (e.g., sports fields or courts, playgrounds, picnic or BBQ areas, community center, pool/aquatic facility, gymnasium) to provide recreational opportunities for use by both the residents of the site and the public.
3. **Minimum Dimensions.**
- a. **Private Open Space.**
 - (1) **Ground Level.** Private open space located on the ground level (e.g., yards, decks, patios) shall be a minimum of eight feet in length and eight feet in width.

(2) *Above Ground Level.* Private open space located above ground level (e.g., balconies) shall be a minimum of six feet in length and six feet in width.

b. *Common Open Space.* Common open space areas shall be a minimum of 15 feet in length and 15 feet in width.

4. *Usability.* A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable surfacing. Slope shall not exceed 10 percent.

5. *Accessibility.*

a. *Private Open Space.* The space shall be accessible to only the individual residential unit it serves and shall be accessible by a doorway to a habitable room or hallway.

b. *Common Open Space.* The space shall be accessible to all dwelling units within the development.

36. *Dedication and maintenance of Public Open Space.*

~~a. All or a portion of required open space may be provided as public open space and developed as public parks, trails, or other public recreational facilities (e.g., sports fields or courts, playgrounds, picnic or BBQ areas, community center, pool/aquatic facility, gymnasium) to provide recreational opportunities for use by both the residents of the site and the public. In siting and designing public open space, the project shall consider the following:~~

~~(1) The need to protect public use areas historically used by the public such as beaches and trails;~~

~~(2) The avoidance of siting of structures in hazardous areas or on steep slopes;~~

~~(3) The protection of environmentally sensitive habitat areas and archaeological sites; and~~

~~(4) The protection of scenic areas of the site.~~

Lands to be preserved as public open space may be dedicated in fee to the County or other public agency or may remain in private ownership with dedication of only appropriate scenic and/or open space easements. For lands counted as public open space that remain in private ownership, the County shall require granting of an easement guaranteeing the public's right of access and use of such open space.

b. The County may require the applicant or Homeowner's Association to maintain all public open spaces and related facilities for a specified period after occupancy of the project or may require payment of an in-lieu fee if the County maintains the public open space and related facilities. If the applicant or Homeowner's Association is to maintain public open spaces, prior to the approval of any permits

for construction, a bond or other approved financial security shall be posted guaranteeing performance of maintenance obligations.

2C. Title to common areas. Title to the common open space, common recreational facilities, common parking areas and private streets shall be held by a non-profit association of all homeowners within the project area, or other individual or entity on such reasonable terms and conditions as the Director may prescribe to ensure the preservation and maintenance of common areas. The reasonable terms and conditions may include restricting the rights to develop the property to the uses described in the approved Development Plan for the project. The preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to these areas.

~~C. Condominiums, stock cooperatives, community apartments.~~ The review authority may apply the following standards as conditions of approval of a condominium, stock cooperative, and community apartment project where allowed in compliance with Article 35.2 (Zones and Allowable Land Uses) within the DR zone.

~~1. Laundry facilities.~~ Each dwelling unit shall be provided separate laundry facilities. The Final Development Plan shall show sufficient space, utility connections, and vents to allow for the installation of a clothes washer and dryer in each unit or in a garage, not to encroach upon parking.

~~a. Affordable housing projects.~~ For affordable housing overlay projects or housing developments that provide a minimum of 50 percent of the housing units at the required affordable income levels, the laundry facilities may be provided in a common area within the development. A minimum of one standard capacity size washer and dryer shall be provided for each four dwelling units contained within the same structure.

~~2. Open space.~~

~~a. Common.~~ Common open space and recreation areas shall be designed to provide access for the handicapped.

~~b. Private.~~ Each dwelling unit shall include a private outdoor patio area in the form of ground level patios or upper story balconies. Private patios shall not be less than 20 percent of the gross floor area of the dwelling unit. If the required patio area is less than 200 square feet, then this requirement may be satisfied by providing only one patio or balcony for the dwelling unit.

~~3. Storage space.~~ Each dwelling unit shall be provided with at least 180 cubic feet of weatherproofed, enclosed, lockable, and easily accessible storage space onsite in addition to the storage space of closets, cabinets, and pantries contained within the dwelling units.

- ~~4. **Utility metering.** Individual metering for utilities shall be provided for each unit, unless the metering would conflict with an innovative energy efficient or resource conserving utility system designed for the project.~~

~~D. **Affordable housing, senior housing, or special care housing developments.** This subsection provides revised development standards for height limit, open space, parking, and site coverage in order to provide incentives and greater flexibility for certain affordable housing, senior housing, or special care housing developments proposed on lots zoned DR consistent with Program 1.16 of the 2015-2023 Housing Element.~~

- ~~1. **Applicability.** This Subsection D (Affordable housing, senior housing, or special care housing developments) shall only apply to projects that comply with the types of development specified below:~~

- ~~a. **Affordable housing.** For the purposes of this section, affordable housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site) dedicated and restricted to housing affordable to low-income households, very low-income households, and/or extremely low-income households, as defined in Table 2.7, page 2-11 of the Santa Barbara County 2015-2023 Housing Element Update.~~

- ~~b. **Senior housing.** For the purposes of this section, senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to housing at least one senior person. For the purposes of this section, a senior person is defined as someone 55 years of age or older.~~

- ~~c. **Affordable senior housing.** For the purposes of this section, affordable senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to affordable housing (as defined in Section 35.23.060.D.1.a, above) for seniors (as defined in Section 35.23.060.D.1.b, above).~~

- ~~d. **Mixed affordable housing and senior housing.** For the purposes of this section, mixed affordable housing and senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to affordable housing (as defined in Section 35.23.060.D.1.a, above), senior housing (as defined in Section 35.23.060.D.1.b, above), and/or affordable senior housing (as defined in Section 35.23.060.D.1.c, above).~~

- ~~e. **Special care housing.** For the purposes of this section, special care as defined in Section 35.110.020 (Definitions of Specialized Terms and Phrases).~~

~~2. **Modified development standards for qualifying projects.** The following development standards regarding height limit, open space, parking, and site coverage shall apply to projects developed in compliance with this Subsection D (Affordable housing, senior housing, or special care housing developments) instead of the respective standards listed in Table 2-10 (Residential Zones Development Standards), Subsection B (Open space), above, and Chapter 35.36 (Parking and Loading Standards). These modified development standards shall be considered the site development standards for calculating density bonuses and granting incentives or concessions in compliance with the California Density Bonus Law (Government Code Section 65915–65918) and the Density Bonus Program (see Chapter 35.32, Density Bonus for Affordable Housing).~~

~~a. **Height limit.** 40 feet for projects located outside the Toro Canyon Plan area.~~

~~b. **Open space.** A minimum of 30 percent of the net site area shall be reserved for the life of the project as common open space and/or public open space.~~

~~(1) **Calculation of common open space.** Common open space may also include the areas listed below in addition to the areas listed in the definition of common open space in Section 35.110.020 (Definitions of Specialized Terms and Phrases). Hard surfaced sidewalks located outside of common open space areas shall not qualify as common open space.~~

~~(a) Community patios.~~

~~(b) Deck or patios associated with swimming pools located within common open space areas.~~

~~(c) Detention basins that function as common open space.~~

~~(d) Hard surfaced sidewalks when located within common open space areas.~~

~~(2) **Calculation of public open space.** Public open space may also include the areas listed below in addition to the areas listed in the definition of public open space in Section 35.110.020 (Definitions of Specialized Terms and Phrases).~~

~~(a) Detention basins that function as public open space.~~

~~(3) **Title to open space area.** Title to the common open space, common recreational facilities, common parking areas and private streets shall be held in accordance with Section 35.23.060.B.2.~~

~~c. **Parking.** Parking requirements shall be as follows:~~

Residential Development	Parking Spaces Required
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Affordable housing— single bedroom or studio units	0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable housing— 2 bedroom units	0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable housing— 3 bedroom, or more, units	1.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable senior housing— single bedroom or studio units	0.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable senior housing— 2 bedroom units	0.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable senior housing— 3 bedroom, or more, units	1.25 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Senior housing— single bedroom or studio unit	0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Senior housing— 2 bedroom units	0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Special care home (1)	1 space/3 beds and; 1 space/3 employees

Notes:

~~Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.~~

(1) Contingency parking plan.

~~(a) A contingency parking plan shall be submitted with all applications proposing to utilize these modified parking standards. The contingency parking plan shall demonstrate that the proposed development can be modified to provide parking as required irrespective of Section 35.23.060.D. Space required for the contingency parking plan shall not count toward the open space requirement for the proposed development.~~

~~(b) Applicants shall evaluate parking post-occupancy and shall submit annual post-occupancy parking evaluations to the County during~~

~~the first three years of occupancy. The County may require the submittal of additional annual parking evaluations if the units are not fully occupied within three years. The evaluations shall compare actual parking demand to existing parking supply and address the occupancy rate of the development. If the County determines that the number of existing parking spaces is less than actual parking demand, the applicant shall implement the contingency parking plan and construct additional parking spaces.~~

~~d. **Maximum site coverage.** 40 percent of the net site area for structures containing residential uses.~~

~~3. **Requirement to record an affordable housing agreement and resale and rental restrictive covenant for affordable housing and senior housing projects.** Prior to issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) for an affordable housing project or senior housing project, each project shall record, as applicable:~~

~~a. **Affordable housing projects.** An affordable housing agreement and resale and rental restrictive covenant, or other equivalent document approved as to form by the County Counsel, which outlines the following: the sales and/or rental prices for the various types of units to be established; and provisions for the sale, resale, renting and restrictions that will be applicable to the project, to ensure the continued availability for a minimum of 45 years, restarting for up to 90 years upon resale of a unit, of units for purchase or occupancy by target households. In addition, the running of the covenant, or other equivalent document approved as to form by the County Counsel, shall be tolled during any period of violation of said document's terms.~~

~~b. **Senior housing projects.** A senior housing agreement and resale and rental restrictive covenant, or other equivalent document approved as to form by the County Counsel, which outlines the provisions for the sale, resale, renting and restrictions that will be applicable to the project, to ensure the continued availability, for a minimum of 45 years, restarting for up to 90 years upon resale of a unit, of units for purchase or occupancy by seniors. In addition, the running of the covenant, or other equivalent document approved as to form by the County Counsel, shall be tolled during any period of violation of said document's terms.~~

ED. Commercial Recreational Facilities and Neighborhood-Serving Commercial Uses

1. Commercial recreational facilities and neighborhood-serving commercial uses (i.e., convenience store, café, corner store) may be allowed in developments of at least 20 units per acre, provided that:

- a. Such commercial recreational facilities are accessory to and compatible with the residential uses;
- b. Such neighborhood-serving commercial uses are accessory to the residential use and limited to those serving such day-to-day needs of residents in the immediate area such as food, pharmacy, fuel, and other incidentals and shall be subject to the same permit requirements for the proposed use as specified in the CN zone;
- c. Such commercial recreational facilities and neighborhood-serving commercial uses shall be an integral part of the development and accessible via active transportation modes (i.e., walking, biking) within the development; and
- d. Such commercial recreational facilities and neighborhood-serving commercial uses shall not, by reason of their construction, lighting, location, manner or timing of operation, parking arrangements, signs, or other characteristics have adverse effects on residential uses within or adjoining the development or create traffic congestion or hazards to vehicular or pedestrian traffic.

35.23.070 ~~EX-1 Zone Standards~~Reserved

~~Proposed development and new land uses within the EX-1 zone shall comply with the following standards, in addition to those in Section 35.23.050 (Residential Zones Development Standards).~~

- ~~A. **Setbacks.** On a lot less than 150 feet wide, no more than one-third of the total lot width shall be required for the total side yard setbacks in compliance with Table 2-10 (Residential Zones Development Standards). The reduced setbacks shall be equal in width on both sides of the lot for non-corner lots and equally reduced on both sides for corner lots. These reduced setbacks shall not apply to accessory buildings such as stables.~~

35.23.080 MHP Zone Standards

Proposed development and new land uses within the MHP zone shall comply with the following standards, in addition to those in Section 35.23.050 (Residential Zones Development Standards).

- A. **Density.** The maximum allowable density within the MHP zones shall comply with the Comprehensive Plan.
- B. **Park perimeter setbacks.** The following minimum setbacks for structures shall apply to the perimeters of a mobile home park.
 - 1. **Front.** 50 feet from the centerline and 20 feet from the right-of-way line of any street.
 - 2. **Side and rear.** 15 feet from the side or rear property lines of the mobile home park.
- C. **Park interior setbacks on individual mobile home sites.** Each structure and mobile home within a mobile home park shall comply with all applicable requirements of California Code of Regulations Title 25.
- D. **Site coverage.** Structures shall not occupy more than 75 percent of each mobile home site.
- E. **Height limit.** No structure shall exceed a height of 25 feet.

F. Open space.

1. **Mobile home park requirements.** A mobile home park shall comply with the following open space requirements.
 - a. A minimum of 15 percent of the gross area of the mobile home development shall be in common open space, which may include recreational area and facilities for the use of the residents of the development. The facilities shall generally be provided in a central location and may include lawn and picnic areas, swimming pools, tennis courts, etc. Laundry facilities or other non-recreational uses shall not be included in the common open space. Improved sidewalks, walkways or paths shall link all mobile home sites to the recreational facilities. If the mobile home development is to be developed in phases, the open space/common recreation area must be developed during the first phase of construction.
 - b. In a mobile home condominium development, title to the common open space, common recreational amenities and private streets shall be conveyed to a non-profit association of all homeowners within the project area, or any other non-profit individual or entity on such reasonable terms and conditions as the Board of Supervisors may prescribe subject to conveying to the County the rights to develop such common open space with anything except open space, non-commercial recreational facilities, common parking areas, and private streets.
 - c. The preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to said areas.

- G. **Mobile home skirting.** Each mobile home within a MHP zone shall be equipped with perimeter skirting.

35.23.090 MHS Zone Standards

Proposed development and new land uses within the MHS zone shall comply with the following standards, in addition to those in Section 35.23.050 (Residential Zones Development Standards).

- A. **Minimum site project area.** The minimum amount of land that may be developed for a MHS project shall be one acre, provided that this minimum land area is adequate to meet the requirements of the MHS district.
- B. **Density and minimum lot area.**
 1. **Maximum density.** The maximum density of an MHS shall be seven units per gross acre.
 2. **Minimum lot area and dimensions.** The minimum area for individual lots within the MHS shall be 4,000 square feet, with only one one-family dwelling permitted per lot. Each lot shall have a minimum width of 50 feet and a minimum depth of 80 feet.
- C. **Development standards.**

1. **Perimeter setback requirements.** The following minimum setbacks shall apply to the perimeters of a MHS development:
 - a. **Front.** ~~50 feet from the centerline or~~ 20 feet from the right-of-way line of any street.
 - b. **Side and rear.** 15 feet from the side or rear property lines of any lot on which the MHS development is located.
2. **Individual lot setback requirements.** The following minimum setbacks shall apply to interior lots within a MHS development:
 - a. **Front.** 10 feet from the front line of each lot,
 - b. **Side.** Five feet in width on each side of the building or structure, exclusive of awnings, etc. Where the side yard abuts an access road, public parking area or walk, the setback shall be a minimum of 10 feet in width.
 - c. **Rear.** 10 feet.
 - d. **Open space setback modifications.** To maximize open space on individual lots, the side setback and minimum distance required between buildings may be modified by the Commission to allow dwelling units to be located within one side yard, provided that the remaining side yard is equal to the sum of the two required side yards. These modifications shall be subject to State of California approval to waive the minimum setback requirements of California Code of Regulations, Title 25.
3. **Separation between buildings on the same site.** The minimum distance between a building designed or used for human habitation and any other detached building shall be 10 feet.
4. **Site coverage.** Structures shall not occupy more than 60 percent of each one-family lot.
5. **Height limit.** No structure shall exceed 25 feet in height.
6. **Open space.**
 - a. A minimum of 15 percent of the gross lot area shall be in common open space, which shall include a recreational area with facilities for the use of the residents of the development. The facilities shall generally be provided in a central location and may include lawn and picnic area, swimming pools, tennis courts, etc. Laundry facilities or other non-recreational uses shall not be included in the common open space. Improved sidewalks, walkways or paths shall link all mobile home lots to the recreational facilities. If the MHS is to be developed in phases, the open space/community recreation area must be developed during the first phase of construction.
 - b. Title to the common open space, common recreational facilities, common parking areas, and private streets shall be conveyed to a non-profit association of all homeowners within the project area, or any other non-profit individual or entity

on such reasonable terms and conditions as the Board of Supervisors may prescribe subject to conveying to the County the rights to develop such property with anything except open space, non-commercial recreational facilities, common parking areas, and private streets. Preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to the areas.

7. Additional requirements.

- a. Tool shed and equipment storage structures shall be permitted on each lot but shall not be located in the front, side, or rear setback area.
- b. The exterior design and finish of all buildings and structures within the MHS zone shall be compatible. For all buildings and structures, the Development Plan shall include the following: a description of the colors and finishes of exterior walls, roof lines, and other exterior design features determined by the County to be necessary for compatibility.
- c. Each mobile home development shall comply with all applicable requirements of California Code of Regulations, Title 25.

35.23.100 PRD Zone Standards

Proposed development and new land uses within the PRD zone shall comply with the following standards, in addition to those in Section 35.23.050 (Residential Zones Development Standards).

~~A. **Specific Plans.** For areas requiring a Specific Plan in compliance with the Comprehensive Plan, a Specific Plan shall be filed and approved in compliance with Chapter 35.88 (Specific Plans) prior to or concurrent with the submittal of a Preliminary Development Plan. The Director may waive the requirement for the Preliminary Development Plan if the Director determines that the approved Specific Plan provides the same information as required for a Preliminary Development Plan. All Development Plans shall comply with the Specific Plan for the project area.~~

A. **Minimum zone area.** Rezoning to apply the PRD zone shall require that the site shall be a minimum of one acre provided that this minimum land area is adequate to meet the requirements of the PRD zone.

B. **Development Standards.** Except as specifically approved in the Development Plan, development shall comply with the development standards for the DR Zone in Section 35.23.060 (DR Zone Standards). Standards related to density in Section 35.23.060.A (Density) do not apply as the maximum allowed density in the PRD Zone is as specified in the Land Use Element.

~~B~~C. **Requirements of the Comprehensive Plan.** Additional site specific requirements for property designated for Planned Development (PD) on the Land Use Element Maps may be set forth in the text of the Comprehensive Plan.

~~C. **Setback requirements.** Setbacks shall be proposed and approved on the Preliminary and Final Development Plans to protect and preserve property values of the site and adjacent properties, ensure compatibility of different uses, avoid nuisances, and advance the general welfare within the PRD zone. In addition, siting of structures shall be based on the following factors: privacy, light and air, solar exposure, building configuration, and aesthetics.~~

D. **Streets.** Streets may be public or private; provided that all private streets shall be constructed to County standards, and adequate provisions shall be made in the codes, covenants and restrictions to ensure the adequate maintenance of private streets. The standards for any onsite improvements (streets, walks, drainage, and utilities) may be modified for a planned residential development by the County upon recommendation from the Public Works Department, Road Division. Street design shall relate to the function of the street and, particularly in hillside areas, where no on-street parking is necessary or permitted, street widths may be reduced. Innovation in street and walkway design, the use of cul-de-sacs and loop streets, and reduction of grading for streets is encouraged. Vehicular access to individual lots or units shall generally be only from project streets.

~~E. **Open space.**~~

~~1. **Amount.** The County shall specify the required amount of public and/or common open space in a planned residential development at the time of approval of the Development Plan but in no case shall the total amount of public and/or common open space be less than 40 percent of the gross acreage. Determination of the appropriate amount of public and/or common open space shall be based on consideration of the following factors:~~

- ~~a. The need to protect for public use areas historically used by the public such as beaches and trails;~~
- ~~b. The avoidance of siting of structures in hazardous areas or on steep slopes;~~
- ~~c. The protection of environmentally sensitive habitat areas and archaeological sites; and~~
- ~~d. The protection of scenic areas of the site.~~

~~Lands to be preserved as open space may be dedicated in fee to the County or other public agency or may remain in private ownership with dedication of only appropriate scenic and/or open space easements. For lands counted as public open space that remain in private ownership, the County shall require granting of an easement guaranteeing the public's right of access and use of such open space.~~

~~2. **Maintenance of public open space.** The County may require the applicant or Homeowners' Association to maintain all public open spaces and related facilities for a specified period after occupancy of the planned residential development or may require payment of an in lieu fee if the County maintains the public open space and related facilities. If the applicant or Homeowners' Association is to maintain public open~~

~~spaces, prior to the approval of any permits for construction, a bond or other approved financial security shall be posted guaranteeing maintenance.~~

- ~~3. **Maintenance of common open space.** Common open space shall be deeded to the Homeowners' Association and held in undivided ownership by the owners of the planned residential development. Preservation and maintenance of all common open space and communal recreational facilities shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvements and running with the land as described in the approved Final Development Plan.~~

FE. Homeowners' Association. At the time of submittal of a ~~Preliminary or Final~~ Development Plan, the applicant shall file a description of the proposed organization of the Homeowners' Association including conditions, covenants, and restrictions that will govern the Association. The description shall include the following provisions:

1. The Association shall be established before the homes are sold;
2. Membership in the Association shall be mandatory for each home buyer and any successive buyer;
3. The Association shall be responsible for liability insurance, property taxes, and maintenance of common open space and recreational and other common facilities;
4. Homeowners shall pay their pro rata share of all costs of the Association and the assessment levied by the Association can become a lien on the property; and
5. The Association shall be able to adjust the assessment to meet changed needs.

~~G. **Commercial recreational facilities and convenience stores.** Commercial recreational facilities and convenience stores of a commercial and service nature may be allowed in developments of 200 dwelling units or more provided:~~

- ~~1. Such commercial recreational facilities are compatible with the residential use.~~
- ~~2. Such convenience store are limited to those serving such day to day needs of residents in the immediate area as food, drugs, gasoline and other incidentals~~
- ~~3. Such convenience stores shall be an integral part of the development and shall collectively occupy no more than two acres (gross).~~
- ~~4. Such convenience stores shall not, by reason of their construction, lighting, location, manner or timing of operation, parking arrangements, signs or other characteristics have adverse effects on residential uses within or adjoining the development or create traffic congestion or hazards to vehicular or pedestrian traffic.~~

35.23.110 SLP Zone Standards

Proposed development and new land uses within the SLP zone shall comply with the following standards, in addition to those in Section 35.23.050 (Residential Zones Development Standards).

- A. **Minimum ~~site~~ project area.** The minimum amount of land that may be developed for an SLP project shall be one acre, provided that this minimum land area is adequate to meet the requirements of the SLP zone.
- B. **Side setbacks and building separation.** To maximize open space on individual lots, the side setback and minimum distance required between buildings may be modified by the Commission to allow dwelling units to be located within one side yard; provided that the remaining side yard is equal to the sum of the two required side yards.

C. **Open space.**

1. A minimum of 15 percent of the gross site area shall be in common open space which shall include a recreational area with facilities for the use of the residents of the development.
 - a. These facilities shall generally be provided in a central location and may include lawn and picnic areas, swimming pools, tennis courts, etc.
 - b. Laundry facilities or other non-recreational uses shall not be included in the common open space.
 - c. Sidewalks, walkways or paths shall link all residential lots to the recreational facilities.

If the SLP is to be developed in phases, the open space/community recreation area must be developed during the first phase of construction.

D. **Common areas.**

- ~~21.~~ Title to the common open space, common recreational facilities, common parking areas, and private streets shall be conveyed to a non-profit association of all homeowners within the project area. At the option of the Board, title may otherwise be conveyed to any other non-profit individual or entity on such reasonable terms and conditions as the Board may prescribe, subject to conveying to the County the rights to develop the property with anything except open space, non-commercial recreational facilities, common parking areas, and private streets.
- ~~32.~~ The preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to the areas.

~~DE.~~ **Accessory structures.** Tool shed and equipment storage structures shall be permitted on each lot but shall not be located in the front, side, or rear setback area.

~~EF.~~ **Design of structures.** The exterior design and finish of all structures within the SLP shall be compatible. For all structures, the Development Plan shall include the following: the building envelope or footprint of each lot, a description of the colors and finishes of exterior walls, roof lines, and other exterior design features determined by the County to be necessary for compatibility.

35.23.120 Reserved

35.23.130 MR-O Zone Standards

Proposed development within the MR-O zone shall comply with the following standards, in addition to those in Section 35.23.050 (Residential Zones Development Standards).

A. Application processing.

1. **Additional discretionary review, environmental review and public hearings not required; exception.** Uses shown in Table 2-8, above, as allowed by subject to the issuance of a Zoning Clearance in compliance with Section 35.82.210, as shown in Table 2-8, above, have already complied with the requisite discretionary approval and environmental review process and public hearings before the Commission and the Board concurrent with the processing of the 2003-2008 Housing Element Focused Rezone Program. In compliance with Government Code Section 65580 et seq., shall be allowed ministerially and shall not require no further environmental review, public hearing, or discretionary approval. is required for projects that only require the issuance of a Zoning Clearance in compliance with Section 35.82.210 and conform to the regulations in this Section. All projects, inclusive of rezone applications that have not been specifically initiated by the County for the purpose of complying with Government Code Section 65580 et seq., are required to proceed through additional discretionary review, inclusive of environmental review and all required public hearings.
2. **Predevelopment review.** Predevelopment consultation with the Director shall be required prior to acceptance of a formal development application for sites within this zoning district. Prior to these meetings, applicants shall be advised that the project is subject to ministerial review and the MR-O zone regulations.
 - a. **Predevelopment review submittal requirements.** Applicants shall review the Multi Family Residential Zone Design Principles in Subsection H, below, prior to scheduling a predevelopment appointment with the Director and incorporate the principles into the concept plan. An application for predevelopment review by the Director shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing) and shall include at a minimum the following materials.
 - (1) Preliminary site plans with conceptual building footprints, parking, and site circulation identified.
 - (2) General open space and landscaping concept plans.
 - (3) Exterior building elevation examples with conceptual design features illustrated.
3. **Development application requirements.** Applications for Zoning Clearance shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing) and shall include at a minimum the following materials:

- a. Proposed site, parking, grading, and drainage plans.
 - b. Proposed landscaping plan and a list of proposed plants.
 - c. Proposed lighting plans with manufacture cutsheets and photometric calculations showing the location of all outdoor luminaries (including site, parking lot, parking canopies, walkway/sidewalks, building-mounted, under-canopies, architectural, landscape, flagpole, external signage lighting, etc.) demonstrating the elimination of glare offsite and at the building facades. This includes all normal and emergency outdoor lighting.
 - d. Building materials board, and color plates with examples for each proposed building in the development.
 - e. Building identification and traffic sign design examples and colors.
 - f. Elevation drawings depicting the proposed project's context with adjacent buildings.
4. Prior to issuance of a Zoning Clearance in compliance with Section 35.82.210, the Director shall verify that the project incorporates, to the extent feasible, the design principles described in Subsection ~~H~~I below.

B. Setbacks.

1. **Perimeter setback.** All structures shall be setback a minimum of 10 feet from the perimeter of the entire development.
2. **Interior setbacks.** The following shall apply to all lots within the development:
 - a. **Front.** Each lot shall provide an average setback of 10 feet from all public and private street rights-of-way. Balconies, decks, entryways, landings, patios and porches may encroach within the front setback.
 - b. **Side.** None.
 - c. **Rear.** Each lot shall provide an average setback of 10 feet from the rear property line.
3. **Parking.**
 - a. **Off-street parking.** Covered or uncovered off-street parking shall be located a minimum of 10 feet from any public or private street right-of-way line and a minimum of five feet from any other property line and shall be made available throughout the project.

C. Minimum distance between opposing garages. 20 feet.

D. Distance between buildings on same building site. The minimum distance between a building containing dwelling units and any other detached building shall be five feet.

- E. **Height limit.** The height limit of any structure is 50 feet, except that within 100 feet of any street located adjacent to the perimeter of the development the height limit is 40 feet.
- F. **Open space.** A minimum of 25 percent of the net site area shall be reserved for the life of the project as open space.
 - 1. A minimum of 60 percent of the total open space requirement shall be provided as common open space areas such as greenways, landscaping, outdoor dining and cooking areas, play areas, picnic, swales and walkways.
 - 2. A maximum of 40 percent of the total open space requirement may be provided as private open space.
- ~~3G.~~ **Title to common areas.** Title to the common open space, common recreational facilities, common parking areas, and private streets shall be conveyed to a non-profit association of all homeowners within the project area, or any other ~~non-profit~~ individual or entity on such reasonable terms and conditions as the ~~Board of Supervisors~~ Director may prescribe to ensure the preservation and maintenance of common areas. The reasonable terms and conditions may include restricting the rights to develop the property to the uses described in the project approval. Preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to the areas.
- ~~G~~H. **Density.** The minimum residential density within the MR-O zone shall be equal to the maximum allowed residential density of 20 units per acre, excluding private or public rights-of-way.
- ~~H~~I. **Design.** Design requirements are detailed in the Orcutt Community Plan as development standards applicable to Key Site with MR-O zoning. The primary purpose of the MR-O zone design requirement is to establish self-mitigating design components to minimize the potential negative aesthetic impacts of any proposed project. The secondary purpose of the design requirement is to ensure continuity and compatibility with inter-related design components found in other residential zone districts in the Orcutt Community Plan. A verification of feasible compliance with the Design Components by the Board of Architectural Review and the Director is required prior to issuance of Zoning Clearance in compliance with Section 35.82.210 and guarantees fast-track project processing.
- ~~I~~J. **Additional requirements for condominiums, stock cooperatives, or community apartments.** The following requirements shall apply to condominiums, stock cooperatives, or community apartments:
 - 1. Individual metering for utilities shall be provided for each unit, unless metering would be in conflict with an innovative energy-efficient or resource conserving utility system designed for the project.
 - 2. Individual or shared enclosed trash collection areas shall be provided sufficient to serve each housing unit and building in the development.

3. In the case of cluster development, the perimeter of the development shall be landscaped with a minimum strip of 10 feet except for access to adjacent streets.
4. Preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to said areas, consistent with the project landscape plan.

SECTION 10:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, is hereby amended to read as follows:

35.24.030 Commercial Zones Allowable Land Uses

- A. **General permit requirements.** Tables 2-12 and 2-13 (Allowed Land Uses and Permit Requirements for Commercial Zones) identify the uses of land allowed by this Development Code in each commercial zone, and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Tables 2-12 and 2-13 (Allowed Land Uses and Permit Requirements for the Commercial Zones) includes a Section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, Minor Conditional Use Permit, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. **Development Plan approval required.** Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required ~~prior to the approval of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or the issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances)~~ as follows.
 1. **CN and C-1 zones.** ~~Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Land Use Permit or the issuance of a Zoning Clearance for~~ all structures and additions to structures where the gross floor area, when added to the gross floor area of existing structures on the lot, will equal or that exceed 5,000 square feet in gross floor area.
 2. **C-2 and C-3 zones.** ~~Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for the following: prior to the approval of a Land Use Permit or Zoning Clearance for buildings and~~

- a. All structures and additions to structures where the gross floor area, when added to the gross floor area of existing structures on the lot, will equal or exceed that total 5,000 or more square feet.
 - b. All structures and additions to structures where the gross floor area, when added to the in gross floor area or where onsite buildings and of existing structures and outdoor areas designated for sales or storage, will equal or exceed total 20,000 square feet or more.
3. **CH zone.** ~~Final~~ Development Plan approval ~~in compliance with Section 35.82.080 (Development Plans)~~ is required ~~prior to the approval of a Land Use Permit or Zoning Clearance~~ for all proposed development, including grading.
4. **CM-LA zone.** ~~Final~~ Development Plan approval is required for ~~buildings and all structures and additions to structures where the gross floor area, when added to the gross floor area of existing structures on the lot, will equal or that total exceed 15,000 or more square feet in gross floor area.~~
5. **C-S, C-V, and PI zones.** ~~Final~~ Development Plan approval ~~in compliance with Section 35.82.080 (Development Plans)~~ is required ~~prior to the approval of a Land Use Permit or Zoning Clearance~~ for all proposed development, including grading.
- D. **Design Review required.** Design Review is required prior to the approval of a planning permit for a structure, or an addition to or an alteration of an existing structure located within the CN, C-1, C-2, C-3, CH or CM-LA zones, in compliance with Section 35.82.070 (Design Review).
- E. **Accessory uses and structures.** Each ~~nonresidential~~ use allowed by Tables 2-12 and 2-13 may include accessory uses and structures that are customarily incidental to the primary nonresidential use, provided that: the accessory structures and uses are in compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in Chapter 35.42 (Standards for Specific Land Uses).
 1. ~~Within the C-1, C-2, C-3, and C-S zones:~~
 - a. ~~There shall be no manufacture, assembly, processing, or compounding of products other than as is customarily incidental or essential to the allowed use.~~
 - b. ~~The operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life and property, or other similar causes.~~

<p>Table 2-12</p> <p>Allowed Land Uses and Permit Requirements for Commercial Zones</p>	<p>E Allowed use, no permit required (Exempt)</p> <p>P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u></p>
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	MCUP required		Minor Conditional Use Permit			
	CUP S Regulations		Conditional Use Permit required Permit determined by Specific Use			
	ZC		Zoning Clearance			
	—		Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	CN	C-1	C-2	C-3	C-S	
AGRICULTURAL, MINING, & ENERGY FACILITIES						
Agricultural accessory structure	—	—	—	—	—	
Agricultural processing	—	—	—	P (32)	P (32)	
Agricultural use as permitted on adjacent lot zoned AG or residential	—	—	—	—	—	
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	S	S	35.42.060
Cannabis - Cultivation and nursery	—	—	—	—	—	
Cannabis - Microbusiness	—	S	S	S	S	35.42.075
Cultivated agriculture, orchard, vineyard	—	—	—	—	—	
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P (43)	P (43)	P (43)	P (43)	P (43)	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	CUP	CUP	CUP	35.82.160
Oil and gas uses	—	—	S	CUP	—	35.5

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING						
Bakery and baked goods production and distribution	—	—	—	P	P (32)	
Cannabis - Manufacturing	—	—	—	—	—	
Cannabis - Testing	—	S	S	S	—	35.42.075
Furniture/fixtures manufacturing, cabinet shops	—	—	MCUP	P (32)	P (32)	
Handcraft industry, small scale manufacturing	—	—	MCUP	MCUP	MCUP	35.42.160
Laundry, dry cleaning plant	—	—	MCUP	P (32)	P (32)	
Media production	—	—	—	—	—	
Metal products fabrication, machine and welding shops	—	—	—	P (32)	P (32)	
Printing and publishing	—	—	—	P	P (32)	
Recycling - Small collection center	—	—	MCUP	—	CUP	
Recycling - Small collection center, non-profit	—	P	MCUP	P	CUP	
Recycling - Specialized materials collection center	—	—	—	P	—	
Sign fabrication and painting shop	—	—	—	—	P (32)	
Sign painting shop	—	—	MCUP	P (32)	P	
Storage - Contractor equipment storage yard	—	—	—	P	P (32)	
Storage - Personal storage facility (mini storage)	—	—	—	P	P	
Wholesaling and distribution	—	—	—	P	P	

Wholesaling and distribution - Essential to agriculture	—	—	—	P (32)	P (32)	
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Key to Zone Symbols

CN	Neighborhood Commercial
C-1	Limited Commercial
C-2	Retail Commercial
C-3	General Commercial
C-S	Service Commercial

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.24.030.C (Commercial Zone Allowable Land Uses).~~

(32) Shall be conducted within a completely enclosed building except for material storage which may be permitted within an area enclosed by a solid wall, fence or hedge not less than six feet in height.

(43) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-12- Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required
	(Exempt)	
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u>
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	ZC	Zoning Clearance
	—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	CN	C-1	C-2	C-3	C-S	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES						
Campground	—	—	—	—	—	
Commercial entertainment - Indoor	—	—	P	P	—	
Commercial entertainment - Outdoor	—	—	CUP	CUP	—	
Community center	—	MCUP	—	—	—	
Conference center	CUP	CUP	CUP	CUP	CUP	
Country club	CUP	CUP	CUP	CUP	CUP	
Equestrian facility - Public or commercial	CUP	CUP	CUP	CUP	CUP	
Fairgrounds	CUP	CUP	CUP	CUP	CUP	
Fitness/health club or facility	—	P	P	P	—	
Golf course	CUP	CUP	P (32)	P (32)	CUP	
Golf driving range	CUP	CUP	P	P	CUP	
Library	CUP	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	CUP	
Park, playground - Public	—	—	—	—	—	
Recreational vehicle (RV) park	—	—	—	—	—	

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School	CUP	CUP	CUP	CUP	CUP	
School - Business, Professional, or Trade	CUP	CUP	P	P	CUP	
Sports and outdoor recreation facility	CUP	CUP	CUP	CUP	CUP	
Sports or entertainment assembly facility	—	—	—	—	—	
Studio - Art, dance, martial arts, music, etc.	—	—	—	—	—	
Theater - Indoor	—	—	P	P	—	
Theater - Outdoor	—	—	CUP	CUP	—	
Trail for hiking or riding	—	—	—	—	—	
RESIDENTIAL USES						
Accessory dwelling unit	S	S (43)	S	S	—	35.42.015
Caretaker/Manager dwelling	—	—	—	—	MCUP	35.42.080
Dwelling, one-family	—	P (43)	—	—	—	
Emergency shelter	—	—	MCUP	P	P	
Farmworker dwelling unit	MCUP	P	MCUP	MCUP	—	35.42.135
Farmworker housing complex	—	—	—	—	—	35.42.135
Junior accessory dwelling unit	—	S	—	—	—	35.42.015
Low barrier navigation center	ZC	ZC	ZC	ZC	—	35.42.198
Mixed use project residential component	MCUP	P	MCUP	MCUP	—	35.42.200
Monastery	CUP	CUP	CUP	CUP	CUP	

Residential accessory use or structure	MCUP	P	MCUP	MCUP	MCUP	35.42.020
Residential use existing as of July 19, 1982	—	—	—	—	—	
Single room occupancy facility (SRO)	—	—	P	P	—	
Special care home, 6 or fewer clients	MCUP	P (4)	MCUP	MCUP	MCUP	35.42.090
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Supportive housing	S	S	S	S	S	35.42.265
Transitional housing	S	S	S	S	S	35.42.265

Key to Zone Symbols

CN	Neighborhood Commercial
C-1	Limited Commercial
C-2	Retail Commercial
C-3	General Commercial
C-S	Service Commercial

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.24.030.C (Commercial Zone Allowable Land Uses).~~

~~(3)~~ Includes miniature golf and practice/putting range.

~~(4)~~ Allowed only on a lot with no commercial use, and subject to all development standards of the R-1/E-1 zone except minimum lot size.

Table 2-12- Continued	E	Allowed use, no permit required
	(Exempt)	
	P	Permitted use, Land Use Permit

Allowed Land Uses and Permit Requirements for Commercial Zones	required, <u>except as specified elsewhere in this Development Code (2)</u>					
	MCUP Minor Conditional Use Permit required					
	CUP Conditional Use Permit required					
	S Permit determined by Specific Use Regulations					
	ZC Zoning Clearance					
	— Use Not Allowed					
	LAND USE (1)	PERMIT REQUIRED BY ZONE				
CN		C-1	C-2	C-3	C-S	
RETAIL TRADE						
Auto and vehicle sales and rental	—	—	P	P	—	
Bar, tavern	—	—	P (32)	P (43)	—	
Building and landscape materials sales - Indoor	—	—	MCUP	P (54)	P (54)	
Building and landscape materials sales - Outdoor	—	—	MCUP	P	P	
Cannabis - Retail	—	S	S	S	S	35.42.075
Convenience store, 3,000 sf or less net floor area	P (65)	P (76)	P	P	—	
Convenience store, 3,000 sf or more net floor area	P (65)	P (76)	P	P	—	
Drive-through facility	CUP	CUP	CUP	CUP	CUP	35.42.130
Farm supply and feed store	—	—	—	P	P (54)	

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Fuel dealer	—	—	—	P (87)	P (54)	
General retail	P (65)	P (76)	P	P	—	
Grocery/food store, 3,000 sf or less	P (65)	P (76)	P	P	—	
Grocery/food store, 5,000 sf or less	—	P (76)	P	P	—	
Grocery/food store, more than 5,000 sf	—	P (76)	P	P	—	
Mobile home, boat, and RV sales and repair	—	—	MCUP	—	—	
Office supporting retail	P (65)	P (76)	P	P	—	
Plant nursery	—	P	P	P	—	
Restaurant, café, coffee shop - Indoor and outdoor	P	P	P (32)	P (98)	—	
Restaurant, café, coffee shop, - Within an office building	—	—	—	—	—	
Service station	MCUP	MCUP	P	P	—	
Swap meet	—	—	CUP	CUP	—	
Truck stop	—	—	—	—	—	
Truck, trailer, construction, farm, heavy equipment sales/rental	—	—	MCUP	P	—	
Visitor-serving commercial	—	—	P	P	—	

Key to Zone Symbols

CN	Neighborhood Commercial
C-1	Limited Commercial
C-2	Retail Commercial

C-3	General Commercial
C-S	Service Commercial

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.24.030.C (Commercial Zone Allowable Land Uses).~~

~~(32)~~ May include beer brewing and wine making provided (a) the area devoted to beer brewing and wine making, including the area devoted to equipment and storage of materials and supplies, does not exceed 50 percent of the interior floor area of the primary business, and (b) the product is primarily sold for on-site consumption.

~~(43)~~ Includes microbreweries that are necessary and secondary to a bar or restaurant.

~~(54)~~ Shall be conducted within a completely enclosed building except for material storage which may be permitted within an area enclosed by a solid wall, fence or hedge not less than six feet in height.

~~(65)~~ Limited to establishments that supply commodities to meet the day-to-day needs of residents in the neighborhood.

~~(76)~~ Limited to establishments that supply commodities to the residences in the neighborhood.

~~(87)~~ Limited to the sale of fuel for agricultural equipment.

~~(98)~~ No off-premise alcoholic beverage sales allowed; no alcoholic beverage sales in restaurant except when food also served.

Table 2-12- Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required
	(Exempt)	
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	ZC	Zoning Clearance
	—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	CN	C-1	C-2	C-3	C-S	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL						
Bank, financial services - Branch facility	—	P	P	P	—	
Bank, financial services - Complete facility	—	—	P	P	—	
Business support service	—	—	P	P	P	
Drive-through facility	CUP	CUP	CUP	CUP	CUP	35.42.130
Medical services - Animal hospital, small animals	—	CUP (5)	MCUP (5)	P (5)	P (5)	35.42.250
Medical services - Clinic	CUP	CUP	CUP	CUP	CUP	
Medical services - Doctor office	—	P	P	P	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	CUP	
Office - Business/service	—	P	P	P	—	
Office - Professional/administrative	—	—	P	P	—	
SERVICES - GENERAL						
Cemetery, mausoleum	CUP	CUP	CUP	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	CUP	
Large family day care home, serving adults	P	P	P	P	—	35.42.090

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Large family day care home, serving children	E (43)	E (43)	E (43)	E (43)	E (43)	35.42.090
Small family day care home, serving adults	E	E	E	E	—	35.42.090
Small family day care home, serving children	E (43)	E (43)	E (43)	E (43)	E (43)	35.42.090
Day care center, principal use	P	P	P	P	MCUP (54)	35.42.090
Day care center, accessory to non-dwelling	—	—	—	—	P	
Day care center, accessory to dwelling	MCUP (54)	P	MCUP (54)	MCUP (54)	—	35.42.090
Drive-through facility	CUP	CUP	CUP	CUP	CUP	35.42.130
Lodging - Bed and breakfast inn	—	P	MCUP	MCUP	—	
Lodging - Guest ranch	—	—	—	—	—	
Lodging - Homestay	—	—	—	—	—	
Lodging - Hostel	CUP	CUP	CUP	CUP	CUP	
Lodging - Hotel or motel	—	CUP	P	P	—	
Lodging - Resort	—	—	—	—	—	
Lodging - Short-term rental	—	P	P	P	P	35.42.245
Mortuary	—	—	—	—	—	35.42.120
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	CUP	35.42.120
Music recording studio	CUP	CUP	CUP	CUP	CUP	
Personal services	P	P	P	P	—	

Repair service - Equipment, appliances, etc. - Indoor	—	—	P	P (32)	P (32)	
Repair service - Equipment, appliances, etc. - Outdoor	—	—	P	—	—	
Repair service - Farm implements and equipment	—	—	—	P (32)	P (32)	
Repair service - Small appliances	P	P	P	—	—	
Vehicle services - Carwash, mechanical	—	—	MCUP	MCUP	—	35.42.270
Vehicle services - Major repair, bodywork	—	—	—	P (32)	—	
Vehicle services - Minor maintenance/repair	MCUP	—	P	P (32)	P (32)	
Vehicle services - With outdoor work areas	—	—	MCUP	—	—	

Key to Zone Symbols

CN	Neighborhood Commercial
C-1	Limited Commercial
C-2	Retail Commercial
C-3	General Commercial
C-S	Service Commercial

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.24.030.C (Commercial Zone Allowable Land Uses).~~

(32) Shall be conducted within a completely enclosed building except that within the C-3 and C-S zones exterior material storage may be permitted within an area enclosed by a solid wall, fence or hedge not less than six feet in height.

(43) 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.

(54) Day care centers serving up to and including fifty (50) children may be permitted with a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits).

(5) All animals shall be kept within a completely enclosed, soundproof building designed to eliminate outdoor odor and reduce the level of noise so that adjacent residential properties will not be adversely affected in any way by noise or odors.

Table 2-12- Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E (Exempt)	Allowed use, no permit required				
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u>				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	ZC	Zoning Clearance				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	CN	C-1	C-2	C-3	C-S	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE						
Airport, public	CUP	CUP	CUP	CUP	CUP	
Airstrip, private and temporary	CUP	CUP	CUP	CUP	CUP	
Airstrip, temporary	—	—	—	—	—	
Cannabis - Distribution	—	—	—	S	—	35.42.075

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Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Minor (32)	MCUP	MCUP	MCUP	MCUP	MCUP	
Electrical transmission line (43)	CUP	CUP	CUP	CUP	CUP	
Flood control project, less than 20,000 sf total area (54)	P	P	P	P	P	
Flood control project, 20,000 sf or more total area (54)	MCUP	MCUP	MCUP	MCUP	MCUP	
Heliport	CUP	CUP	CUP	CUP	CUP	
Parking facility, public or private	—	—	P	P	—	
Pier, dock	—	—	—	—	—	
Pipeline - Oil and gas	P	P	P	P	P	35.5
Public utility facility	CUP	CUP	CUP	CUP	CUP	
Public works or private service facility	MCUP	MCUP	MCUP	MCUP	MCUP	
Road, street, less than 20,000 sf total area (54)	P	P	P	P	P	
Road, street, 20,000 sf or more total area (54)	MCUP	MCUP	MCUP	MCUP	MCUP	
Sea wall, revetment, groin, or other shoreline structure	—	—	—	—	—	
Telecommunications facility	S	S	S	S	S	35.44
Transit station or terminal	—	—	CUP	P	—	

Utility service line with less than 5 connections (43)	—	—	—	—	—	
Utility service line with 5 or more connections (43)	—	—	—	—	—	
Vehicle dispatch facility	—	—	—	MCUP	—	
Vehicle storage	—	—	MCUP	—	—	
Wind turbines and wind energy systems	S	S	S	S	S	35.57

Key to Zone Symbols

CN	Neighborhood Commercial
C-1	Limited Commercial
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C-S	Service Commercial

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.24.030.C (Commercial Zone Allowable Land Uses).~~

~~(32)~~ Use is subject to the standards of the PU zone.

~~(43)~~ Does not include lines outside the jurisdiction of the County.

~~(54)~~ Not applicable to facilities constructed by the County.

Table 2-12- Continued	E Allowed use, no permit required (Exempt)
Allowed Land Uses and Permit Requirements for Commercial Zones	P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u>

	MCUP CUP S Regulations ZC —	Minor Conditional Use Permit required Conditional Use Permit required Permit determined by Specific Use Zoning Clearance Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	CN	C-1	C-2	C-3	C-S	
WATER SUPPLY & WASTEWATER FACILITIES						
Onsite wastewater treatment system, individual, alternative	MCUP	MCUP	MCUP	MCUP	MCUP	
Onsite wastewater treatment system, individual, conventional	E	E	E	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	E	E	E	
Pipeline - Water, reclaimed water, wastewater	P	P	P	P	P	
Reservoir, less than 20,000 sf of total development	P	P	P	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	P	P	P	P	
Reservoir, 50,000 sf or more total development	MCUP	MCUP	MCUP	MCUP	MCUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	CUP	
Water diversion project	P	P	P	P	P	
Water extraction, commercial	CUP	CUP	CUP	CUP	CUP	

Water system with 1 connection	E	E	E	E	E	
Water system with 2 to less than connections	P	P	P	P	P	
Water system with 5 or more connections	MCUP	MCUP	MCUP	MCUP	MCUP	
Water well, agricultural	—	—	—	—	—	

Key to Zone Symbols

CN	Neighborhood Commercial
C-1	Limited Commercial
C-2	Retail Commercial
C-3	General Commercial
C-S	Service Commercial

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.24.030.C (Commercial Zone Allowable Land Uses).~~

Table 2-13 Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations

	ZC Zoning Clearance — Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CH	CM- LA	C-V	PI	
AGRICULTURAL, MINING & ENERGY FACILITIES					
Agricultural accessory structure	P	—	—	—	35.42.020
Agricultural processing	P (32)	—	—	—	35.42.040
Agricultural use as permitted on adjacent lot zoned AG or residential	P	—	—	—	
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	S	35.42.060
Cannabis - Cultivation and nursery	—	—	—	—	
Cannabis - Microbusiness			—	—	
Cultivated agriculture, orchard, vineyard	—	—	—	—	
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	—	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P (43)	—	P (43)	P (43)	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	—	CUP	CUP	35.82.160
Oil and gas uses	—	—	—	—	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING					

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Bakery and baked goods production and distribution	—	—	—	—	
Cannabis - Manufacturing	—	S	—	—	35.42.075
Cannabis - Testing	—	—	—	S	35.42.075
Furniture/fixtures manufacturing, cabinet shops	—	MCUP	—	—	
Handcraft industry, small scale manufacturing	—	MCUP	—	—	35.42.160
Laundry, dry cleaning plant	—	—	—	—	
Media production	—	—	—	—	
Metal products fabrication, machine and welding shops	—	—	—	—	
Printing and publishing	—	—	—	—	
Recycling - Small collection center	—	—	—	—	
Recycling - Small collection center, non-profit	—	—	—	—	
Recycling - Specialized materials collection center	—	—	—	—	
Sign fabrication and painting shop	—	MCUP	—	—	
Sign painting shop	—	MCUP	—	—	
Storage - Contractor equipment storage yard	—	—	—	—	
Storage - Personal storage facility (mini storage)	—	—	—	—	
Storage - Warehouse, not used for wholesaling or distribution	—	—	—	—	
Wholesaling and distribution	—	—	—	—	

Wholesaling and distribution - Essential to agriculture, except	CUP	—	—	—	
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Key to Zone Symbols

CH	Highway Commercial
CM-LA	Community Mixed Use - Los Alamos
C-V	Visitor Serving Commercial
PI	Professional and Institutional

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- ~~(2) Development Plan approval may also be required; see Subsection 35.24.030.C (Commercial Zone Allowable Land Uses).~~
- ~~(32)~~ Restricted to the processing of on-premise products.
- ~~(43)~~ On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-13 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations ZC Zoning Clearance — Use Not Allowed	
	PERMIT REQUIRED BY ZONE	Specific Use Regulations
LAND USE (1)		

	CH	CM- LA	C-V	PI	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES					
Campground	—	—		—	
Commercial entertainment - Indoor	—	MCUP	—	—	
Commercial entertainment - Outdoor	—	—	—	—	
Community center	—	P	—	P	
Conference center	CUP	—	P (32)	CUP	
Country club	CUP	—	P (32)	P	
Equestrian facility - Public or commercial	CUP	—	CUP	CUP	
Fairgrounds	CUP	—	CUP	CUP	
Fitness/health club or facility	—	P	—	P	
Golf course	MCUP	—	P	P	
Golf driving range	MCUP	—	CUP	CUP	
Library	CUP	CUP	CUP	P	
Meeting facility, public or private	CUP	CUP	CUP	P	
Meeting facility, religious	CUP	CUP	CUP	P	
Museum	CUP	CUP	CUP	P	
Park, playground	—	—	P	—	
Recreational vehicle (RV) park	CUP	—	CUP	—	
School	CUP	CUP	CUP	P	

School - Business, Professional, or Trade	CUP	P	CUP	P(43)	
Sports and outdoor recreation facility	CUP	—	P	CUP	
Sports or entertainment assembly facility	CUP	—	—	—	
Studio - Art, dance, martial arts, music, etc.	—	P	—	P	
Theater - Indoor	—	P	—	—	
Theater - Outdoor	CUP	—	—	—	
Trail for hiking or riding	—	P	P	—	

Key to Zone Symbols

CH	Highway Commercial
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PI	Professional and Institutional

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- ~~(2) Development Plan approval may also be required; see Subsection 35.24.030.C (Commercial Zone Allowable Land Uses).~~
- (32) Destination-type facility required; see Section 35.24.060 (C-V Zone Additional Standards).
- (43) Not including trade schools using heavy equipment.

Table 2-13 - Continued	E Allowed use, no permit required (Exempt)
Allowed Land Uses and Permit Requirements for Commercial Zones	P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)
	MCUP Minor Conditional Use Permit required

	CUP Conditional Use Permit required S Permit determined by Specific Use Regulations ZC Zoning Clearance — Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CH	CM- LA	C-V	PI	
RESIDENTIAL USES					
Accessory Dwelling Unit	—	S	—	S	35.42.015
Caretaker/Manager dwelling	P	—	MCUP	—	35.42.080
Dwelling, one-family	—	P	—	—	
Dwelling, two-family	—	P	—	—	
Dwelling, multiple	—	P	—	—	
Emergency shelter	—	MCUP	—	—	
Farmworker dwelling unit	—	P	MCUP	MCUP	35.42.135
Farmworker housing complex	(32)	—	—	—	35.42.135
Home occupation	—	P	—	—	35.42.190
Junior accessory dwelling unit	—	S	—	—	35.42.015
Low barrier navigation center	ZC	ZC	—	—	35.42.198
Mixed use project residential component	—	P	—	MCUP	35.42.200
Monastery	CUP	—	CUP	CUP	
Residential accessory use or structure	P(43)	P(43)	MCUP	MCUP	

Residential use existing as of July 19, 1982	—	—	—	—	
Single room occupancy facility (SRO)	P	—	—	—	
Special care home, 6 or fewer clients	MCUP	P	MCUP	MCUP	35.42.090
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	35.42.090
Supportive housing	S	S	S	S	35.42.265
Transitional housing	S	S	S	S	35.42.265

Key to Zone Symbols

CH	Highway Commercial
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PI	Professional and Institutional

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.24.030.C (Commercial Zone Allowable Land Uses).~~

~~(3)~~ Same permit requirement as required for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.

~~(4)~~ See Section 35.42.020 (Accessory Structures and Uses).

Table 2-13 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit

	required S Permit determined by Specific Use Regulations ZC Zoning Clearance — Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CH	CM-LA	C-V	PI	
RETAIL TRADE					
Auto and vehicle sales and rental	—	—	—	—	
Bar, tavern	—	P	—	—	
Building and landscape materials - Indoor	—	—	—	—	
Building and landscape materials - Outdoor	—	—	—	—	
Cannabis - Retail	—	S	—	—	35.42.075
Convenience store, less than 3,000 sf net floor area	P (32)	P	—	—	
Convenience store, 3,000 sf or more net floor area	—	P	—	—	
Drive-through facility	CUP	—	CUP	CUP	35.42.130
Farm supply and feed store	—	—	—	—	
Fuel dealer	—	—	—	—	
General retail	—	P	—	—	
Grocery/food store, 3,000 sf or less	CUP (32)	P	—	—	

Grocery/food store, 5,000 sf or less	CUP (32)	P	—	—	
Grocery/food store, more than 5,000 sf	—	P	—	—	
Mobile home, boat, and RV sales and repair	—	—	—	—	
Office supporting retail	—	P	—	P	
Plant nursery	—	P	—	—	
Restaurant, café, coffee shop - Indoor and outdoor	P (32)	P	—	—	
Restaurant, café, coffee shop - Within an office building	—	—	—	CUP	
Service station	P	— (43)	—	—	
Swap meet	—	CUP	—	—	
Truck stop	MCUP	—	—	—	
Truck, trailer, construction, farm, heavy equipment sales/rental	—	—	—	—	
Visitor-serving commercial	P (32)	P	P(54)	—	

Key to Zone Symbols

CH	Highway Commercial
CM-LA	Community Mixed Use - Los Alamos
C-V	Visitor Serving Commercial
PI	Professional and Institutional

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.24.030.C (Commercial Zone Allowable Land Uses).~~

~~(32)~~ No off-premise alcoholic beverage sales allowed; no alcoholic beverage sales in restaurant except when food also served.

~~(43)~~ A service station existing at the time of the adoption of the CM-LA zone shall be considered a permitted use rather than a nonconforming use.

~~(54)~~ Use only allowed accessory and incidental to an approved resort/visitor-serving facility.

Table 2-13 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u>			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	ZC	Zoning Clearance			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CH	CM-LA	C-V	PI	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL					
Bank, financial services - Branch facility	—	P	—	P	
Bank, financial services - Complete facility	—	P	—	P	
Business support service	—	P	—	P	
Drive-through facility	CUP	—	CUP	CUP	35.42.130

Medical services - Animal hospital, small animals	—	CUP (7)	—	CUP (7)	35.42.250
Medical services - Clinic	CUP	CUP	CUP	P	
Medical services - Doctor office	—	P	—	P	
Medical services - Extended care	CUP	CUP	CUP	P	
Medical services - Hospital	CUP	—	CUP	P	
Office - Business/service	—	P	—	P	
Office - Professional/administrative	—	P	—	P	
SERVICES - GENERAL					
Cemetery, mausoleum	CUP	—	CUP	P	
Charitable or philanthropic organization	CUP	CUP	CUP	P	
Large family day care home, serving adults	P	P	P	P	35.42.090
Large family day care home, serving children	E (54)	E (54)	E (54)	E (54)	35.42.090
Small family day care home, serving adults	E	E	E	E	35.42.090
Small family day care home, serving children	E (54)	E (54)	E (54)	E (54)	35.42.090
Daycare center, principal use	MCUP (65)	P	MCUP (65)	MCUP (65)	35.42.090
Day care center, accessory to non-dwelling	P	P	P	P	35.42.090
Day care center, accessory to dwelling	MCUP (65)	MCUP (65)	MCUP (65)	MCUP (65)	35.42.090
Drive-through facility	CUP	—	CUP	CUP	35.42.130
Lodging - Bed and breakfast inn	—	P	—	—	
Lodging - Guest ranch	—	—	P	—	

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Lodging - Homestay	—	P	—	—	35.42.193
Lodging - Hostel	CUP	P	CUP	CUP	
Lodging - Hotel or motel	P	P	P	—	
Lodging - Resort	—	P	P	—	
Lodging - Short-term rental	P	P	P	—	35.42.245
Mortuary	—	—	—	—	35.42.120
Mortuary, accessory to cemetery	CUP (6)	—	CUP (6)	CUP (6)	35.42.120
Music recording studio	CUP	CUP	CUP	CUP	
Personal services	—	P	—	P	
Repair service - Equipment, appliances, etc. - Indoor	—	P (32)	—	—	
Repair service - Equipment, appliances, etc. - Outdoor	—	—	—	—	
Repair service - Farm implements and equipment	—	—	—	—	
Vehicle services - Carwash, mechanical	MCUP (43)	—	—	—	
Vehicle services - Major repair, bodywork	—	—	—	—	
Vehicle services - Minor maintenance/repair	P	P	—	—	
Vehicle services - With outdoor work areas	—	—	—		

Key to Zone Symbols

CH	Highway Commercial
CM-LA	Community Mixed Use - Los Alamos

C-V	Visitor Serving Commercial
PI	Professional and Institutional

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.24.030.C (Commercial Zone Allowable Land Uses).~~

~~(32)~~ Shall be conducted within a completely enclosed building except that within the C-3 and CS zones exterior material storage may be permitted within an area enclosed by a solid wall, fence or hedge not less than six feet in height.

~~(43) Use not allowed on a lot abutting a residential zone; see Section 35.42.270 (Vehicle Services).~~ Mechanical car washes in the CH zone shall comply with the following standards:

1. Abutting residential zone prohibited. Mechanical car washes shall not be allowed on properties abutting a residential zone.
2. Noise reduction methods. Construction of masonry walls, fencing, installation of landscaping, and other methods shall be required to reduce noise effects on abutting property.
3. Compatibility with adjacent uses. Controls over access, parking, and landscaping shall be required that will make the mechanical car wash compatible with adjacent uses.

~~(54)~~ 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.

~~(65)~~ Day care centers serving up to and including fifty (50) children may be permitted with a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits).

(6) Allowed in the following locations subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits):

1. Within cemeteries operating under a valid use permit;
2. On any lot abutting a cemetery; or
3. On property zoned commercial.

(7) All animals shall be kept within a completely enclosed, soundproof building designed to eliminate outdoor odor and reduce the level of noise so that adjacent residential properties will not be adversely affected in any way by noise or odors.

Table 2-13 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u> MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations ZC Zoning Clearance — Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CH	CM-LA	C-V	PI	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE					
Airport, public	CUP	—	CUP	CUP	
Airstrip, private and temporary	CUP	—	CUP	CUP	
Airstrip, temporary	—	—	—	—	
Cannabis - Distribution	—	—	—	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Minor (32)	MCUP	MCUP	MCUP	MCUP	
Electrical transmission line (43)	CUP	CUP	CUP	CUP	

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Flood control project, less than 20,000 sf total area (54)	P	P	P	—	
Flood control project, 20,000 sf or more total area (54)	MCUP	MCUP	MCUP	—	
Heliport	CUP	—	CUP	CUP	
Parking facility, public or private	—	MCUP	—	—	
Pier, dock	—	—	P	—	
Pipeline - Oil and gas	P	P	P	P	35.5
Public utility facility	CUP	CUP	CUP	CUP	
Public works or private service facility	MCUP	MCUP	MCUP	MCUP	
Road, street, less than 20,000 sf total area (5)	P	P	P	P	
Road, street, 20,000 sf or more total area (5)	MCUP	MCUP	MCUP	MCUP	
Sea wall, revetment, groin, or other shoreline structure	—	—	—	—	
Telecommunications facility	S	S	S	S	35.44
Transit station or terminal	P	—	—	—	
Utility service line with less than 5 connections (4)	—	P	—	—	
Utility service line with 5 or more connections (4)	—	P	—	—	
Vehicle dispatch facility	—	—	—	—	
Vehicle storage	—	—	—	—	
Wind turbines and wind energy systems	S	—	S	S	35.57

Key to Zone Symbols

CH	Highway Commercial
CM-LA	Community Mixed Use - Los Alamos
C-V	Visitor Serving Commercial
PI	Professional and Institutional

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- ~~(2) Development Plan approval may also be required; see Subsection 35.24.030.C (Commercial Zone Allowable Land Uses).~~
- ~~(32)~~ Use is subject to the standards of the PU zone.
- ~~(43)~~ Does not include lines outside the jurisdiction of the County.
- ~~(54)~~ Not applicable to facilities constructed by the County.

Table 2-13 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations ZC Zoning Clearance — Use Not Allowed			
	PERMIT REQUIRED BY ZONE			
LAND USE (1)	Specific Use Regulations			
	CH	CM-LA	C-V	PI

WATER SUPPLY & WASTEWATER FACILITIES					
Onsite wastewater treatment system, individual, alternative	MCUP	—	MCUP	MCUP	
Onsite wastewater treatment system, individual, conventional	E	—	E	E	
Onsite wastewater treatment system, individual, supplemental	E	—	E	E	
Pipeline - Water, reclaimed water, wastewater	P	P	P	P	
Reservoir, less than 20,000 sf total development	P	—	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	—	P	P	
Reservoir, 50,000 sf or more total development	MCUP	—	MCUP	MCUP	
Wastewater treatment facility, less than 200 connections	CUP	—	CUP	CUP	
Water diversion project	P	—	P	P	
Water extraction, commercial	CUP	CUP	CUP	CUP	
Water system with 1 connection	E	—	E	E	
Water system with 2 to less than 5 connections	P	—	P	P	
Water system with 5 or more connections	MCUP	—	MCUP	MCUP	
Water well, agricultural	E	—	—	—	

Key to Zone Symbols

CH	Highway Commercial
CM-LA	Community Mixed Use - Los Alamos
C-V	Visitor Serving Commercial
PI	Professional and Institutional

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.24.030.C (Commercial Zone Allowable Land Uses).~~

SECTION 11:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.24.040, Commercial Zones Development Standards, of Chapter 35.24, Commercial Zones, is hereby amended to read as follows:

35.24.040 Commercial Zones Development Standards

- A. **General standards.** Development within the commercial zones shall be designed, constructed, and established in compliance with the requirements in Table 2-14 (Commercial Zones Development Standards) below, and all applicable standards in Article 35.3 through Article 35.7 of this Development Code.
- B. **Community Plan overlay requirements.** Section 35.28.210 (Community Plan Overlays) establishes additional requirements and standards that apply to development and uses located in an applicable community or area plan as specified in Section 35.28.210 (Community Plan Overlays).

Table 2-14- Commercial Zones Development Standards

Development Feature	Requirement by Zone		
	CN Neighborhood Commercial	C-1 Limited Commercial	C-2 Retail Commercial
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>		

Area	None required; minimum lot size shall be determined by the review authority through the subdivision review process.	None required; minimum lot size shall be determined by the review authority through the subdivision review process, except 5,000 sf in Summerland and 7,000 sf elsewhere shall be required for a lot with only a residential use.	None required; minimum lot size shall be determined by the review authority through the subdivision review process.
Residential density	<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>Mixed-use development: 20 dwelling units per gross acre</u> Section 35.42.200 (Mixed Use); plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).	<u>Residential-only development: One unit per existing lot</u> Mixed-use development: 20 units per gross acre; plus one accessory dwelling unit or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).	Section 35.42.200 35.24.050.C.3 (Mixed Use development); plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site. <u>Setbacks are measured from property line unless otherwise stated.</u></i>		

Front - Primary	50 ft from road centerline, and 20 ft from right-of-way. <u>10 ft</u>	30 ft from road centerline, and 15 ft from right-of-way; An open canopy, porch, or similar structure may extend to within 5 ft of the right-of-way. <u>0 ft</u>	30 ft from road centerline, and 10 ft from edge of right-of-way; 42 ft from centerline and 10 ft from right-of-way of 2-lane expressway or street with 4 or more lanes; An open canopy, porch or similar structure may encroach up to 12 ft into the setback, but not into a right-of-way.
Front - Secondary	Same as <u>primary</u> front.	Lot width less than 100 ft – 20% of lot width, 10 ft minimum; Lot width 100 ft or more – Same as primary front setback.	Lot width less than 100 ft – 20% of lot width, 10 ft minimum; Lot width 100 ft or more – Same as primary front setback.
Side	5 ft	10% of lot width, with no less than 5 ft or more than 10 ft required.	None; 3 ft minimum when provided.
Rear	10% of lot depth to a maximum requirement of 10 ft; 25 ft if abutting a residential zone. See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley.		
Building separation	Buildings containing dwellings shall be located a minimum of 5 feet from any other detached building on the same building site.		
—Site coverage	Maximum percentage of net site area covered by structures.		

Maximum coverage	30%.	No maximum.	No maximum.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft.	35 ft. Toro Canyon Plan area 25 ft for a residential structure.	35 ft.: See Section <u>35.24.050.C.3</u> (Mixed use development) for mixed use development
Landscaping	See Chapter 35.34 (Landscaping Standards).		
Parking	See Chapter 35.36 (Parking and Loading Standards).		
Signs	See Chapter 35.38 (Sign Standards).		

Table 2-14- Commercial Zones Development Standards (continued)

Development Feature	Requirement by Zone		
	C-3 General Commercial	C-S Service Commercial	C-H Highway Commercial
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>		
Area	None.	None.	None.
Residential density	<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>Section 35.24.050.D.3</u> (Mixed use development) Section 35.42.200 (Mixed Use); plus	None allowed.	None allowed.

	one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).		
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site. <u>Setbacks are measured from property line unless otherwise stated.</u></i>		
Front - Primary	30 ft from road centerline, and 10 ft from edge of right-of-way; 42 ft from centerline and 10 ft from right-of-way of 2-lane expressway or street with 4 or more lanes; An open canopy, porch or similar structure may encroach up to 12 ft into the setback, but not into a right-of-way.		15 ft from <u>edge of</u> right-of-way.
Front - Secondary	Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or more - Same as primary front setback.	Same as primary front setback.	Lot width less than 100 <u>75</u> ft - 20% of lot width, 10 ft minimum; Lot width 100 <u>75</u> ft or more - Same as primary front setback.
Side	None; 3 ft minimum when provided.		None; except that if the lot abuts a different zone, the abutting zone's side setback applies.
Rear	10% of lot depth, with 10 ft maximum required;		None; except if lot abuts a different zone, the abutting

	25 ft where rear lot line abuts a residential zone.	zone's rear setback applies.
	See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley.	
Building separation	Buildings containing dwellings shall be located a minimum of 5 feet from any other detached building on the same building site.	None.
Site coverage	<i>Maximum percentage of net site area covered by structures.</i>	
Maximum coverage	No maximum.	40%
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	35 ft.	35 ft. Toro Canyon Plan area – 25 ft for a residential structure.
Landscaping	See Chapter 35.34 (Landscaping Standards).	
Parking	See Chapter 35.36 (Parking and Loading Standards).	
Signs	See Chapter 35.38 (Sign Standards).	

Table 2-14- Commercial Zones Development Standards (continued)

Development Feature	Requirement by Zone	
	CM-LA Community Mixed Use - Los Alamos	C-V Visitor-Serving Commercial
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>	

Area	None.	None required; minimum lot size shall be determined by the review authority through the subdivision approval process.
Residential density	<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	See Section 35.24.070; plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).	<u>Residential uses are limited to those identified as allowed in the C-V Zone in</u> See Table 2-13 - RESIDENTIAL USES
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site. <u>Setbacks are measured from property line unless otherwise stated.</u></i>	
Front - Primary	See Section 35.24.070.	50 ft from road centerline, and 20 ft from <u>edge of</u> right-of-way.
Front - Secondary	See Section 35.24.070.	Lot width less than 100 ft – 20% of lot width, 10 ft minimum. Lot width 100 ft or more – Same as primary front setback.
Side	See Section 35.24.070.	20 ft; 50 ft from a lot zoned residential.
Rear	See Section 35.24.070.	Same as side
Building separation	None required, however if provided any separation shall be a minimum of five feet.	5 ft for a residential building and any other building; none required otherwise.
Site coverage	<i>Maximum percentage of net site area covered by structures.</i>	

Maximum coverage	None.	30% on a lot surrounded by residential zoning; no maximum elsewhere.
Open space	<i>Minimum percentage of net site area to be maintained in public and/or common open space.</i>	
Minimum open space	None.	40%.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	35 ft.	35 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards).	
Parking	See Chapter 35.36 (Parking and Loading Standards).	
Signs	See Chapter 35.38 (Sign Standards)	

Table 2-14- Commercial Zones Development Standards (continued)

Development Feature	Requirement by Zone	
	PI Professional and Institutional	
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>	
Area	None required; minimum lot size shall be determined by the review authority through the subdivision approval process.	
Residential density	<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	See Section 35.24.050.F Table 2-13 — RESIDENTIAL USES; plus one accessory dwelling unit per lot where allowed in compliance with	

	Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site. <u>Setbacks are measured from property line unless otherwise stated.</u></i>
Front - Primary	45 ft from road centerline and 15 ft from <u>edge of</u> right-of-way; 20 ft for a garage or carport that opens directly on the street.
Front - Secondary	Lot width less than 100-75 ft - 20% of lot width, 10 ft minimum. Lot width 100-75 ft or more - Same as primary front setback.
Side	15 ft.
Rear	Same as side
Building separation	Buildings containing dwellings shall be located a minimum of 5 feet from any other detached building on the same building site.
Site coverage	<i>Maximum percentage of net site area covered by structures.</i>
Maximum coverage	40% (for buildings only).
Open space	Minimum percentage of net site area to be maintained in public and/or common open space.
Minimum open space	No minimum.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>
Maximum height	35 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards).
Parking	See Chapter 35.36 (Parking and Loading Standards).
Signs	See Chapter 35.38 (Sign Standards).

SECTION 12:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.24.050, CN, C-1, C-2, C-3, C-S, CH, and PI Zones Additional Standards, of Chapter 35.24, Commercial Zones, is hereby amended to read as follows:

35.24.050 CN, C-1, C-2, C-3, C-S, CH, and PI Zones Additional Standards

Proposed development and new land uses within the CN, C-1, C-2, C-3, C-S, CH and PI zones shall comply with the following standards, in addition to those in Section 35.24.040 (Commercial Zones Development Standards).

A. CN zone standards.

1. **Enclosure of activities required.** All retail uses that supply commodities and service uses allowed by Table 2-12 (Allowed Land Uses and Permit Requirements for Commercial Zones) shall occur within a completely enclosed building, except for service stations and other uses that commonly include an outdoor component provided any use that occurs outside of a completely enclosed building is appropriately screened and such screening is specifically approved by the review authority.
2. **Storage and trash enclosures.** Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.
3. **Mixed-use development.** To ensure the overall purpose and intent of the commercial district is maintained, nonresidential uses shall be located along the street frontage. Residential uses may be located on an upper story or behind a nonresidential use.

B. C-1 zone standards.

1. **Enclosure of activities required.**
 - a. **Retail and service uses.** All retail uses that supply commodities and service uses allowed by Table 2-12 (Allowed Land Uses and Permit Requirements for Commercial Zones) shall occur within a completely enclosed building except for plant nurseries and service stations, and other uses that commonly include an outdoor component provided any use that occurs outside of a completely enclosed building is appropriately screened and such screening is specifically approved by the review authority.
 - b. **Storage and trash enclosures.** Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.
2. **One-family dwellings.** A one-family dwelling may be established within the C-1 zone only on a lot with no commercial use. Where a one-family dwelling is allowed, any residential accessory use or structure shall comply with the requirements of Section 35.42.020 (Accessory Structures and Uses).

3. **Mixed-use development.** To ensure the overall purpose and intent of the commercial district is maintained, nonresidential uses shall be located along the street frontage. Residential uses may be located on an upper story or behind a nonresidential use.

C. **C-2 zone standards.**

1. **Enclosure of activities required.**

- a. **Machinery service and repair uses.** Auto and machinery repair and service activities allowed by Table 2-12 (Allowed Land Uses and Permit Requirements for the Commercial Zones) shall occur within a completely enclosed building, or within an area enclosed by a solid wall, hedge, or fence a minimum of six feet in height, approved as to design by the Director.
 - b. **Retail uses.** All retail uses allowed by Table 2-12 (Allowed Land Uses and Permit Requirements for Commercial Zones) shall occur within a completely enclosed building except for plant nurseries and service stations, and other uses that commonly include an outdoor component provided any use that occurs outside of a completely enclosed building is appropriately screened and such screening is specifically approved by the review authority.
2. **Storage and trash enclosures.** Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.

3. **Mixed use development.**

- a. **Santa Ynez Valley Community Plan area.** Mixed use development in the Santa Ynez Valley Community Plan area is subject to Section 35.28.210.E Santa Ynez Valley Community Plan area.
- b. **Areas outside the Santa Ynez Valley Community Plan area.** Mixed use development in areas outside the Santa Ynez Valley Community Plan area is subject to the following.
 - (1) Residential uses are allowed only as part of a mixed use development. There shall be a minimum of one nonresidential use on the same site as a residential use.
 - (2) Maximum residential density is 30 units per gross acre.
 - (3) The total gross floor area of residential uses shall not exceed 50 percent of the total gross floor area of all uses on the site.
 - (a) This standard may be increased up to 75 percent through Development Plan approval where the review authority finds that the proposed development and existing land uses located in the vicinity of the project site provide an adequate amount of commercial uses to meet the overall purpose and intent of the area as a commercial district and the character of the surrounding area is such that additional residential square footage is appropriate.

- (4) The height limit of any structure containing a residential use is 45 feet, except that within 50 feet of a residential zone with a density of less than 20 units/acre, the height limit is 35 feet.

D. C-3 zone standards.

1. **Enclosure of activities required.** Within the C-3 zone, the land use types identified by Table 2-12 (Allowed Land Uses and Permit Requirements for the Commercial Zones) as requiring enclosure shall occur within a completely enclosed building, except that materials may be stored within an area enclosed by a solid wall, fence, or hedge not less than six feet in height.
2. **Storage and trash enclosures.** Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.
3. **Mixed use development.** Residential uses are allowed as secondary uses to the principal commercial use on the same site.
 - a. Maximum residential density is one unit per 1,000 square feet of gross floor area of commercial development on the same site.
 - b. The total gross floor area of residential uses shall not exceed 50 percent of the total gross floor area of all uses on the site.

E. C-S zone standards.

1. **Enclosure of activities required.** Within the C-S zone, the land use types identified by Table 2-12 (Allowed Land Uses and Permit Requirements for the Commercial Zones) as requiring enclosure shall occur within a completely enclosed building, except that materials may be stored within an area properly screened from and aesthetically compatible with neighboring use, as determined by the review authority.
2. **Storage and trash enclosures.** Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.

F. PI zone standards.

1. **Limitations on use.** No sales, production, repair, or processing shall take place on any property zoned PI, except to the extent necessary for and incidental to the operation of permitted or conditionally permitted uses.
2. **Restaurant within office building.** A restaurant located in an office building may include bar or cocktail lounge accessory to a restaurant, but not a drive-through.
3. **Mixed use development.** Residential uses are allowed as secondary uses to the principal commercial use on the same lot.
 - a. Maximum residential density is one unit per 1,000 square feet of gross floor area of commercial development on the same lot.

- b. The total gross floor area of residential uses shall not exceed 50 percent of the total gross floor area of all uses on the site.

SECTION 13:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.24.070, CM-LA Zone Additional Standards, of Chapter 35.24, Commercial Zones, is hereby amended to read as follows:

35.24.070 CM-LA Zone Additional Standards

Proposed development and new land uses within the CM-LA zone shall comply with the following standards in addition to those in Section 35.24.040 (Commercial Zones Development Standards).

- A. **Minimum lot width for residential use.** Development that includes dwelling units shall be located on a lot with a minimum net lot width of 20 feet.
- B. **Determining the front line of lot for properties in the CM-LA zone.** For the purposes of the CM-LA zone district, all lots (including through lots and corner lots) with a front line abutting Bell Street shall be considered to have a front line on Bell Street unless the review authority finds that reasonable development of the property would be precluded.
- C. **Streets in the CM-LA zone.** Streets that are located parallel to Bell Street (Waite, Leslie, and portions of Main Street) shall be considered through streets. Streets that are located perpendicular to Bell Street (Centennial Street) shall be considered secondary streets.
- D. ~~Limitations on bedrooms, floor area, uses, and location of Residential~~ **dwelling units in the CM-LA zone.**
1. ~~Maximum residential density is 20 units per gross acre. A residential use shall not exceed two bedrooms per 700 square feet of gross floor area of commercial development on the same lot.~~
 2. ~~Dwelling units are only permitted above~~ Residential uses are prohibited on the ground floor of buildings that abut:
 - a. Bell Street; and/or
 - b. A secondary street on a lot with a Bell Street front line, unless the majority of the building façade abuts a through street as shown in Figure 2-1a.
 3. ~~Dwelling units are permitted on all floors of buildings that abut:~~
 - a. ~~A secondary street on a lot without a Bell Street front line; and/or~~
 - b. ~~A through street.~~
 43. Dwelling unit access from Bell Street is prohibited.
- E. ~~Commercial buildings in CM-LA zone.~~

- ~~1. Commercial uses are allowed on all floors of buildings.~~
 - ~~a. Only commercial uses are permitted on the ground floor of buildings that abut:
 - ~~(1) Bell Street; and/or~~
 - ~~(2) A secondary street on a lot with a Bell Street front line, unless residential uses are allowed on all floors in compliance with Subsections D.2 and D.3 above.~~~~
 - ~~2. The floor area devoted to commercial uses is limited by the setbacks and build-to lines shown in Figure 2-1 (Setbacks and Build-to Lines for Structures).~~
 - ~~3. Buildings with a Bell Street frontline shall be commercial on the ground floor.~~
- FE. Setbacks and Build-to-Lines for structures.** The setbacks in Table 2-15 apply as measured from the front line. Buildings shall be located within the shaded area shown in Figure 2-1 (Setbacks and Build-to-Lines for Structures) below.

Table 2-15_ Setbacks and Build-to Lines for Structures

Building front line abutting Bell Street	
a.	Bell Street setback: Zero ft.
b.	Secondary street setback: Zero ft.
c.	Side setback: Zero ft., however, exceptions may be allowed by the review authority for side setbacks that provide access to commercial parking and enhance pedestrian circulation. However, in no case shall the distance between buildings on the subject lot and on an adjacent lot abutting Bell Street exceed 10 ft.
d.	Front building rear build-to-line: 80 ft. maximum from edge of lot frontage.
Building front line not abutting Bell Street	
1.	Through street setback: Minimum five ft., not to exceed 15 ft.
2.	Rear setback when not adjacent to street: None required, however if provided shall be a maximum of 10 ft.
3.	Secondary street setback: None required, however, if provided shall not exceed 10 ft.
4.	Side setback: None required, however, if allowed by the review authority, shall not exceed 10 ft., unless additional setback area is needed to

	accommodate a driveway, in which case, the maximum setback shall be equivalent to the minimum required driveway width.
5.	Front building rear build-to-line: 60 ft. maximum from the edge of lot front line.

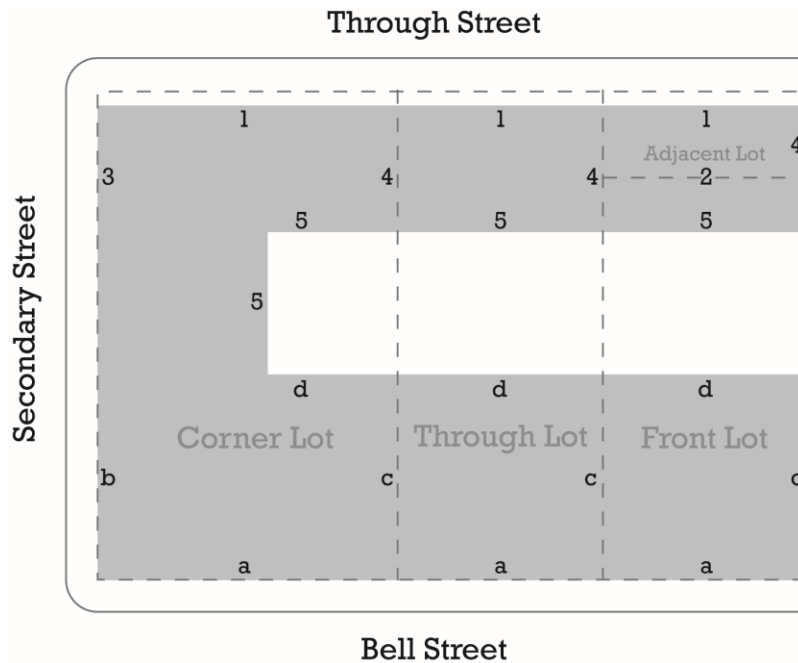


Figure 2-1 - Setbacks and Build-to-Lines for Structures

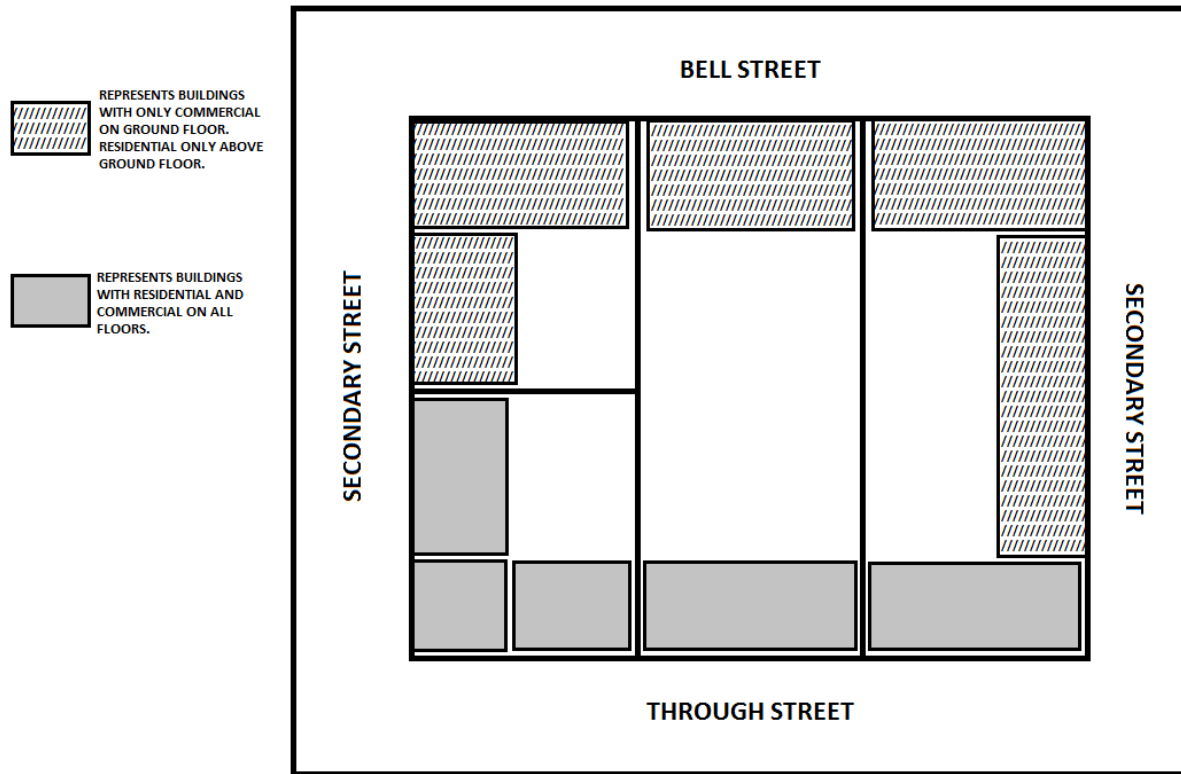


Figure 2-1a - Allowed Building Uses

GF. Setbacks for parking. The setbacks in Table 2-16 (Setbacks for Parking) apply as measured from the front line of the lot. Parking shall be located within the shaded area shown in Figure 2-2 (Setbacks for Parking) below.

Table 2-16- Setbacks for Parking

Setbacks for Parking	
a.	Bell Street setback: 50 ft. minimum.
b.	Secondary street setback: 5 ft. minimum.
c.	Side setback adjacent to existing parking area: None.
d.	Side setback adjacent to non-parking area: 5 ft. minimum.
e.	Rear setback - through lot: 35 ft. minimum from rear lot line opposite of the lot frontage.

e.1	However, exceptions may be approved by the review authority for phased developments on a through lot where the first phase of development occurs fronting Bell Street. Onsite parking may intrude into the thorough or secondary street parking setbacks up to the maximum allowable building setback. The setback area along the rear or secondary street property line shall be maintained in landscaping subject to review and approval by the applicable Board of Architectural Review. Onsite parking encroachment is temporary and is only allowed until such time as additional floor area devoted to residential or commercial development is developed on the lot.
f.	Rear setback - not a through lot: Zero to 5 ft. from adjacent lot.

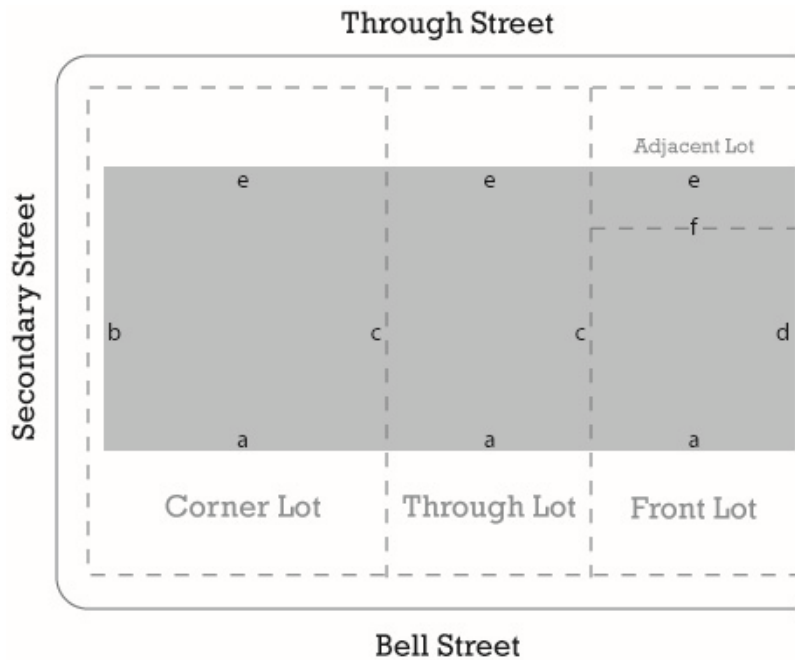


Figure 2-2 - Setbacks for Parking

HG. Architectural encroachments. Architectural features and signs may intrude into road rights-of-way and required setback areas in compliance with the following provided that an encroachment permit is first obtained from either Caltrans or the County Public Works Department.

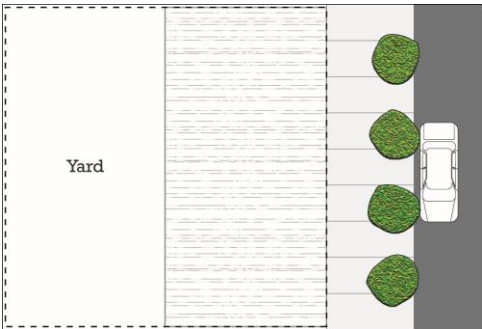
1. Balconies, fire escapes, unenclosed porches, and shop front awnings may intrude a maximum of six feet ~~into all rights-of-way and setback areas identified in Figure 2-1 (Setbacks and Build-to-Lines for Structures).~~ Awnings shall be a minimum of eight feet high above the sidewalk.

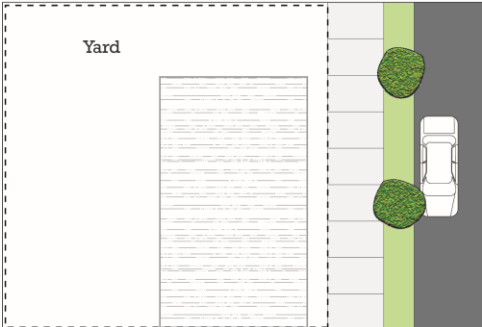
2. Above the ground floor, bay windows, chimneys, cantilevered rooms, and eaves may intrude a maximum of three feet ~~into rights-of-way and all setback areas identified in Figure 2-1 (Setbacks and Build-to Lines for Structures).~~
3. Colonnades when installed as part of a gallery for retail uses shall be no less than 10 feet deep and overlap the whole width of the sidewalk to within two feet of the curb. The colonnade shall be no less than 12 feet clear in height.
4. Signs (See Chapter 35.38 Sign Standards and the Bell Street Design Guidelines).
5. The architectural feature or sign is in compliance with the Bell Street Design Guidelines and Chapter 10 (Building Regulations) of the County Code.

~~I. **Processing and site development standards.** Proposed development within the CM-LA zone shall comply with the following processing and site development standards.~~

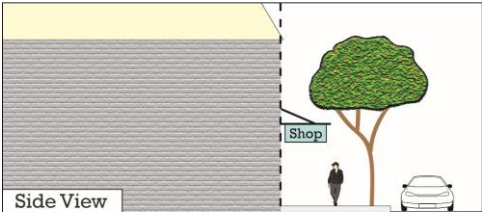
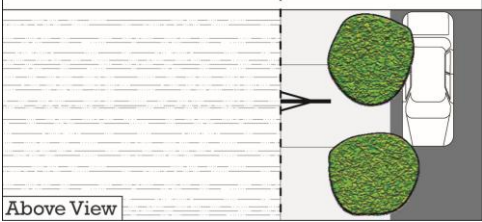
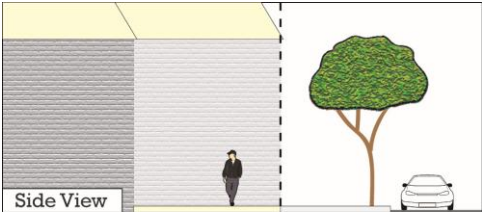
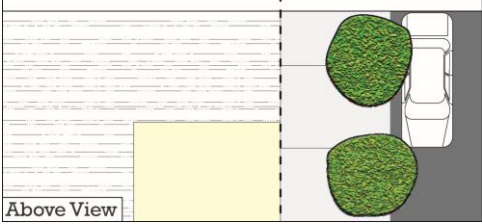
- ~~1. **General.** The following standards shall apply to all development within the CM-LA zone.~~
 - ~~a. **Vacant lots:** Development of vacant lots shall comply with the development standards as described in Section 35.24.030 for the CM-LA zone. A vacant lot may be developed with only commercial uses. Residential density shall comply with Subsection 35.24.070.D, above.~~
 - ~~b. **Additions to structures on existing lots:** Development on lots with existing structures shall conform to the development standards as described in Section 35.24.030 for the CM-LA zone. Additions to existing structures containing commercial uses shall be limited by the setbacks as described in Figure 2-1 (Setbacks and Build-to Lines for Structures).~~
 - ~~c. **Design review required:** Prior to the approval of any permits for structures, the project shall be approved or conditionally approved by the Board of Architectural Review in compliance with the Bell Street Design Guidelines and Section 35.82.070 (Design Review).~~

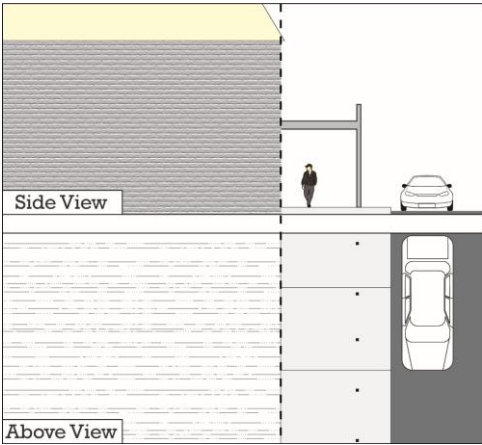
~~J.~~ **Building Types.** Setbacks create yard spaces that characterize building types. The following building types shall apply in the CM-LA zone.

	<p>Rear Yard Building Type - This type of building occupies the entire width of a property, leaving the rear of the lot as the sole yard. This is an urban building type as the continuous facade steadily defines its interface with the public thoroughfare. The location of the rear elevations may be articulated for functional purposes. In its residential form, this type is the rowhouse, duplex, or triplex. For commercial or mixed-uses, the rear yard can accommodate substantial</p>
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	parking. Parking shall be required to be located in the rear of the lot.
<p>Above View</p>  <p>Drawings not to scale.</p>	<p>Side Yard Building Type - This type of building is located adjacent to one side of the lot and provides a setback (side yard) from the other side. A front setback is permitted on secondary streets to accommodate residential development; however a setback shall not be provided for the portion of the building facing Bell Street. The side yard shall be designed as to allow access to the interior of the lots for pedestrians and parking.</p>

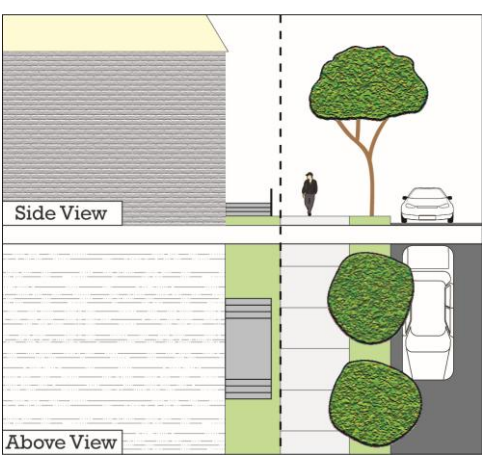

Kl. Facade Types - Buildings with a front line on Bell Street. The following building facade types shall be used for buildings with a front line on Bell Street in the CM-LA zone.

<p>Side View</p>  <p>Above View</p> 	<p>Shopfront: Shopfronts are facades placed at or close to the right-of-way line with the entrance at the sidewalk grade. This type is conventional for retail frontage and is commonly equipped with awnings. Recessed entryways are required with a shop front.</p>
<p>Side View</p>  <p>Above View</p> 	<p>Forecourt: The main facade of the building is at or near the street frontage line and a small percentage of it is set back, creating a small courtyard area. The area could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort. This frontage type should be used sparingly and should not be repeated within a block. A short wall, hedge, or</p>

	<p>fence 32 inches to 42 inches in height could be used to define the forecourt area. The depth of the forecourt shall be no more than 20 feet and be no wider than 50 percent of the building width. <u>Landscaping shall be provided for buildings with a forecourt that exceeds a gross floor area of 500 square feet.</u></p>
 <p>Side View</p> <p>Above View</p> <p>Drawings not to scale.</p>	<p>Gallery: Galleries are shopfronts with an attached colonnade that projects over the sidewalk and encroaches into the public right-of-way. This frontage type is ideal for retail use but only when the sidewalk is fully absorbed within the colonnade so that a pedestrian cannot bypass it. The colonnade shall be no less than 10 feet deep and overlap the whole width of the sidewalk to within two feet of the curb. The colonnade shall be no less than 12 feet clear in height.</p>

4. **Building Façade Types - Buildings Not Facing Bell Street.** The following façade types shall be used for buildings with a front line on a through or secondary street in the CM-LA zone.

 <p>Side View</p> <p>Above View</p>	<p>Common Yard: The main facade of the building has a setback from the front line. The resulting front yard can be defined or undefined at the front line. This edge is typically defined by a fence or hedge within a traditional neighborhood or left undefined within more rural areas or subdivisions. Common yards are typical for larger homes within historic neighborhoods. A front porch is optional.</p>
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 <p>Side View</p> <p>Above View</p>	<p>Stoop: The building façade is near the front line and the elevated stoop engages the sidewalk. The stoop should be elevated a minimum of 24 inches above the sidewalk to ensure privacy within the building. The stairs from the stoop may lead directly to the sidewalk or may be side loaded. The minimum width and depth of the stoop should be five feet. This type is appropriate for residential uses with small setbacks.</p>
 <p>Side View</p> <p>Above View</p> <p>Drawings not to scale.</p>	<p>Porch: The building façade has a small setback from the front line. The resulting front yard is typically very small and can be defined by a fence or hedge. The porch can encroach into the setback to the point that the porch extends to the front line. A minimum depth of six feet clear is required within the development standards to ensure usability.</p>

MK. Entry Doors. Entry doors for commercial establishments shall be located at intervals no greater than 50 feet along Bell Street.

NL. Storage. Areas for trash or outdoor storage shall be enclosed and screened in such a manner as to conceal all trash or stored material from public view to the maximum extent feasible. Solid waste and recycling storage facilities shall also be in compliance with Section 35.30.170 (Solid Waste and Recycling Storage Facilities).

OM. Utilities. Utilities shall be located so as to not be visible from the public right-of-way if feasible. Mechanical equipment, including solar energy systems, should not be visible from the street if feasible.

PN. Modification of development standards. As part of the Design Review process required in compliance with Subsection I.1.c., above, the Board of Architectural Review shall review the proposed development to determine if the development complies with the Development Standards in Subsections H. through M. above. The applicant may request modifications of

the Development Standards in Subsections H. through M., above, and the Board of Architectural may grant such modifications in compliance with the following:

1. **Request for modification of two or fewer development standards:** At the request of the applicant, the Board of Architectural Review may modify a maximum of two development standards only if it first finds that the configuration of the lot and application of said development standard(s) would limit reasonable development of the project that would otherwise comply with the Development Standards in Subsections H. through M. above.
2. **Request for modification of three or more development standards:** If the applicant requests modification of three or more development standards, the project shall be processed as a Development Plan in compliance with Section 35.82.080 (Development Plans), and the Planning Commission shall be the review authority for said Development Plan.
 - a. The Board of Architectural Review shall review the intent of each Site Development Standard that is requested to be modified, and shall make a recommendation to the Planning Commission as to whether the requested modifications should be approved, conditionally approved, or denied.
 - b. After receipt of the recommendation from the Board of Architectural Review, the Planning Commission may modify the development standards requested for modification as part of the Commission's action on the project.

SECTION 14:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection C, Accessory uses and structures, of Section 35.25.030, Industrial Zones Allowable Land Uses, of Chapter 35.25, Industrial Zones, is hereby amended to read as follows:

- C. **Accessory uses and structures.** ~~A~~ Each use allowed by Table 2-19 (Allowed Land Uses and Permit Requirements for Industrial Zones) may include accessory uses and structures ~~as follows. that are customarily incidental to the primary use, provided that the accessory structures and uses are in compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in Chapter 35.42 (Standards for Specific Land Uses)~~
- ~~1. **M-1 and M-2 zones.** Accessory structures and uses customarily incidental to a permitted use, not including retail sale by a manufacturing enterprise.~~
 - ~~2. **M-CR and M-RP zones.** Accessory structures and uses customarily incidental to a permitted use.~~

SECTION 15:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection D, Development Plan approval required, of Section 35.25.030, Industrial Zones Allowable Land Uses, of Chapter 35.25, Industrial Zones, is hereby amended to read as follows:

D. Development Plan approval required.

1. **M-RP, M-1, M-2 zones.** Within the M-RP, M-1, or M-2 zones, ~~Final~~ Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to any development, including grading, except as provided in Subsection D.1.b, below.
 - a. ~~Final~~ Development Plan approval is required for a structure that is accessory to a permitted agricultural use, other than an agricultural reservoir, and 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 site will total 20,000 square feet or more in gross floor area.
 - b. **Certain allowed agricultural uses in the M-1 and M-2 zones.** Within the M-1 and M-2 zones, agricultural uses that are permitted on an adjacent lot zoned agricultural or residential do not require the approval of a Development Plan and may be allowed in compliance with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits).
2. **M-CR zone.** Within the M-CR zone, ~~Final~~ Development Plan approval is required for a structure, other than an agricultural reservoir, 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 site will total 20,000 square feet or more in gross floor area.

SECTION 16:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Table 2-19, Allowed Land Uses and Permit Requirements for Industrial Zones, of Section 35.25.030, Industrial Zones Allowable Land Uses, of Chapter 35.25, Industrial Zones, is hereby amended to read as follows:

<p>Table 2-19</p> <p>Allowed Land Uses and Permit Requirements for Industrial Zones</p>	<p>E Allowed use, no permit required (Exempt)</p>
	<p>P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)</p>
	<p>MCUP Minor Conditional Use Permit</p>

	required 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
	M-RP	M-1	M-2	M-CR	
AGRICULTURAL, MINING, & ENERGY FACILITIES					
Agricultural accessory structure	—	P	P	P	35.42.020
Agricultural processing	—	P	P	P (32)	
Agricultural processing - Extensive	—	P	P	—	
Agricultural use as permitted on adjacent lot zoned AG or residential	—	P	P	—	
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	S	35.42.060
Aquaculture	P	P	—	P	
Cannabis - Cultivation and nursery	S	S	S	—	35.42.075
Cannabis - Microbusiness	—	S	S	—	35.42.075
Cultivated agriculture, orchard, vineyard	—	E	E	E	
Grazing	—	—	—	E	
Greenhouse	—	—	—	P	35.42.140
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	CUP	35.82.160

Mining - Surface, less than 1,000 cubic yards	P (43)	P (43)	P (43)	P (43)	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	CUP	CUP	35.82.160
Oil and gas uses	S	S	S	S	35.5
Winery	—	P (54)	P (54)	S (65)	

Key to Zone Symbols

M-RP	Industrial Research Park
M-1	Light Industry
M-2	General Industry
M-CR	Coastal-Related Industry

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.25.030.D (Development Plan approval required).~~

~~(3)~~ Restricted to products produced on-premise and in compliance with Section 35.42.040 (Agricultural Processing Facilities)

(43) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

~~(54)~~ Does not include tasting rooms or onsite retail sales.

~~(65)~~ Subject to the regulations of Section 35.42.280 (Wineries).

Table 2-19- Continued	E Allowed use, no permit required (Exempt)
Allowed Land Uses and Permit Requirements for Industrial Zones	P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)

	MCUP required CUP S Regulations —					Minor Conditional Use Permit Conditional Use Permit required Permit determined by Specific Use Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations	
	M-RP	M-1	M-2	M-CR		
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING						
Appliance manufacturing	—	—	P	—		
Bakery and baked goods production and distribution	—	P	P	—		
Boat building and sales - Indoor and outdoor	—	P	P	—		
Business machine manufacturing and assembly	P	P	P	—		
Cannabis - Manufacturing	S	S	S	—	35.42.075	
Cannabis - Testing	S	S	S	—	35.42.075	
Ceramic product manufacturing	P	P	P	—		
Chemical product manufacturing	—	—	CUP	—		
Concrete, gypsum and plaster products	—	P	CUP	—		
Cosmetic and pharmaceutical manufacturing	P	P	P	—		
Electronics assembly	P	P	P	—		
Electronics equipment manufacturing	P	P	P	—		

Explosives, fireworks, and ordinance manufacturing	—	—	CUP	—	
Fertilizer plant	—	—	CUP	—	
Fish cannery	—	—	CUP	—	
Food and beverage product manufacturing	—	P	P	—	
Foundry	—	P (32)	P	—	
Furniture/fixtures manufacturing, cabinet shops	—	P	P	—	
Handcraft industry, small scale manufacturing	P	P	P	—	35.42.160
Laboratory - Medical, analytical, research and development	P	P	P	—	
Laundry, dry cleaning plant	—	P	P	—	
Lumber and wood product manufacturing	—	P	CUP	—	
Media production	—	—	—	—	
Merchandise manufacturing	—	P	P	—	
Metal products fabrication, machine and welding shops	—	P (43)	P	—	
Motor vehicle and transportation equipment manufacturing	—	P (54)	P	—	
Music recording studio	CUP	CUP	CUP	CUP	
<i>Additional INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING uses are listed on the following page.</i>					

Key to Zone Symbols

M-RP	Industrial Research Park
M-1	Light Industry
M-2	General Industry
M-CR	Coastal-Related Industry

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- ~~(2) Development Plan approval may also be required; see Subsection 35.25.030.D (Development Plan approval required).~~
- ~~(3)~~ Limited to the casting of lightweight non-ferrous metal not causing noxious fumes or odors.
- ~~(4)~~ Does not include drop hammers.
- ~~(5)~~ Limited to automobiles.

Table 2-19- Continued Allowed Land Uses and Permit Requirements for Industrial Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed				
	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	LAND USE (1)	M-RP	M-1	M-2	
	INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING - CONTINUED				

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Oil refining	—	—	CUP	—	
Paving and roofing material manufacturing	—	P	CUP	—	
Petroleum product storage and distribution	—	P	P	—	
Precision machine shop	P	P	P	—	
Primary metal industries	—	—	CUP	—	
Printing and publishing	P	P	P	—	
Recycling - Community recycling facility	—	P	—	—	
Recycling - Processing facility	—	—	P	—	
Recycling - Scrap or dismantling yard	—	—	P	—	
Recycling - Small collection center, non-profit	—	P	—	—	
Recycling - Specialized materials collection center	—	—	P	—	
Research and development	P	P	P	—	
Sign fabrication and painting shop	—	P	P	—	
Slaughterhouse, stockyard, rendering plant	—	—	CUP	—	
Stone and cut stone products	—	P	CUP	—	
Storage - Contractor equipment storage yard	—	P	—	—	
Storage - Equipment storage yard	—	P	P	—	
Storage - Personal storage facility (mini storage)	—	P	—	—	

Storage - Warehouse	P	P	P	—	
Tannery	—	—	CUP	—	
Wholesaling and distribution	P	P	P	—	

Key to Zone Symbols

M-RP	Industrial Research Park
M-1	Light Industry
M-2	General Industry
M-CR	Coastal-Related Industry

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.25.030.D (Development Plan approval required).~~

Table 2-19- Continued Allowed Land Uses and Permit Requirements for Industrial Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)
	MCUP	Minor Conditional Use Permit required
	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

	M-RP	M-1	M-2	M-CR	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES					
Conference center	CUP	CUP	CUP	CUP	
Country club	CUP	CUP	CUP	CUP	
Equestrian facility - Public or commercial	CUP	CUP	CUP	CUP	
Fairgrounds	CUP	CUP	CUP	CUP	
Fitness/health club or facility	CUP	—	—	—	
Fitness/health club or facility, accessory	P	P	—	—	
Golf course	CUP	CUP	CUP	CUP	
Golf driving range, practice/putting range	CUP	CUP	CUP	CUP	
Library, museum	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	
School	CUP	CUP	CUP	CUP	
School - Business, professional, or trade	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facility	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facility, accessory	P	P	—	—	
RESIDENTIAL USES					
Emergency shelter	P	P	—	—	
Employee residence (32)	—	—	—	CUP	
Farmworker dwelling unit	—	—	—	—	35.42.135

Farmworker housing complex	P	P	(43)	P	35.42.135
Monastery	CUP	CUP	CUP	CUP	
Special care home	MCUP	MCUP	MCUP	MCUP	
Supportive housing	S	S	S	S	35.42.265
Transitional housing	S	S	S	S	35.42.265
RETAIL TRADE					
Auto and vehicle sales and rental	—	—	—	—	
Bar, tavern, brew pub	—	P	—	—	
Building and landscape materials sales - Indoor	—	P	—	—	
Building and landscape materials sales - Outdoor	—	P	—	—	
Cannabis - Retail	—	S	—	—	35.42.075
Drive-through facility, accessory	CUP	CUP	CUP	CUP	35.42.130
Farm supply and feed store	—	P	—	—	
Office-supporting retail	P	P	—	—	
Restaurant, café, coffee shop - Indoor and outdoor	—	—	—	—	
Service station	—	—	—	—	
Truck, trailer, construction, farm, heavy equipment sales/rental	—	—	LUP	—	

Key to Zone Symbols

M-RP	Industrial Research Park
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M-1	Light Industry
M-2	General Industry
M-CR	Coastal-Related Industry

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.25.030.D (Development Plan approval required).~~

~~(3)~~ Dwellings maybe allowed for the employees of the owner or lessee of the land engaged in a permitted use of the land upon which the dwelling is located.

~~(4)~~ Same permit requirement as required for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.

Table 2-19- Continued Allowed Land Uses and Permit Requirements for Industrial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)			
	MCUP	Minor Conditional Use Permit required			
	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
	M-RP	M-1	M-2	M-CR	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL					
Bank, financial services - Branch facility	—	—	—	—	

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Bank, financial services - Complete facility	—	—	—	—	
Business support services	P	P	—	—	
Drive-through facility, accessory	CUP	CUP	CUP	CUP	35.42.130
Medical services - Animal hospital, small animals	—	P	—	—	
Medical services - Clinic	CUP	CUP	CUP	CUP	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	
Office - Accessory	P	P	P	P	
Office - Executive headquarters	P	P	—	—	
SERVICES - GENERAL					
Cemetery	CUP	CUP	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	
Large family day care home, serving adults	—	—	—	P	35.42.090
Large family day care home, serving children	E (<u>34</u>)	E (<u>43</u>)	E (<u>43</u>)	E (<u>43</u>)	35.42.090
Small family day care home, serving adults	—	—	—	E	35.42.090
Small family day care home, serving children	E (<u>43</u>)	E (<u>43</u>)	E (<u>43</u>)	E (<u>43</u>)	35.42.090
Day care center, principal use	MCUP (<u>54</u>)	MCUP (<u>54</u>)	MCUP (<u>54</u>)	MCUP (<u>54</u>)	35.42.090
Day care center, accessory to non-dwelling	P	P	—	—	35.42.090

Day care center, accessory to dwelling	—	—	—	MCUP (54)	35.42.090
Drive through facility	CUP	CUP	CUP	CUP	35.42.130
Lodging - Homestay	—	—	—	—	
Lodging - Hostel	CUP	CUP	CUP	CUP	
Lodging - Hotel or motel	—	P	—	—	
Lodging - Short-term rental	—	—	—	—	
Mausoleum	CUP	CUP	CUP	CUP	
Mortuary	—	—	—	—	
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	
Music recording studio	CUP	CUP	CUP	CUP	
Personal services, employees only	P	P	—	—	
Public safety facility	—	P	—	—	
Repair service - Equipment, large appliances, etc. - Indoor	—	P	P	—	
Repair service - Equipment, large appliances, etc. - Outdoor	—	P	P	—	
Repair service - Small appliances	—	P	P	—	
Vehicle services - Major repair, bodywork	—	P (32)	P	—	
Vehicle services - Minor maintenance/repair	—	P (32)	P	—	

Key to Zone Symbols

M-RP	Industrial Research Park
-------------	--------------------------

M-1	Light Industry
M-2	General Industry
M-CR	Coastal-Related Industry

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.25.030.D (Development Plan approval required).~~

~~(3)~~ Limited to automobiles.

~~(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 35.82.110 (Land Use Permits).

Table 2-19- Continued Allowed Land Uses and Permit Requirements for Industrial Zones	E		Allowed use, no permit required		
	(Exempt)				
	P		Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)		
	MCUP		Minor Conditional Use Permit required		
	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
	M-RP	M-1	M-2	M-CR	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE					
Airport, public	CUP	CUP	CUP	CUP	
Airstrip, private and temporary	CUP	CUP	CUP	CUP	
Airstrip, temporary	—	—	CUP	—	
Cannabis - Distribution	S	S	S	—	35.42.075
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Minor (32)	MCUP	P	P	MCUP	
Electrical substation - Major	—	P	P	—	
Electrical transmission line (43)	CUP	CUP	CUP	CUP	
Flood control project, less than 20,000 sf total area (54)	P	P	P	P	
Flood control project, 20,000 sf or more total area (54)	MCUP	MCUP	MCUP	MCUP	
Heliport	CUP	CUP	CUP	CUP	
Marine terminal, onshore facility for petroleum transport	—	—	—	—	
Pier, dock	—	—	—	—	
Pipeline - Oil and gas	P	P	P	P	35.5
Public utility facility	CUP	CUP	CUP	CUP	
Public works or private service facility	MCUP	MCUP	MCUP	MCUP	
Road, street, less than 20,000 sf total area (54)	P	P	P	P	

Road, street, 20,000 sf or more total area (54)	MCUP	MCUP	MCUP	MCUP	
Sea wall, revetment, groin, or other shoreline structure	—	—	—	—	
Telecommunications facility	S	S	S	S	35.44
Truck or freight terminal	—	P	P	—	
Utility service line with less than 5 connections(43)	—	—	—	—	
Utility service line with 5 or more connections (43)	—	—	—	—	
Vehicle dispatch facility	—	MCUP	MCUP	—	
Vehicle storage	—	P	P	—	
Wind energy systems	S	S	S	S	35.57

Key to Zone Symbols

M-RP	Industrial Research Park
M-1	Light Industry
M-2	General Industry
M-CR	Coastal-Related Industry

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.25.030.D (Development Plan approval required).~~

(~~32~~) Use is subject to the standards of the PU Zone.

(~~43~~) Does not include lines outside the jurisdiction of the County.

(54) Not applicable to facilities constructed by the County.

Table 2-19- Continued Allowed Land Uses and Permit Requirements for Industrial Zones	E Allowed use, no permit required (Exempt)				
	P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u>				
	MCUP	Minor Conditional Use Permit required			
	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
	M-RP	M-1	M-2	M-CR	
WATER SUPPLY & WASTEWATER FACILITIES					
Onsite wastewater treatment system, individual, alternative	MCUP	MCUP	MCUP	MCUP	
Onsite wastewater treatment system, individual, conventional	E	E	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	E	E	
Pipeline - Water, reclaimed water, wastewater,	P	P	P	P	
Reservoir, less than 20,000 sf of total development	P	P	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	P	P	P	

Reservoir, 50,000 sf or more total development	MCUP	MCUP	MCUP	MCUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water diversion project	P	P	P	P	
Water extraction, commercial	CUP	CUP	CUP	CUP	
Water system with 1 connection	E	E	E	E	
Water system with 2 to less than 5 connections	P	P	P	P	
Water system with 5 or more connections	MCUP	MCUP	MCUP	MCUP	
Water well, agricultural	E	E	E	E	

Key to Zone Symbols

M-RP	Industrial Research Park
M-1	Light Industry
M-2	General Industry
M-CR	Coastal-Related Industry

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.25.030.D (Development Plan approval required).~~

SECTION 17:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.25.040,

Industrial Zones Development Standards, of Chapter 35.25, Industrial Zones, is hereby amended to read as follows:

35.25.040 Industrial Zones Development Standards

- A. **General standards.** New and existing development within the industrial zones shall be designed, constructed, and established in compliance with the requirements in Table 2-20 (Industrial Zones Development Standards) below, and all applicable standards in Article 35.3 through Article 35.7 of this Development Code.
- B. **Community Plan overlay requirements.** Section 35.28.210 (Community Plan Overlays) establishes additional requirements and standards that apply to development and uses located in an applicable community or area plan as specified in Section 35.28.210 (Community Plan Overlays).

Table 2-20- Industrial Zones Development Standards

Development Feature	Requirement by Zone	
	M-RP Industrial Research Park	M-1 Light Industry
Minimum lot size	<i>Minimum net area for lots proposed in new subdivisions.</i>	
Area	1 acre.	None.
Residential density	<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	None allowed.	None allowed.
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setbacks Requirements and Exceptions) for exceptions. <u>Setbacks are measured from property line unless otherwise stated.</u> Required building separation is between buildings on the same site.</i>	
Front - Primary	80 ft from road centerline, and 50 ft from <u>edge of</u> right-of-way; 20 ft from right-of-way of research park secondary interior street.	50 ft from road centerline, and 20 ft from <u>edge of</u> right-of-way.
Front - Secondary	Same as front.	Same as front.

Side - Interior	10 ft.	10 ft.
Rear	10 ft; 50 ft abutting a residential zone.	10 ft; 50 ft abutting a residential zone.
Site coverage	<i>Maximum percentage of net site area covered by structures.</i>	
Maximum coverage	35%.	50%.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	35 ft.	45 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards).	
Parking	See Chapter 35.36 (Parking and Loading Standards).	
Signs	See Chapter 35.38 (Sign Standards).	

Table 2-20- Industrial Zones Development Standards (continued)

Development Feature	Requirement by Zone	
	M-2 General Industry	M-CR Coastal-Related Industry
Minimum lot size	<i>Minimum net area for lots proposed in new subdivisions.</i>	
Area	None.	None.
Residential density	<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	None allowed.	As determined by CUP for employee housing.
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setbacks Requirements and Exceptions) for exceptions. <u>Setbacks are</u></i>	

	<i>measured from property line unless otherwise stated. Required building separation is between buildings on the same site.</i>	
Front	50 ft from road centerline, and 20 ft from <u>edge of</u> right-of-way.	50 ft from road centerline, and 20 ft from <u>edge of</u> right-of-way.
Side - Corner	Same as front.	Same as front.
Side - Interior	10 ft.	10 ft.
Rear	10 ft; 50 ft abutting a residential zone.	10 ft; 50 ft abutting a residential zone.
Site coverage	<i>Maximum percentage of net site area covered by structures.</i>	
Maximum coverage	No maximum.	No maximum.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	45 ft.	45 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards).	
Parking	See Chapter 35.36 (Parking and Loading Standards).	
Signs	See Chapter 35.38 (Sign Standards).	

SECTION 18:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Chapter 35.26, Special Purpose Zones, is hereby amended to read as follows:

CHAPTER 35.26 SPECIAL PURPOSE ZONES

35.26.010 Purpose

This Chapter lists the land uses that may be allowed within the Special Purpose zones established by Section 35.14.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

35.26.020 Purposes of Special Purpose Zones

The purposes of the individual Special Purpose zones and the manner in which they are applied are as follows.

- A. **MU (Mixed Use) zone.** The MU zone is applied to areas that are suited for mixed-use development (i.e., residential, commercial and/or industrial uses) because of their location in relation to existing or planned land uses of adjacent areas and infrastructure improvements such as transportation corridors. The purpose and intent of the MU zone is to:
 - 1. Create attractive and diverse areas that include a mix of housing, shopping, workplace and entertainment uses and nodes for transportation access that foster a variety of small, entrepreneurial, and flexible residential-based businesses, generate economic and social vitality, and create community gathering spaces, entertainment venues, and pedestrian friendly streetscapes.
 - 2. Provide flexibility and connectivity in the arrangement and location of residential, commercial and/or industrial development in order to create areas that are accessible, attractive and inviting to pedestrians.
 - 3. Establish development standards that allow residential, commercial and/or industrial activities to compatibly co-exist and provide a transition between existing, adjacent neighborhoods in order to avoid conflicts between incompatible uses.
 - 4. Plan for the development of sustainable communities that provide varied housing opportunities and multi-modal transportation capabilities.
- B. **NTS (Naples Townsite) zone.** The NTS zone is established due to unique circumstances particular to the Naples Townsite and is applied to the Naples Townsite in recognition of the Official Map of Naples (hereinafter the "Official Map") adopted by the County on October 2, 1995, and the direction of Coastal Land Use Plan Policy 2-13 for land use at the Naples Townsite. This zone is intended to achieve a balance that provides for low density residential units, public access and recreation opportunities, preservation of the scenic and rural character of the Naples area, and conservation of open space and biological resources, compatible with the surrounding agricultural uses of the Gaviota Coast.
- C. **OT (Old Town) zones.** The OT zones are applied to establish standards for development and guidelines for architectural continuity in areas with unique historic neighborhood characteristics. The intent is to protect and preserve neighborhood character and the architectural styles that have developed historically in these areas.
 - 1. **OT-R (Old Town - Residential) zone.** The OT-R zone allows for one- and multi-family residential uses in areas of unique historic character, and establishes guidelines for architectural continuity, to preserve neighborhood character.
 - 2. **OT-R/LC (Old Town - Residential/Light Commercial) zone.** The OT-R/LC zone allows for residential and commercial uses, individually or combined, in areas that contain

predominantly one-family dwellings, or that are in close proximity to one-family residential zones, to provide neighborhood-oriented goods and services, and to create a buffer area of low intensity commercial land uses combined with residential uses between areas of strictly residential and general commercial use. The intent is to maintain the existing mixture of residential and commercial uses, and to preserve the character and architectural styles of the neighborhood areas.

3. **OT-R/GC (Old Town - Residential/General Commercial) zone.** The OT-R/GC zone allows for residential and commercial uses, individually or combined, especially in older urban areas where an "Old Town" atmosphere is to be maintained, and to provide for local business and commercial needs and services for the community, while maintaining a residential quality in the area. The intent is to maintain a mixture of residential and commercial uses, and to preserve the character and architectural style of the neighborhood areas.
- D. **PU (Public Works Utilities and Private Services Facility) zone.** The PU zone is applied to areas appropriate for the siting of large scale public works, utilities and private service facilities, provided that the requirements of this zone do not apply to local agencies exempted by Section 35.20.040 (Exemptions from Planning Permit Requirements). The intent is to provide adequate design requirements to ensure that these facilities are compatible with surrounding land uses.
- E. **REC (Recreation) zone.** The REC zone is applied to provide public or private open space areas appropriate for various forms of outdoor recreation. The intent is to encourage outdoor recreational uses that will protect and enhance areas with the potential to accommodate both active and passive recreation because of their beauty and natural features. Proposed recreational uses should ~~complement~~complement and be appropriate to the area because of the natural features.

35.26.030 Special Purpose Zones Allowable Land Uses

- A. **General permit requirements.** Tables 2-21 and 2-22 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) identify the uses of land allowed by this Development Code in each special purpose zone, and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Tables 2-2-21 and 2-22 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) includes a section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, Minor Conditional Use Permit, or Conditional Use Permit and/or may establish other requirements and standards applicable to the use.
- C. **Development Plan approval required.** Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required as follows:

1. **MU, NTS, PU, and REC zones.** Within the MU, NTS, PU, and REC zones, ~~Final~~ Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to any development, including grading.
 2. **OT zones.**
 - a. **OT-R/LC and OT-R/GC.** A Development Plan in compliance with Section 35.82.080 (Development Plans) is required for one or more structures that total 10,000 or more square feet in gross floor area, or where onsite structures and outdoor areas designated for sales or storage total 20,000 square feet or more.~~Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for structures that total 5,000 square feet or more in gross floor area, or developments that total 10,000 square feet or more.~~
 - b. **OT-R.** ~~Final~~ Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all multi-family residential development, including grading.
 - ~~c. **Lot subject to the Pedestrian Area – Old Town Orcutt (PA-OTO) Overlay Zone.** If a lot is subject to Section 35.28.160 (Pedestrian Area – Old Town Orcutt (PA-OTO) Overlay Zone), then the development plan requirements of Section 35.28.160 (Pedestrian Area – Old Town Orcutt (PA-OTO) Overlay Zone) shall apply instead of Subsections 2.a. and 2.b., above.~~
- D. **Accessory uses and structures.** Each use allowed by Tables 2-21 and 2-22 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) may include accessory uses and structures that are customarily incidental to the primary use, provided that: the accessory structures and uses are in compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in Chapter 35.42 (Standards for Specific Land Uses).
- ~~1. Within the MU zone, the assembly, compounding, manufacture or processing of products is allowed in compliance with Section 35.26.050 – MU Zone Additional Standards.~~
 - ~~2. Within the REC zone, accessory structures and uses shall be limited to those required to support the recreational activities (e.g., parking areas, water and sanitary facilities, boat launching facilities, ranger stations and limited concession facilities).~~
 - ~~3. Within the NTS zone, accessory uses and structures shall be limited to those required to support the principal permitted use and do not involve a commercial enterprise on the site.~~
- E. **Design review required.** Prior to the approval of a planning permit for a structure, or an addition to or alteration of an existing structure, Design Review approval by the Board of Architectural Review is required in compliance with Section 35.82.070 (Design Review), except as provided below.

1. **MU Zone.** Prior to approving a project located on property zoned MU (Mixed Use) that includes a mix of residential with commercial or industrial uses, the Board of Architectural Review shall find that the design of the project:
 - a. Utilizes entries to interior courtyards, building entrances, and public spaces that encourage family and community activities.
 - b. Uses architectural styles in association with multifamily units that delineate the separation of units.
 - c. Ensures that residential units are interconnected with the streets and courtyards as part of a unified and defined sense of space.
2. **NTS Zone.** In the NTS Zone, Design Review in compliance with Section 35.82.070 (Design Review) is required for any structure exceeding 500 square feet of gross floor area, and any addition to an existing structure where the addition exceeds 500 square feet of gross floor area or any addition to an existing structure that results in a structure exceeding 500 square feet of gross floor area.
3. **OT Zone.** In the OT Zone, Design Review is only required if required in compliance with Section 35.28.160 (Pedestrian Area – Old Town Orcutt (PA-OTO) Overlay Zone).

Table 2-21 Allowed Land Uses and Permit Requirements for Special Purpose Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations ZC Zoning Clearance — Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/ LC	OT-R/ GC	
AGRICULTURAL, MINING, & ENERGY FACILITIES						
Agricultural accessory structure	—	P (32)	P	—	—	35.42.020
Agricultural processing - On-premise products	—	P (32)	—	—	—	

Animal keeping (except equestrian facilities- see RECREATION)	S	S (32)	S	S	S	35.42.060
Aquaculture	—	—	—	—	—	
Cannabis - Cultivation, nursery, and microbusiness	—	—	—	—	—	
Cultivated agriculture, orchard, vineyard	—	P (32)	E	—	—	
Grazing	—	E	—	—	—	
Greenhouse, 300 sf or less	—	—	P	—	—	35.42.140
Greenhouse, more than 300 sf	—	—	—	—	—	35.42.140
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	—	—	CUP	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	—	—	P (43)	P (43)	P (43)	35.82.160
Mining - Surface, 1,000 cubic yards or more	—	—	CUP	CUP	CUP	35.82.160
Oil & gas uses	—	—	—	—	—	35.5
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING						
Bakery and baked goods production and distribution	—	—	—	—	—	
Business machine manufacturing and assembly	—	—	—	—	—	
Ceramic product manufacturing	—	—	—	—	—	
Cannabis - Manufacturing	S	—	—	S	S	35.42.075
Cannabis - Testing	—	—	—	—	—	

Cosmetic and pharmaceutical manufacturing	—	—	—	—	—	
Electronics assembly	—	—	—	—	—	
Electronics, equipment, and appliance manufacturing	—	—	—	—	—	
Food and beverage product manufacturing	—	—	—	—	—	
Furniture/fixtures manufacturing, cabinet shops	—	—	—	—	—	
Handcraft industry, small scale manufacturing	P	—	—	—	—	35.42.160
Laboratory - Medical, analytical, research and development	—	—	—	—	—	
Media production	P	—	—	—	—	
Merchandise manufacturing	P	—	—	—	—	
Precision machine shop	—	—	—	—	—	
Printing and publishing	P	—	—	—	—	
Recycling - Community recycling facility	—	—	—	—	—	
Recycling - Small collection center	—	—	—	—	—	
Recycling - Small collection center, non-profit	—	—	—	—	—	
Recycling - Specialized materials collection center	—	—	—	—	—	
Research and development	—	—	—	—	—	
Storage - Personal storage facility (mini-storage)	—	—	—	—	—	

Storage - Warehouse	—	—	—	—	—	
Wholesaling and distribution	—	—	—	—	—	

Key to Zone Symbols

MU	Mixed Use
NTS	Naples Townsite
OT-R	Old Town - Residential
OT-R/LC	Old Town - Residential/Light Commercial
OT-R/GC	Old Town - Residential/General Commercial

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.26.030.C.~~

~~(32)~~ Shall not be allowed within easement areas designated as part of an Open Space and Habitat Management Plan in compliance with Section 35.26.060.

~~(43)~~ On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-21- Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required, except as specified elsewhere in this Development Code
	(2)	
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	ZC	Zoning Clearance
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	

	MU	NTS	OT-R	OT-R/ LC	OT-R/ GC	Specific Use Regulations
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES						
Boat club	—	—	—	—	—	
Campground	—	—	—	—	—	
Commercial entertainment - Indoor	CUP	—	—	—	—	
Community center	CUP	—	P	—	—	
Conference center	—	—	CUP	CUP	CUP	
Country club, swimming and tennis	—	—	CUP	CUP	CUP	
Equestrian facility - Public or commercial	—	MCUP (32)	CUP	CUP	CUP	
Fairgrounds	—	—	CUP	CUP	CUP	
Fitness/health club or facility	P (43)	—	—	—	P	
Fitness/health club or facility, accessory	P	—	—	—	—	
Golf course	—	—	CUP	CUP	CUP	
Historical park	—	—	—	—	—	
Library, museum	P	—	CUP	CUP	CUP	
Meeting facility, public or private	CUP	—	CUP	CUP	CUP	
Meeting facility, religious	CUP	—	CUP	CUP	CUP	
Park, playground - Public	P	P (54)	P	—	—	
Park, playground - Private	P	—	—	—	—	
Private residential recreation facility	P	—	P	P	P	
Recreational vehicle (RV) park	—	—	—	—	—	

School	CUP	—	CUP	CUP	CUP	
School - Business, professional, trade	P	—	CUP	CUP	P	
Shooting range	—	—	—	—	—	
Sports and outdoor recreation facilities	—	—	CUP	CUP	CUP	
Sports and outdoor recreation facilities, accessory	—	—	—	—	—	
Studio - Art, dance, martial arts, music, etc.	P	—	—	—	—	
Theater - Indoor	P	—	—	—	—	
Trail for bicycles, hiking, or riding	P	—	—	—	—	
Trout farm	—	—	—	—	—	
Zoo	—	—	—	—	—	

Key to Zone Symbols

MU	Mixed Use
NTS	Naples Townsite
OT-R	Old Town - Residential
OT-R/LC	Old Town - Residential/Light Commercial
OT-R/GC	Old Town - Residential/General Commercial

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.26.030.C.~~

~~(32)~~ Only one such facility may be allowed within each project site area covered by an approved ~~Final~~ Development Plan and such facility may only be used by owners and residents of the project area for noncommercial purposes.

~~(43)~~ Must be conducted within a completely enclosed building.

~~(54)~~ Use restricted to public coastal access and recreational uses not associated with a commercial onsite operation, commercial lead-tours of the site, or any for-fee or other remuneration recreational activities, except as allowed as part of an equestrian facility, are expressly prohibited.

Table 2-21- Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u>				
	(2)					
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	ZC	Zoning Clearance				
—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/ LC	OT-R/ GC	
RESIDENTIAL USES						
Accessory dwelling unit	S	S	S	S (4)	S (4)	35.42.015
Agricultural employee housing, 4 or fewer employees	—	MCUP	—	—	—	35.42.030
Agricultural employee housing, 5 or more employees	—	CUP	—	—	—	35.42.030
Caretaker/manager dwelling	P	—	—	—	—	
Dwelling, one-family	—	P (53)	P (53)	P (43)(5)	P (43)(5)	
Dwelling, two-family	—	—	P (4)	P (4)	P (4)	

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Dwelling, multiple	P	—	P (4)	P (4)	P (4)	
Emergency shelter	—	—	—	—	—	
Farmworker dwelling unit	—	P	P	P	P	35.42.135
Farmworker housing complex	—	P	P	—	—	35.42.135
Guest house or artist studio	—	P	—	—	—	35.42.150
Home occupation	P	P	P (4)	P (4)	P (4)	35.42.190
Junior accessory dwelling unit	S	S	S	S (4)	S (4)	35.42.015
Live/work unit	P	—	—	—	—	35.26.050
Low barrier navigation center	ZC	—	ZC	ZC	ZC	35.42.198
Mixed use development, residential component	P	—	—	—	—	35.26.050
Mobile home park	—	—	—	—	—	
Monastery	—	—	CUP	CUP	CUP	
Residential accessory use or structure	P	P	P (4)	P (4)	P (4)	35.42.020
Residential project convenience facility	P	—	P (4)	—	—	35.42.220
Single room occupancy facility (SRO)	—	—	—	P	P	
Special care home, 7 or more clients	MCUP	—	MCUP	MCUP	MCUP	35.42.090
Supportive housing	S	S	S	S	S	35.42.265
Transitional housing	S	S	S	S	S	35.42.265

Key to Zone Symbols

MU	Mixed Use
NTS	Naples Townsite
OT-R	Old Town - Residential
OT-R/LC	Old Town - Residential/Light Commercial
OT-R/GC	Old Town - Residential/General Commercial

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.26.030.C.~~

~~(3)~~ Not allowed in addition to an artist studio.

~~(4) Use not allowed if the OT designation is OT-LC or OT-GC, and not OT-R/LC or OT-R/GC.~~

~~(5)~~ A Zoning Clearance (Section 35.82.210) is required instead of a Land Use Permit for a primary one-family dwelling on a lot that resulted from recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.

Table 2-21- Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E Allowed use, no permit required (Exempt)	
	P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)	
	MCUP Minor Conditional Use Permit required	
	CUP Conditional Use Permit required	
	S Permit determined by Specific Use Regulations	
	ZC Zoning Clearance	
	— Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE	Specific Use Regulations

	MU	NTS	OT-R	OT-R/ LC	OT-R/ GC	
RETAIL TRADE						
Agricultural product sales, on-site production only	—	P	MCUP	—	—	35.42.050
Auto and vehicle sales and rental	—	—	—	—	P	
Bar, tavern	P (32)	—	—	—	P (32)	
Building and landscape materials sales - Outdoor	—	—	—	—	—	
Cannabis - Retail	S	—	—	S	S	35.42.075
Clothing store	P	—	—	P	P	
Convenience store	P	—	—	—	P	
Drive-through facility	—	—	CUP	CUP	CUP	35.42.130
General retail	P	—	—	—	P	
Grocery/food store	P	—	—	—	P	
Office supporting retail	P	—	—	—	P	
Plant nursery	P (43)	—	—	—	P	
Restaurant, café, coffee shop - Indoor and outdoor	P (32)	—	—	—	P (32)	
Restaurant, café, coffee shop - Accessory to recreation use	—	—	—	—	—	
Service station	—	—	—	—	P	
Visitor-serving commercial	—	—	—	—	P	

Key to Zone Symbols

MU	Mixed Use
NTS	Naples Townsite
OT-R	Old Town - Residential
OT-R/LC	Old Town - Residential/Light Commercial
OT-R/GC	Old Town - Residential/General Commercial

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.26.030.C.~~

~~(3)~~ May include beer brewing and wine making provided (a) the area devoted to beer brewing and wine making, including the area devoted to equipment and storage of materials and supplies, does not exceed 50 percent of the interior floor area of the primary business, and (b) the product is primarily sold for on-site consumption.

~~(4)~~ Must be conducted within a completely enclosed building.

Table 2-21- Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	ZC	Zoning Clearance
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	Specific Use Regulations

	MU	NTS	OT-R	OT-R/ LC	OT-R/ GC	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL						
Bank, financial services - Branch facility	P	—	—	P	P	
Bank, financial services - Complete facility	—	—	—	—	P	
Business support services	P	—	—	—	P	
Drive-through facility	—	—	CUP	CUP	CUP	35.42.130
Medical services - Clinic	P	—	CUP	CUP	CUP	
Medical services - Doctor office	P	—	—	P	P	
Medical services - Extended care	P	—	CUP	CUP	CUP	
Medical services - Hospital	—	—	CUP	CUP	CUP	
Office - Accessory	P	—	—	P	P	
Office - Business/service	P	—	—	P	P	
Office - Executive headquarters	—	—	—	—	—	
Office - Professional/administrative	P	—	—	P	P	
SERVICES - GENERAL						
Cemetery, mausoleum	—	—	CUP	CUP	CUP	
Charitable or philanthropic organization	P	—	CUP	CUP	CUP	
Large family day care home, serving adults	P	—	P	P (3)	P (3)	35.42.090
Large family day care home, serving children	E (53)	E (53)	E (53)	E (53)	E (53)	35.42.090

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Small family day care home, serving adults	E	—	—	E	E	35.42.090
Small family day care home, serving children	E (53)	E (53)	E (53)	E (53)	E (53)	35.42.090
Day care center, principal use	MCUP (64)	—	MCUP (64)	MCUP (64)	MCUP (64)	35.42.090
Day care center, accessory to non-dwelling	P	—	—	—	—	35.42.090
Day care center, accessory to dwelling	MCUP (64)	—	MCUP (64)	MCUP (64)	MCUP (64)	35.42.090
Drive-through facility	—	—	CUP	CUP	CUP	35.42.130
Laundry and dry cleaning pick-up stores	P	—	—	—	—	
Lodging - Homestay	P	P	P	P	P	35.42.193
Lodging - Hostel	CUP	—	CUP	CUP	CUP	
Lodging - Hotel or motel	CUP	—	—	—	P	
Lodging - Short-term rental	—	—	—	P	P	35.42.245
Mortuary	—	—	—	—	—	
Mortuary, accessory to cemetery	—	—	CUP (5)	CUP (5)	CUP (5)	35.42.120
Music recording studio	MCUP	—	CUP	CUP	CUP	
Personal services	P	—	—	P (42)	P	
Personal services, employees only	P	—	—	—	—	
Repair service - Equipment, appliances, etc. - Indoor	P	—	—	—	P	

Repair service - Equipment, appliances, etc. - Outdoor	—	—	—	—	P	
Repair service - Small appliances	P	—	—	—	P	
Vehicle services - Minor maintenance/repair	—	—	—	—	P	

Key to Zone Symbols

MU	Mixed Use
NTS	Naples Townsite
OT-R	Old Town - Residential
OT-R/LC	Old Town - Residential/Light Commercial
OT-R/GC	Old Town - Residential/General Commercial

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.26.030.C.~~

~~(3) Use not allowed if the OT designation is OT-LC or OT-GC, and not OT-R/LC or OT-G/LC.~~

(42) Limited to barber and beauty shops, and shoe sales and/or repair stores.

~~(53)~~ 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.

~~(64)~~ Day care centers serving up to and including fifty (50) children may be permitted with a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits).

(5) Allowed in the following locations subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits):

1. Within cemeteries operating under a valid use permit;
2. On any lot abutting a cemetery; or
3. On property zoned commercial.

Table 2-21- Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E (Exempt)		Allowed use, no permit required			
	P		Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u>			
	MCUP		Minor Conditional Use Permit required			
	CUP		Conditional Use Permit required			
	S		Permit determined by Specific Use Regulations			
	ZC		Zoning Clearance			
	—		Use Not Allowed			
	LAND USE (1)	PERMIT REQUIRED BY ZONE				
MU		NTS	OT-R	OT-R/LC	OT-R/GC	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE						
Agricultural product transportation facility	—	CUP	—	—	—	35.36.040
Airstrip, public	—	—	CUP	CUP	CUP	
Airstrip, private and temporary	—	—	CUP	CUP	CUP	
Airstrip, temporary	—	—	—	—	—	
Boat launching facility accessory to approved recreation use	—	—	—	—	—	
Cannabis - Distribution	—	—	—	—	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	—	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	P	MCUP	MCUP	MCUP	

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Electrical substation - Minor (<u>32</u>)	—	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Major	—	—	—	—	—	
Electrical transmission line (<u>43</u>)	CUP	CUP	CUP	CUP	CUP	
Flood control project, less than 20,000 sf total area (<u>54</u>)	P	P	P	P	P	
Flood control project, 20,000 sf or more total area (<u>54</u>)	MCUP	MCUP	MCUP	MCUP	MCUP	
Freeways and related facilities	—	—	—	—	—	
Heliport	—	—	CUP	CUP	CUP	
Parking facility, conjunctive use	CUP	—	—	—	—	35.36.120
Parking facility, public or private	—	—	P	—	P	
Pier, dock	—	—	—	—	—	
Pipeline - Oil and gas	P	—	P	P	P	35.5
Public utility facility	CUP	—	CUP	CUP	CUP	
Public works or private service facility	—	—	MCUP	MCUP	MCUP	
Railroad	—	—	—	—	—	
Road, street, less than 20,000 sf total area (<u>54</u>)	P	P	P	P	P	
Road, street, 20,000 sf or more total area (<u>54</u>)	P	MCUP	P	P	P	
Telecommunications facility	S	S	S	S	S	35.44
Transit station or terminal	—	—	—	—	—	
Truck and freight terminal - Temporary	—	—	—	—	—	

Truck and freight terminal - Permanent	—	—	—	—	—	
Utility service line with less than 5 connections (45)	—	P	—	—	—	
Utility service line with 5 or more connections (45)	—	MCUP	—	—	—	
Wind turbines and wind energy systems	S	S	S	S	S	35.57

Key to Zone Symbols

MU	Mixed Use
NTS	Naples Townsite
OT-R	Old Town - Residential
OT-R/LC	Old Town - Residential/Light Commercial
OT-R/GC	Old Town - Residential/General Commercial

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.26.030.C.~~

~~(32)~~ Use is subject to the standards of the PU zone.

~~(43)~~ Does not include lines outside the jurisdiction of the County.

~~(54)~~ Not applicable to facilities constructed by the County.

Table 2-21- Continued	E Allowed use, no permit required (Exempt)
Allowed Land Uses and Permit Requirements for Special Purpose Zones	P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u>
	MCUP Minor Conditional Use Permit required
	CUP Conditional Use Permit required

	S Permit determined by Specific Use Regulations ZC Zoning Clearance — Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	
WATER SUPPLY & WASTEWATER FACILITIES						
Onsite wastewater treatment system, individual, alternative	MCUP	MCUP	—	—	—	
Onsite wastewater treatment system, individual, conventional	E	E	—	—	—	
Onsite wastewater treatment system, individual, supplemental	E	E	—	—	—	
Pipeline - Water, reclaimed water, wastewater	P	P	P	P	P	
Reservoir, less than 20,000 sf total development	—	P	P	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	—	MCUP	P	P	P	
Reservoir, 50,000 sf or more total development	—	MCUP	MCUP	MCUP	MCUP	
Sewage treatment facilities - Central plant	—	—	—	—	—	
Wastewater treatment facility, less than 200 connections	—	CUP	CUP	CUP	CUP	
Water diversion project	—	MCUP	P	P	P	

Water extraction - Commercial	—	—	CUP	CUP	CUP	
Water supply, treatment, storage facilities - Central plant	—	—	—	—	—	
Water system with 1 connection	—	P	E	E	E	
Water system with 2 to less than 5 connections	—	MCUP	P	P	P	
Water system with 5 or more connections	—	MCUP	MCUP	MCUP	MCUP	
Water well, agricultural	—	P	—	—	—	

Key to Zone Symbols

MU	Mixed Use
NTS	Naples Townsite
OT-R	Old Town - Residential
OT-R/LC	Old Town - Residential/Light Commercial
OT-R/GC	Old Town - Residential/General Commercial

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.26.030.C.~~

Table 2-22 Allowed Land Uses and Permit Requirements for the Special Purpose Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)
	MCUP	Minor Conditional Use Permit required
	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
	PU	REC	
AGRICULTURAL, MINING, & ENERGY FACILITIES			
Agricultural accessory structure	P	—	35.42.020
Agricultural processing - On-premise products	P	—	
Animal keeping (except equestrian facilities - see RECREATION below)	S	S	35.42.060
Aquaculture	—	—	
Cannabis - Cultivation, nursery, and microbusiness	—	—	
Cultivated agriculture, orchard, vineyard	E	—	
Grazing	E	—	
Greenhouse, less than 300 sf	P	—	35.42.140
Greenhouse, 300 sf or more	P	—	35.42.140
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P (32)	P (32)	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	35.82.160
Oil and gas uses	—	S	35.5
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING			

Bakery and baked goods production and distribution	—	—	
Business machine manufacturing and assembly	—	—	
Cannabis - Manufacturing	—	—	
Cannabis - Testing	—	—	
Ceramic product manufacturing	—	—	
Cosmetic and pharmaceutical manufacturing	—	—	
Food and beverage product manufacturing	—	—	
Furniture/fixtures manufacturing, cabinet shops	—	—	
Handcraft industry, small scale manufacturing	—	—	
Laboratory - Medical, analytical, research and development	—	—	
Media production	—	—	
Merchandise manufacturing	—	—	
Precision machine shop	—	—	
Printing and publishing	—	—	
Recycling - Community recycling facility	—	—	
Recycling - Small collection center	—	—	
Recycling - Small collection center, non-profit	—	—	
Recycling - Specialized materials collection center	—	—	
Research and development	—	—	

Storage - Warehouse, not used for wholesaling or distribution	—	—	
Wholesaling and distribution	—	—	

Key to Zone Symbols

PU	Public Works Facilities
REC	Recreation

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.26.030.C.~~

~~(3)~~ (2) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-22- Continued Allowed Land Uses and Permit Requirements for the Special Purpose Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u>	
	MCUP	Minor Conditional Use Permit required	
	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
	PU	REC	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES			
Boat club	—	CUP	

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Campground	—	P	
Commercial entertainment - Indoor	—	—	
Community center	—	—	
Conference center	CUP	CUP	
Country club, swimming and tennis club	CUP	CUP	
Equestrian facility - Public or commercial	CUP	CUP	
Fairgrounds	CUP	CUP	
Fitness/health club or facility	—	—	
Fitness/health club or facility, accessory	—	—	
Golf course	CUP	P	
Historical park	—	CUP	35.42.180
Library, museum	CUP	CUP	
Meeting facility, public or private	CUP	CUP	
Meeting facility, religious	CUP	CUP	
Park, playground - Public	—	P	
Park, playground - Private	—	—	
Private residential recreation facility	—	—	
Recreational vehicle (RV) park	—	P	
School	CUP	CUP	
School - Business, professional, or trade	CUP	CUP	
Shooting range	—	CUP	
Sports and outdoor recreation facilities	CUP	CUP	

Sports and outdoor recreation facilities, accessory	—	—	
Studio - Art, dance, martial arts, music, etc.	—	—	
Theater - Indoor	—	—	
Trail for bicycles, hiking, or riding	—	P	
Trout farm	—	CUP	
Zoo	—	CUP	

Key to Zone Symbols

PU	Public Works Facilities
REC	Recreation

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.26.030.C.~~

Table 2-22- Continued Allowed Land Uses and Permit Requirements for the Special Purpose Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
	LAND USE (1)	PERMIT REQUIRED BY ZONE	
PU		REC	

RESIDENTIAL USES			
Accessory dwelling unit	—	—	35.42.015
Caretaker/manager dwelling	—	MCUP	
Dwelling, one-family	—	—	
Dwelling, two-family	—	—	
Dwelling, multiple	—	—	
Emergency shelter	—	—	
Farmworker dwelling unit	—	—	35.42.135
Farmworker housing complex	—	—	35.42.135
Home occupation	—	—	
Junior accessory dwelling unit	—	—	35.42.015
Mobile home park	—	—	
Monastery	—	—	
Residential accessory use or structure	—	—	
Residential project convenience facility	—	—	
Single room occupancy facility (SRO)	—	—	
Special care home, 7 or more clients	—	—	35.42.090
Supportive housing	—	S	35.42.265
Transitional housing	—	S	35.42.265
RETAIL TRADE			
Agricultural product sales, on-site production only	MCUP	—	35.42.050

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Auto and vehicle sales and rental	—	—	
Bar, tavern	—	—	
Building and landscape materials sales - Outdoor	—	—	
Cannabis - Retail	—	—	
Clothing store	—	—	
Convenience store	—	—	
Convenience store, in mixed use project	—	—	
Drive-through facility	CUP	CUP	35.42.130
General retail	—	—	
Grocery/food store	—	—	
Office supporting retail	—	—	
Plant nursery	—	—	
Restaurant, café, coffee shop - Indoor and outdoor	—	—	
Restaurant, café, coffee shop - Accessory to recreation use	—	CUP	
Service station	—	—	
Visitor-serving commercial	—	—	

Key to Zone Symbols

PU	Public Works Facilities
REC	Recreation

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.26.030.C.~~

Table 2-22- Continued Allowed Land Uses and Permit Requirements for the Special Purpose Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u>	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
	LAND USE (1)	PERMIT REQUIRED BY ZONE	
PU		REC	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL			
Bank, financial services - Branch facility	—	—	
Bank, financial services - Complete facility	—	—	
Business support service	—	—	
Drive-through facility	CUP	CUP	35.42.130
Medical services - Clinic	CUP	CUP	
Medical services - Doctor office	—	—	
Medical services - Extended care	CUP	CUP	
Medical services - Hospital	CUP	CUP	
Office - Accessory	P	—	
Office - Business/service	—	—	

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Office - Executive headquarters	—	—	
Office - Professional/administrative	—	—	
SERVICES - GENERAL			
Cemetery, mausoleum	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	
Large family day care home, serving adults	—	P	35.42.090
Large family day care home, serving children	E (32)	E (32)	35.42.090
Small family day care home, serving adults	—	E	35.42.090
Small family day care home, serving children	E (32)	E (32)	35.42.090
Day care center, principal use	MCUP (43)	MCUP (43)	35.42.090
Day care center, accessory to non-dwelling	—	—	
Day care center, accessory to dwelling	—	MCUP (43)	35.42.090
Drive-through facility	CUP	CUP	35.42.130
Lodging - Homestay	—	—	
Lodging - Hostel	—	CUP	
Lodging - Hotel or motel	—	—	
Lodging - Short-term rental	—	—	
Mortuary	—	—	
Mortuary, accessory to cemetery	CUP (4)	CUP (4)	35.42.120
Music recording studio	CUP	CUP	
Personal services	—	—	
Personal services, employees only	—	—	

Personal services in mixed use project	—	—	
Repair service - Equipment, appliances, etc. - Indoor	—	—	
Repair service - Equipment, appliances, etc. - Outdoor	—	—	
Repair service - Small appliances	—	—	
Vehicle services - Minor maintenance/repair	—	—	

Key to Zone Symbols

PU	Public Works Facilities
REC	Recreation

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.26.030.C.~~

~~(3)~~ 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.

~~(4)~~ Day care centers serving up to and including fifty (50) children may be permitted with a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits).

(4) Allowed in the following locations subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits):

1. Within cemeteries operating under a valid use permit; or
2. On any lot abutting a cemetery.

Table 2-22- Continued	<div>E Allowed use, no permit required (Exempt)</div> <div>P Permitted use, Land Use</div>
------------------------------	--

Allowed Land Uses and Permit Requirements for the Special Purpose Zones	Permit required, <u>except as specified elsewhere in this Development Code (2)</u>		
	MCUP	Minor Conditional Use Permit required	
	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
	PU	REC	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE			
Airport, public	CUP	CUP	
Airstrip, private and temporary	CUP	CUP	
Airstrip, temporary	—		
Boat launching facility accessory to approved recreation use	—	P	
Cannabis - Distribution	—	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	
Electrical substation - Minor (32)	MCUP	MCUP	
Electrical substation - Major	P		
Electrical transmission line (43)	CUP	CUP	
Flood control project, less than 20,000 sf total area (54)	P		

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Flood control project, 20,000 sf or more total area (54)	MCUP	MCUP	
Freeways and related facilities	—		
Heliport	CUP	CUP	
Parking facility, conjunctive use	—		
Parking facility, public or private	—		
Pier, dock	—	P	
Pipeline - Oil and gas	P	P	35.5
Public utility facility	P	CUP	
Public works or private service facility	MCUP	MCUP	
Railroad	—		
Road, street, less than 20,000 sf total area (54)	P	P	
Road, street, 20,000 sf or more total area (54)	P	P	
Roadside rest area operated by a governmental agency	—		
Sea wall, revetment, groin, or other shoreline structure	—		
Telecommunications facility	S	S	35.44
Transit station or terminal	—		
Truck and freight terminal - Temporary	—		
Truck and freight terminal - Permanent	—		
Underground gas storage	P		
Utility service lines with less than 5 connections (43)	—		

Utility service lines with 5 or more connections (43)	—		
Vehicle inspection station, permanent, governmental	—		
Wind turbines and wind energy systems	S	S	35.57

Key to Zone Symbols

PU	Public Works Facilities
REC	Recreation

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- ~~(2) Development Plan approval may also be required; see Subsection 35.26.030.C.~~
- (32) Subject to standards of the PU zone.
- (43) Does not include lines outside the jurisdiction of the County.
- (54) Not applicable to facilities constructed by the County outside of the Coastal Zone.
- (65) May include park and ride facilities.

Table 2-22- Continued Allowed Land Uses and Permit Requirements for the Special Purpose Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	

	PU	REC	Specific Use Regulations
WATER SUPPLY & WASTEWATER FACILITIES			
Onsite wastewater treatment system, individual, alternative	MCUP	MCUP	
Onsite wastewater treatment system, individual, conventional	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	
Pipeline - Water, reclaimed water, wastewater	P	P	
Reservoir, less than 20,000 sf total development	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	P	
Reservoir, 50,000 sf or more total development	MCUP	MCUP	
Sewage treatment facilities - Central plant	P	—	
Wastewater treatment facility, less than 200 connections	CUP	CUP	
Water diversion project	P	P	
Water extraction, commercial	CUP	CUP	
Water supply, treatment, storage facilities - Central plant	P	—	
Water system with 1 connection	E	E	
Water system with 2 to less than 5 connections	P	P	

Water system with 5 or more connections	MCUP	MCUP	
Water well, agricultural	E	—	

Key to Zone Symbols

PU	Public Works Facilities
REC	Recreation

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- ~~(2) Development Plan approval may also be required; see Subsection 35.26.030.C.~~

35.26.040 Special Purpose Zones Development Standards

- A. **General standards.** Development within the Special Purpose zones shall be designed, constructed and established in compliance with the requirements in Table 2-23 (Special Purpose Zones Development Standards) below, and all applicable standards in Article 35.3 through Article 35.7 of this Development Code.
- B. **Community Plan overlay requirements.** Section 35.28.210 (Community Plan Overlays) establishes additional requirements and standards that apply to development and uses located in an applicable community or area plan as specified in Section 35.28.210 (Community Plan Overlays).

Table 2-23- Special Purpose Zones Development Standards

Development Feature	Requirement by Zone		
	MU Mixed Use	NTS Naples Townsite	OT-R Old Town - Residential
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>		
Area	None.	None.	None.
Residential density	<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	40 units per gross acre See Section 35.26.050 (MU Zone Additional Standards); plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).	See Section 35.26.060 (NTS Zone Additional Standards); <u>plus one accessory dwelling unit or junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).</u> The lot shall also comply with Section 35.23.040 (Residential Zones Lot Standards), as applicable.	14 units per gross acre See Subsection 35.26.070.A (Maximum lot size and density); plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. <u>Required building separation is between buildings on the same site. Setbacks are measured from property line unless otherwise stated.</u></i>		
Front - Primary	0 ft; See Section 35.26.050 (MU Zone Additional Standards).	As determined by Final Development Plan <u>approval</u> .	40 ft from road centerline, and 10 ft from edge of right-of-way.
Front - Secondary	0 ft; See Section 35.26.050 (MU Zone Additional Standards).	As determined by Final Development Plan <u>approval</u> .	Lot width less than 100 ft—20% of lot width, with no less than 10 ft or more than 20 ft required minimum; Lot width 100 ft or more — Same as primary front.

Side	See Section 35.26.050 (MU Zone Additional Standards). 0 ft; 10 ft on a lot abutting a residential zone	As determined by Final Development Plan approval.	10 ft.
Rear	0 ft; 10 ft on a lot abutting a residential zone See Section 35.26.050 (MU Zone Additional Standards).	As determined by Final Development Plan approval.	10 ft.
	See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley.		See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley.
Building separation	A minimum of 3 ft. is required if any separation is provided.	As determined by Final Development Plan.	10 ft between habitable buildings and any other building; none otherwise.
Site coverage	Maximum percentage of site area covered by structures.		
Maximum coverage	None.	As determined by Final Development Plan.	30% of net site area for residential structures.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 45 ft.	See Section 35.26.060.	25 ft.

Landscaping	See Chapter 35.34 (Landscaping Standards).	See Section 35.26.060 and Chapter 35.34 (Landscaping Standards).	See Chapter 35.34 (Landscaping Standards).
Parking	See Chapter 35.36 (Parking and Loading Standards) and for MU also see Section 35.26.050.		
Signs	See Chapter 35.38 (Sign Standards).		

Table 2-23- Special Purpose Zones Development Standards (continued)

Development Feature	Requirement by Zone		
	OT-R/LC Old Town - Residential/ Light Commercial	OT-R/GC Old Town - Residential/ General Commercial	PU Public Works Utilities and Private Service Facilities
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>		
Area	None.		
Residential density	<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>14 units per gross acre</u> See Subsection 35.26.070.A (Maximum lot size and density); plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with	<u>14 units per gross acre</u> See Subsection 35.26.070.A (Maximum lot size and density); plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with	None allowed

	Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).	Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).	
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site. <u>Setbacks are measured from property line unless otherwise stated.</u></i>		
Front - Primary	Residential structure - 40 ft from road centerline, and 10 ft from edge of right-of-way; Non residential or mixed use structure - 10% of lot depth, maximum 10 ft; 25 ft if abutting lot zoned OT-R; Lot within PA OTO overlay as required by Section 35.28.160 (PA - OTO Overlay Zone).	Residential structure - 40 ft from road centerline, and 10 ft from edge of right-of-way; Non residential or mixed use structure - 10% of lot depth, maximum of 10 ft; 25 ft if abutting OT-R zone; see as required by Section 35.28.160 (PA - OTO Overlay Zone) for additional requirements for a lot within the PA OTO Overlay Zone.	50 ft from road centerline, and 20 ft from edge of right-of-way.
Front - Secondary	Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or more - Same as primary front.		Same as primary front.
Side	Residential structure - 10 ft; Non-residential or mixed use structure - None.		10 ft.
Rear	Residential structure - 10 ft; Non-residential or mixed use structure - <u>None</u> 10% of lot depth.		10 ft; 50 ft from a lot zoned residential.

	See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley.		
Building separation	5 ft.		None, except as required by Building Code.
Site coverage	Maximum percentage of net site area covered by structures.		
Maximum coverage	30% of net site area for residential structures; 55% of gross site area on a lot with less than 75 ft of frontage, or as required by Section 35.28.160 (PA OTO Overlay Zone); 50% of gross site area on a lot with 75 ft or more of frontage, or as required by Section 35.28.160 (PA OTO Overlay Zone).	30% of net site area for residential structures; 55% of gross site area on a lot with less than 75 ft of frontage, or as required by Section 35.28.160 (PA OTO Overlay Zone); 50% of gross site area on a lot with 75 ft or more of frontage, or as required by Section 35.28.160 (PA OTO Overlay Zone).	None.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	Residential structure - 25 ft; Non-residential <u>or mixed-use</u> structure - 35 ft.		45 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards).		
Parking	See Chapter 35.36 (Parking and Loading Standards).		
Signs	See Chapter 35.38 (Sign Standards).		

Table 2-23- Special Purpose Zones Development Standards (continued)

Development Feature	Requirement by Zone
	REC Recreation
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>
Area	One acre.
Residential density	<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	One caretaker dwelling.
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site. <u>Setbacks are measured from property line unless stated.</u></i>
Front - Primary	50 ft from road centerline, and 20 ft from <u>edge of</u> right-of-way. Lot within SC-MC overlay - as required by Section 35.28.175 (SC-MC Overlay Zone)
Front - Secondary	Lot width less than 100 ft — 20% of lot width, with no less than 10 ft or more than 20 ft required minimum; Lot width 100 ft or more — Same as primary front setback. Lot within SC-MC overlay - as required by Section 35.28.175 (SC-MC Overlay Zone)
Side	10 ft; 25 ft on a lot abutting a residential zone.
Rear	10 ft; 25 ft on a lot abutting a residential zone.
	See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley.
Building separation	None, except as required by Building Code.

Site coverage	<i>Maximum percentage of net site area covered by structures.</i>
Maximum coverage	20%.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>
Maximum height	25 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards).
Parking	See Chapter 35.36 (Parking and Loading Standards).
Signs	See Chapter 35.38 (Sign Standards).

35.26.050 MU Zone Additional Standards

Proposed development and new land uses within the MU zone shall comply with the following standards, in addition to those in Section 35.26.040 (Special Purpose Zones Development Standards).

- ~~A. **Maximum density requirements.** The maximum density for each development on a lot within the MU zone shall be determined on a case by case basis by the Commission as part of the review and approval of an application for a Preliminary or Final Development Plan. The Commission shall establish a maximum density based on its consideration of the development standards of the MU zone (landscaping, building coverage, etc.), and the purpose, design, and function of the project within the context of the surrounding neighborhood.~~
- ~~B.A. **Setback requirements.** Setbacks shall be determined on a case by case basis by the Commission as part of the review and approval of an application for a Preliminary or Final Development Plan in compliance with the following standards. The following setbacks may be increased or decreased by the Commission as necessary to provide adequate separation and open space both between land uses on the project site and on adjacent lots, and between land uses within the project site.~~
- ~~1. **Required building location.** Buildings shall be located within 10 feet of the required primary and secondary front setback line for at least 50 percent of the linear street frontage.~~

- ~~1. **Lots other than interior lots.** The following apply to structures located on lots that are not defined as interior lots.~~
 - ~~a. **Front Primary.** None required; however, if provided shall not exceed 10 feet.~~
 - ~~b. **Front Secondary.** None required; however, if provided shall not exceed 10 feet.~~
 - ~~c. **Side.**~~
 - ~~(1) A side setback area having a minimum width of 10 feet shall be provided adjacent to a lot zoned residential as shown in Table 1-1 (Zones).~~
 - ~~(2) If the project site does not abut a lot zoned residential as shown in Table 1-1 (Zones), then a side setback is not required; however, if provided, it shall not exceed a width of 10 feet.~~
 - ~~d. **Rear.**~~
 - ~~(1) A rear setback area having a minimum width of 25 feet shall be provided adjacent to a lot zoned residential as shown in Table 1-1 (Zones).~~
 - ~~(2) If the project site does not abut a lot zoned residential as shown in Table 1-1 (Zones), then a rear setback is not required; however, if provided, it shall not exceed a width of 10 feet.~~
- ~~2. **Interior lots.** The following apply to structures located on lots that are defined as interior lots.~~
 - ~~a. A setback having a minimum width of 25 feet shall be provided adjacent to any lot line that abuts a lot zoned residential as shown in Table 1-1 (Zones).~~
 - ~~b. A setback is not required adjacent to any lot line that abuts a lot that is not zoned residential as shown in Table 1-1 (Zones); however, if provided, it shall not exceed a width of 10 feet.~~
- 32. Parking.**
 - a. Parking shall be set back a minimum of 35 feet from any primary front property line.
 - b. Screening pursuant to Section 35.34.100.C (Screening requirements and authority) is not required where a parking area is adjacent to an existing parking area.

~~**Lots other than interior lots.** Parking on lots that are not defined as interior lots shall be located in compliance with the setbacks shown in Table 2-24 (Setbacks for Parking), below.~~

Table 2-24Setbacks for Parking

Front – Primary	35 ft. from right-of-way
Front – Secondary	5 ft. from right of way
Side (1) — Adjacent to existing parking area Adjacent to non parking area	None. 5 ft.
Rear (2) — Adjacent to existing parking area Adjacent to non parking area	None. 5 ft.

Notes:

- ~~(1) If the project site abuts a lot zoned residential as shown in Table 1-1 (Zones), a side setback area having a minimum width of 10 feet shall be provided.~~
- ~~(2) If the project site abuts a lot zoned residential as shown in Table 1-1 (Zones), a rear setback area having a minimum width of 25 feet shall be provided.~~

~~b. Interior lots. Parking on lots that are defined as interior lots shall be located:~~

- ~~(1) Parking shall be located no closer than 25 feet to any lot line that abuts a lot zoned residential as shown in Table 1-1 (Zones).~~
- ~~(2) A setback from a lot line that abuts a lot that is not zoned residential as shown in Table 1-1 (Zones) is not required; however, if provided, it shall not exceed a width of 10 feet.~~

43. Architectural encroachments. Architectural features and signs may intrude into road rights-of-way in compliance with the following provided that an encroachment permit is first obtained from the County Public Works Department.

- a. Balconies, fire escapes, unenclosed porches, and shop front awnings may intrude a maximum of six feet into all rights-of-way and setback areas. Awnings shall be a minimum of eight feet high above the sidewalk.
- b. ~~Awnings shall be a minimum of eight feet high above the sidewalk.~~ Above the ground floor, bay windows, chimneys, cantilevered rooms, and eaves may intrude a maximum of three feet into rights-of-way and all setback areas.

CB. Open space and recreation area requirements for projects containing only residential uses. Open space, unoccupied by main or accessory structures not directly related to the open space amenities, storage, parking areas, public or private streets, driveways, and loading areas, shall be provided in accordance with the following standards.

1. Minimum Amount of Open Space. A minimum of 60 square feet of open space shall be provided per dwelling unit. A minimum of 25 percent of the required open space shall be provided as common open space in conformance with the standards of this section. The balance of the required open space shall be provided as private or common open space in conformance with the standards of this section.

2. Configuration.

a. Private Open Space. Private open space typically consists of balconies, decks, patios, yards, and other similar areas outside the residential unit that are exclusively used by occupants of the specific unit and their guests.

b. Common Open Space. Common open space typically consists of recreational areas, landscaped areas, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development and may be used by all occupants of the development. All or a portion of required common open space may be provided as public open space and developed as public parks, trails, or other public recreational facilities (e.g., sports fields or courts, playgrounds, picnic or BBQ areas, community center, pool/aquatic facility, gymnasium) to provide recreational opportunities for use by both the residents of the site and the public.

3. Minimum Dimensions.

a. Private Open Space.

(1) Ground Level. Private open space located on the ground level (e.g., yards, decks, patios) shall be a minimum of eight feet in length and eight feet in width.

(2) Above Ground Level. Private open space located above ground level (e.g., balconies) shall be a minimum of six feet in length and six feet in width.

b. Common Open Space. Common open space areas shall be a minimum of 15 feet in length and 15 feet in width.

4. Usability. A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, surfacing. Slope shall not exceed 10 percent.

5. Accessibility.

a. Private Open Space. The space shall be accessible to only the individual residential unit it serves and shall be accessible by a doorway to a habitable room or hallway.

b. **Common Open Space.** The space shall be accessible to all dwelling units within the development.

~~1. **Open space/yard area.**~~

~~a. **Common open space.** A usable common open space shall be provided. Common open space may include recreational facilities such as picnic areas, swimming pools, tennis courts, etc., but shall not include laundry facilities or other non-recreational uses.~~

~~b. **Private open space.** A minimum of five percent of the gross floor area of a dwelling unit shall be provided for that dwelling unit.~~

~~(1) Each private open space shall have a minimum six foot dimension.~~

~~(2) For residences without a ground level component, usable open space may be provided above ground.~~

~~2. **Recreation.** Playgrounds and other recreational areas shall be located to ensure the safety of the residents of the development.~~

~~D. **Uses allowed with a Minor Conditional Use Permit or Conditional Use Permit.** A use allowed by Table 2-21 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) in the MU zone with a Conditional Use Permit or Minor Conditional Use Permit that is proposed as part of a mixed use project shall not, by reason of its location, construction, manner or timing of operations, signs, lighting, parking arrangements, or other characteristics adversely affect other land uses within or adjoining the development, or create traffic congestion or hazards to vehicular or pedestrian traffic.~~

~~E. **Development standards.** In addition to the development standards listed in Table 2-23 (Special Purpose Zone Development Standards), above, and elsewhere in Chapter 35.26 (Special Purpose Zones), proposed development within the MU zone shall comply with the following development standards.~~

~~1D. **Allowed uses and compatibility.** Any use allowed in the MU zone may be conducted on the project site in combination with other allowed uses. At the time of Development Plan approval the Commission review authority shall include conditions of approval that address, at a minimum, the following to ensure that nonresidential uses are compatible with any residential use located in the vicinity, including, for live/work units, the residential component of the live/work unit.~~

~~a1. Hours of operation, including deliveries.~~

~~b2. Odor.~~

~~c3. Noise.~~

~~d4. Traffic circulation and generation.~~

~~e5. Use of hazardous materials.~~

~~§6.~~ Lighting.

- ~~2. **Minimum lot width for residential use.** Development that includes dwelling units shall be located on a lot with a minimum net lot width of 50 feet.~~

E. **Required nonresidential frontage.** On lots that abut a road having a roadway classification of P2 or 2 Lane Expressway on the circulation map for a Community Plan area, nonresidential uses shall occupy the ground floor of buildings for a minimum of 40 feet or 50 percent of the development site frontage, whichever is greater. The minimum depth of these areas shall be 40 feet.

1. This requirement may be waived through Development Plan approval where the review authority finds that the project is designed and used in such a way as to create visual interest and an engaging presence at the street frontage.

F. **Limitation on ground floor residential uses.** The gross floor area devoted to residential uses shall not exceed 50 percent of the total gross floor area of the ground floors of each building on site.

1. This requirement may be waived through Development Plan approval where the review authority finds that the proposed development and existing land uses located within a half-mile of the project site provide an appropriate mix of retail, commercial, and residential uses, consistent with the Community Plan and the configuration of the development site and/or the character of the surrounding area is such that additional ground floor residential square footage is appropriate.

~~3. **Limitations on bedrooms, floor area and location of dwelling units for mixed-use projects containing dwelling units.**~~

- ~~a. Except for mixed-use projects that qualify as a live/work unit development, the residential component of a mixed-use project shall not exceed two bedrooms per 900 square feet of gross floor area of commercial development on the same lot.~~

~~b. **Lots that abut a road having a roadway classification of P2 or 2 Lane Expressway.** The following standards apply to the residential component of a mixed-use project on lots that abut a road having a roadway classification of P2 or 2 Lane Expressway on the circulation map for a Community Plan area:~~

~~(1) Dwelling units may be allowed on the ground floor of a building only when:~~

- ~~(a) The facade of the portion of a building containing the dwelling units does not face a road having a roadway classification of P2 or 2 Lane Expressway.~~

- ~~(b) The gross floor area devoted to residential uses does not exceed 50 percent of the total gross floor area of the ground floors of each building on the lot.~~

~~(2) Except as allowed in compliance with Subsection E.1.b(2)(a), below, dwelling unit access from a building façade that faces a road having a roadway classification of P2 or 2 Lane Expressway is not allowed.~~

~~(a) Dwelling unit access from a building facade that faces a road having a roadway classification of P2 or 2 Lane Expressway is allowed where the access is to the residential portion of a live/work unit and the access is located within the interior of the ground floor nonresidential area.~~

4G. Location of commercial and industrial uses. Commercial and industrial uses are allowed on all floors of buildings.

~~5. **Pedestrian oriented area.** Portions of a project site devoted to nonresidential uses shall create a pedestrian oriented area.~~

~~6. **Storage.** Areas for trash or outdoor storage shall be:~~

~~a. Enclosed and screened to conceal all trash or stored material from public view.~~

~~b. Located to eliminate any negative impacts resulting from sound, visual, safety or odor to the residential portion of the development.~~

~~c. Designed to look pleasing and contribute to the overall ambience of the area.~~

~~d. Constructed in compliance with Section 35.30.170 (Solid Waste and Recycling Storage Facilities).~~

~~7. **Utilities.** Utilities shall be located so as to not be visible from the public rights of way if feasible. Mechanical equipment, including solar energy systems, should not be visible from the street if feasible.~~

~~8. **Additional development standards for live/work units.** The following development standards apply to live/work units:~~

~~a. **Application requirements.** In addition to the requirements of Section 35.80.030 (Application Preparation and Filing), an application for a project that includes a live/work unit(s) shall include floor plans that clearly delineate those areas that are devoted to a residential use and those areas that are devoted to a nonresidential use.~~

~~b. **Allowed uses.** Any nonresidential use allowed in the MU zone may be conducted on the premises of the live/work unit.~~

~~c. **Residential area requirements.**~~

~~(1) The residential portion shall include cooking space and sanitary facilities that satisfy the provisions of other applicable codes so that the unit may be legally occupied as a dwelling unit.~~

~~(2) The residential portion of the unit shall not occupy more than 50 percent of the gross floor area of the unit. However, in no case shall there be less than 120 square feet of living area exclusive of kitchen, bath, closets and hallways in any live/work unit.~~

~~(a) For the purpose of calculating this 120-square foot requirement, the living room, dining room, family room, sleeping area(s), or other area designated for a similar use of a residential nature shall be deemed as living area.~~

~~(b) All other habitable rooms except kitchens shall have a minimum floor area of 70 square feet.~~

~~d. Nonresidential area requirements.~~

~~(1) There shall be adequate working space reserved for and regularly used by resident owner or employee.~~

~~(2) The nonresidential portion of the unit shall be in compliance with commercial building standards.~~

~~(3) There shall be at least one public entrance that is directly accessible to the nonresidential area, and a visitor utilizing this entrance shall not be required to pass through any residential floor area in order to enter the nonresidential area of the unit.~~

~~(4) The nonresidential activity shall be conducted in compliance with a valid business license associated with the premises.~~

~~e. Location of residential and nonresidential areas and separation of uses.~~

~~(1) The nonresidential portion of the unit shall be located on the ground floor and the residential portion shall be located on the second floor. An entry to the residential portion may be located within the interior of the ground floor nonresidential area.~~

~~(2) The residential and non-residential portions of the unit shall be subject to all applicable separation standards as required by the Building Code.~~

~~f. Limitation on employees.~~ ~~Employees shall be limited to occupants of the residential portion of the units plus up to three persons not residing in the residential portion.~~

~~g. Usable open space requirement.~~ ~~A minimum of 75 square feet of usable open space shall be provided for each live/work unit.~~

~~(1) For residences without a ground level component, usable open space may be provided above ground.~~

~~h. **Design criteria.** Projects including live/work units shall be in compliance with the following design criteria. Prior to approving a project the Board of Architectural Review shall find that the project is in compliance with these criteria.~~

~~(1) The exterior of a new building containing primarily live/work units has a commercial appearance including the use of nonresidential building styles or other techniques.~~

~~(2) The layout of the nonresidential area within the unit provides a functional open area for working activities.~~

~~(3) The floor and site plan for the project includes adequate provision for the delivery of items required for the type of businesses anticipated in the project. This may include:~~

~~(a) Loading areas located near elevators and/or stairs.~~

~~(b) Service elevators designed to carry and move oversized items.~~

~~(c) Stairwells that are wide and/or straight enough to deliver wide items.~~

~~(d) Wide corridors that facilitate the movement of oversized item.~~

~~9. **Additional development standards for mixed use development with commercial and residential uses.** The following development standards shall apply to mixed-use development with commercial and residential uses:~~

~~a. **Scale and Design.** The scale and design of the mixed use development shall comply with the following standards:~~

~~(1) Maximize compatibility between the mix of uses and with surrounding development.~~

~~(2) Enhance the character and function of the adjacent area.~~

~~(3) Avoid light, noise, odor, and/or air pollution effects on residential uses.~~

~~(4) Limit signage appropriately to achieve attractive designs for both residents of dwelling units and patrons of commercial businesses.~~

~~(5) Incorporate plaza or courtyard materials that create a community space through the use of color and layering as patterns in the landscape and hardscape.~~

~~10. **Additional development standards for industrial uses.** The following development standards apply to industrial uses:~~

~~a. **Allowed use.** Industrial uses allowed in the MU zone in compliance with Table 2-21 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) shall be allowed in a live/work unit(s).~~

- ~~b. **Floor area limit.** The gross floor area devoted to the industrial use within a live/work unit shall not exceed 200 percent of the gross floor area devoted to the residential use within the same unit.~~

35.26.060 NTS Zone Additional Standards

Development within the NTS zone shall comply with the following standards, in addition to those in Section 35.26.040 (Special Purpose Zones Development Standards).

- ~~A. **Design Review required.** Any structure exceeding 500 square feet of gross floor area, and any addition to an existing structure where the addition exceeds 500 square feet of gross floor area or any addition to an existing structure that results in a structure exceeding 500 square feet of gross floor area shall require Design Review in compliance with Section 35.82.070 (Design Review).~~

BA. Minimum lot Size.

1. Newly created lots and reconfiguration of existing lots shall conform to the approved Development Plan.
2. No minimum lot size is required; however, structures and site improvements shall be confined to development envelopes and the remaining area of each lot outside of the development envelope shall be restricted to agriculture or open space and protected by permanent easement.
3. Development envelope, as used herein means and includes the contiguous portion of a lot on which is located all structures and site improvements as shown and designated on the Development Plan.

- ~~CB.~~ **Setbacks.** There are no standard setback requirements. Setbacks shall be designated on the approved Development Plan in order to protect and preserve property values of the site and adjacent properties, ensure compatibility of different uses, avoid nuisances, and advance the general welfare within the Naples Townsite zone.

- ~~DC.~~ **Siting of structures.** The siting of structures shown on the Development Plan shall be based on the following factors: privacy, light and air, solar exposure, building configuration, aesthetics and preservation of public views.

- ~~ED.~~ **Distance required between structures and designated trails.** All structures shall be setback from public trails in compliance with the standards set forth on the adopted Santa Barbara County Parks Recreation and Trails Map (PRT) in effect at the time of approval of the Development Plan ~~(Preliminary or Final)~~. In the absence of an adopted standard, a minimum setback of 35 feet shall be required.

FE. Height limit.

1. The height limit for structures is 25 feet except as provided below.
 - a. Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, towers, vents, and similar structures which are not used for human activity may

be up to 35 feet in height where the excess height is not prohibited by Section 35.28.200 (View Corridor Overlay). The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.

- b. Subsection ~~FE~~.1.a., above, shall supersede the height limit exception provided in Section 35.30.090.D.1.
2. Development shall be subject to the Ridgeline and Hillside Development Guidelines if applicable in compliance with Section 35.62.040.

~~GE~~. Open Space and Habitat Management Plan. All areas proposed for open space and resource protection shall be designated as part of the approved Development Plan, along with the mechanism by which the areas proposed for open space and resource protection will be preserved (e.g., fee dedication, easement, etc.). Such areas shall be designated in consideration of resource protection policies and the balancing of land use objectives stipulated in Section 35.26.020.B.

1. A preliminary Open Space and Habitat Management Plan shall be submitted in conjunction with an application to rezone to the Naples Townsite zone.
2. Prior to issuance of ~~Land Use Permits~~ a Zoning Clearance in compliance with Section 35.82.2110 (~~Land Use Permits~~ Zoning Clearance) for any aspect of an approved ~~Final~~ Development Plan, a final Open Space and Habitat Management Plan shall be submitted for review and approval by the Department.
3. The Open Space and Habitat Management Plan shall provide for the conservation, restoration and enhancement of habitat, and preservation of all designated open space.
4. The Open Space and Habitat Management Plan shall be prepared by a qualified biologist in collaboration with appropriate specialists, as approved by the Department, and shall include chapters or components that incorporate, as applicable, the following items:
 - a. A Habitat Management Program that protects special-status plants and wildlife, the integrity of wildlife foraging and movement habitat, and the existing quality of habitats in the project area.
 - b. A Fuel Management Program that balances public safety with resource protection by maintaining adequate grassland buffers between structures and scrub and oak woodland habitats.
 - c. A Resident and Public Use Management and Resource Education Program that regulates resident and public access, protects biological resources in designated open space areas and educates property owners on resource management.

- d. A Habitat Continuity Program that preserves and enhances habitat so that wildlife movement through designated open space areas may be allowed to continue with a minimum of disruption.
 - e. A Non-Native Wildlife Control Program that controls brown-headed cowbirds and European starlings which are attracted, in particular, to livestock areas.
 - f. A Monarch Butterfly Roost Protection Program that safeguards monarch butterflies from development activities and subsequent use of open spaces, including the bluffs near the ocean.
 - g. A Construction Management Program that details best management practices to minimize potential soil erosion during construction and demonstrates that surface runoff from hardscapes and access roads will not increase the potential for soil erosion.
 - h. An Agricultural Management Program that prohibits row-crop agriculture (e.g., orchards, vineyards, etc.) within all designated open space areas containing grassland, coastal scrub, chaparral, oak woodland, wetland or eucalyptus woodland habitats.
5. The topical areas and specificity of the Open Space and Habitat Management Plan shall be appropriate to the environmental setting of the property and the final content shall be determined in connection with the environmental review process for the project.
6. The Open Space and Habitat Management Plan shall identify the location of easements on all project parcels where lands are to be protected and/or enhanced. All allowable and unallowable uses and activities within each easement shall be described in the Open Space and Habitat Management Plan.
7. The Open Space and Habitat Management Plan shall identify the specific third party conservation organization (e.g., Land Trust or other organization), among whose purposes it is to conserve open space and/or natural resources of the conservation easement, provided that:
- a. The organization is a bona fide conservation organization; and
 - b. Provisions for proper reverter or retransfer to another bona fide conservation organization are made in the event that organization becomes unwilling or unable to continue carrying out its functions.

In the event a third party conservation organization is unavailable to accept the easement and implement the Open Space and Habitat Management Plan, the County shall identify an alternative appropriate entity. If the replacement organization cannot demonstrate expertise in natural resource management and conservation, such organization, as a condition of its selection, shall employ a qualified biologist, as approved by the Department, to monitor implementation of the Open Space and Habitat Management Plan.

8. Through implementation of the Open Space and Habitat Management Plan, the third party conservation organization shall assure that the open space will be protected in perpetuity from all forms of development, except as shown on the approved Development Plan.

GH. Visual development standards.

1. Visual analysis.

- a. No permits for development shall be issued without project-specific visual analysis that uses story poles, photo-simulation or other comparable visualization techniques, to analyze the height, scale and character of proposed structures as seen from prominent public viewing areas.
- b. The visual analysis shall be performed and submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite zone and shall be used to demonstrate consistency with relevant visual resource policies of the Comprehensive Plan.
- c. Prominent public viewing areas, as used in this Subsection, means and includes vantage points readily accessible to the general public which provide the greatest opportunity for viewing natural features of the project area taking into account physical topography, foreground obstructions, proximity to the project site, viewing duration, number of viewers and similar considerations that limit visibility of the proposed development. Areas that are determined to constitute prominent public viewing areas shall be graphically depicted in the visual analyses.

2. Lighting.

- ~~a. All lighting shall be energy conserving and follow night sky lighting practices, generally conforming to the standards and recommendations of the International Dark Sky Association and the Illuminating Engineering Society of North America. All exterior lighting installations shall be:~~
 - ~~(1) Designed and installed to be fully shielded (full cutoff) such that the lamp itself or the lamp image is not directly visible beyond the area of illumination.~~
 - ~~(2) Located and designed so as to avoid creating off-site glare, light spillover onto adjacent properties, or upward illumination into the night sky.~~
 - ~~(3) Of low intensity and low glare design.~~
 - ~~(4) Utilize motion, light and time sensors that minimize the duration of use.~~
- ~~b. All light poles, fixtures, and hoods shall be constructed or coated with a non-reflective exterior finish.~~
- ~~c. No uplighting of landscape or structures shall be allowed and exterior lighting of driveways, roads and parking areas shall be the minimum necessary to provide safety and security.~~

~~d~~a. A schematic lighting concept shall be submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite zone.

~~e. [Reserved.]~~

~~f~~b. Prior to the issuance of ~~Land Use Permits~~a Zoning Clearance in compliance with Section 35.82.~~12~~110 (~~Land Use Permits~~Zoning Clearance) for any aspect of an approved ~~Final~~ Development Plan, final lighting details shall be submitted for review and approval by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review).

3. Roads, driveways, and parking areas.

- a. All roads, driveways and parking areas (private as well as public) shall be sited so as to avoid, where feasible, their visibility from public viewing areas (e.g., public roads, trails and the ocean) including, where possible, the consolidation and sharing of common access.
- b. If paved surfaces cannot feasibly be located outside the public viewshed due to geologic, topographic or biological constraints, only surface materials that are designed to be compatible and not detract from the rural character of the Gaviota Coast shall be allowed.
- c. Such design techniques should include use of stamped and colored concrete and paving with locally-occurring earth-tone colors.
- d. A schematic hardscape concept shall be submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite zone.
- e. Prior to the issuance of ~~Land Use Permits~~a Zoning Clearance in compliance with Section 35.82.~~110-210~~ (~~Land Use Permits~~Zoning Clearance) for any aspect of an approved ~~Final~~ Development Plan, surface materials for all paved surfaces shall be submitted for review and approval by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review).

4. Undergrounding of utility services. All new utility service shall be underground.

5. Preservation of existing features. Existing features that serve to blend, obscure or otherwise substantially diminish visibility of proposed structures, as well as new features which serve as mitigation to accomplish the same outcome, shall be maintained in a continuous state of good condition and repair. Existing vegetation that serves to screen the proposed development shall not be altered in any manner that would increase the visibility of the development except where:

- a. Such alteration is specifically allowed by the approved Development Plan.
- b. Such alteration is performed under the direction of a licensed arborist

- c. Such alteration, if it involves tree removal, is determined necessary and appropriate by a licensed arborist for reasons of disease, death or similar circumstance.

In addition, any trees or significant vegetation (whether existing at time of development or added as a condition of approval) which are integral to demonstrating consistency with relevant visual resource policies of the Comprehensive Plan, and which subsequently die, shall be replaced with trees and vegetation of a comparable size, species and density that shall achieve the same or comparable visual effect within a reasonable period of time as determined by the Board of Architectural Review.

6. Preservation and maintenance of trees and vegetation on adjacent property.

- a. Preservation and maintenance of trees and vegetation on adjacent property, owned by parties other than the applicant, that serve to blend, obscure or substantially diminish visibility of proposed structures on the applicant's property shall be the applicant's responsibility. Alternatively, the applicant shall create a comparable hedgerow on its property with trees and vegetation of a comparable size, species and density that shall, within five years, achieve the same or comparable visual effect that is presently served by trees and vegetation on adjacent property.
- b. Prior to issuance of ~~Land Use Permits~~ a Zoning Clearance in compliance with Section 35.82.110-210 (~~Land Use Permits~~ Zoning Clearance) for any aspect of an approved ~~Final~~ Development Plan, a Vegetative Hedgerow Plan shall be submitted for review and approval by the Department. The Vegetative Hedgerow Plan shall:
 - (1) Identify off-site trees and vegetation that are integral to the project.
 - (2) Specify the mechanism and arrangements by which to assure that off-site trees and vegetation are maintained in a continuous state of good condition and repair, in compliance with the standards set forth in Subsection H.6. above.
 - (3) Provide a planting plan with appropriate security to create a comparable hedgerow on the site the proposed development.

7. Fencing.

- a. **Goals.** Exterior fencing shall affirmatively further the following overarching goals:
 - (1) Reflect the rural character of the Gaviota Coast.
 - (2) Be permeable and not impair public views nor the passage of light, air or native wildlife.
 - (3) Avoid the appearance of property fragmentation (e.g., use of rocks or similar low-profile materials to demark property lines).

- b. **Schematic fencing concept.** A schematic fencing concept shall be submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite zone. This schematic fencing concept shall affirmatively further the goals listed in Subsection H.8.a., above, and shall:
 - (1) Depict typical fencing details for individual lots and development envelopes.
 - (2) Identify all of the following:
 - (a) Perimeter and common area fencing property line delineation.
 - (b) Separation between private and public open space easement areas.
 - (c) Separation for agricultural areas, and where applicable, at or within development envelopes.
- c. **Fencing plan standards.** The fencing plan shall be in compliance with the following standards:
 - (1) Fencing outside of the development envelope of individual lots shall be constructed with appropriate materials such as unpainted split rail, low stone wall or wire consistent with the rural and agrarian character of the land.
 - (2) Where fencing would separate an agricultural area from an Open Space and Habitat Management Plan easement area, said fencing shall use material or devices that are not injurious of wildlife; barb wire fences are expressly prohibited.
 - (3) Fencing within the development envelope of individual lots may employ solid materials, consistent and complimentary with the architectural character of the building design, not to exceed a maximum height of six feet. Fencing at or within the development envelope may be designed to restrict wildlife passage.

8. Roadways and drainage.

- a. Roads and driveways shall be kept to a minimum width and length, and shared where possible.
- b. Roads and driveways shall utilize permeable features (e.g., natural inlaid rock-lined gutters, etc.) to improve natural filtration or otherwise direct sheet flows to bioswales, subject to County Fire Department access roadway requirements. Private lot parking areas or auto courts are permitted to be constructed of impermeable surfaces, subject to the limitations in this Section.
- c. All paved surfaces shall be designed so as to divert surface water to bioswales, French drains or other appropriate drainage devices to avoid, where feasible, surface run off into creeks and the ocean.

- d. Grading for roads and driveways shall be minimized.

9. Landscaping.

- a. Landscaping shall be utilized to visually integrate development with the rural character of the Gaviota Coast. A schematic landscape concept shall be submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite zone which:
 - (1) Depicts typical planting details for individual lots and development envelopes.
 - (2) Identifies all perimeter and common area landscaping.
- b. Prior to issuance of a ~~Land Use Permit~~ Zoning Clearance in compliance with Section 35.82.2410 for any aspect of an approved ~~Final~~ Development Plan, landscape and irrigation plans shall be prepared by a botanist, licensed landscape contractor or California registered landscape architect and shall be submitted for review and approval by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review). The landscape and irrigation plans shall incorporate at a minimum the following features:
 - (1) Water conserving irrigation and drought-tolerant native species, consistent with existing vegetation located along the Gaviota Coast.
 - (2) Selection of vegetation on the basis of screening capabilities, non-invasive character, rate of growth, and compatibility with existing on-site vegetation (if any).
 - (3) The type, size and density of new plant material shall be sufficient, within five years, to reasonably screen or otherwise blend the development into its natural setting.
 - (4) Retention of existing vegetation for their screening and visual character.
 - (5) Newly planted non-native landscaping shall not be visually obtrusive to public views (e.g., large, non-native palm trees, etc.) or detract from the rural character of the Gaviota coast.
 - (6) Implementation of an Integrated Pest Management Plan that avoids or minimizes use of biodegradable pesticides and herbicides.

35.26.070 OT Zone Additional Standards

Proposed development and new land uses within the OT zone shall comply with the following standards, in addition to those in Section 35.26.040 (Special Purpose Zones Development Standards).

- ~~A. **Maximum lot size and density.** The number of dwelling units on a lot containing only residential uses shall not exceed the maximum specified by Table 2-25 (OT Zone Maximum~~

~~Density) for each OT zoning designation shown in Table 2-25 (OT Zone Maximum Density). (Note: the Zoning Map symbol shown in Table 2-25 (OT Zone Maximum Density) is appended to the OT-R/LC, OT-GC, or OT-R symbol on the Zoning Map, as applicable.)~~

- ~~B. **Design Review required.** Prior to the issuance of any Land Use Permit for a structure, all plans for new or altered structures shall be subject to Design Review in compliance with Section 35.82.070 (Design Review) only if required in compliance with Section 35.28.160 (Pedestrian Area Old Town Orcutt Overlay Zone).~~

Table 2-25 OT Zone Maximum Density

Zoning Map Symbol	Dwelling Units per Gross Acre	Gross Land Area per Dwelling Unit
-0.1	0.1	10 acres
-0.2	0.2	5 acres
-0.33	0.33	3 acres
-0.5	0.5	2 acres
-1	1	1 acre
-1.5	1.5	29,040 sf
-1.8	1.8	24,200 sf
-2	2	21,780 sf
-2.5	2.5	17,424 sf
-3	3	14,520 sf
-3.3	3.3	13,200 sf
-3.5	3.5	12,445 sf
-4	4	10,890 sf
-4.6	4.6	9,469 sf
-5	5	8,712 sf
-6	6	7,260 sf

7	7	6,228 sf
8	8	5,445 sf
9	9	4,840 sf
10	10	4,356 sf
12	12	3,630 sf
12.3	12.3	3,541 sf
14	14	3,111 sf
16	16	2,722 sf
20	20	2,178 sf
25	25	1,742 sf
30	30	1,452 sf

~~CA.~~ **Public improvement requirements.** The Road Division of the Public Works Department shall review all plans for new or altered structures for frontage improvement conditions prior to the issuance of a Land Use Permit. As a condition of Land Use Permit issuance, the owner or their agent shall dedicate rights-of-way and engineer and construct street pavement, curbs, gutters, and sidewalks on the street frontage of the property that are determined by the Department of Public Works to be reasonably related to the proposed use of the property. See Section 35.28.160 (Pedestrian Area - Old Town Orcutt Overlay Zone) for additional vehicle access standards for lots within the PA-OTO overlay.

~~DB.~~ **Noise standards.** The volume of sound generated by any use on property within the OT-R/GC and OT-R/LC zones shall not exceed 65 dB Ldn at any point beyond the property boundary upon which the use is located.

~~E.~~ **Open space.** The following standards apply within the OT-R zone.

- ~~1. Minimum area.~~ A minimum of 40 percent of the net site area shall be reserved for the life of the project as common open space.
- ~~2. Title to open space area.~~ Title to the common open space shall be held by a non-profit association of homeowners or by any other individual or entity on reasonable terms

~~and conditions as the Board may prescribe, which may include conveying to the County the rights to develop the property with anything except open space or noncommercial recreation.~~

~~F. **Condominiums, stock cooperatives, community apartments.** The review authority may apply the following standards as conditions of approval of a condominium, stock cooperative, or community apartment.~~

~~1. **Laundry facilities.**~~

- ~~a. **General requirement.** Each dwelling unit shall be provided separate laundry facilities. Sufficient space, utility connections, and vents to allow for the installation of a clothes washer and dryer in each unit or in a garage, not to encroach upon parking, shall be shown on the Final Development Plan.~~
- ~~b. **Affordable housing project.** For affordable housing overlay projects or housing developments that provide a minimum of 50 percent of the housing units at the required affordable income levels, the laundry facilities may be provided in a common area within the development. A minimum of one standard capacity size washer and dryer shall be provided for every four dwelling units contained within the same structure.~~

~~2. **Open space.**~~

- ~~a. **Common.** Common open space and recreation areas shall be designed to provide access for the handicapped.~~
- ~~b. **Private.** Each dwelling unit shall include a private outdoor patio area in the form of ground level patios or upper story balconies. Private patios shall not be less than 20 percent of the gross floor area of the dwelling unit. If the required patio area is less than 200 square feet, then this requirement shall be satisfied by providing only one patio or balcony for the dwelling unit.~~

~~3. **Storage space.** Each dwelling unit shall be provided with at least 180 cubic feet of weatherproofed, enclosed, lockable, and easily accessible storage space on site in addition to the storage space of closets, cabinets, and pantry contained within the dwelling units.~~

~~4. **Utility metering.** Individual metering for utilities shall be provided for each unit, unless the metering would be in conflict with an innovative energy efficient or resource conserving utility system designed for the project.~~

35.26.080 PU Zone Additional Standards

Proposed development and new land uses within the PU zone shall comply with the following standards, in addition to those in Section 35.26.040 (Special Purpose Zones Development Standards).

- A. **Noise.** The volume of sound, measured during calm air conditions, inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not exceed 70 decibels at any point along the boundary of or outside of the lot upon which such use is located.
- B. **Odors, fumes, gasses, liquids, heat, glare, radiation.** No offensive odors or fumes, noxious gases or liquids, heat, glare, or radiation generated by or resulting from any use, other than motor vehicles or lighting fixtures, operated on any lot shall be detectable at any point along the boundary of or outside of the lot upon which such use is located.
- C. **Outdoor storage.** Open storage of equipment and materials shall be permitted only in areas screened from view of surrounding lots.
- D. **Public health, safety, and welfare.** All activities shall be conducted in such a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the neighborhood by reason of danger to life or property.
- E. **Smoke or dust.** Except for the heating of buildings there shall be no smoke or dust generated by or resulting from any use, other than motor vehicles located upon the lot.
- F. **Vibration.** The ground vibration inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not be perceptible without instruments at any point along the boundary of or outside of the lot upon which such use is located.

35.26.090 REC Zone Additional Standards

Proposed development and new land uses within the REC zone shall comply with the following standards, in addition to those in Section 35.26.040 (Special Purpose Zones Development Standards).

- A. **Minimum zone area.** Rezoning to apply the REC zone shall require that the site shall be a minimum of one acre provided that this minimum land area is adequate to meet the requirements of the REC zone.
- AB. **Limitation on lodging occupancy.** To ensure the recreational, rather than residential use of overnight accommodations, the maximum period for individual occupancy of overnight accommodations shall be 30 days.

SECTION 19:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection D, Permit and processing requirements, of Section 35.28.030, Affordable Housing (AH) Overlay Zone, of Chapter 35.28, Overlay Zones, is hereby amended to read as follows:

- D. **Permit and processing requirements.**

1. **Final Development Plan required.** ~~Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Land Use Permit for all development, including grading. Final Development Plan approval shall be subject to conditions and requirements determined by the review authority to be appropriate and necessary to ensure compliance with the purposes of the County's affordable housing program, the Housing Element and applicable provisions of the Comprehensive Plan.~~
2. **Fast track processing.** Each qualifying AH overlay project shall be subject to the fast track permit process outlined in the Housing Element Implementation Guidelines, to ensure that each AH overlay zone project receives timely and preferential processing.
3. **Pre-application procedure.** Prior to submitting an application for an AH overlay zone project, the applicant should obtain pre-application and other preliminary consultations with the Department and other officials to obtain information and guidance before entering into binding commitments and incurring substantial expense in the preparation of plans, surveys and other data. These preliminary consultations shall relate to a specific development proposal that outlines the concept and characteristics of the project.

SECTION 20:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection E, Modifications to Development Code requirements, of Section 35.28.030, Affordable Housing (AH) Overlay Zone, of Chapter 35.28, Overlay Zones, is hereby amended to read as follows:

- E. **Modifications to Development Code requirements.** The approval of a ~~Final Development Plan~~ for a site located on property zoned with the AH overlay zone may include the following modifications to requirements of this Development Code, in addition to the density modifications provided by Subsection B.1 (Density bonus) above.
 1. **Zoning or improvement standards.** Facilities, improvements, and/or development or zoning standards normally required for residential development, other than those in this Section, may be modified by the Commission if deemed necessary to ensure dwelling unit affordability or to provide additional incentives. Examples of the modified facility requirements include the waiver or phasing of any required off-site improvements.
 2. **Fees.** If deemed appropriate by the Board, any or all fees normally imposed by the County on development projects may be waived, reduced, or deferred. In these cases, reduced fees shall be based upon the applicant supplying the Board with evidence and assurances that savings realized from the reductions will be passed on to future residents by way of reduced rent or purchase price for units.

3. **Development standards.** The following standards shall apply to all qualified AH overlay zone projects in the DR (Design Residential) and PRD (Planned Residential Development) zones.
 - a. One side yard setback per lot may be reduced from the requirement of the applicable zone to a zero setback. The width of any setback thereby reduced shall be applied to the opposite side yard setback. In cases of corner lots, the side yard setback may be reduced to zero with no additional setback requirement for the opposite setback.
 - ~~b. The total amount of common and/or public open space may be reduced to 30 percent of the gross acreage.~~

SECTION 21:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, a new Subsection G, Applying an AH overlay zone, is added to Section 35.28.030, Affordable Housing (AH) Overlay Zone, of Chapter 35.28, Overlay Zones, as follows:

G. Applying an AH overlay zone.

1. **Limitation on rezones.** The AH overlay zone may be applied to property only in conjunction with the preparation and adoption of a Community Plan or together with a County initiated Amendment to the Comprehensive Plan.
2. **Designation of allowed number of units.** The approval of a rezoning to the AH overlay zone shall include designation of the maximum density allowed on the site by the overlay.
3. **Findings required for rezoning.** The approval of a rezoning to apply the AH overlay zone to property shall require that the Commission and Board first make all of the following findings in addition to those required in compliance with Section 35.104.060 (Findings Required for Approval of Amendment) above:
 - a. The site is located within an Urban area as designated on the Comprehensive Plan maps.
 - b. The site has a residential land use designation or would be appropriate for residential use if a Comprehensive Plan Amendment is being concurrently processed (e.g., underutilized commercial land surrounded by residential land or other compatible land use).
 - c. The site has a primary zone that allows residential uses and requires a Development Plan for the use. This may also be achieved through a rezone.
 - d. The site is served by a municipal sanitary district.

- e. The site is of adequate size and shape to allow the reasonable development of housing.
- f. The site is near major travel corridors or services.
- g. The site is within reasonable walking distance to transit lines, employment centers, schools, and commercial areas.
- h. Residential development can be sited to avoid major environmental hazards and/or constraints (e.g., airport noise and safety zones, archaeological resources, sensitive habitat areas, steep slopes and other geologic hazards, streams and creeks).
- i. Residential development of the site at the maximum density proposed is consistent with all applicable policies and provisions of the Comprehensive Plan.

SECTION 22:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.28.080, Design Control (D) Overlay Zone, of Chapter 35.28, Overlay Zones, is hereby amended to read as follows:

35.28.080 Design Control (D) Overlay Zone

- A. **Purpose and intent.** The Design Control (D) overlay zone is applied where, because of visual resources and/or unique neighborhood characteristics, plans for new or altered structures require Design Review. The intent is to ensure well designed development and to protect scenic qualities, property values, and neighborhood character.
- B. **Applicability.** Each land use and proposed development within the D overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.
 - 1. **Setbacks, height limits, and other zoning requirements.** New construction and alterations shall comply with the regulations of the primary zone, except that when the primary zone allows modifications of the regulations by the Director, Zoning Administrator, or Commission, the Board of Architectural Review may recommend the modifications of setbacks, height limits, and other requirements to protect visual resources.
- C. **Permit and processing requirements.** The plans for each new or altered structure within the D overlay zone shall be submitted for Design Review in compliance with Section 35.82.070 (Design Review), except as ~~shown~~ provided below:
 - 1. ~~**Eastern Goleta Valley.** The plans for each new or altered structure subject to the Eastern Goleta Valley Design Guidelines shall be submitted for Design Review in~~

~~compliance with Section 35.82.070 (Design Review) if required by Subsection E.2, below.~~

~~2. **Los Alamos Community Plan area.** The plans for each new or altered structure subject to the Los Alamos Bell Street Design Guidelines shall be submitted for Design Review in compliance with Section 35.82.070 (Design Review) if required in compliance with Subsection 35.28.080.F.2.~~

~~D. **Setbacks, height limits, and other zoning requirements.** New construction and alterations shall comply with the regulations of the primary zone, except that when the primary zone allows modifications of the regulations by the Director, Zoning Administrator, or Commission, the Board of Architectural Review may recommend the modifications of setbacks, height limits, and other requirements to protect visual resources.~~

~~E. **Eastern Goleta Valley.**~~

~~1. **Purpose and intent.** This section establishes procedures and findings for the approval of land use and proposed development located in the Eastern Goleta Valley to ensure that such land use and proposed development is consistent with the Eastern Goleta Valley Design Guidelines for residential development.~~

~~21. **Applicability**Eastern Goleta Valley Plan area. In order to ensure that such land use and proposed development is consistent with the Eastern Goleta Valley Design Guidelines for residential development, The plans for the following shall be submitted for Design Review in compliance with Section 35.82.070 (Design Review):~~

- ~~a. New one-family and two-family dwellings.~~
- ~~b. Demolished and reconstructed one-family and two-family dwellings when 50 percent or more of the existing gross floor area is demolished.~~
- ~~c. Second and third floor additions to existing one-family and two-family dwellings not including the addition of lofts within an existing structure where there is no change in the outward appearance of the structure.~~
- ~~d. Conversions of attached and detached garages that are accessory to one family or two family dwellings that result in an increase in habitable area.~~
- ~~e. Any addition of more than 1,000 square feet of the gross floor area or 50 percent or more of the gross floor area of the principal one-family or two-family dwelling that existed on the lot as of March 1, 2007 for lots located, whichever is less.~~
- ~~f. Any structural alterations to one-family and two-family dwellings that are substantially visible from the street frontage.~~

~~F. **Los Alamos Community Plan area.**~~

~~1. **Purpose and intent.** This section establishes procedures and findings for the approval of land use and proposed development in the Los Alamos Community Plan area to~~

~~ensure that such land use and proposed development is consistent with the Los Alamos Bell Street Design Guidelines.~~

2. **Applicability Los Alamos Community Plan area.** In order to ensure that such land use and proposed development is consistent with the Los Alamos Bell Street Design Guidelines, plans for the The following shall be submitted for Design Review in compliance with Section 35.82.070 (Design Review).
- a. The construction of new buildings.
 - b. Demolished and reconstructed buildings when 50 percent or more of the existing gross floor area is demolished.
 - c. Second and third floor additions to buildings not including the addition of lofts or mezzanines within an existing structure where there is no change to the outward appearance of the structure.
 - d. Any structural alterations that substantially alters the façade and are substantially visible from the street frontage within the Bell Street Commercial Core and Design Control Overlay area.

G. ~~Santa Ynez Valley Community Plan Area.~~

13. **Special provisions for projects within the Santa Ynez Valley Community Plan Area.** All structures located on property within the Santa Ynez Valley Community Plan area and zoned with the Design Control (D) Overlay shall require Design Review in compliance with Section 35.82.070 except for the following:
- a. Agricultural accessory structures that have a gross floor area of less than 1,000 square feet.
 - b. Deer and livestock fencing up to 8 feet in height.
 - c. Structures that cannot be viewed from public roadways or other areas of public use. Landscape screening shall not be taken into consideration when determining whether the structure is visible from public roadways or other areas of public use.
 - d. Structures exempt from Design Review in compliance with Subsection 35.82.070.C.

SECTION 23:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.28.120, Flood Hazard Area (FA) Overlay Zone, of Chapter 35.28, Overlay Zones, is hereby amended to read as follows:

35.28.120 Flood Hazard Area (FA) Overlay Zone

- A. **Purpose and intent.** The Flood Hazard (FA) overlay zone is intended to promote public health, safety and welfare and to minimize public and private losses due to flood conditions in areas within the 100-year flood plain by alerting property owners that County Code Chapter 15A (Floodplain Management) applies to their property, and avoiding the exposure of new development to flood hazards, minimizing the need for future flood control protective works and resulting alteration of stream and wetland environments. This overlay zone serves as a mechanism whereby members of the public and staff can easily identify areas of special flood hazard that are subject to County Code Chapter 15A (Floodplain Management).
- B. **Applicability.** The requirements of this Section apply to special flood hazard areas as defined in County Code Chapter 15A (Floodplain Management).
1. **Additional standards.** Each land use shall comply with the requirements of the primary zone and "development" as defined in County Code Chapter 15A shall also comply with the additional requirements in Chapter 15A.
 2. **Flood Hazard Overlay Map.** The Flood Hazard Overlay Map shall reflect the boundaries of special flood hazard areas as shown on the current Federal Emergency Management Agency (FEMA) maps on file with the County Public Works Flood Control and Water Agency (referred to in this Section as the "Flood Control Agency").
 3. **Relationship to primary zone.** Each land use and proposed development within the FA overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.
- C. **Development within floodway.** All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway, as determined by the County Public Works Department, unless off-setting improvements in accordance with Housing and Urban Development regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, providing creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation as specified in County Code Chapter 15A (Floodplain Management).
1. **Permitted development limitations.** Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, such as dams, stream channelizations, etc.
- D. **Permit and processing requirements.**
1. **Referral and determination.** Prior to the approval of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) for all development subject to the FA overlay zone;

- a. The applicant shall be referred to the Flood Control Agency for a determination as to whether the development is subject to the requirements of County Code Chapter 15A. If the Flood Control Agency determines that the proposed development is subject to Chapter 15A, then the development shall comply with the requirements of Chapter 15A.
- b. The applicant shall obtain the appropriate clearance or receive a written exemption from the Flood Control Agency.

SECTION 24:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.28.140, Hazardous Waste Management Facility (HWMF) Overlay Zone, of Chapter 35.28, Overlay Zones, is hereby amended to read as follows:

35.28.140 Hazardous Waste Management Facility (HWMF) Overlay Zone

- A. **Purpose and intent.** The Hazardous Waste Management Facility (HWMF) overlay zone provides a mechanism for the siting of off-site hazardous waste management facilities and is intended to ensure that the facilities are sited consistent with both the requirements of the Hazardous Waste Element of the Comprehensive Plan and the primary zone.
- B. **Applicability.**
 1. **Siting criteria.** A project on a site for which rezoning to the HWMF overlay zone has been initiated shall comply with all Hazardous Waste Element siting criteria.
 2. **Relationship to primary zone.** Each land use and proposed development within the HWMF overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the primary zone, the regulations more protective of the public health and the environment shall control.
- C. **Permit and processing requirements.** A ~~Final~~ Development Plan in compliance with Section 35.82.080 (Development Plans) is required prior to any development, including grading.
- D. **Permitted uses.** The following land uses are allowed within the HWMF overlay zone in compliance with Subsection C. (Permit and processing requirements) above, in addition to the uses allowed by the primary zone:
 1. Recycling facilities;
 2. Residuals repositories;
 3. Storage facilities;
 4. Transfer station; and/or
 5. Treatment facilities.

- E. **Facility location requirements.** Treatment, recycling, transfer and storage facilities should be sited in Urban Areas as designated on the Comprehensive Plan maps unless they are needed in a Rural Area as designated on the Comprehensive Plan maps or the Commission finds that the facility or facilities cannot be located in an Urban Area. Residuals repositories shall not be sited in Urban Areas.
- F. **Development standards.** Each hazardous waste facility shall be designed and constructed in compliance with the following standards.
1. **Buffer.** A buffer adequate to protect the public health and environmentally sensitive areas shall be established. The size and location of the buffer shall be based on a thorough assessment of risk to human health and the environment.
 2. **Containment facilities.** Each facility shall be designed and constructed to contain spills, leaks, and other accidental releases of waste. Containment shall provide protection to air quality and surface and groundwater resources, and shall be based on a site characterization and geologic report.
 3. **Public services.**
 - a. In Urban Areas as designated on the Comprehensive Plan maps, all facilities shall use public services.
 - b. In Rural Areas as designated on the Comprehensive Plan maps where public services are not available, private services for all facilities shall be adequately designed for capacity and environmental protection.
 4. **Site security.** Each facility shall include measures for adequate site security.
 5. **Visual compatibility.** Each facility shall be designed and constructed to be visually compatible with existing and anticipated surrounding land uses.
 6. **Odor control.** No noxious odors associated with a hazardous waste facility shall be detectable at the property boundary.
 7. **Noise.** The level of noise generated by the facility at the property boundary shall not exceed 65 db(A).
 8. **Monitoring system.** A monitoring system to measure offsite impacts including but not limited to noise, odors, vibration and air and water quality degradation shall be in operation throughout the construction, operation, closure and post-closure of the facility.
 9. **Outdoor lighting.** All outdoor lighting shall be shielded and no unobstructed beam of light shall shine off the premises. In addition, no lighting shall draw attention to the facility, and shall be an overall level and type compatible with surrounding uses.
- G. **Findings required Development Plan approval.** In addition to the other findings required by this Development Code for the approval of Development Plans, no Development Plan for a hazardous waste management facility shall be approved unless the review authority also

makes the findings in compliance with Subsection 35.82.080.E.7 (Additional findings required for ~~Preliminary or Final~~ Development Plans for sites within the Hazardous Waste Management Facility overlay zone).

H. Findings required for rezoning. The approval of a rezoning to apply the HWMF overlay zone to property shall require that the Commission and Board first make all of the following findings:

1. There is a need for the off-site treatment, storage, or disposal hazardous waste management facility as determined in compliance with Policy 2-1 of the County's Hazardous Waste Element.
2. The proposed facility is consistent with the siting criteria for off-site hazardous waste management facilities identified in the Hazardous Waste Element and the development standards identified in Section 35.28.140 (Hazardous Waste Management Facility (HWMF) Overlay Zone).
3. A risk assessment has been prepared for the Development Plan which adequately evaluates the risks to human health and safety and the environment under both routine operations and upset conditions.
4. The risks to human health and the environment have been minimized to the maximum extent feasible and the remaining risks are considered acceptable.
5. The project will not create a financial burden for the County.
6. The proposed facility operator has demonstrated financial responsibility for the operation, monitoring, closure, and post-closure of the subject facility.

SECTION 25:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.28.160, Pedestrian Area – Old Town Orcutt (PA-OTO) Overlay Zone, of Chapter 35.28, Overlay Zones, is hereby amended to read as follows:

35.28.160 Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone

A. Purpose and intent.

1. The purpose of the Pedestrian Area - Old Town Orcutt (PA-OTO) overlay zone is to promote pedestrian activity with design standards that emphasize pedestrian safety and comfort, enhance on-street parking supplies, and foster pleasant development patterns along major street frontages in the downtown portion of Old Town Orcutt.
2. The intent is to maintain the existing mixture of residential and commercial uses, to preserve the character and architectural styles of the neighborhood areas, to encourage development patterns consistent with the historic character of Old Town Orcutt, and to foster a pedestrian oriented environment.

B. Applicability.

1. **Core Pedestrian Area.** The Core Pedestrian Area encourages future commercial and mixed use development in a pattern intended to mimic historic buildings by eliminating building coverage limitations, requiring buildings to be constructed to the front property line, and removing onsite commercial parking space requirements.
 - a. The pedestrian experience in this zone is enhanced with the provision of on-street diagonal parking, reduced pedestrian street crossing distances, and inviting sidewalks and property street frontages.
 - b. The Core Pedestrian Area is generally located on both sides of Clark Avenue from Broadway Avenue to State Highway 135, and on both sides of Broadway Avenue from Clark Avenue to Pinal Avenue.
2. **Peripheral Pedestrian Area.** The Peripheral Pedestrian Area is intended to provide a transition between the downtown commercial neighborhood (the Core Pedestrian Area) and adjacent residential and mixed use zones, while encouraging redevelopment through a reduction in the amount of required onsite parking for commercial uses.
 - a. The proximity of the Peripheral Pedestrian Area to the Core Pedestrian Area is designed to encourage pedestrians to walk between the two areas, as well as for both areas to benefit from enhanced on-street parking resources.
 - b. The Peripheral Pedestrian Area is generally located on the north side of Clark Avenue for the first block west of Broadway Avenue, and also between Pacific Street (on the east), the Core Pedestrian Area (on the west), Pinal Avenue (on the south), and Union Avenue (on the north).
3. **Relationship to primary zone.** Each land use and proposed development within the PA-OTO overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the primary zone, the requirements of this Section shall take precedence.

~~C. Permit and processing requirements.~~

- ~~1. **Development Plan approval required.** A Final Development Plan in compliance with Section 35.82.080 (Development Plans) and a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) is required for one or more structures that total 10,000 or more square feet in gross floor area, or where onsite structures and outdoor areas designated for sales or storage total 20,000 square feet or more.~~

2C. Design Review required.

- ~~a~~1. Prior to the issuance of any Land Use Permit for a structure, all plans for new or altered structures shall be subject to Design Review in compliance with Section 35.82.070 (Design Review).

- ~~b2.~~ Subsection 35.82.070.C.2 (Special Provisions for Projects in the Jurisdictional Area of the North County Board of Architectural Review) shall apply to any required Design Review.
- ~~e3.~~ All plans for new or altered structures shall be determined to be in compliance with the Old Town Orcutt Design Guidelines
- ~~3. Public Works Department review.~~ Prior to the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) for any structure, all plans for new or structures shall be reviewed by the Road Division of the Public Works Department for frontage improvement conditions in compliance with Subsection E (Dedication and access requirements) below.

D. Development standards.

1. ~~Setback~~ Front setback requirements, commercial and mixed use buildings and structures within the Core Pedestrian Area. Buildings and structures containing commercial or commercial and residential uses in the Core Pedestrian Area shall comply with the following front setback requirements.
 - a. ~~Residential uses only.~~ Setbacks for structures containing only residential uses shall be as required by Section 35.26.040 (Special Purpose Zones Development Standards) for the OT Residential zone.
 - b. ~~Commercial and residential uses.~~ Buildings and structures containing commercial or commercial and residential uses shall comply with the following setback requirements
 - (1) ~~Front:~~ 10 percent of the depth of the lot, not to exceed 10 feet; at least 25 feet when abutting a lot zoned Old Town Residential (OT R); except in the Core Pedestrian Area, where new buildings Buildings and structures containing commercial uses on the ground floor shall be constructed to the front property line and no front setback shall be permitted except as provided below.
 - (1) ~~New d~~Development sited on lots with a grade change at the street frontage are allowed a front setback for the entrance portion of the structure, where necessary to construct elements to achieve compliance with ADA requirements for building access.
 - (2) Renovations to, additions to, or expansions of existing ~~multi-family residential, mixed-use, and commercial development projects~~buildings and structures not resulting in an increase of 1,000 square feet or more than 10 percent of approved building coverage on site, shall be exempt from the specific front setback prohibition of the Core Pedestrian Area.
 - (2) ~~Side:~~ None required.

- ~~(3) **Rear:** 10 percent of the depth of the lot; except in the Core Pedestrian Area, where new structures containing commercial uses are not required to have a rear setback.~~

~~2. **Building coverage.**~~

- ~~a. **Residential uses only.** Lot coverage for buildings and structures containing only residential uses shall be as required by Section 35.26.040 (Special Purpose Zones Development Standards) for the OT Residential zone.~~
- ~~b. **Core Pedestrian Area.** In the Core Pedestrian Area there shall be no restriction on building coverage for buildings and structures containing uses other than exclusive residential uses.~~
- ~~c. **Peripheral Pedestrian Area.** In the Peripheral Pedestrian Area not more than 65 percent of the gross area shall be occupied by buildings and structures containing uses other than exclusive residential uses.~~

~~32. **Parking.** Off street parking shall be provided as required by Section 35.36.120 (Standards for Mixed Use Zones and Uses) follows.~~

- a. Two-family and multiple dwelling units. The parking requirements for two-family or multiple dwelling units shall be one space per residential unit and no guest parking shall be required.
- b. Commercial uses only. Parking requirements for structures containing only commercial uses shall be in compliance with Section 35.36.110 (Standards for Nonresidential Zones and Uses), subject to the following exceptions:
- (1) In the delineated Core Pedestrian Area, no onsite parking spaces are required.
- (2) In the delineated Peripheral Pedestrian Area, onsite parking requirements shall be reduced by 50 percent.
- c. Commercial and residential use. Parking requirements for structures containing both commercial and residential uses shall be as applicable to each use as provided in Subsections D.2.a (Two-family and multiple dwelling units) and D.2.b (Commercial uses only) above.
- d. Additional design and location requirements.
- (1) Core Pedestrian Area.
- (a) New curb cuts and/or driveways providing vehicular access on Clark Avenue and Broadway Avenue are prohibited.
- (b) New onsite parking areas shall be located at the rear of structures and shall be designed so as to take access off side streets and/or alleys to the maximum extent feasible.

(c) Development on lots containing no alley or street frontage other than Broadway, Clark Avenue or Foxenwood Lane shall be exempt from the specific parking access requirements of the Core Pedestrian Areas.

(2) Peripheral Pedestrian Area.

(a) New curb cuts and/or driveways providing vehicular access on Clark Avenue and Broadway Avenue shall be avoided where feasible.

(b) New onsite parking areas shall be located at the rear of structures and shall be designed so as to take access off side streets and/or alleys to the maximum extent feasible.

~~E. Dedication and access requirements.~~

~~1. Dedications and public improvements. As a condition to the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) for any building or structure, the owner or their agent shall dedicate rights of way and engineer and construct street pavement, curbs, gutters, and sidewalks on the street frontage of the property that are determined by the Road Division of the Public Works Department to be reasonably related to the proposed use of the property.~~

~~2. Street access limitations.~~

~~a. Core Pedestrian Area. In the Core Pedestrian Area, no vehicular access to new multi-family residential, mixed use, and commercial development projects shall be permitted via curb cuts and/or driveways on Clark Avenue and Broadway Avenue.~~

~~b. Peripheral Pedestrian Area. In the Peripheral Pedestrian Area, vehicular access to new multi-family residential, mixed use, and commercial development projects via curb cuts and/or driveways on Clark Avenue and Broadway Avenue shall be avoided where feasible.~~

SECTION 26:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.28.210, Community Plan Overlays, of Chapter 35.28, Overlay Zones, is hereby amended to read as follows:

35.28.210 Community Plan Overlays

- A. **Overlay zones.** The boundaries of the Community or Area Plan overlay zones are established by the applicable Community Plan or Area Plan maps.
- B. **Applicability of standards.** The Community Plan or Area Plan standards found within each Community Plan or Area Plan, and the following Subsections apply to subdivisions, development, and land uses within the boundaries of the applicable community or area plan

in addition to all other applicable requirements of this Development Code. If a requirement of a community or area plan standard conflicts with another provision of this Development Code, the community or area plan standard shall control unless otherwise indicated.

- C. **Required findings.** In addition to any findings that are otherwise required by this Development Code for the approval of a permit for development, project approval within a community or area plan overlay zone shall require that the review authority also first find that the project complies with all applicable requirements of the applicable community or area plan.

~~D. Los Alamos Community Plan area.~~

- ~~1. All lots located within the Bell Street Commercial Core and Design Control Overlay shall be subject to Design Review in compliance with Section 35.82.070.~~

ED. **Orcutt Community Plan area.**

1. **Orcutt Pilot Program permitting procedure.** Development that would normally require the approval of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall instead be approved in compliance with Section 35.82.210 (Zoning Clearance) provided that the development qualifies to be reviewed under the Zoning Clearance process as determined by the Orcutt Pilot Program Checklist (see Appendix E - Orcutt Pilot Project Checklist) incorporated ~~by~~ herein by reference.

FE. **Santa Ynez Valley Community Plan area.**

1. **Mixed Use — Santa Ynez Valley (MU-SYV) Overlay**
- a. **Purpose and intent.** This Overlay is designed to generate additional opportunities for in-fill housing while simultaneously protecting the commercial viability and potential of the commercial area. Other goals include maintaining the pedestrian-oriented character of the downtown areas, ensuring attractive and compatible architectural design of future projects, reducing regulatory barriers to mixed-use development and prohibiting uses that conflict with preserving the rural ambience of the townships of Santa Ynez and Los Olivos.
 - b. **Applicability.** The MU-SYV overlay may only be applied to properties located within the Santa Ynez Valley Community Plan area with a primary zone of C-1 or C-2 and located in an Urban Area as designated on the Comprehensive Plan maps. Each land use and proposed development within the MU-SYV overlay shall comply with all applicable requirements of the primary zone in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the primary zone, the requirements of this Section shall control.
 - c. **Prohibited uses.** The following uses are not allowed within the MU-SYV overlay either as a permitted or a conditionally permitted use:
 - (1) Auto vehicle sales and rental.

- (2) Building and landscape materials sales - Outdoor.
 - (3) Drive-through facility.
 - (4) Service station.
 - (5) Single room occupancy facility (SRO)
 - (6) Truck, trailer, construction, farm, heavy equipment sales/rental.
 - (7) Vehicle services.
 - (8) Laundry, dry cleaning plant utilizing perchloroethylene (PERC).
- d. **Requirements for mixed use development.** To ensure the overall purpose and intent of the commercial district is maintained, dwelling units are only permitted above the ground floor of buildings. Commercial uses are permitted on all floors of buildings. The development of a site or structure with a combination of residential and commercial uses shall be restricted as follows:
- ~~(1) **Ratio of commercial and residential uses.** To ensure the overall purpose and intent of the commercial district is maintained, gross floor area devoted to residential use shall not exceed 66 percent of total gross floor area.~~
 - ~~(a) The approval of a Conditional Use Permit in compliance with Section 35.82.060 is required for mixed use developments having a gross floor area devoted to residential use that is greater than 25 percent and less than or equal to 50 percent of the total gross floor area of the development.~~
 - ~~(b) The approval of a Conditional Use Permit in compliance with Section 35.82.060 is required for mixed use developments having a gross floor area devoted residential use that is greater than 51 percent and less than or equal to 66 percent of the total gross floor area of the development. Additionally, the following criteria shall be met:~~
 - ~~(i) The project site is located either on the periphery of the commercial core or is adjacent to an area zoned residential.~~
 - ~~(ii) The applicant can demonstrate that development of the project site with gross floor area devoted to commercial use that exceeds 49 percent of the total gross floor area of the development is not viable due to the configuration of the project site (e.g., narrow street frontage).~~
 - ~~(2) **Restriction to commercial uses.** If the project site has more than one street frontage, then the ground floor of the development adjacent to the street with the highest number of average daily traffic trips shall be restricted to commercial uses.~~

e. **Development standards.** The development standards of the primary zone shall apply to all structures except as follows:

(1) **Setbacks.** No front setback shall be required.

(2) **Parking.**

~~(a) The required number of parking spaces for existing or proposed mixed use development may be reduced up to 50 percent from the number of spaces required in compliance with Section 35.36.110 (Standards for Nonresidential Zones and Uses).~~

~~(b)~~ **Residential Uses.** The required number of parking spaces for residential uses shall be in compliance with Section 35.36.100 (Standards for Residential Zones ~~and Uses~~).

(b) Nonresidential Uses. The required number of parking spaces for nonresidential uses shall be in compliance with Section 35.36.110 (Standards for Nonresidential Zones and Uses), except as provided Subsection E.1.e(2)(c), below.

(c) Nonresidential Use Parking Reduction. The review authority may reduce the number of parking spaces required for the nonresidential portion of an existing or proposed mixed use development by up to 50 percent of the number of spaces required pursuant to Section 35.36.110 (Standards for Nonresidential Zones and Uses) where the review authority first makes ~~The review authority may approve a reduction or waiver of the on-site parking requirement subject to first making~~ one or more of the following findings:

(i) A shared parking agreement in a form approved by County Counsel is executed and recorded by the applicant and nearby property owner(s) within 1,000 feet of the MU-SYV overlay to accommodate the parking deficit.

(ii) The configuration of the project site does not allow for driveway access from the rear or side of the project site and would require installation of a driveway along a pedestrian-oriented stretch of sidewalk to the detriment of pedestrian safety or streetscape aesthetics.

(iii) A parking study has determined that adequate parking exists in either on the street or within public parking lots in the Mixed-Use Overlay District that will accommodate 80 percent of the peak parking demand generated by the project.

- ~~(3) Prior to the issuance of any Land Use Permit for structures, all final plans of structures shall receive final approval by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review).~~

GF. Summerland Community Plan area.

1. **Design Review required.** Design review is required prior to the approval of a planning permit for a structure, addition to an existing structure, a sign, and new encroachments of structures, fences, walls, landscaping, etc., into existing public road rights-of-way as part of a project otherwise requiring Design Review in compliance with Section 35.82.070 (Design Review).
2. **Floor area limit.** Structures subject to this subsection shall not exceed the following maximum floor area limits.
 - a. **One-family dwellings.** All new one-family dwellings, ~~and~~ additions to existing one-family dwellings, and attached accessory structures are subject to the following standards:
 - (1) **Lots having a lot area (net) of less than 12,000 square feet.** On lots with a lot area (net) of less than 12,000 square feet, the net floor area of structures subject to this Subsection ~~GF.21.a~~ shall be in compliance with the following Table 2-29 (One-family Dwelling Floor Area Limits). The net floor area shall not exceed the amount calculated using the FAR or the Maximum Allowable Square Footage per Lot Area, whichever is less.

Table 2-29_ One-family Dwelling Floor Area Limits

Net Lot Area (square feet)	FAR	Maximum Allowable Net Floor Area per Lot Area (square feet)
2,500 or less	0.50	950
2,501 to 3,600	0.38	1,296
3,601 to 4,700	0.36	1,598
4,701 to 5,800	0.34	1,856
5,801 to 6,900	0.32	2,070
6,901 to 8,100	0.30	2,268
8,101 to 9,400	0.28	2,538

9,401 to 10,800	0.27	2,808
10,801 to 12,000	0.26	3,100

- (2) **Lots of 12,000 square feet and greater.** On lots with a lot area (net) of 12,000 square feet and greater, the net floor area of structures subject to this Subsection ~~GF.12~~.a shall not exceed 2,500 square feet plus five percent of the net lot area; however, in no case shall the net floor area exceed 8,000 square feet.
- (3) See Subsection ~~GF.21~~.b, below, for allowable adjustments to the maximum floor area.
- (4) **Accessory dwelling units and junior accessory dwelling units.** The floor area limits enumerated above do not apply to existing or proposed accessory dwelling units or junior accessory dwelling units allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

b. Adjustments to maximum allowed floor area.

- (1) **Accessory structures (detached) on lots less than or equal to 10,000 square feet (net).** Except as provided in compliance with Subsection ~~GF.21~~.b.(1)(a), below, the cumulative gross floor area of all detached accessory structures located on a lot less than or equal to 10,000 square feet (net) shall not exceed 500 square feet.
 - (a) If the dwelling does not include an attached garage, then a detached garage used for the parking of motor vehicles no greater than 500 square feet of floor area (net) may also be allowed in addition to the cumulative floor area (gross) allowed in compliance with Subsection ~~GF.21~~.b.(1), above.
- (2) **Floor below grade.**
 - (a) The provisions of this subsection only apply to structures with two or more floors.
 - (b) The amount of floor area of a floor below grade that is included in the net floor area used to determine compliance with the maximum allowed floor area is calculated by multiplying "A" times "B" where:
 - (i) "A" equals the total floor area below grade as measured from the interior surfaces of exterior walls, and

- (ii) "B" equals the floor below grade adjustment which is the percentage of the total wall area of a floor below grade that is exposed (see Figure 2-4) which is determined by dividing the total exposed wall area by the total wall area.
- (c) The height of the wall area used to determine the total wall area is measured from the finished floor of the floor below grade to the bottom of the floor joist supporting the floor above, however, only a maximum of 10 feet shall be used in calculating the total wall area.
- (d) Except as provided in Subsection (2)(d)(i), below, the height of the exposed exterior wall area used to determine the total exposed wall area is measured to the finished grade adjacent to the exterior wall.
 - (i) If the grade adjacent to any exterior wall slopes downward, then the height of the exposed wall area shall be calculated from a point located six feet away from the exterior wall surface or at the property line if the property line is located within six feet of the exterior wall surface. This does not apply to the minimum drainage required to comply with building code requirements.

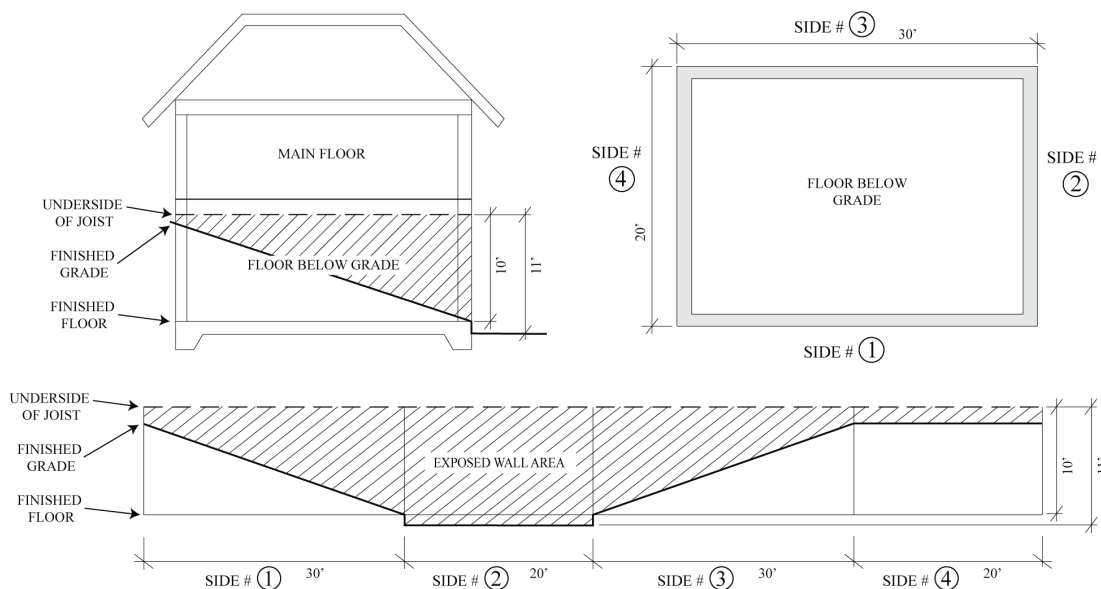


Figure 2-4 — Illustrative example for calculating the floor below grade adjustment

(3) Garages attached to a dwelling.

- (a) On lots with a lot area (net) of less than 12,000 square feet, up to 500 square feet per dwelling unit of floor area (net) used as an attached two-car garage for the parking of motor vehicles is not included in the net floor area used to determine compliance with the FAR in Table 2-29 (One-family Dwelling Floor Area Limits), of Subsection ~~FG.21~~.a.(1), above.

Larger garages may be allowed, however, excess square footage will be counted toward the net floor area of the dwelling.

- (b) Lots of 12,000 square feet (net) or greater. On lots with a lot area (net) of 12,000 square feet or greater, up to 750 square feet of floor area (net) used as an attached garage for the parking of motor vehicles is not included in the net floor area used to determine compliance with Subsection ~~FG.21~~.a.(2), above.

(4) Accessory dwelling units and junior accessory dwelling units. The following shall not be included in the net floor area used to determine compliance with Subsection ~~FG.21~~.a, above:

- (a) Up to 850 square feet of floor area (gross) devoted to an attached accessory dwelling unit that provides one bedroom or less.
- (b) Up to 1,000 square feet of floor area (gross) devoted to an attached accessory dwelling unit that provides more than one bedroom.
- (c) Up to 500 square feet of floor area (gross) devoted to a junior accessory dwelling unit.

(5) Transfer of floor area. Up to one-half of the maximum allowed floor area of a principal dwelling may be transferred to an existing or new principal dwelling as follows:

(a) Elimination of potential subdivision. The maximum allowed floor area on a lot that may be subdivided in compliance with the applicable zone in effect as of June 6, 2014 may be increased in compliance with the following and Subsection ~~GF.2.b.(5)(c)~~, below:

- (i) A Declaration of Restriction acceptable to the County shall be recorded by the property owner prior to the issuance of a building permit to eliminate the subdivision potential of the lot.
- (ii) The increase in the maximum allowed floor area is limited to one-half of the maximum allowed floor area that would otherwise be allowed for a lot that is equal in size to the

minimum lot size required in compliance with the applicable zone in effect as of June 6, 2014.

(b) Elimination of existing lot. The maximum allowed floor area on a lot that cannot be subdivided in compliance with the applicable zone in effect as of June 6, 2014 may be increased in compliance with the following and Subsection ~~GF.2.b.(5)~~(c) below:

- (i) The lot is contiguous to a lot that cannot be subdivided in compliance with the applicable zone in effect as of June 6, 2014.
- (ii) A voluntary merger of the two lots and a Declaration of Restriction acceptable to the County shall be recorded by the property owner prior to the issuance of a building permit to eliminate the subdivision potential of the lot.
- (iii) The increase in the maximum allowed floor area is limited to one-half of the maximum allowed floor area that would otherwise be allowed on either of the lots that are the subject of the voluntary merger.

(c) In no event shall the maximum allowed floor area as adjusted in compliance with Subsections ~~GF.2.b.(5)~~(a) or ~~GF.2.b.(5)~~(b) above exceed:

- (i) 12,000 square feet on lots with a lot area (net) of less than 20 acres.
- (ii) 15,000 square feet on lots with a lot area (net) of 20 acres or greater.

c. **Existing structures that exceed the maximum allowed floor area.** An existing structure that exceeds the maximum allowed floor area (net) may be altered or reconstructed provided that the proposal complies with the Summerland Residential Design Guidelines in all other respects.

2. **Parking.**

a. **Parking spaces required.** All new one-family dwellings approved after June 6, 2014 shall provide the following number of off-street parking spaces shown in Table 2-30 (Additional Parking Space-Requirement), below, in addition to the number otherwise required by Chapter 35.36 (Parking and Loading Standards).

Table 2-30_ Additional Parking-Space Requirement

Net Lot Area (square feet)	Additional off-street parking spaces
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Less than 7,500	0
7,500 to 10,000	1
10,000 and greater	2

- (1) **Use of permeable materials.** Parking spaces shall be paved with permeable materials on a suitable base, including concrete pavers, turf block, and permeable asphalt, provided that such materials are consistent with the County Fire Department or applicable fire district minimum structural design standards for emergency access.
- (2) **Location.** Parking spaces shall be located outside of required setback areas for the lot, except that one parking space may be located within the front setback area provided the location is approved by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review).
- (3) **Configuration.** On lots of 10,000 square feet (net) or more in area, the additional parking spaces required in compliance with Table 2-30 (Additional Parking-Space Requirement) may be provided in a tandem arrangement with each other.

HG. Toro Canyon Plan area.

1. **Development Standards.** All non-agricultural structures shall be in compliance with the following development standards:
 - a. Large understories and exposed retaining walls shall be minimized.
 - b. Building rake and ridgelines shall conform to or reflect the surrounding terrain.
 - c. Landscaping shall be used to integrate the structure into the site and its surroundings, and shall be compatible with the adjacent terrain.
 - d. The exterior surfaces of the structure, including water tanks, walls, and fences, use non-reflective building materials and colors shall be compatible with the surrounding terrain (including rock outcrops, soils, and vegetation). Where paints are used, they shall be non-reflective.
 - e. Retaining walls shall be colored and textured (e.g., with earth tone and split faces) to match adjacent soils or stone, and shall be visually softened with appropriate landscaping.
 - f. Outside lighting shall be minimized. Outside lighting shall be shielded, downward-directed low-level lighting consistent with Toro Canyon's rural and semi-rural character.

-
- The diagrams illustrate the required height of retaining walls for different soil conditions. The top diagram shows a wall on a slope with a 'TOE OF CUT' and 'TOP OF CUT' labels. The bottom diagram shows a wall on a slope with a 'TOE OF CUT' and 'TOP OF CUT' labels. Both diagrams include labels for 'TOP OF FILL', 'NATURAL GRADE', 'FINISH GRADE', and '6' MAX. VISIBLE RET. WALL'. The diagrams are labeled '16' - 0' MAX. GRADING' on the left side.

Figure 2-5 - Total height as measured from the natural toe of the lowest fill slope

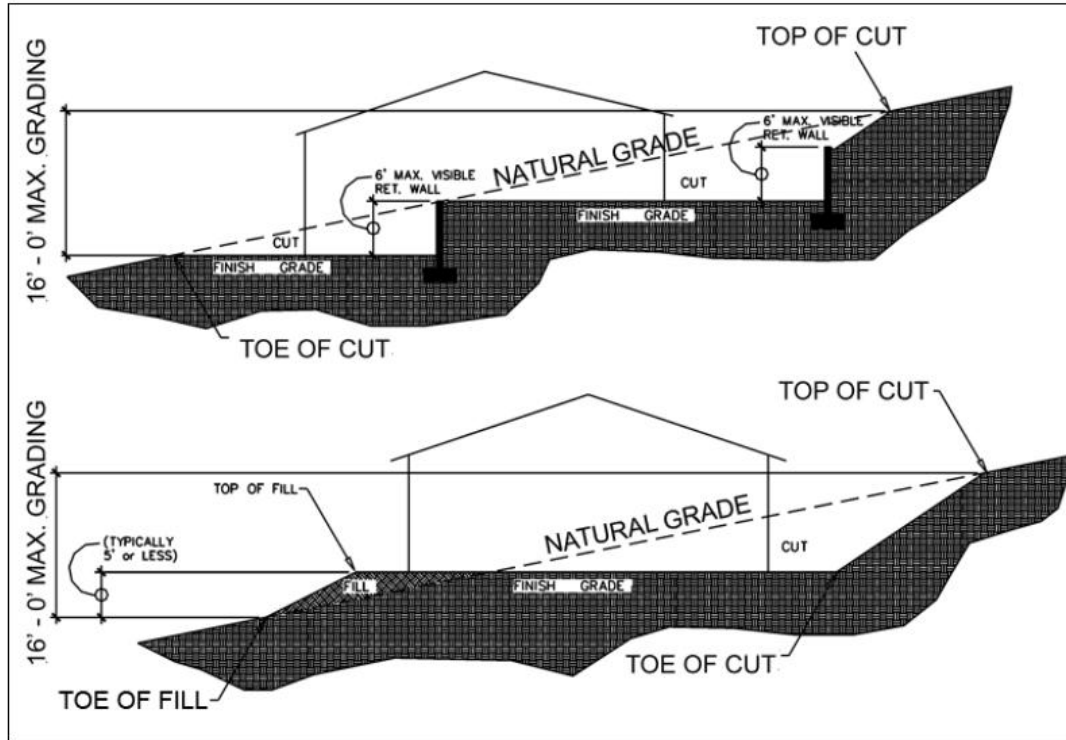


Figure 2-6 - Total height as measured from the natural toe of the lowest cut slope

- h. The visible portion of a retaining wall above finished grade shall not exceed a height of six feet. (See Figures 2-5 and 2-6). A project may be exempt from this standard if the Board of Architectural Review makes a written finding that:
 - (1) The project furthers the intent of protecting hillsides and watersheds;
 - (2) The project enhances and promotes better structural and/or architectural design; and
 - (3) The project minimizes visual or aesthetic impacts.

H. Gaviota Coast Plan area.

1. **Design Review required.** Design review in compliance with Section 35.82.070 (Design Review) is required prior to the approval of a planning permit for a structure, addition to an existing structure, or sign
2. **Gaviota Coast Plan area land use incentive program.**
 - a. **Purpose and intent.** The purpose of the Gaviota Coast Plan area land use incentive program is to allow landowners within the Gaviota Coast Plan area on property zoned AG-II to develop additional dwelling units (i.e., incentive dwelling units) in exchange for taking actions that provide a demonstrated public benefit such as the provision of public trails. The intent is to implement the policies and

development standards of Gaviota Coast Plan that seek to, through voluntary landowner action, provide a greater level of protection and enhancement of natural resources, support agricultural viability, and increase public access, throughout the Plan area while preserving the existing rural character of the Gaviota Coast.

- b. **Applicability.** The provisions of this Subsection ~~H.4.2~~ (Gaviota Coast Plan area land use incentive program) only apply to property zoned AG-II and located within the Gaviota Coast Plan area.
- c. **Allowable density.** Incentive dwelling units shall not count toward the allowable density for purposes of determining consistency with the Comprehensive Plan and this Development Code.
- d. **Actions and eligible incentives.** Table 2-31 (Actions and Eligible Incentives), below, describes the voluntary actions a landowner may take and the benefits that may be derived from taking those actions, i.e., the issuance of a permit(s) for an incentive dwelling unit.

Table 2-31- Actions and Eligible Incentives

Category	Land Owner Action	Eligible Incentive
1	Dedicate trail easement to County for the Coastal Trail primary route alignment shown on the Gaviota Coast Plan Parks, Recreation and Trails Map	1 attached or detached incentive dwelling unit & 1 attached incentive dwelling unit
2	Dedicate trail easement to County for trails shown on the Gaviota Coast Plan Parks, Recreation and Trails Map other than the Coastal Trail primary route alignment	1 attached or detached incentive dwelling unit

(1) Dedication of trail easements shall comply with the following:

- (a) The easement shall be for the entire length of the trail that is located on the premises on which the incentive dwelling unit is proposed to be located.
- (b) An irrevocable offer of dedication shall be recorded by the landowner prior to the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 for an incentive dwelling unit that may be allowed based on the dedication of a trail easement.

- (i) Said offer shall include, at a minimum, a description of the purpose of the easement and a legal description of the proposed easement.
 - (ii) Said offer shall be subject to review and approval by the Department and the County Counsel.
- e. **Requirements and development standards for incentive dwelling units.** All incentive dwelling units allowed in compliance with this Subsection ~~H.1.2~~ (Gaviota Coast Plan area land use incentive program) shall comply with the following requirements and development standards. Where there are conflicts between the standards of this Subsection ~~H.21.e~~, the standards in Section 35.42.020 (Accessory Structures and Uses), and the standards in the specific zone regulations (Article 35.2 Zones and Allowable Land Uses), the provisions of this Section shall prevail unless indicated otherwise. The review authority may add other conditions, consistent with general law and applicable State and County standards as necessary to preserve the health, safety, welfare, and character of the agricultural area.
 - (1) **Accessory to the principal dwelling.** The lot shall contain an existing one-family dwelling at the time an application for an incentive dwelling unit is submitted, or the application for the incentive dwelling unit shall be submitted in conjunction with the application for the principal dwelling. The incentive dwelling unit shall not be occupied before occupation of the principal dwelling.
 - (2) **Amenities.** An incentive dwelling unit shall have a separate entrance and shall include permanent provisions for cooking, eating, living, sanitation and sleeping.
 - (3) **Application requirements.** A permit application for an incentive dwelling unit shall include the following information in addition to that information required within Chapter 35.80 (Permit Application Filing and Processing):
 - (a) A floor plan drawn to scale of the principal dwelling and the incentive dwelling unit(s).
 - (b) Documentation verifying the principal dwelling is owner-occupied.
 - (c) The proposed method of water supply and sewage disposal for the incentive dwelling unit(s).
 - (4) **Conversion of existing structures.** An existing, legal agricultural employee dwelling or guesthouse that was constructed prior to December 9, 2016 may be converted to an incentive dwelling unit.
 - (a) An existing, legal agricultural employee dwelling that is converted to an incentive dwelling unit may be replaced with a new

agricultural employee dwelling in compliance with Section 35.42.030 (Agricultural Employee Dwellings).

- (b) An existing, legal guest house that is converted to an incentive dwelling unit may be replaced with a new guest house in compliance with Section 35.42.150 (Guesthouses, Artist Studios, and Cabañas) provided that there is no more than one guesthouse located on the premises.
- (c) If the existing, legal agricultural employee dwelling or guest house that is proposed to be converted to an incentive dwelling unit is subject to a recorded Notice to Property Owner, then following the effective date of the required planning permit and prior to the use of the agricultural employee dwelling or guest house as an incentive dwelling unit the Department shall prepare and the property owner shall record a Notice to Property Owner that documents specific conditions and/or restrictions, if any, that apply to use of the structure as an incentive dwelling unit and supersedes the specific conditions and/or restrictions included in the previous Notice to Property Owner.
- (d) A detached incentive dwelling unit that results from the conversion of an existing, legal agricultural employee dwelling may exceed the applicable maximum gross floor area limit provided no building additions or alterations shall be allowed that result in an increase in the gross floor area in excess of that which existed prior to December 9, 2016.

(5) **Height limit.**

- (a) **Attached incentive dwelling units.** An attached incentive dwelling unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the incentive dwelling unit to the bottom of the support system of the floor above, or, if there is no floor above, to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof that covers the incentive dwelling unit. An exception to this height limit may be granted when the portion of a proposed incentive dwelling unit that would exceed this height limit is wholly contained within an existing structure.
- (b) **Detached incentive dwelling units.** A detached incentive dwelling unit that is not connected by any means to another structure shall not exceed a building height of 16 feet. A detached incentive dwelling unit connected to a detached accessory structure may be permitted provided:

- (i) The height of the incentive dwelling unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the incentive dwelling unit to the bottom of the support system of the floor above, or, if there is no floor above, to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof of the roof that covers the incentive dwelling unit, and
 - (ii) The height of the entire structure does not exceed 25 feet.
 - (c) **Locations within the CVC Overlay.** If the incentive dwelling unit is proposed to be located on a lot zoned with the CVC (Critical Viewshed Corridor) overlay zone and located south of Highway 101, then the height of the incentive dwelling unit shall not exceed 15 feet as measured in compliance with Subsections ~~H.12.3e~~.(5) (a) and (b), above, unless an increase in height that complies with Subsections ~~H.12.3e~~.(5) (a) and (b), above, is approved by the Board of Architectural Review in compliance with Section 35.28.070 (Critical Viewshed Corridor (CVC) Overlay Zone).
- (6) **Location of detached incentive dwelling unit.** A detached incentive dwelling unit shall comply with the setback regulations that apply to the principal dwelling as identified in the applicable zone. Additionally, except for the conversion of agricultural employee dwellings and guest houses allowed in compliance with Subsection ~~H.12~~.e.(4), above, that existed prior to December 9, 2016, detached incentive dwelling units shall be clustered with the principal dwelling unit.
 - (a) For the purposes of this Subsection ~~H.12~~.e.(6), clustered means the principal dwelling unit and the detached incentive dwelling unit, including all structures accessory thereto, shall be located within a single continuous building envelope.
 - (b) The clustered building envelope shall minimize "barbell," "finger," and "peninsula" type configurations to ensure, to the maximum extent feasible, that the development minimizes intrusion into agricultural areas and maximizes clustering of residential and accessory structures in order to preserve productive agricultural lands.
- (7) **Maximum and minimum gross floor area requirements.**
 - (a) **Maximum gross floor area.**
 - (i) **Attached incentive dwelling units.** The maximum gross floor area of attached incentive dwelling units shall not exceed 1,200 square feet.

- (ii) **Detached incentive dwelling units.** Unless allowed in compliance with Subsection ~~Ht.21.e.~~(4)(d), above, the maximum gross floor area of a detached incentive dwelling unit shall not exceed the standards for the specified gross lot area shown in Table 2-32 (Maximum Gross Floor Area Gaviota Coast Plan Area) below.

Table 2-32- Maximum Gross Floor Area Gaviota Coast Plan Area

Lot Area (gross)	Maximum Floor Area (gross)
Less than 40 acres	1,200 square feet
40 acres to less than 100 acres	1,600 square feet
100 acres and above	2,000 square feet

- (b) **Minimum gross floor area.** The minimum gross floor area of an incentive dwelling unit shall be 300 square feet.
- (c) **Measurement of gross floor area.** The gross floor relates only to directly accessible appurtenant interior spaces and does not include any existing floor area not contained within the incentive dwelling unit, nor the floor area of storage or other accessory structures or spaces not directly accessible from the living area of the incentive dwelling unit.

(8) Maximum number of incentive dwelling units.

- (a) A maximum of two incentive dwelling units consisting of one attached incentive dwelling unit and one attached or detached incentive dwelling unit may be allowed on a premises that qualifies under Category 1 in Table 2-31 (Actions and Eligible Incentives), above.
- (b) A maximum of one attached incentive dwelling unit or one detached incentive dwelling unit may be allowed on a premises that qualifies under Category 2 in Table 2-31 (Actions and Eligible Incentives), above.
- (c) In no case shall more than two incentive dwelling units be approved on a premises that has both coastal trail primary and secondary routes depicted on the PRT maps.

- (9) **Parking requirements.** 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 that the incentive dwelling unit is located on for each sleeping room in the incentive dwelling unit. The additional parking shall be provided as specified in the base zone and in Chapter 35.36 (Parking and Loading Standards).
- (10) **Notification of occupants.** The owner shall provide notification to the occupants of an incentive dwelling unit that the residence is located on and adjacent to property zoned and used for agriculture and that inconvenience or discomfort from properly conducted agricultural operations, including noise, dust, odors, and chemicals, shall not be deemed a nuisance.
- (11) **Private and public services.**
 - (a) Where public water service is available, an incentive dwelling unit shall be required to be served by the appropriate district.
 - (i) If the principal dwelling is currently served by a public water district or mutual water company, not subject to moratorium for new connections, then an incentive dwelling unit shall also be served by the appropriate public water district or mutual water company.
 - (ii) If the principal dwelling is currently served by a water district or mutual water company subject to a moratorium for new connections, or if the existing service is by a private water system and if the property is not located in an overdrafted water basin, then an incentive 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) Where public sewer service is available, an incentive dwelling unit shall be required to be served by the appropriate district.
 - (i) For the purposes of this Subsection ~~4-1H.2.e.(11)(b)~~, public sewer service may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred feet from any proposed building or exterior drainage facility on any lot or premises that abuts and is served by such public sewer. (California Plumbing Code Section 713.4)
 - (c) An incentive dwelling unit proposed to be served by an onsite wastewater treatment system shall not be allowed in addition to a principal dwelling on a lot less than two gross acres in size if the

principal dwelling is served by or is proposed to be served by an onsite wastewater treatment system.

(12) Residency of lot owner.

- (a) The owner of the lot (or the major shareholder, officer, partner, or beneficiary of a corporate or trust owner) shall reside on said lot, in either the principal dwelling or in an incentive dwelling unit except when a) disability or infirmity require institutionalization of the owner, or b) the Director approves in writing owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause. Before the issuance of a Land Use Permit in compliance Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances), the owner shall sign and record an agreement with the County requiring that the owner reside on the property.
- (b) Upon transfer of ownership of the property, the new owner shall reside on the property or the use of a structure or portion thereof as an incentive dwelling unit shall be discontinued and the structure shall be:
 - (1) If attached to the principal dwelling, converted into a portion of the principal dwelling; or,
 - (2) If it is a detached structure, removed or converted into a legal accessory structure.

(13) Sale and subdivision.

- (a) An incentive dwelling unit shall not be financed, sold or transferred separately from the principal dwelling.
- (b) Upon approval of an incentive dwelling unit on a lot, the lot shall not be subdivided unless there is adequate land area to divide the lot in compliance with:
 - (i) The Comprehensive Plan including the Gaviota Coast Plan designation.
 - (ii) This Development Code including Article 35.2 (Zones and Allowable Land Uses).
 - (iii) Subsection ~~4.1~~ H.2.e.(11)(c), above, if an incentive dwelling unit is proposed to be served by an onsite wastewater treatment system following the subdivision.

- f. **Additional findings.** In addition to the findings required in compliance Section 35.82.110 (Land Use Permits), before the approval of a permit for a detached incentive dwelling unit the Director shall make all of the following findings:
 - (1) The incentive dwelling unit is incidental and subordinate to the primary agricultural use of the lot.
 - (2) The incentive dwelling unit does not adversely affect the onsite or adjacent agricultural operations.
 - (3) The incentive dwelling unit is compatible with and does not substantially alter the rural, agricultural character of the area.
2. **Gaviota Coast Plan area air quality disclosure statement.** Prior to the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) for residential developments that are located within 500 feet of Highway 101, a Notice to Property Owner shall be required to be recorded by the property owner that provides an Air Quality Disclosure Statement to potential buyers of the property. The Air Quality Disclosure Statement shall summarize the results of technical studies that reflect a health concern resulting from the exposure of children to air quality emissions generated within 500 feet of Highway 101.

SECTION 27:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection C, Exceptions, of Section 35.30.025, Agricultural Buffers, of Chapter 35.30, Standards for All Development and Land Uses, is hereby amended to read as follows:

- C. **Exceptions.** This Section does not apply to the following:
1. Single-family dwelling, accessory dwelling units, junior accessory dwelling units, and residential accessory structures.
 2. Agricultural employee dwellings approved in compliance with Section 35.42.030 (Agricultural Employee Dwellings) and farmworker housing approved in compliance with Section 35.42.135 (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 35.84.040.C.1 or ~~D-C.2~~ 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.

SECTION 28:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.30.050, Density, of Chapter 35.30, Standards for All Development and Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 29:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.30.060, Design Compatibility Standards, of Chapter 35.30, Standards for All Development and Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 30:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.30.080, Flood Hazard Development Standards, of Chapter 35.30, Standards for All Development and Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 31:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection C, Height Measurement, of Section 35.30.090, Height Measurement, Exceptions and Limitations, of Chapter 35.30, Standards for All Development and Land Uses, is hereby amended to read as follows:

- C. **Height measurement.** The following methodology shall be used to determine the height of a structure. Additionally, Subsections D. through ~~F.~~ below, provide or reference additional specific height measurement criteria and exemptions for specific types of development.
 1. **Height of structures.** The height of a structure shall be the vertical distance between the existing grade and the uppermost point of the structure directly above that grade. The height of any structure shall not exceed the applicable height limit except as provided in Subsections D. through ~~F.~~ below. See Figure 3-2 (Height Limit).

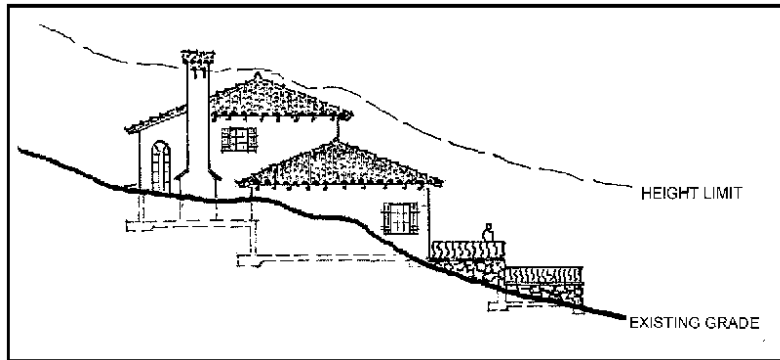


Figure 3-2 - Height Limit

2. **Maximum height in ridgeline/hillside locations.** In addition to the height limit applicable to a structure as described in Subsection C.1 (Height of structures) above, a structure subject to Chapter 35.62 (Ridgeline and Hillside Development) shall not exceed a maximum height of 32 feet as measured from the highest part of the structure, excluding chimneys, vents and noncommercial antennas, to the lowest point of the structure where an exterior wall intersects the finished grade or the existing grade, whichever is lower.
- In the case where the lowest point of the structure is cantilevered over the ground surface, then the calculated maximum height shall include the vertical distance below the lowest point of the structure to the finished grade or the existing grade, whichever is lower.
 - This 32-foot limit may be increased by no more than three feet where the highest part of the structure is part of a roof element that exhibits a pitch of four in 12 (rise to run) or greater. See Figure 3-3 (Maximum Height).

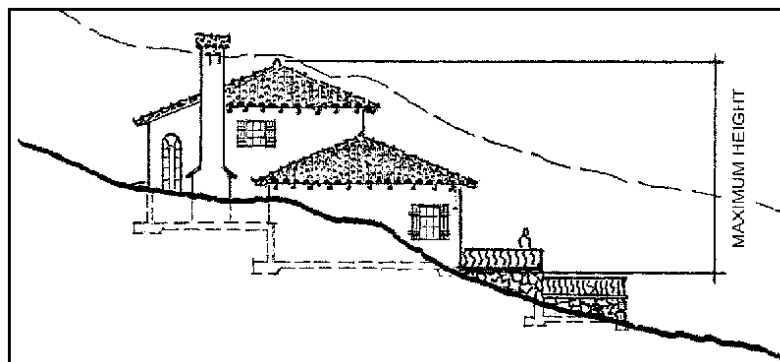


Figure 3-3 - Maximum Height

SECTION 32:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection F, Accessory dwelling units and junior accessory dwelling units, Subsection G, Fences and walls, Subsection H, Guesthouses, artist studios, and cabanas, and Subsection I, Telecommunication facilities, of Section 35.30.090, Height Measurement, Exceptions and Limitations, of Chapter 35.30, Standards for All Development and Land Uses, are hereby deleted and the rest of the section is renumbered to read as follows:

- ~~F. **Accessory dwelling units and junior accessory dwelling units.** See Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units) for height limits and exceptions for accessory dwelling units and junior accessory dwelling units.~~
- ~~G. **Fences and walls.** A fence or wall shall comply with the height limits established by Section 35.30.070 (Fences and Walls).~~
- ~~H. **Guesthouses, artist studios and cabañas.** See Section 35.42.150 (Guesthouses, Artist Studios, and Cabañas) for height limits and exceptions for guesthouses, artist studios, and cabañas.~~
- ~~I. **Telecommunication facilities.** See Chapter 35.44 (Telecommunications Facilities) for height limits and exceptions for commercial and noncommercial telecommunication facilities.~~
- JF. Vision clearance.** Structures and landscaping on a corner lot shall not exceed the height limits provided by this Subsection within a required vision clearance area.
 - 1. Measurement of vision clearance area.** See Figure 3-4 (Vision Clearance Area).
 - a. Straight corners.** The boundaries of a vision clearance area are defined by drawing lines from the point of intersection of a lot's street property lines at the corner to a point a minimum of 10 feet from the corner along the two property lines, and then connecting the two points with a straight line forming the hypotenuse of the triangle.
 - b. Rounded corners.** In the case of rounded corners, the boundaries of a vision clearance area are defined by extending the street property lines from the tangents at the beginning and end of the curving corner to a point of intersection, then drawing lines from the point of intersection to a point a minimum of 10 feet from the point of intersection along the two property lines, and then connecting the two points with a straight line forming the hypotenuse of the triangle.
 - 2. Height limits within vision clearance area.** No planting, fence, wall, or other structure shall exceed a height of two and one-half feet above the adjacent curb grade, or three feet above the adjacent surface of pavement, whichever is less, within a vision clearance area.

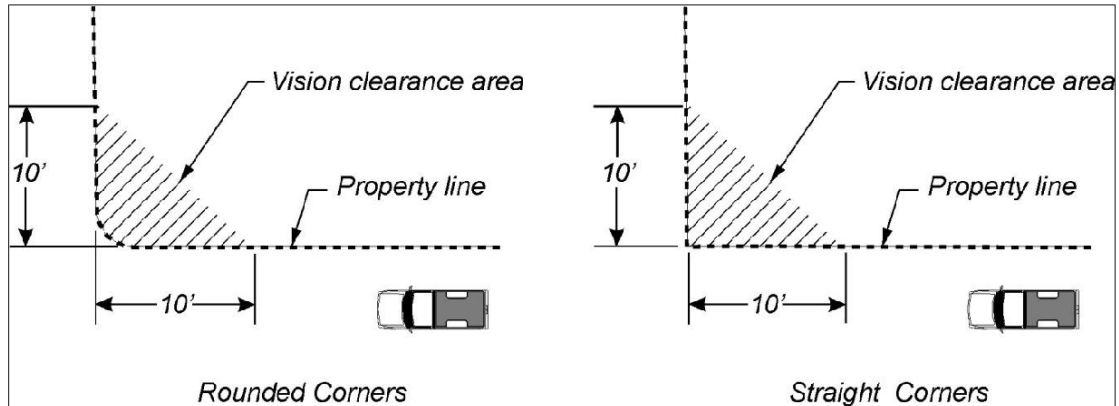


Figure 3-4 - Vision Clearance Area

SECTION 33:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.30.100, Infrastructure, Services, Utilities and Related Facilities, of Chapter 35.30, Standards for All Development and Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 34:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.30.130, Performance Standards, of Chapter 35.30, Standards for All Development and Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 35:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.30.140, Recreation and Visitor Serving Uses, of Chapter 35.30, Standards for All Development and Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 36:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection C, Measurement of setbacks, of Section 35.30.150, Setback Requirements and Exceptions, of Chapter 35.30, Standards for All Development and Land Uses, is hereby amended to read as follows:

C. **Measurement of setbacks.** The setbacks required by Subsection B (Setback requirements) above, shall be measured as follows.

1. **Front setback.** A front setback shall be measured at right angles from the front line of the lot.
 - a. **Corner lot.** A corner lot shall have a front setback along each property line adjacent to a street. If the corner lot has a lot width of 100 feet or more, then each front setback shall be considered to be a primary front setback. If the corner lot has a lot width of less than 100 feet, then the front setback adjacent to the front line (see definition of front line) of the lot shall be considered the primary front setback and the front setback that is not adjacent to the front line shall be considered a secondary front setback. See Figure 3-5 (Corner Lot Setbacks).
 - (1) **Corner lot 100 feet or greater in width.** There shall be a primary front setback along each street abutting the lot and all such setbacks shall conform to the front setback requirements of the applicable zone.
 - (2) **Corner lot less than 100 feet in width.** There shall be a primary front setback along the property line considered the front line of the lot. The secondary front setback along the property line not considered the front line shall be not less than 20 percent of the width of the lot, but in no case shall said secondary front setback be less than 10 feet.

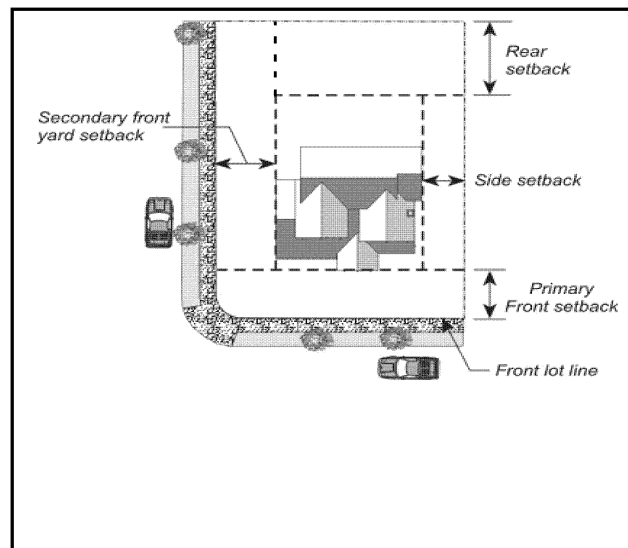


Figure 3-5 - Corner Lot Setbacks

- b. **Through lot.** A through lot shall provide front setbacks as required by the applicable zone adjacent to each abutting street.
- c. **Sloping lot setback.** Where the elevation of the ground at a point 50 feet from the centerline of any street is seven feet or more below or above the grade of the

centerline, the front setback for a private detached garage (not carport) may be decreased by 40 percent and the front setback for a dwelling may be decreased by 20 percent, provided that the front face of the garage is no closer than 10 feet to the abutting street right-of-way.

2. **Side setbacks.** A required side setback shall be measured at right angles from the side property line, establishing a setback line parallel to the side property line which extends between the front and rear setbacks.
 - a. **Side setback adjacent to alley.** In computing the width of a side setback, if the setback abuts an alley, and the owner of the lot owns all or one-half of the underlying fee of the alley, up to one-half of the width of the alley may be included in the side yard.
 - b. **Through lot.** On a through lot, the side setbacks shall extend the full depth of the lot between the front setbacks.
 - c. ~~**Side setback variations in R-1/E-1 and R-2 zones.** The required side setback for portions of a structure, including attached and detached accessory structures, may be varied subject to all of the following limitations. See Figure 3-6 (Variable Side Setback)~~
 - ~~(1) No portion of the structure shall be less than five feet from the side lines of the lot.~~
 - ~~(2) No portion of an exterior wall of a structure containing non-fixed windows or doors opening into rooms of a structure (except a garage or other non-habitable space) shall be located closer to the side lines of a lot than the required side setback prior to any variation allowed by Subsection b.(3) below.~~
 - ~~(3) A portion of a structure may be located within the required side setback provided that the footprint area of the portion of the structure that intrudes into the required side setback, combined with the footprint area of any other existing portions of the structure that intrude into the required side setback, shall be compensated by an equal or greater area that is not covered by any building footprint area located outside of and adjacent to the same side setback and the side setback line without any intervening obstruction. The compensating area used to vary a side setback shall be located adjacent to the side setback line that is being varied, outside of the required rear and front setback areas, and shall not be located farther from the portion of the structure intruding into the setback area than one-half of the lot depth.~~
 - ~~(4) The compensating area used to vary a side setback shall not be used to vary a rear setback on the same lot.~~

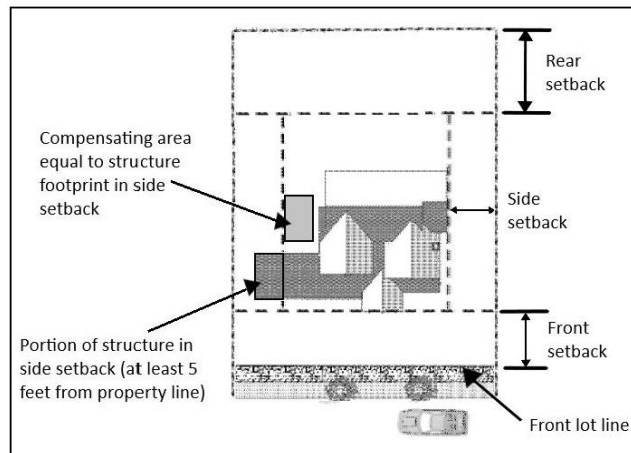


Figure 3-6 – Variable Side Setback

3. **Rear setback.** The rear setback shall be measured at right angles from the rear property line, establishing a setback line parallel to the rear property line.
 - a. **Corner lot.** The rear setback for a corner lot backing upon a key lot may be reduced to the size of the required side setback for the key lot or 10 feet, whichever is greater, provided that the total front, side, and rear setback area required by the applicable zone is not reduced. An accessory structure on a corner lot backing on a key lot shall be set back from the rear property line by a distance equal to the side setback requirements applicable to the key lot.
 - b. **Rear setback adjacent to alley.** In computing the depth of a rear setback, if the setback abuts an alley, and the owner of the lot owns all or one-half of the underlying fee of the alley, up to one-half of the width of the alley may be included in the rear setback.
 - c. **Rear setback on triangular lot.** Where a triangular lot has no rear lot line because its side lot lines converge to a point, an assumed line 10 feet long within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed to be the rear lot line for the purpose of measuring the required rear setback. See Figure 3-67 (Triangular lot rear setback measurement).

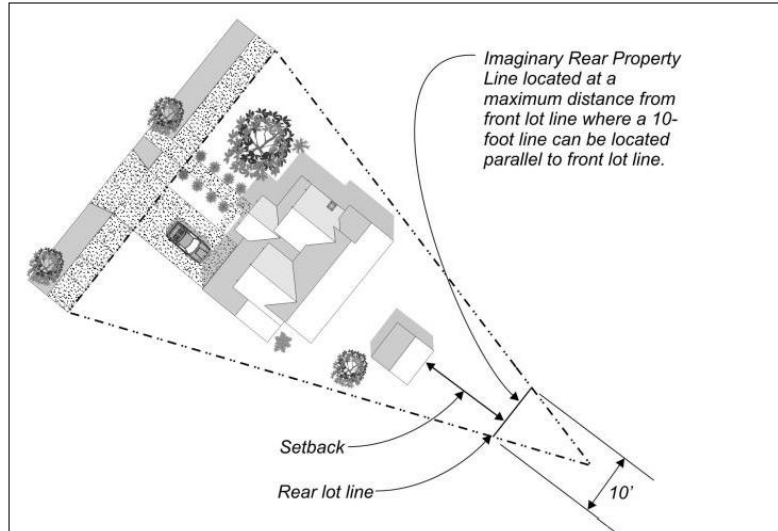


Figure 3-67 - Triangular lot rear setback measurement

~~d. **Rear setback variations in R-1/E-1, and R-2 zones.** The required rear setback for portions of a structure, including attached and detached accessory structures, may be varied subject to all of the following limitations. See Figure 3-8 (Variable Rear Setback)~~

- ~~(1) No portion of a structure shall be closer than 15 feet to the rear line of the lot.~~
- ~~(2) A portion of a structure may be located within the required rear setback provided that the footprint area of the portion of the structure that intrudes into the required rear setback, combined with the footprint area of any other existing portions of the structure that currently intrude into the required rear setback, shall be compensated by an equal or greater area that is not covered by any footprint area located outside of and adjacent to the rear setback and the rear setback line without any intervening obstruction. The compensating area used to vary a rear setback shall be located outside the required side setback areas and shall not be located farther from the portion of the structure intruding into the setback area than one-half of the lot width.~~
- ~~(3) The compensating area used to vary a rear setback shall not be used to vary a side setback on the same lot.~~

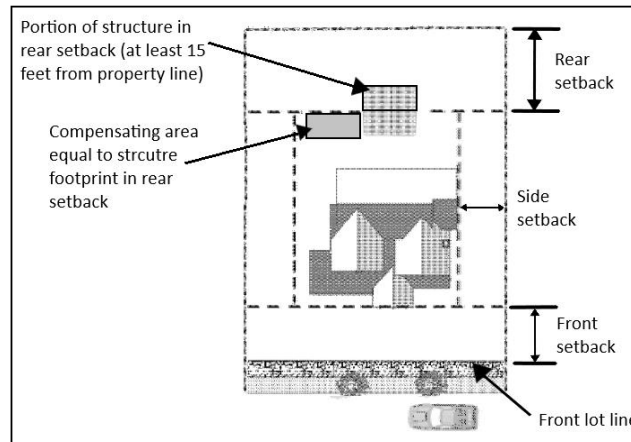


Figure 3-8 Variable Rear Setback

4. Interior and odd-shaped lots.

- a. **Interior lot.** The setback requirements of the applicable zone shall not apply, and a structure on an interior lot shall have a setback of at least 10 feet from all property lines, except as provided below, (25 feet in the EX-1 zone), and the total area in square feet of all setbacks shall equal the total area in square feet of all setbacks otherwise required by the applicable zone for a non-interior lot. See Figure 3-9 (Interior Lot). Where no setback is required by the applicable zone, a setback of 10 feet shall not be required.

(1) **EX-1 zone.** The interior lot setback for the EX-1 zone district shall be 25 feet.

(2) **MU zone.** No interior lot setback shall be required for the MU zone district, except where the subject parcel abuts a residential zone district, in which case an interior lot setback of 10 feet shall be required.

- b. **Odd-shaped lots.** In the case of odd-shaped lots, the Director shall determine the required setbacks, which widths and depths shall approximate as closely as possible the required widths and depths of corresponding setbacks on rectangular lots in the applicable zone district.

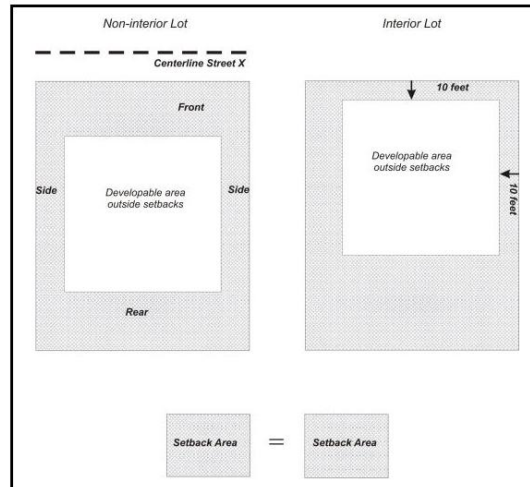


Figure 3-97 - Interior lot

5. Additional exceptions.

- a. **Setback shown on Final Map or Parcel Map or Development Plan.** Where a setback line is called for or shown on a Final Map or Parcel Map, or Final Development Plan, or other document approved along with the Final Map or Parcel Map, or Final Development Plan, the required setback shall be that shown on the Final Map, Parcel Map, or Final Development Plan or other document.
 - (1) If there is a conflict between a setback shown on a recorded document (e.g., Final Map) and a setback described in an unrecorded document, then the language of the recorded document shall prevail.
- b. **Setbacks on lot reduced through road widening.** On any lot that has been reduced in width or depth below the original dimensions of the lot legally created by a recorded subdivision map or deed prior to October 1, 1960, where the reduction was required by the County for road widening, the required setbacks shall be computed on the basis of the original dimensions of the lot as though the road widening had not occurred.

SECTION 37:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subparagraph d of Paragraph 2, Processing, of Subsection A, Solar Use Permit, of Section 35.30.160, Solar Energy Systems, of Chapter 35.30, Standards for All Development and Land Uses, is hereby amended to read as follows:

- d. Notice of ~~the approval or conditional approval of a~~ pending decision on a Solar Use Permit shall be given in compliance with ~~Section Chapter 35.106.050 (Land Use Permits~~ Noticing and Public Hearings).

SECTION 38:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.30.180, Storm Water Runoff Requirements, of Chapter 35.30, Standards for All Development and Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 39:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.30.190, Subdivisions, Lot Size, of Chapter 35.30, Standards for All Development and Land Uses, is hereby amended to read as follows:

35.30.190 Subdivisions, Lot Size

- A. **Minimum lot area.** Except as otherwise permitted in this Development Code, no lot held under separate ownership at the time of adoption of this Development Code shall be separated in ownership or reduced in size below the minimum lot width or area required by the applicable zone, or other applicable provisions of this Development Code, nor shall any lot having a width or area less than that required by this Development Code be further reduced in any manner.

~~B. Area of lots.~~

- ~~1. **Building sites.** A lot or group of lots in one ownership, legally created and existing prior to the effective date of any County zoning regulations applicable to the lots, and containing less area than the required lot or building site area of the applicable zone may be used as building sites for not more than two dwellings per lot, provided that:~~
 - ~~a. The lot or group of lots were legally created prior to the effective date of any County zoning regulations applicable to the lots;~~
 - ~~b. A lot or group of lots having a total combined area in one ownership less than 6,000 square feet exclusive of any portion within a street right-of-way may not be used for more than one dwelling per lot, except within the SUM overlay zone where the minimum lot size for a duplex in any instance is 10,000 square feet; and~~
 - ~~c. The lots comply with all other applicable requirements of this Development Code.~~
- ~~2. **Lot reconfiguration.** Two or more legal lots with insufficient area to meet the minimum lot area requirements of the applicable zone may be combined or resubdivided provided:~~

- ~~a. All other regulations of this Development Code and County Code Chapter 21 are complied with;~~
- ~~b. The combined or resubdivided lots are as large or larger than the original lots; and~~
- ~~c. The minimum area of each new lot is 7,000 square feet.~~

BC. Measurement of lot area.

1. The lot area or building site area of a lot shall be as defined in Article 35.11 (Glossary), provided that:
 - a. In any zone in which portions of a street right-of-way are specifically excluded, the lot or building site area of a lot shall be exclusive of the portion of the lot within the street right-of-way.
 - b. For the purpose of computing the lot area or building site area of a lot in any zone, any portion of a driveway or easement less than 40 feet in width and reserved for access to a public street, the length of which portion is not adjacent to any front, side, or rear setback of said lot shall be excluded.
2. For the purpose of computing the lot area or building site area of any lot, the boundaries of the lot shall be the boundaries established by the latest recorded deed, subdivision map, etc., provided that the recorded document does not create or attempt to create a lot in violation of any applicable California or County law or ordinance.

DC. Measurement of lot width. For the purpose of computing the width of a lot having side lines that are not parallel, the lot width shall be the average width of the lot. An easement or corridor connecting the major portion of an irregularly shaped lot to a street shall not be used for the purpose of computing lot width.

SECTION 40:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Chapter 35.34, Landscaping Standards, is hereby amended to read as follows:

CHAPTER 35.34 LANDSCAPING STANDARDS

35.34.010 Purpose

This Chapter establishes requirements for landscaping to enhance the appearance of development, provide shade, reduce heat and glare, control soil erosion, conserve water, screen potentially incompatible land uses, enhance the quality of neighborhoods, improve air quality and improve pedestrian and vehicular traffic and safety.

35.34.020 Applicability

The provisions of this Chapter apply to new, existing, and future development and land uses. The standards apply countywide unless otherwise indicated.

35.34.030 Landscape Plans

A. **Landscape plans required.** Landscape plans shall be required as specifically identified in any part of the Development Code and as follows:

1. in compliance with Section 35.34.050 through Section 35.34.100 below, For all development in the following zones:
 - a. Multi-family Residential – Orcutt (MR-O) Zone
 - b. Limited Commercial (C-1) Zone, except a one-family dwelling and its accessory structures and uses on an existing lot of record
 - c. Retail Commercial (C-2) Zone
 - d. General Commercial (C-3) Zone
 - e. Neighborhood Commercial (CN) Zone
 - f. Coastal Related Industry (M-CR) Zone, except for exploratory oil and gas drill sites and agricultural uses
 - g. Industrial Research Park (M-RP) Zone
 - h. Light Industry (M-1) Zone
 - i. General Industry (M-2) Zone
 - j. Old Town (OT) Zones, except a one-family dwelling and its accessory structures and uses on an existing lot of record
2. Where required as a condition of an approved planning permit, and,
3. where For all new development where a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) or is required.
4. For all new development where a Development Plan in compliance with Section 35.82.080 (Development Plans) is required.
5. Where required by the Board of Architectural Review.

B. **Plan requirements.**

1. A landscape design professional shall prepare landscape plans.
2. Landscape plans shall be in compliance with the Department handout, "Landscape Plan and Performance Security Procedures."

BC. **Plan review.**

1. **Director.** The Director shall review landscape plans that do not require review and approval by the Board of Architectural Review in compliance with Subsection ~~BC.2~~ (Board of Architectural Review) below, and shall approve, conditionally approve, or deny the plan.
2. **Board of Architectural Review.** The Board of Architectural Review shall approve, conditionally approve, or deny:
 - a. Landscape plans required by the Board of Architectural Review.
 - b. Landscape plans that require review and approval of the landscape plan by the Board of Architectural Review as a condition of approval of a planning permit.

ED. Duration. Landscaping shall be installed and permanently maintained in compliance with the approved landscape plan.

35.34.040 Landscape Agreement and Performance Security

- A. **Landscape agreement and performance security required.** Prior to the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits), or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances), the Department may require a signed and notarized landscape agreement and a performance security that guarantees the installation of plantings, walls, and fences, in compliance with the approved landscape plan, and provides for adequate maintenance for a designated time period, shall be filed with the Department in compliance with Sections 35.84.020 (Performance Guarantees) and Section 35.84.070 (Post Approval Inspections).
- B. **Performance security release.** When required, ~~Performance~~ performance securities shall be released upon approval by the Director for the installation and the remaining performance security for landscaping maintenance shall be released at the end of the designated time period, provided the planting has been adequately maintained in compliance with Sections 35.84.020 (Performance Guarantees) and Section 35.84.070 (Post Approval Inspections).

~~35.34.050 Agricultural Zones Landscaping Requirements~~ Required Landscaping

Landscaping shall be provided as required by any part of this Development Code and the following.

- A. **Agricultural (AG-I and AG-II) zones.** ~~A landscape plan shall be approved for the following development within the AG-I zone:~~
 1. **Greenhouses.** A greenhouse shall require a landscape plan in compliance with the following:
 - a. **Plan requirements.** The plan shall include landscaping that, within five years, will reasonably screen the view of structures and onsite parking areas from adjacent public streets. The plan shall also include landscaping along public streets. The landscaping shall consist of plant material compatible with existing plants on the property.

b. **Installation requirements.** Landscaping shall be completely installed prior to final Building Permit inspection.

c. ~~**Parking areas.** Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

35.34.060 Residential Zones Landscaping Requirements

BA. **Design Residential (DR) zone.** ~~A landscape plan shall be approved for all development requiring a Development Plan within the DR zone. The landscape plan shall include, at a minimum, the following:~~

- ~~1. Uncovered parking areas shall be screened from the street and adjacent residences by hedges, dense plantings, shrubbery, solid fences or walls not less than four feet in height.~~
- ~~2. A landscape area with a minimum width of five feet shall be provided between all lot lines and any driveway or uncovered parking area except for areas provided for site access.~~
- ~~3~~1. ~~A landscape area with a minimum width of 10 feet shall be provided adjacent to the perimeter lot lines of a clustered residential development~~Required setback areas shall be landscaped.
- ~~4. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

CB. **Mobile Home Planned Development (MHP) zone and Mobile Home Subdivision (MHS) zone.** ~~A landscape plan shall be approved for all development requiring a Development Plan within the MHP and MHS zones. The landscape plan shall include at a minimum, and landscaping whall [shall] be provided in compliance with, the following:~~

1. Perimeter setback areas ~~that are part of the common open space~~ shall be landscaped.
2. Unsightly areas within the development (e.g., common parking areas, trash storage areas) shall be thoroughly screened by landscaping.
- ~~3. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

DC. **Multi-family Residential - Orcutt (MR-O) zone.** ~~A landscape plan shall be approved for all development within the MR-O zone. The landscape plan shall include, at a minimum, the following:~~

1. Perimeter setback areas ~~that are part of the common open space~~ shall be landscaped.
2. Unsightly areas within the development (e.g., common parking areas, trash storage areas) shall be thoroughly screened by landscaping.
- ~~3. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

ED. **Planned Residential Development (PRD) zone.** ~~A landscape plan shall be approved for all development requiring a Development Plan within the PRD zone. The landscape plan shall include, at a minimum, the following:~~

1. An adequate buffer area comprised of fencing/walls, plant materials, or any combination thereof shall be provided adjacent to any portion of a lot line that abuts property zoned other than PRD to protect adjacent properties from impacts of noise or lighting and to provide separation between different uses. The buffer area shall be depicted on any ~~Preliminary or Final~~ Development Plan associated with the development project.
2. ~~Uncovered parking areas shall be screened from the street and adjacent residences by hedges, dense plantings, shrubbery, solid fences, or walls not less than four feet in height.~~
3. ~~Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

EF. **Small Lot Planned Development (SLP) zone.** ~~A landscape plan shall be approved for all development requiring a Development Plan within the SLP zone. The landscape plan shall include, at a minimum the following:~~

1. Perimeter setback areas ~~that are part of the common open space~~ shall be landscaped.
2. Unsightly areas within the development (e.g., common parking areas, trash storage areas) shall be thoroughly screened by landscaping.
3. ~~Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

~~35.34.070 Commercial Zones Landscaping Requirements~~

AG. **Limited Commercial (C-1) zone.** ~~A landscape plan shall be approved for all development within the C-1 zone except a one-family dwelling and its accessory structures and uses on an existing lot of record. The landscape plan shall include, at a minimum, the following:~~

1. A landscape area with a minimum width of five feet shall be provided adjacent to any lot line that abuts a residential zone.
2. A landscape area with a minimum width of 15 feet shall be provided adjacent to any street right-of-way line except for areas provided for site access or areas where structures exist.
3. ~~Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

B. ~~**Retail Commercial (C-2) zone and General Commercial (C-3) zone.**~~ ~~A landscape plan shall be approved for all development within the C-2 and C-3 zones. The landscape plan shall include, at a minimum, the following:~~

- ~~1. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

~~CH. Highway Commercial (CH) zone. A landscape plan shall be approved for all development within the CH zone. The landscape plan shall include, at a minimum, the following:~~

1. A minimum of five percent of the net lot area shall be landscaped.
2. An ornamental masonry wall not less than six feet in height extending to within 20 feet of the street right-of-way line of existing or proposed streets shall be provided adjacent to any portion of a lot line that abuts a residential zone. In addition, a row of trees that provide continuous screening to an approximate height of not less than 20 feet nor more than 40 feet when mature shall be provided.
3. An ornamental masonry wall not less than three feet in height shall be provided along and located a minimum of three feet from any street right-of-way line that abuts the project site where the property on the opposite side of the street has a residential zone.
 - a. The area between the wall and the street right-of-way line shall be landscaped.
 - b. This requirement may be modified by the review authority when it is determined that strict compliance with this requirement is not required to protect residential values due to the street width or other conditions.
 - c. This requirement shall not apply to areas provided for site access and where a service station abuts a street right-of-way.

- ~~4. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

~~D. Community Mixed Use – Los Alamos (CM-LA) zone.~~

- ~~1. Parking lots. Parking lots shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas).~~
- ~~2. Forecourt Building Front type. Landscaping shall be provided for buildings with a forecourt (Subsection 35.24.070.I) that exceeds a gross floor area of 500 square feet.~~
- ~~3. Through lots. For parking setback exceptions approved according to Subsection 35.24.070.G.e.1, the setback area along the rear or secondary street property line shall be maintained in landscaping subject to review and approval by the applicable Board of Architectural Review.~~

~~EI. Neighborhood Commercial (CN) zone. A landscape plan shall be approved for all development within the CN zone. The landscape plan shall include, at a minimum, the following:~~

1. A landscape area with a minimum width of five feet and an ornamental wall not less than five feet in height extending to within 20 feet of the street right-of-way line of existing or proposed streets shall be provided adjacent to any portion of a lot line that

abuts a residential zone. The wall shall be reduced to three feet in height when located within a front setback area.

~~2. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

~~FJ. Resort/Visitor Serving Commercial (C-V) zone. A landscape plan shall be approved for all development within the C-V zone. The landscape plan shall include, at a minimum, the following:~~

~~1. An adequate buffer comprised of fencing, walls, plant materials, or any combination thereof shall be provided adjacent to any portion of a lot line that abuts a residential zone to protect adjacent properties from impacts of noise or lighting and to provide separation between residential and commercial uses. The buffer area shall be depicted on any Preliminary or Final Development Plan associated with the development project.~~

~~2. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

~~GK. Professional and Institutional (PI) zone. A landscape plan shall be approved for all development within the PI zone. The landscape plan shall include, at a minimum, the following:~~

~~1. A minimum of 10 percent of the net lot area of the property shall be devoted to landscaping.~~

~~2. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

35.34.080 Industrial Zones Landscaping Requirements

~~AL. Coastal Related Industry (M-CR) zone. A landscape plan shall be approved for all development except for exploratory oil and gas drill sites and agricultural uses within the M-CR zone. The landscape plan shall include, at a minimum, the following:~~

~~1. A landscape area with a minimum width of five feet shall be provided adjacent to all lot lines except for areas provided for site access.~~

~~2. A masonry wall not less than six feet in height shall be provided adjacent to any portion of a lot line that abuts a commercial or residential zone.~~

~~3. Outdoor storage areas shall be screened by a wall or fence not less than six feet in height. The wall or fence shall be set back a minimum of five feet from any street right-of-way line. The area between the wall or fence and the street right-of-way line shall be landscaped. Areas where stored materials or equipment exceed a height of six feet shall be landscaped with a row of trees of a type approved by the Director to provide continuous screening to an approximate height of not less than 20 feet nor more than 40 feet when mature.~~

- ~~4. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

BM. Industrial Research Park (M-RP) zone. ~~A landscape plan shall be approved for all development within the M-RP zone. The landscape plan shall include, at a minimum, the following:~~

1. A minimum of 30 percent of the net lot area of the property shall be landscaped.
2. A landscape area with a minimum width of 20 feet shall be provided within the rear setback area adjacent to any portion of a lot line that abuts a residential zone.
3. A landscape area with a minimum width of five feet shall be provided within the side setback areas adjacent to any portion of a lot line that abuts a residential zone.
4. A masonry wall not less than six feet in height shall be provided adjacent to any portion of a lot line that abuts a residential zone.
- ~~5. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

CN. Light Industry (M-1) zone. ~~A landscape plan shall be approved for all development within the M-1 zone. The landscape plan shall include, at a minimum, the following:~~

1. A minimum of 10 percent of the net lot area shall be landscaped.
2. A landscape area with a minimum width of five feet shall be provided adjacent to any side or rear lot line.
3. A landscape area with a minimum width of 10 feet shall be provided adjacent to any street right-of-way line except for areas provided for site access.
4. A masonry wall not less than six feet in height shall be provided adjacent to any portion of a lot line that abuts a residential or commercial zone.
5. Outdoor storage areas shall be screened from view of a street by a wall or fence not less than six feet in height. The wall or fence shall be set back a minimum of five feet from any street right-of-way line. The area between the wall or fence and the street right-of-way line shall be landscaped. Areas where stored materials or equipment exceed a height of six feet shall be landscaped with a row of trees of a type approved by the Department to provide continuous screening to an approximate height of not less than 20 feet nor more than 40 feet when mature.
- ~~6. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

DO. General Industry (M-2) zone. ~~A landscape plan shall be approved for all development within the M-2 zone. The landscape plan shall include, at a minimum, the following:~~

1. A landscape area with a minimum width of five feet shall be provided adjacent to any street right-of-way line except for areas provided for site access.

2. A landscape area with a minimum width of five feet and a masonry wall not less than six feet in height shall be provided adjacent to any portion of a lot line that abuts a residential or commercial zone.
3. ~~Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

~~35.34.090 Special Purpose Zones Landscaping Requirements~~

~~AP. **Mixed Use (MU) zone.** A landscape plan shall be approved for all development within the MU zone. The landscape plan shall include, at a minimum, the following:~~

1. A landscape area with a minimum width of 10 feet shall be provided adjacent to the perimeter of the project site except for areas provided for site access or areas where structures exist.
2. ~~A landscape area with a minimum width of 10 feet shall be provided between all lot lines and any driveway or uncovered parking area except for areas provided for site access.~~
3. ~~A landscaped buffer shall be provided between residential and commercial and/or industrial portions of the development to ensure adequate screening, privacy, and noise reduction.~~
4. ~~Uncovered parking areas shall be screened from all streets and any residences by hedges, dense plantings, solid fences, or walls not less than four feet in height.~~
5. ~~Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

~~B. **Naples Townsite (NTS) zone.** A landscape plan shall be approved for all development within the NTS zone. The landscape plan shall be in compliance with the requirements of Subsection 35.26.060.H.9.~~

~~C. **Old Town (OT) zones.** A landscape plan shall be approved for all development except a one-family dwelling and its accessory structures and uses on an existing lot of record within the OT-R, OT-R/LC and OT-R/GC zones. The landscape plan shall include, at a minimum, the following:~~

1. ~~**Old Town Residential/Light Commercial (OT-R/LC) zone and Old Town Residential/General Commercial (OT-R/GC) zone.**~~
 - a. ~~All parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~
2. ~~**Old Town Residential (OT-R) zone.**~~
 - a. ~~Uncovered parking areas shall be screened from all streets and adjacent residences by hedges, dense plantings, solid fences or walls not less than four feet in height.~~

~~b. A landscape area with a minimum width of five feet shall be provided between all lot lines and any driveway or uncovered parking area except for areas provided for site access.~~

~~c. A landscape area with a minimum width of 10 feet shall be provided adjacent to the perimeter lot lines of a clustered residential development.~~

~~d. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

~~**DQ. Public Utilities (PU) zone.** A landscape plan shall be approved for all development within the PU zone. The landscape plan shall include, at a minimum, the following:~~

- ~~1. A landscape area with a minimum width of five feet shall be provided adjacent to any street right-of-way except for areas provided for site access~~
- ~~2. A landscape area with a minimum width of five feet and a masonry wall not less than six feet in height shall be provided adjacent to any portion of a lot line that abuts a residential or commercial zone.~~
- ~~3. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

~~**ER. Recreation (REC) zone.** A landscape plan shall be approved for all development within the REC zone. The landscape plan shall include, at a minimum, the following:~~

- ~~1. Landscaping, fencing, and/or walls adequate to properly screen the facilities (e.g., tennis courts, concession stands, restrooms, and other structures) shall be provided when the lot is adjacent to a residential zone.~~
- ~~2. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

35.34.100 Landscaping Requirements for Parking Areas

In addition to the applicable landscaping requirements contained within Section 35.34.050 through Section 35.34.090 above, parking areas shall be landscaped in compliance with the following requirements. For the purpose of landscaping and screening requirements within this Chapter, parking area includes the parking spaces and the maneuvering space necessary for their use.

- A. Screening between residential and nonresidential uses.** Where nonresidential parking areas abut residentially zoned or developed property, a wall or solid fence not less than five feet in height shall be constructed and maintained between the parking area and the adjoining residentially zoned or developed property.
- B. Existing trees.** The design of the parking area should make the best use of the growth and shade provided by existing trees on the project site.

- C. **Screening requirements and authority.** Screening shall be provided adjacent to all lot lines consisting of a five-foot wide strip, planted with sufficient shrubbery to effectively screen the parking area, or a solid fence or wall not less than four feet in height. Fences or walls abutting streets shall be ornamental in texture, pattern, or shadow relief. Planting, fences, or walls abutting streets shall not exceed 30 inches in height for a distance of 25 feet on either side of entrances or exits to the property. This requirement for screening may be waived or modified by the review authority if the adjacent property already has provided a solid wall not less than four feet in height.
- D. **Additional requirements for uncovered parking areas exceeding 3,600 square feet.** When the total uncovered parking area on the project site (including adjoining lots over which the project has parking privileges) exceeds 3,600 square feet, the following shall be required, in addition to other provisions of this Section, as part of a landscape plan:
1. Trees, shrubbery, and ground cover shall be provided at suitable intervals in order to break up the continuity of the parking area. Planting islands for these trees and shrubs shall be protected from automobile traffic by either asphalt or concrete curbs.
 2. Landscape islands shall be provided at the ends of all parking lanes.

SECTION 41:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Chapter 35.36, Parking and Loading Standards, is hereby amended to read as follows:

CHAPTER 35.36 PARKING AND LOADING STANDARDS

35.36.010 Purpose and Intent

The purpose of this Chapter is to ensure the provision and maintenance of safe, adequate, well-designed, off-street parking facilities in conjunction with a use or development. The intent is to reduce street congestion and traffic hazards and to promote an attractive environment through design and landscaping standards for parking areas. The standards in this Chapter shall be considered minimums, and more extensive parking provisions may be required by the Commission as a condition of project approval when the Commission is the original review authority.

35.36.020 Applicability

Every use, including a change or expansion of a use or structure, except as otherwise provided for in Subsection ~~35.36.090-A~~ (Exemption) below, and in Chapter 35.101 (Nonconforming Uses, Structures, and Lots) shall have appropriately maintained off-street parking and loading areas in compliance with the provisions of this Chapter and any other part of this Development Code. A use shall not be commenced and structures shall not be occupied until the required improvements ~~required by this Chapter~~ are satisfactorily completed.

A. **Exemption.** Agricultural improvements (see Article 35.11 (Glossary)) in the AG-I and AG-II zones, not including commercial cannabis activities subject to Section 35.42.075 (Cannabis Regulations), shall be exempt from the provisions of this Chapter.

Allowances granted or requirements established per the Government Code pertaining to parking shall preempt and supersede any local standards that conflict with the allowances granted under or requirements established by State law.

35.36.030 Recalculation of Parking Spaces Upon Changes of Use and Additions

- A. **Change of use.** Upon the change of a use, the number of parking spaces to be provided shall be calculated according to the requirements of this Chapter for the new use. Previous parking modifications granted by the review authority shall be null and void.
- B. **Addition to use or structure.** For additions to existing developments, the increased or decreased parking requirement shall be based on the aggregate total of the floor area and/or number of employees of existing and proposed structures and uses on the property.

35.36.040 Required Number of Spaces: Agricultural Uses

Agricultural parking standards shall be in compliance with the provisions in this Section, in Section 35.36.080 (Standards for All Zones and Uses) ~~and in Section 35.36.090 (Standards for Agricultural Zones and Uses)~~ below.

Table 3-4- Agriculture Parking Standards

Agriculture, Resource & Open Space Uses	Parking Spaces Required
Commercial greenhouses, hothouse or other plant protection structures	2 spaces per acre of land in such use.
Wineries	
Bus/limousine parking	Additional oversized spaces (10 feet x 30 feet) to accommodate bus/limousine parking as follows: 1 space for the first 20,000 square feet of winery structural development, and 1 space for every additional 20,000 square feet, or fraction thereof, of winery structural development.
Tasting rooms, reception areas, and kitchens and other areas for use by patrons.	1 space per 300 square feet and; 1 space per 2 employees for tasting rooms, reception areas, kitchens, or other areas used by patrons.

Agriculture, Resource & Open Space Uses	Parking Spaces Required
Offices, laboratories, or administration.	1 space per 300 square feet for offices, laboratories or administration.
Production, storage, or warehousing.	1 space per 1,000 square feet for production, storage or warehousing.
Special event parking, including group events and winemaker dinners.	1 space per 2.5 people for special event parking.

35.36.050 Required Number of Spaces: Residential Uses

Residential parking requirements shall be in compliance with the provisions in this Section, and in Section 35.36.080 (Standards for All Zones and Uses) and in Section 35.36.100 (Standards for Residential Zones and Uses) below.

- A. **Not applicable to CM-LA zone.** Table 3-5 shall not apply to development on lots zoned CM-LA (Community Mixed Use - Los Alamos). Development located in the CM-LA (Community Mixed Use - Los Alamos) zone shall be in compliance with the parking standards of Subsection 35.36.110.G-C (Community Mixed Use - Los Alamos (CM-LA) zone), as applicable.

Table 3-5- Residential Parking Standards

Residential	Parking Spaces Required
One-family and two-family dwellings (excluding EX-1 & SLP zones)	2 spaces per dwelling unit (1) (2)
One-family located within EX-1 Zone	6 spaces per dwelling unit
Small Lot Planned Development	2 spaces per dwelling unit and 1 space per 5 lots (for storage of recreational vehicles)
Multiple dwelling units – <u>two bedrooms or less single bedroom or studio dwelling unit</u> (3) (4)	1 space per dwelling unit and 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units – 2 bedrooms (3) (4)	1 space per dwelling unit and 1 space per 5 dwelling units (for visitor parking)

Residential	Parking Spaces Required
Multiple dwelling units - 3 bedrooms or more (3) (4)	2 spaces per dwelling unit and 1 space per 5 dwelling units (for visitor parking)
Accessory dwelling unit	As determined by Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
Junior accessory dwelling unit	No parking spaces required
Day care center (accessory or principal use) (6)	1 space per 10 children and; 1 drop-off/loading space
Fraternities, sororities, dormitories and boarding and lodging houses	1 space per 4 beds and 1 space per 2 employees
Guesthouse	1 space per guesthouse
Mobile Homes - MHP zone	2 spaces per mobile home space and 1 space per 3 mobile home spaces (for visitor parking) and 1 space per 5 mobile home spaces (for storage of recreational vehicles)
Mobile Home - MHS zone	2 spaces per lot and 1 space per 5 lots (for storage of recreational vehicles)
Retirement and special care homes (not including senior housing) (4)-(5)	1 space per guest room <u>3 beds</u> and 1 space per 2-3 employees

Notes:

- (1) In the Mission Canyon Community Plan area (excluding the RR zone), a minimum of 3 spaces shall be required for:
- (a) A new dwelling unit,
 - (b) Habitable additions to an existing dwelling unit, either individually or combined, greater than 500 square feet, or

- (c) An addition or remodel of an existing dwelling that includes one or more new bedrooms and results in a dwelling with three or more bedrooms.
- (2) In the Summerland Community Plan area additional parking spaces may be required in compliance with Section 35.28.210 (Community Plan Overlays).
- (3) Includes residential units constructed as a live/work unit or a mixed-use residential component.
- (4) See ~~Subsection 35.23.060.D~~ below for parking requirements for qualifying affordable housing, senior housing, or ~~special care~~ affordable senior housing developments.
- a. **Affordable housing.** For the purposes of this section, affordable housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site) dedicated and restricted to housing affordable to low-income households, very low-income households, and/or extremely low-income households, as defined in the Housing Element.
- b. **Senior housing.** For the purposes of this section, senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to housing at least one senior person. For the purposes of this section, a senior person is defined as someone 55 years of age or older.
- c. **Affordable senior housing.** For the purposes of this section, affordable senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to affordable housing, as defined above, for seniors, as defined above.

<u>Residential Development</u>	<u>Parking Spaces Required</u>
<u>Affordable housing - units with up to 2 bedrooms</u>	<u>0.75 spaces/dwelling unit; and 1 space/5 dwelling units (visitor and employee parking)</u>
<u>Affordable housing - units with 3 or more bedrooms</u>	<u>1.5 spaces/dwelling unit; and 1 space/5 dwelling units (visitor and employee parking)</u>
<u>Affordable senior housing - units with up to 2 bedrooms</u>	<u>0.5 spaces/dwelling unit; and 1 space/5 dwelling units (visitor and employee parking)</u>
<u>Affordable senior housing - units with 3 or more bedrooms</u>	<u>1.25 spaces/dwelling unit; and 1 space/5 dwelling units (visitor and employee parking)</u>

<u>Residential Development</u>	<u>Parking Spaces Required</u>
Senior housing - <u>units with up to 2 bedrooms</u>	0.75 spaces/dwelling unit; and <u>1 space/5 dwelling units (visitor and employee parking)</u>
Senior housing - <u>units with 3 or more bedrooms</u>	0.75 spaces/dwelling unit; and <u>1 space/5 dwelling units (visitor and employee parking)</u>

- (5) Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.
- (6) 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 granted at the discretion of the County decision-makers in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

35.36.060 Required Number of Spaces: Nonresidential Uses

Nonresidential parking requirements shall be in compliance with the provisions in this Section, and in Section 35.36.080 (Standards for All Zones and Uses) and in Section 35.36.110 (Standards for Nonresidential Zones ~~and Uses~~) below.

- A. **CM-LA zone.** Table 3-6 shall not apply to development on lots zoned CM-LA (Community Mixed Use-Los Alamos). Development located in the CM-LA (Community Mixed Use - Los Alamos) zone shall be in compliance with the parking standards of Subsection 35.36.110. ~~G~~
C (Community Mixed Use - Los Alamos (CM-LA) zone) as applicable.

Table 3-6- Nonresidential Parking Standards

<u>Recreation, Education & Public Assembly Uses:</u>	<u>Parking Spaces Required</u>
Bowling alley	8 spaces per lane
Day care center (accessory or principal use) (2)	1 space per 10 children 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
Places of amusement without fixed seats (e.g., dancehalls, skating rinks, etc.)	1 space per 300 square feet of assembly area
Racquetball facility & tennis facility	1.5 spaces per court
School - Colleges: art, craft, music, or dancing schools; business, professional, or trade school	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 300 square feet of gross floor area
Spectator seating	1 space per 5 seats or 1 space per 35 square feet of seating area
Swimming pool, public	1 space per 200 square feet of pool area and 1 space per 500 square feet of area related to the pool and facilities
Retail Trade	Parking Spaces Required
Furniture and appliance stores; heating, ventilating, and hardware stores; motor vehicle and machinery sales and service	1 space per 1,000 square feet of gross floor area
Restaurants, cafes, taverns, etc.	1 space per 300 square feet of space devoted to patrons 1 space per 2 employees

Recreation, Education & Public Assembly Uses:	Parking Spaces Required
Retail business and general commercial	1 space per 500 square feet of gross floor area
Services and Offices - Business, Financial, Professional	Parking Spaces Required
Business and professional offices e.g. banks, lawyers' offices, etc.	1 space for each 300 square feet of gross floor area (1)
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 Rentals	1 space per bedroom

Notes:

- (1) See Subsection 35.36.110.I (Professional and Institutional (PI) zone).
- (2) 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 granted at the discretion of the County decision-makers in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

35.36.070 Required Number of Spaces: Industrial Uses

Industrial parking requirements shall be in compliance with the provisions in this Section, in Section 35.36.080 (Standards for All Zones and Uses) and in Section 35.36.110 (Standards for Nonresidential Zones ~~and Uses~~).

Table 3-7- Industry Parking Standards

Industry, Manufacturing & Processing, Wholesaling	Parking Spaces Required
Research and development, manufacturing, and processing	1 space per 1.5 employees (but in no case less than 1 space per 500 square feet of gross floor area)
Wholesaling, warehousing, and storage facility	1 space per 1000 square feet of gross floor area and 1 space per 4 employees
Other industrial uses	1 space per 4 employees

35.36.080 Standards for All Zones and Uses

Off-street parking areas in all zones and for all uses shall be developed in the compliance with the standards in this Section, and as provided in Section 35.36.100 through Section 35.36.120.

A. Bicycle parking requirements.

1. **Development Plans.** For development that is subject to the requirements of a Development Plan, the ~~Commission~~ review authority shall determine if there is a need to provide bicycle parking. If a need exists, the ~~Commission~~ review authority shall then determine the required number of parking spaces, bike racks, and locking devices that shall be provided.

B. Construction and design.

1. Parking areas shall be graded and drainage shall be provided so as to dispose of surface water without erosion, flooding, and other inconveniences or hazards.
2. Except as provided below, uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.
 - (a) **Mission Canyon Community Plan area.** The following parking spaces shall be paved with pervious materials on a suitable base, including masonry pavers, turf blocks, or porous asphalt, unless inconsistent with Fire Department minimum structural design standards for emergency access:
 - (1) One of the three required parking spaces associated with the principal dwelling on a lot zoned R-1/E-1 where the principal use is residential; and
 - (2) In any zone, any parking spaces that are provided in addition to parking spaces provided in compliance with Section 35.36.050 (Required Number of

Spaces: Residential Uses) and Section 35.36.060 (Required Number of Spaces: Nonresidential Uses).

3. Parking spaces shall be marked and access lanes clearly defined. Bumpers and wheel stops shall be installed as necessary. Every stall designed to accommodate compact cars shall be clearly marked as a compact car stall, except as follows.

~~B. Marking or striping.~~

- (a) Agricultural developments not requiring Development Plan approval shall not be required to comply with design specifications for marking or striping, except for handicap parking spaces required in compliance with State and Federal law.
 - (b) Agricultural development projects requiring Development Plan approval may request that the review authority waive design specifications for marking or striping otherwise required in Subsection 35.36.080.B.3 above.
4. Except for residential uses within the 20-R-1 through 7-R-1, and 20-R-2 through 7-R-2 zones, parking areas shall be designed so that no vehicle shall be required to encroach into a street or sidewalk when backing out of a parking space.
 5. The design of parking spaces shall not require the moving of a car to gain access to a required parking space unless:
 - a. The applicable zone regulations specifically allow tandem parking.
 - b. The lot is a residentially zoned lot located within the Mission Canyon Community Plan area and is 7,000 square feet (net) or less in size.
 6. Parking areas serving uses operating at night shall be adequately lighted. Lighting shall be directed away from adjoining residences.
 7. The design of parking spaces and the maneuvering space in connection with the spaces shall be in compliance with the requirements of Table 3-8 (Parking Dimensions - One Way Traffic) and Table 3-9 (Parking Dimensions - Two Way Traffic), below, and as illustrated in Figure 3-8 through Figure 3-10, below.
 - a. Compact spaces. Thirty percent of the required parking for nonresidential uses may be provided as compact car spaces.

C. Driveways.

1. **Width, number, and location.** Unless otherwise provided in the specific, applicable zone, the width and number of driveways in relation to intersections, obstructions, other driveways, and property lines shall be in compliance with the engineering design standards adopted by the Board.
2. **Driveways to parking areas.** A driveway used for access to a parking area shall be a minimum of 10 feet wide in clear distance between an obstruction to vehicular traffic.

3. **Special requirements.** Upon recommendation of the Director or the Public Works Department, or upon their own initiative when considering a project, the Commission may place special requirements on an individual building site that will have the effect of reducing or increasing the number or width of driveways or prescribing their location on the building site when the Commission determines that special requirements either reduce or do not create traffic hazards or street parking problems. The decision of the Commission to impose special requirements is final subject to appeal to the Board in compliance with Chapter 35.102 (Appeals).
- D. **Gross floor area measurement.** For the purposes of this Chapter, gross floor area shall be the measure of the square footage for a project; however, stairways and open, unenclosed corridors shall be excluded.
- E. **Fractional space.** Where the standards result in a fractional space, any decimal fraction less than 0.5 shall be rounded down to the next larger whole number shall be the number of spaces required.
- F. **Handicapped parking spaces.** Parking areas shall provide handicap parking spaces as required in compliance with State and Federal law.
- G. **Joint use of parking facilities for mixed use development.** In order to encourage efficient use of commercial parking space and good design practices, the total parking requirements for ~~mixed uses and conjunctive uses~~ developments with two or more land uses on one site shall be based on the number of spaces adequate to meet the various needs of the individual uses operating during the peak parking period.
- H. Conjunctive use of parking facilities.
 1. For the purpose of this Section, conjunctive use shall be defined as the joint use of parking spaces for two or more land uses where the hours of operation and demand for parking require that the parking spaces can be used by the individual uses at different times of the day or week, and can serve more than one use. The intent is to provide for possible reduction in the number of parking spaces ordinarily required for two or more land uses and the sharing of parking spaces under a set of unique circumstances, including the compatibility of the land uses, adjacent properties, and lack of need for separate parking facilities.
 2. A Conditional Use Permit shall be required for the joint use of parking spaces, in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits). The Conditional Use Permit shall be subject to the following requirements:
 - a. The applicant shall demonstrate a need for parking spaces required for the individual uses according to the parking regulations in this Chapter. The applicant shall state the type of use proposed, time period of operation, and other necessary information to demonstrate that the joint use of parking spaces will not create traffic congestion or be detrimental to surrounding uses.

- b. In cases where the required number of parking spaces for individual uses differs, the parking requirement that is greater shall become effective.
- c. The applicant shall submit a title report for the lot proposed for conjunctive parking use and an agreement between the owners of record of the lot and prospective users. This agreement shall obligate the lot for conjunctive parking use, clearly define the obligation of each party to the agreement, and be recorded in the Santa Barbara County Recorder's Office. The Agreement shall provide that any modification to the terms of the Conjunctive Use Agreement shall be subject to Commission approval.
- d. Violation of the Conditional Use Permit shall be grounds for revocation of the joint parking use.

H. Location.

- 1. Except as provided below, off-street parking spaces shall not be located in the required front or side setback area unless specifically allowed by this Development Code. 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.
 - ~~1a.~~ Mission Canyon Community Plan area. Within the Mission Canyon Community Plan area, one of the three required parking spaces associated with the principal dwelling on a lot zoned R-1\E-1 may be located within the front setback area provided the location is approved by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review).
- 2. Residential Parking Spaces. Required residential parking spaces shall be provided on the same site that the dwelling is located. For dwelling units containing two or more bedrooms in multiple-family residential developments, spaces shall be located within 200 feet of the dwelling that the space serves.
- 3. Nonresidential Parking Spaces. For nonresidential uses, the required parking spaces shall be provided within 500 feet of the principal structure, or site if there is no principal structure, as measured along streets excluding alleys, except as provided in Subsection 35.36.110.A. (Limited Commercial (C-1) zone).

H. Maintenance of minimum parking requirements. The minimum number of parking spaces required in this Chapter shall be provided and continuously maintained.

H. Maintenance of parking areas and parking spaces. A parking area or parking space provided for the purpose of complying with the provisions of this Chapter shall not be eliminated, reduced, or converted unless equivalent facilities approved by the review authority are provided elsewhere in compliance with this Chapter. The permit for the use for which the parking was provided shall immediately become void upon the failure to comply with the requirements of this Section.

KL. Modifications of parking requirements. Modifications to the parking requirement may be granted, in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units), Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), Section 35.82.080 (Development Plans), Section 35.82.130 (Modifications) or Section 35.82.200 (Variances).

LM. Parking requirement not listed. Where the parking requirement for a use is not specifically provided in this Chapter, the parking requirement shall be determined by the Director based upon the requirement for the most comparable use specified in this Chapter.

MM. Size. Parking space sizes shall comply with the following standards:

1. Residential parking spaces shall be a minimum of 8.5 feet wide by 16.5 feet long.
2. Nonresidential parking spaces:
 - a. Compact car spaces shall be a minimum of 8 feet wide by 14.5 feet long.
 - b. Standard spaces shall be a minimum of 9 feet wide by 16.5 feet long.
 - c. Oversized spaces to accommodate bus/limousine parking shall be a minimum of 10 feet wide by 30 feet long.
 - d. Storage parking spaces for recreational vehicles (e.g., travel trailers, campers) shall be a minimum of 10 feet wide by 20 feet long.

O. Off-street loading facilities. Off-street loading facilities shall be in compliance with the following standards:

1. Number of loading spaces. For every newly constructed structure to be occupied by commercial or industrial uses requiring the receipt or distribution by vehicles of materials and merchandise (e.g., manufacturing, storage, warehouse, retail store, wholesale store, market, restaurant, hotel, hospital, mortuary, laundry, dry cleaning), off-street loading spaces shall be provided as follows:

a. Commercial Uses:

3,000 or more square feet gross floor area - 1 loading space

b. Industrial Uses:

10,000 to 24,999 square feet gross floor area - 1 loading space

25,000 to 49,000 square feet gross floor area - 2 loading spaces

For each additional 50,000 square feet or major fraction thereof - 1 loading space

2. Dimensions. Each loading space shall not be less than 10 feet in width, 30 feet in length, and with an overhead clearance of 14 feet.

3. Setback restrictions. The space may not be located in any part of any required front or side setback.

4. **Safety.** The space shall be designed to ensure that it will not interfere with vehicular circulation, parking, or with pedestrian circulation.

35.36.090 Standards for Agricultural Zones and Uses~~Reserved~~

~~A. **Exemption.** Agricultural improvements (see Article 35.11 (Glossary)) the AG-I and AG-II zones shall be exempt from the provisions of this Chapter.~~

~~B. **Marking or striping.**~~

- ~~1. Agricultural developments not requiring Development Plan approval shall not be required to comply with design specifications for marking or striping, except for handicap parking spaces required in compliance with State and Federal law.~~
- ~~2. Agricultural development projects requiring Development Plan approval may request that the review authority waive certain design specifications for marking or striping otherwise required in Subsection 35.36.080.B.3 above.~~

~~C. **Screening (AG-I zones).** Onsite parking areas for greenhouses or other plant protection structures shall be screened from the view of adjacent public streets in compliance with Section 35.34.050 (Agricultural Zone Landscaping Requirements) and Section 35.34.100 (Landscaping Requirements for Parking Areas).~~

35.36.100 Standards for Residential Zones and Uses

~~A. **Location.** Required residential parking spaces shall be provided on the same site that the dwelling is located. For dwelling units containing two or more bedrooms in multiple-family residential developments, spaces shall be located within 200 feet of the dwelling that the space serves.~~

~~B~~A. **R-1/E-1 and R-2 zones.**

- ~~1. **Agricultural product sales.** A minimum of two parking spaces shall be provided. Parking spaces shall be located no closer than 20 feet to the right of way of any street.~~

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

~~C~~B. **One-Family Exclusive Residential (EX-1) zone.** Required parking shall be provided with adequate provisions for ingress from and egress to the street at the time the main structure is constructed or enlarged or at the time a guesthouse is erected.

~~D~~C. **Design Residential (DR) zone.**

- ~~1. **Construction and design.** Parking areas shall be arranged to prevent through traffic to other parking areas.~~
- ~~2. **Encroachment prohibited.** Laundry facilities located in a garage for a dwelling unit shall not encroach upon parking.~~
- ~~3. **Landscape/screening of parking areas.** Uncovered parking areas shall be screened in compliance with Subsection 35.34.060.A (Design Residential (DR) zone) above, and Section 35.34.100 (Landscaping Requirements for Parking Areas).~~
- ~~4. **Location.** Parking lots, carports, and garages designed and used for individual units within a development may be either adjacent to the units or centrally located to serve a group of units.~~
51. **Setbacks.** Uncovered parking areas shall not be located closer than 15 feet to the street right-of-way line and closer than five feet to any other property line.
- ~~6. **Agricultural product sales.** A minimum of two parking spaces shall be provided. Parking spaces shall be located no closer than 20 feet to the right of way of any street.~~
- ~~7. **Common parking areas.** Preservation and maintenance of common parking areas shall be in compliance with Section 35.23.060 (DR Zone Standards).~~

ED. Mobile Home Planned Development (MHP) zone.

1. Storage areas for recreational vehicles shall be screened by landscaping and fencing for security purposes. Minimum dimensions for each storage space shall be 10 feet by 20 feet.
2. Common parking areas may be provided but shall not be located closer than 10 feet to a mobile home site.
3. A minimum of one parking space shall be located on each individual site. One additional space may be located in a common parking area located within the mobile home development. Tandem parking is allowed if two spaces are provided within an individual site.
- ~~4. **Preservation and maintenance of common parking areas shall be in compliance with Subsection 35.23.080.F (Open Space).**~~
- ~~5. **Common parking areas shall be landscaped in compliance with Subsection 35.34.060.B (Mobile Home Planned Development (MHP) zone and Mobile Home Subdivision (MHS) zone) and Section 35.34.100 (Landscaping Requirements for Parking Areas).**~~

FE. Mobile Home Subdivisions (MHS) zone.

1. Storage areas for recreational vehicles shall be screened by landscaping and fencing for aesthetic and security purposes.
2. Common parking areas shall not be located closer than 10 feet to a lot line.

3. A carport or garage shall be set back a minimum of 15 feet from the front line of the lot on which it is located.
4. A minimum of one parking space shall be located on each individual site. One additional space may be located in a common parking area located within the mobile home subdivision.
- ~~5. Preservation and maintenance of common parking areas shall be in compliance with Subsection 35.23.090.C (Development Standards).~~
- ~~6. Common parking areas shall be landscaped in compliance with Subsection 35.34.060.B (Mobile Home Planned Development (MHP) zone and Mobile Home Subdivision (MHS) zone) and Section 35.34.100 (Landscaping Requirements for Parking Areas).~~

~~G. Multi-family Residential-Orcutt (MR-O) zone.~~

- ~~1. Parking shall be located in compliance with Section 35.23.130 (Multi-family Residential-Orcutt).~~
- ~~2. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas).~~

~~H. Planned Residential Development (PRD) zone.~~

- ~~1. Construction and design. Parking areas shall be arranged to prevent through traffic to other parking areas.~~
- ~~2. Landscape/screening of parking areas. Uncovered parking areas shall be screened and landscaped in compliance with Subsection 35.34.060.D (Planned Residential Development (PRD) zone) and Section 35.34.100 (Landscaping Requirements for Parking Areas).~~
- ~~3. Agricultural product sales. A minimum of two parking spaces shall be provided. Parking spaces shall be located no closer than 20 feet to the right of way of any street.~~

~~I. Small Lot Planned Development (SLP) zone.~~

1. Parking spaces may be allowed on individual lots or one parking space may be provided on each lot and the other parking space may be located in common parking areas located throughout the SLP development.
2. Common parking areas shall not be located closer than 10 feet to a lot line.
3. A carport or garage shall be set back a minimum of 15 feet from the front lot line on which it is located.
- ~~4. Common parking areas shall be landscaping in compliance with Subsection 35.34.060.E (Small Lot Planned Development (SLP) zone) and Section 35.34.100 (Landscaping Requirements for Parking Areas).~~

- ~~5. Preservation and maintenance of common parking areas shall be in compliance with Subsection 35.23.110.C (Open Space).~~
- ~~64.~~ Storage parking areas for recreational vehicles shall be screened by landscaping and fences for aesthetic and security purposes.
- ~~75.~~ The numeric parking requirement for the storage of recreation vehicles provided in Section 35.36.050 (Required Number of Spaces: Residential Uses) above, may be modified if the review authority makes one of the following findings:
- a. There is adequate provision for parking for recreational vehicles on individual lots; or
 - b. Opportunities for such parking exist within a reasonable distance of the SLP development; or
 - c. Adequate standards for such parking are provided in the CC&R's for the SLP development.
- ~~JG.~~ **Exterior parking.** The following standards apply to the keeping, parking, or storage (hereinafter referred to as "parked" or "parking" within the meaning of this Subsection ~~JG~~) of operative and inoperative motor vehicles and recreational vehicles outside of a fully enclosed or fully screened structure. A Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) is not required to establish exterior parking except when 1) this Subsection 35.36.100.~~JG~~ requires a permit, or 2) the parking involves construction of a new structure or alteration of an existing structure that is not exempt from a Land Use Permit in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), or 3) the parking is not in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Subsection 35.36.100.~~JG~~ shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.
1. **Current registration or certificate of non-operation required.** All motor vehicles and recreational vehicles parked on a lot outside of a fully enclosed or fully screened structure shall either:
 - a. Have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street; or,
 - b. Have a current, unexpired certificate of non-operation or planned non-operation on file with the California Department of Motor Vehicles.
 2. **Limitation on number.**

- a. Not including the number of vehicles for which parking spaces are required to be provided in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses), the exterior parking of operative motor vehicles and recreational vehicles is allowed provided that the number of such vehicles parked on a lot outside of a fully enclosed or fully screened structure does not exceed one per each bedroom located within the dwelling(s) on the lot.
- (1) Parking allowed in compliance with this Subsection ~~§~~G.2.a. may be located on driveways including portions of driveways located within a required front setback or side setback area provided:
- (a) Any portion of a driveway on which parking occurs shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.
 - (b) The width of any portion of a driveway located in a front setback area shall not exceed 50 percent of the adjacent street frontage for each front setback area except that:
 - (i) A greater width may be allowed if necessary to comply with County or fire protection district regulations.
 - (ii) In all cases a driveway having a maximum width of 10 feet shall be allowed.
 - (c) All parking located within a required front setback shall be located within one contiguous area for each street frontage.
 - (d) A recreational vehicle shall not be parked within a front setback area.
- b. **Additional parking allowed.** In addition to exterior parking allowed in compliance with Subsection ~~§~~G.2.a, above, the exterior parking of operative and inoperative motor vehicles and recreational vehicles that are registered with the California Department of Motor Vehicles to a person(s) residing on the lot on which the parking occurs outside of a fully enclosed or fully screened structure is allowed in compliance with the following standards.
- (1) The number of vehicles and the area used for the parking of said vehicles shall be limited to the following maximum number and area based upon the lot area of the lot on which the vehicles are parked:

Lot Area (net)	Maximum Allowed Number of Vehicles	Maximum Allowed Parking Area
Less than 10,000 sq. ft.	1	140 sq. ft.

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

(2) Any area used for parking shall be located so that vehicles parked thereon are not visible from any public road or other area of public use (e.g., park, trail), or any adjoining lot.

(a) Structures or other devices used to comply with this requirement shall not include awnings, fabric shelters, tents, vehicle covers and similar structures or other devices of a nonpermanent type of construction.

(3) On lots having a net lot area of less than 20,000 square feet, vehicles shall not be parked in any area located between the front line of the lot and the principal dwelling.

3. **Additional standards for inoperative motor vehicles and recreational vehicles.** The parking of inoperative motor vehicles and recreational vehicles outside of a fully enclosed or fully screened structure shall also comply with the following standards in addition to the standards listed in Subsections 4G.1 and 4G.2, above:

- a. Vehicles shall not be parked on parking spaces required in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses).
- b. Any area use for parking shall be designed and installed to prevent the discharge of pollutants onto adjacent lots and adjacent streets.
- c. Vehicles that are parked for a period in excess of 14 consecutive days without being moved under their own motive power shall be drained of gasoline, oil and other flammable liquids.
- d. The parking of inoperative motor vehicles regulated under Subsection 35.23.050.D (Motor vehicle assemble, dismantling, maintenance, repair, restoration, etc.) shall also be in compliance with the requirements of that Subsection.

4. **Modifications to standards allowed with a Minor Conditional Use Permit.** Parking of motor vehicles and recreational vehicles that does not comply with the standards contained in Subsections 4G.1 through 4G.3, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

5. **Noncompliance deemed a violation of this Development Code.** The parking of motor vehicles and recreational vehicles that does not comply with the standards contained in Subsections ~~JG.1~~ through ~~JG.3~~, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) as allowed by Subsection ~~JG.4~~, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35.108 (Enforcement and Penalties).

35.36.110 Standards for Nonresidential Zones and Uses

- ~~A. **Compact spaces.** Thirty percent of the required parking for nonresidential uses may be provided as compact car spaces.~~
- ~~B. **Location.** For nonresidential structures or uses, the required parking spaces shall be provided within 500 feet of the principal structure, or site if there is no principal structure, as measured along streets excluding alleys, except as provided in Subsection D. (Limited Commercial (C-1) zone) below.~~
- ~~C. **Off street loading facilities.** Off street loading facilities shall be in compliance with the following standards:~~
- ~~1. **Number of loading spaces.** For every newly constructed structure to be occupied by commercial or industrial uses requiring the receipt or distribution by vehicles of materials and merchandise (e.g., manufacturing, storage, warehouse, retail store, wholesale store, market, restaurant, hotel, hospital, mortuary, laundry, dry cleaning), off street loading spaces shall be provided as follows:~~
- ~~a. **Commercial Uses:**~~
- ~~3,000 or more square feet gross floor area — 1 loading space~~
- ~~b. **Industrial Uses:**~~
- ~~10,000 to 24,999 square feet gross floor area — 1 loading space~~
- ~~25,000 to 49,000 square feet gross floor area — 2 loading spaces~~
- ~~For each additional 50,000 square feet or major fraction thereof — 1 loading space~~
- ~~2. **Dimensions.** Each loading space shall not be less than 10 feet in width, 30 feet in length, and with an overhead clearance of 14 feet.~~
- ~~3. **Setback restrictions.** The space may not be located in any part of any required front or side setback.~~
- ~~4. **Safety.** The space shall be designed to ensure that it will not interfere with vehicular circulation, parking, or with pedestrian circulation.~~
- ~~DA. **Limited Commercial (C-1) zone.** Required parking spaces may be provided in publicly owned parking lots of legally constituted Parking Districts as long as the spaces provided are within a distance of no greater than 500 feet as measured along streets, not alleys, from the~~

property line, subject to approval of the availability of the parking spaces by the Parking District Governing Board and the Director.

~~EB.~~ **Retail Commercial (C-2) zone.** Required parking spaces may be provided in publicly owned parking lots of legally constituted Parking Districts subject to approval of the availability of the parking spaces by the Parking District Governing Board and Director.

~~F.~~ ~~**Highway Commercial (CH) – Agricultural product sales.**~~ A minimum of two parking spaces shall be provided. Parking spaces shall be located no closer than 20 feet to the right of way of any street.

~~GC.~~ **Community Mixed Use - Los Alamos (CM-LA) zone.**

1. **Design.** Parking areas on adjacent lots should be designed to allow shared use of parking and through traffic to adjacent lots.
2. **Location.** Required onsite parking for residential uses shall be located behind buildings and be visually screened as viewed from the street. Parking in garages shall be designed so vehicle storage area entrances are not visible from the public right-of-way.
3. **Required number of spaces - residential.**
 - a. **Projects with three or more dwelling units.** Minimum of one space per dwelling unit.
 - b. **Projects with two or fewer dwelling units.** Onsite parking is not required for projects containing two or fewer residential units. However, on-street parking shall be demonstrated to be available within 200 feet of the lot as measured along the streets not alleys, from the property line, subject to approval of the Director.
4. **Required number of spaces - nonresidential.** The provision of onsite parking for commercial use is not required, however, it may be provided.
5. **Parking Space Size.** Onsite parking shall be in compliance with Section 35.36.080.
6. **Driveways.** All driveways shall comply with the following:
 - a. Driveways shall be a minimum width as required by the Fire Department.
 - b. Driveways shall not access Bell Street. An exception shall only be granted to key lots in existence as of March 18, 2011 with no other access to the street.
 - c. If feasible, driveways shall not be located within 40 feet of a street intersection.

~~HD.~~ **Resort/Visitor Serving Commercial (C-V) zone.** The Commission may require additional parking for projects that provide for public access to and use of recreational facilities or open space.

~~IE.~~ **Professional and Institutional (PI) zone.** The required spaces for offices shall be one parking space for each 200 square feet of floor space.

~~JF.~~ **Public Works and Utilities and Private Service Facilities (PU) zone.** Roads shall be paved with asphaltic concrete and parking areas may be surfaced with gravel.

35.36.120 Standards for Mixed Use Zones and Uses Reserved

~~A. Mixed Use (MU) zone.~~

- ~~1. Residential screening.~~ Uncovered parking areas shall be screened in compliance with Subsection 35.34.090.A (Mixed Use (MU) zone) and Section 35.34.100 (Landscaping Requirements for Parking Areas).
- ~~2. Conjunctive use of parking facilities.~~
 - ~~a.~~ For the purpose of this Section, conjunctive use shall be defined as the joint use of parking spaces for two or more land uses where the hours of operation and demand for parking require that the parking spaces can be used by the individual uses at different times of the day or week, and can serve more than one use. The intent is to provide for possible reduction in the number of parking spaces ordinarily required for two or more land uses and the sharing of parking spaces under a set of unique circumstances, including the compatibility of the land uses, adjacent properties, and lack of need for separate parking facilities.
 - ~~b.~~ A Conditional Use Permit shall be required for the joint use of parking spaces, in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits). The Conditional Use Permit shall be subject to the following requirements:
 - ~~(1)~~ The applicant shall demonstrate a need for parking spaces required for the individual uses according to the parking regulations in this Chapter. The applicant shall state the type of use proposed, time period of operation, and other necessary information to demonstrate that the joint use of parking spaces will not create traffic congestion or be detrimental to surrounding uses.
 - ~~(2)~~ In cases where the required number of parking spaces for individual uses differs, the parking requirement that is greater shall become effective.
 - ~~(3)~~ The applicant shall submit a title report for the lot proposed for conjunctive parking use and an agreement between the owners of record of the lot and prospective users. This agreement shall obligate the lot for conjunctive parking use, clearly define the obligation of each party to the agreement, and be recorded in the Santa Barbara County Recorder's Office. The Agreement shall provide that any modification to the terms of the Conjunctive Use Agreement shall be subject to Commission approval.
 - ~~(4)~~ Violation of the Conditional Use Permit shall be grounds for revocation of the joint parking use.

- ~~3. Off street parking is prohibited in front of the building between the building and the street right-of-way line of a road having a roadway classification of P2 or 2 Lane Expressway on the circulation map for a Community Plan area.~~

~~B. Old Town Residential/Light Commercial (OT R/LC), Old Town Residential/General Commercial (OT R/GC) and Old Town Residential (OT R).~~

- ~~1. One family and two family dwellings. Except as provided in Subsection C. (Old Town Orcutt Pedestrian Overlay (PA OTO) zone) below for lots located within the PA OTO Overlay, parking for structures containing only one family or two family residential uses within the OT R/LC, OT R/GC and OT R zones shall be provided in compliance with Section 35.36.080 (Standards for All Zones and Uses) above, and Section 35.36.100 (Standards for Residential Zones and Uses) above.~~
- ~~2. Multiple dwelling units. Except as provided in Subsection C. (Old Town Orcutt Pedestrian Overlay (PA OTO) zone) below for lots located within the PA OTO Overlay, parking for multi-family residential development within the OT R/LC, OT R/GC and OT R zones shall be provided in compliance with Section 35.36.080 (Standards for All Zones and Uses) above, and Section 35.36.100 (Standards for Residential Zones and Uses), above.~~
- ~~3. Commercial uses only. Except as provided in Subsection C. (Old Town Orcutt Pedestrian Overlay (PA OTO) zone) below for lots located within the PA OTO Overlay, parking for structures containing only commercial uses shall be provided in compliance with Section 35.36.110 (Standards for Nonresidential Zones and Uses), above.~~
- ~~4. Commercial and residential use. Except as provided in Subsection C. (Old Town Orcutt Pedestrian Overlay (PA OTO) zone) below for lots located within the PA OTO Overlay, parking for structures containing both commercial and residential uses shall be provided as applicable to each use in compliance with Section 35.36.100 (Standards for Residential Zones and Uses) above, and Section 35.36.110 (Standards for Nonresidential Zones and Uses) above.~~
- ~~5. Landscaping. All parking areas shall be landscaped in compliance with Subsection 35.34.090.B (Old Town (OT) zones) and Section 35.34.100 (Landscaping Requirements for Parking Areas).~~

~~C. Old Town Orcutt Pedestrian Overlay (PA OTO) zone.~~

- ~~1. Two family and multiple dwelling units. In the delineated Core Pedestrian Area or Peripheral Pedestrian Area, the parking requirements for two family or multiple dwelling units shall be one space per residential unit and no guest parking shall be required.~~
- ~~2. Commercial uses only. Parking requirements for structures containing only commercial uses shall be in compliance with Section 35.36.110 (Standards for Nonresidential Zones and Uses), subject to the following exceptions:~~

- a. ~~In the delineated Core Pedestrian Area, no onsite parking spaces are required.~~
 - b. ~~In the delineated Peripheral Pedestrian Area, onsite parking requirements shall be reduced by 50 percent.~~
3. ~~**Commercial and residential use.** Parking requirements for structures containing both commercial and residential uses shall be as applicable to each use as provided in Subsections C.1 (Two family and multiple dwelling units) and C.2 (Commercial uses only) above.~~
4. ~~**Additional design and location requirements.**~~
- a. ~~**Core Pedestrian Area.**~~
 - (1) ~~**New development.** No vehicular access shall be allowed via curb cuts and/or driveways on Clark Avenue and Broadway Avenue to new development projects except for one family and two family dwellings. If applicable, required onsite parking areas shall be located at the rear of structures and shall be designed so as to take access off side streets and/or alleys to the maximum extent feasible. Development on lots containing no alley or street frontage other than Broadway, Clark Avenue or Foxenwood Lane shall be exempt from the specific parking access requirements of the Core Pedestrian Areas.~~
 - (2) ~~**Renovations, additions or expansions.** Renovations to, additions to, or expansions of existing multi-family residential, mixed use, and commercial development projects not resulting in an increase of 1,000 square feet or more than 10 percent of approved site coverage, shall be exempt from the specific parking access requirements of the Core Pedestrian Area.~~
 - b. ~~**Peripheral Pedestrian Area.**~~
 - (1) ~~**New development.** Vehicular access to new multi-family residential, mixed use, and commercial development projects via curb cuts and/or driveways on Clark Avenue and Broadway Avenue shall be avoided where feasible. Onsite parking areas shall be located at the rear of structures and shall be designed so as to take access off side streets and/or alleys to the maximum extent feasible.~~
 - (2) ~~**Renovations, additions or expansions.** Renovations to, additions to, or expansions of existing multi-family residential, mixed use, and commercial development projects not resulting in an increase of 1,000 square feet or more than 10 percent of approved site coverage, shall be exempt from the specific parking access requirements of the Peripheral Pedestrian Area.~~

**Table 3-8- Parking Dimensions
One-Way Traffic (All Dimensions in Feet)**

Angle	W1			W2			W3			W4		
	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width
30	24.0	25.0	25.0	36.0	38.5	38.5	33.5	36.0	36.0	31.0	33.0	33.0
35	24.5	26.0	26.0	37.5	40.5	40.5	35.5	38.0	38.0	33.0	35.5	35.5
40	25.5	26.5	26.5	39.0	42.0	42.0	37.0	40.0	40.0	35.0	37.5	37.5
45	26.0	27.5	27.5	40.5	43.5	43.5	38.5	41.5	41.5	36.5	39.0	39.0
50	26.5	28.0	28.0	41.5	45.0	45.0	39.5	43.0	43.0	38.0	41.0	41.0
55	27.0	29.0	28.5	42.5	46.5	46.0	40.5	44.5	44.0	39.0	42.5	42.0
60	28.0	31.5	30.0	43.5	49.5	48.0	42.0	47.5	46.5	41.0	46.0	45.0
65	30.0	34.0	33.0	46.0	52.0	51.0	44.5	51.0	48.5	43.5	49.5	48.0
70	32.0	36.5	35.0	48.0	54.5	53.0	47.0	53.5	52.0	46.0	52.5	51.0
75	34.0	38.5	37.5	50.0	56.5	55.5	49.0	56.0	54.5	48.5	55.0	54.0
80	36.0	41.0	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5
85	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5

Note: Specifications for any parking angle not specifically enumerated can be determined by interpolation from the above table.

**Table 3-9- Parking Dimensions
Two-Way Traffic (All Dimensions in Feet)**

Angle	W1	W2	W3	W4
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Ordinance Streamlining and Housing Accommodation Amendments

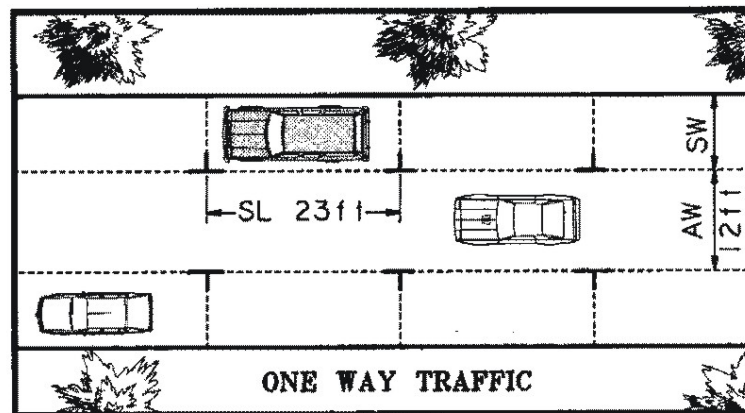
Case No. 25ORD-00006

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	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width
30	32.0	33.0	33.0	44.5	47.0	47.0	42.0	44.5	44.5	39.5	41.5	41.5
35	33.0	34.0	34.0	46.0	40.5	40.5	44.0	46.0	46.5	41.5	43.5	43.5
40	33.5	35.0	35.0	47.5	50.5	50.5	45.5	48.0	48.0	43.0	45.5	45.5
45	34.5	35.5	35.5	48.5	52.0	52.0	47.0	50.0	50.0	45.0	47.5	47.5
50	35.0	36.5	36.5	50.0	53.0	53.0	48.0	51.0	51.0	46.5	49.0	49.0
55	35.5	37.0	37.0	50.5	54.0	54.0	49.0	52.5	52.5	47.5	50.5	50.5
60	35.5	37.0	37.0	51.5	55.0	55.0	50.0	53.5	53.5	48.5	52.0	52.0
65	35.5	37.5	37.5	51.5	55.5	55.5	50.5	54.0	54.0	49.5	52.5	52.5
70	36.0	37.5	37.5	51.5	55.5	55.5	51.0	54.5	54.5	50.0	53.5	53.5
75	36.0	38.5	37.5	51.5	56.5	55.5	51.0	56.0	54.5	50.0	55.0	53.5
80	36.0	41.5	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5
85	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5

Note: Specifications for any parking angle not specifically enumerated can be determined by interpolation from the above table.



SL=STALL LENGTH SW=STALL WIDTH AW= AISLE WIDTH

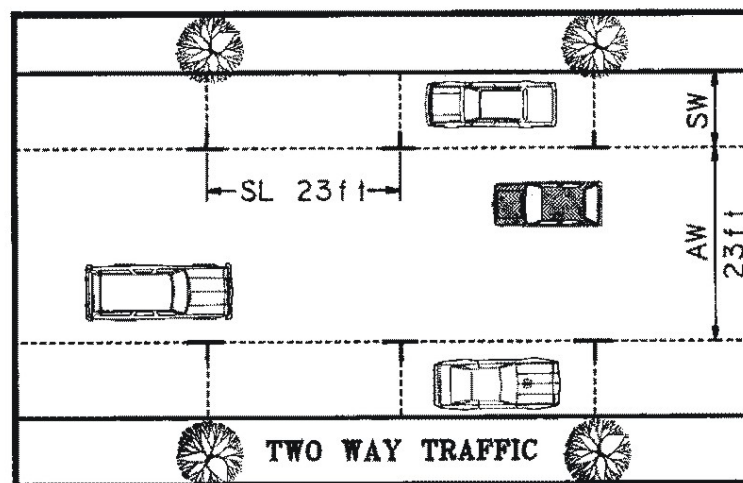


Figure 3-8 - Parallel Parking Diagram

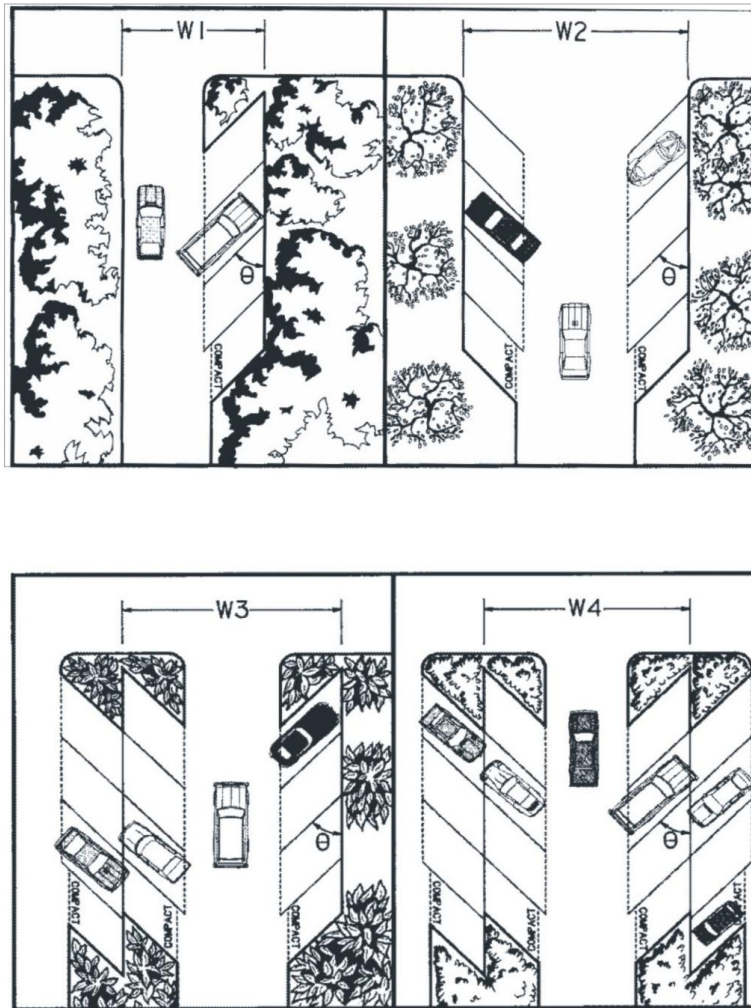


Figure 3-9 - Angle Parking Diagram — One Way Traffic

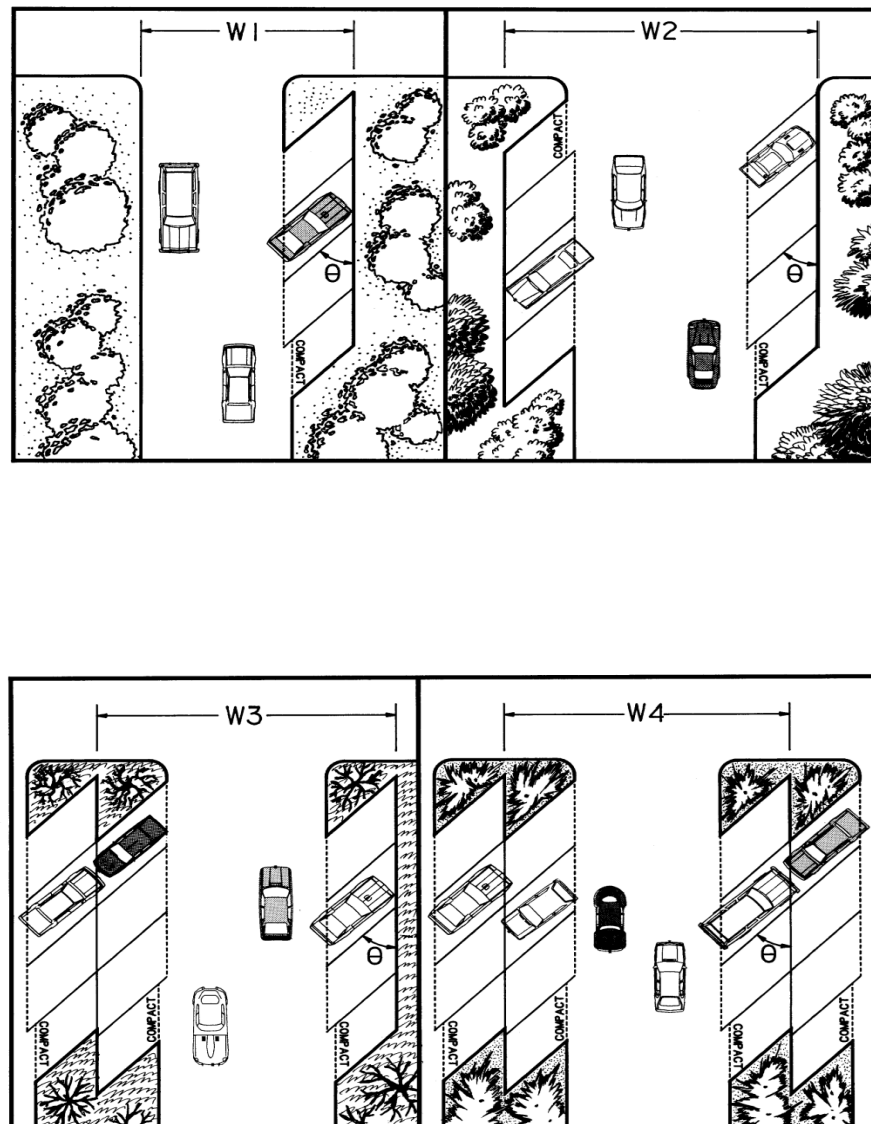


Figure 3-10 - Angle Parking Diagram — Two Way Traffic

SECTION 42:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 6, of Subsection C, Small agricultural accessory structures, AG-II zone, of Section 35.42.020, Accessory Structures and Uses, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

6. The structure does not require the approval of a ~~Final~~ Development Plan (Section 35.82.080) in compliance with Section 35.21.030.C (Development Plan approval required).

SECTION 43:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection d, of Subsection F, Additional standards for agricultural employee dwellings located in the NTS zone, of Section 35.42.030, Agricultural Employee Dwellings, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

- d. Only one Conditional Use Permit that allows additional dwellings housing five or more employees may be allowed within each project site area covered by an approved ~~Final~~ Development Plan.

SECTION 44:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection h, Design Review, of Subsection 2, Permit requirements, of Subsection C, Specific allowable uses and development standards for the AG-II zone, of Section 35.42.040, Agricultural Processing Facilities, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

- h. **Design review.** Design review shall be required for new structural development when required pursuant to Section 35.82.070. In addition to exceptions to design review pursuant to Section 35.82.070 and Subsection 35.28.080, ~~GC.3~~ (Santa Ynez Valley Community Plan Area), the Director may exempt new structures from design review requirements if the new development is not visible from public roadways or other areas of public use (e.g., public parks).

SECTION 45:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection (5) of Subsection i of Subsection 2, Development Standards, of Subsection C, Specific allowable uses and development standards for the AG-I, RR, M-1, M-2, M-CR, R-1, R-2, DR, PRD, CH, and NTS zones, of Section 35.42.050, Agricultural Product Sales, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

- (5) A minimum of two parking spaces shall be provided. Parking spaces shall be located no closer than 20 feet to the right of way of any street. ~~Parking shall be provided in compliance with Section 35.36.100 (Standards for Residential Zones and Uses) and Section 35.36.110 (Standards for Nonresidential Zones and Uses).~~

SECTION 46:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection q, Design Review, of Subsection 2, Development Standards, of Subsection D, Specific allowable uses and development standards for the AG-II zone, of Section 35.42.050, Agricultural Product Sales, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

- q. Design review.** Design review shall be required for new structural development when required pursuant to Section 35.82.070. In addition to exceptions to design review pursuant to Section 35.82.070 and Subsection 35.28.080, ~~G-C.3~~ (Santa Ynez Valley Community Plan Area), the Director may exempt new structures from design review requirements if the new development is not visible from public roadways or other areas of public use (e.g., public parks).

SECTION 47:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection b, of Subsection 1, Household pets, of Subsection F, Specific Animal Keeping, of Section 35.42.060, Animal Keeping, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

- b.** There shall be no more than three dogs permitted ~~on a single lot~~ per dwelling unit.

SECTION 48:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection c, Limitation on dogs, of Subsection 2, Special standards and requirements for animal keeping in the RR, R-1/E-1, R-2, DR, MU and OT-R zones, of Subsection F, Specific Animal Keeping, of Section 35.42.060, Animal Keeping, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

- c. Limitation on dogs.** No more than three dogs shall be allowed ~~on a lot~~ per dwelling unit unless a Conditional Use Permit or Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) for either a commercial or non-commercial kennel is first obtained.

SECTION 49:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection (1) of Subsection c, Limitation on dogs, of Subsection 3, Special standards and requirements for animal

keeping in the NTS zones, of Subsection F, Specific Animal Keeping, of Section 35.42.060, Animal Keeping, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

- (1) No more than three dogs shall be allowed ~~on a lot~~ per dwelling unit.

SECTION 50:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection b, of Subsection 7, Permit requirements for certain commercial cannabis cultivation processing activities on lots zoned AG-I, AG-II, M-RP, M-1, and/or M-2, of Subsection B, Allowed uses and permit requirements, of Section 35.42.075, Cannabis Regulations, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

- b. Revised Conditional Use Permit (Section 35.84.040.~~EC.3~~), if the processing activities will be added to existing commercial cannabis cultivation that is subject to an approved Conditional Use Permit; or

SECTION 51:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection H, Revocation, of Section 35.42.075, Cannabis Regulations, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

- H. **Revocation.** Any entitlement to allow commercial cannabis activities may be revoked in compliance with Section 35.84.060 (Revocations ~~of Entitlement to Land Use~~).

SECTION 52:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.42.080, Caretaker or Employee Housing, of Chapter 35.42, Standards for Specific Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 53:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.42.120, Crematoriums, Funeral Homes, and Mortuaries, of Chapter 35.42, Standards for Specific Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 54:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 28, Design review, of Subsection D, Development Standards, of Section 35.42.134, Farmstays, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

28. **Design review.** Design review shall be required for new structural development when required pursuant to Section 35.82.070. In addition to exceptions to design review pursuant to Section 35.82.070 and Subsection 35.28.080. ~~G-C.3~~ (Santa Ynez Valley Community Plan Area), the Director may exempt new farmstay structures from design review requirements if the new development is not visible from public roadways or other areas of public use (e.g., public parks).

SECTION 55:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.42.140, Greenhouses, Hoop Structures, and Shade Structures, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

35.42.140 Greenhouses, Hoop Structures, and Shade Structures

- A. **Purpose and applicability.** This Section provides standards for the establishment of greenhouses, hoop structures, and shade structures where allowed by Article 35.2 (Zones and Allowable Land Uses).
- B. **Greenhouses.**
 1. **Greenhouses in agricultural zones.** The following provides the permit requirements and development standards for greenhouses located within the AG-I and AG-II zones.
 - a. **Less than 20,000 square feet, AG-I zone.** For greenhouses and greenhouse related development that are less than 20,000 square feet in area and are located within the AG-I zone, the following requirements and standards shall apply:
 - (1) **Landscaping.** Landscaping plans shall be required in compliance with Section 35.34.050 (Agricultural Zones Landscaping Requirements).
 - b. **20,000 square feet or more.** For greenhouses and greenhouse related development that are 20,000 square feet in area or more and all additions, which when added to existing development, total 20,000 square feet or more, the following requirements and standards shall apply:
 - (1) **Development Plans.** The approval of a Development Plan shall be required in compliance with Section 35.82.080 (Development Plans).

- (a) **Application contents.** The site plan and topographic map required to be submitted with an application for a Development Plan in compliance with Section 35.82.080 (Development Plans) shall not apply and instead a Development Plan application for a greenhouse(s) shall include a site plan of the proposed development drawn to scale that shows the following:
 - (i) Gross acreage and boundaries of the property.
 - (ii) Location of all existing and proposed structures, their use, and square footage of each structure.
 - (iii) Landscaping.
 - (iv) Location and number of parking spaces.
 - (v) Location of driveways and adjacent streets.
 - (2) **Landscaping.** Landscaping plans shall be required in compliance with Chapter 35.34 (Landscaping Standards).
 - ~~(a) **AG-I zone.** Landscaping plans shall be required in compliance with Section 35.34.050 (Agricultural Zones Landscaping Requirements).~~
 - ~~(b) **AG-II zone.** Landscaping plans shall be required in compliance with Chapter 35.34 (Landscaping Standards).~~
- 2. **Greenhouses in overlay zones.** Greenhouses are limited to 4,000 square feet per lot when located within the Critical Viewshed Corridor Overlay in the Gaviota Coast Plan Area.
- 3. **Greenhouses in residential and special purposes zones.**
 - a. **300 square feet or less in size.** In the R-1/E-1, R-2, EX-1, DR, MU, and OT-R zones, the following standards shall apply to greenhouses not exceeding 300 square feet in area:
 - (1) Greenhouse structures shall be used only for the propagation and cultivation of plants.
 - (2) No advertising signs, commercial display rooms, or sales stands shall be maintained.
 - b. **Greenhouses exceeding 300 square feet and less than 800 square feet.** In the R-1/E-1, R-2 and EX-1 zones, no advertising signs, commercial display rooms, or sales stands shall be maintained in association with greenhouses that exceed 300 square feet and are less than 800 square feet.
 - c. **Greenhouses exceeding 300 square feet within the RR zone.** Greenhouses, hothouses, other plant protection structures and related development (i.e., packing sheds, parking, driveways) shall be subject to the landscaping

requirements in compliance with Section 35.34.050.A (Agricultural (AG-I and AG-II) Zones-Landscaping Requirements).

C. **Hoop structures and shade structures in agricultural zones.** The following provides the permit requirements and development standards for hoop structures and shade structures located within the AG-I and AG-II zones.

1. **Permit requirements.** Prior to the erection or use of a hoop structure or a shade structure a Zoning Clearance or Land Use Permit shall be issued or a ~~Final~~ Development Plan shall be approved, as applicable, unless the project is determined to be exempt from a Zoning Clearance, a Land Use Permit, or a ~~Final~~ Development Plan in compliance with Subsection C.1.a (Exempt), below. See also Section 35.42.075 (Cannabis Regulations) for additional permit requirements and development standards for the cultivation of cannabis.

a. **Exempt.** Hoop structures and shade structures that are 20 feet or less in height do not require a land use entitlement provided the proposed project is in compliance with the following:

- (1) The development standards of Subsection C.3.a (Development standards for hoop structures and shade structures), below.
- (2) The requirements of Subsection 35.20.040.A (Exemptions from Planning Permit Requirements).
- (3) The hoop structures and shade structures are located on land that has been tilled for agricultural use and planted with a crop for at least one of the previous three years.
- (4) The hoop structures and shade structures are located on slopes averaging 25% or less. Average slope shall be calculated over the area of the lot where hoop structures and shade structures will be used.
- (5) Hoop structures and shade structures located in the Critical Viewshed Corridor (CVC) Overlay within the Gaviota Coast Plan area or in the Design Control (D) Overlay within the Santa Ynez Valley Community Plan area cover no more than 4,000 square feet per lot.
- (6) Hoop structures and shade structures located in the Critical Viewshed Corridor (CVC) Overlay within the Gaviota Coast Plan area or in the Design Control (D) Overlay within the Santa Ynez Valley Community Plan area cover more than 4,000 square feet per lot, but are not visible from public roadways or other areas of public use. Landscape screening shall not be taken into consideration when determining whether the structures are visible from public roadways or other areas of public use.

b. **Zoning Clearance required.** A Zoning Clearance issued in compliance with Section 35.82.210 (Zoning Clearance) is required for the following:

- (1) Hoop structures and shade structures that are 20 feet or less in height and cover less than 20,000 square feet in area, including all additions, which are not in compliance with Subsections C.1.a.(3), C.1.a.(4), C.1.a.(5), or C.1.a.(6), above.
 - c. **Land Use Permit required.** A Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) is required for the following:
 - (1) Hoop structures and shade structures that are 20 feet or less in height and cover 20,000 square feet in area or more, including all additions, which are not in compliance with Subsections C.1.a.(3), C.1.a.(4), C.1.a.(5), or C.1.a.(6), above, and for which a Development Plan is not otherwise required.
 - (2) Hoop structures and shade structures that are more than 20 feet in height and cover less than 20,000 square feet in area, including all additions, which when added to existing development located on the same lot cover less than 20,000 square feet in area.
 - d. **~~Final Development Plan required.~~** The approval of a ~~Final Development Plan~~ in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a ~~Land Use Permit or Zoning Clearance~~ for the following:
 - (1) Hoop structures and shade structures that are more than 20 feet in height and cover 20,000 square feet in area or more, including all additions, which when added to existing development located on the same lot cover 20,000 square feet in area or more.
 2. **Application requirements.** Except as provided below in Subsection C.2.a (Site plan and topographic map requirements), below, an application for a Land Use Permit or a Development Plan shall be submitted in compliance with Section 35.80.030 (Application Preparation and Filing).
 - a. **Site plan and topographic map requirements.** The site plan and topographic map normally required to be submitted with an application for a Development Plan in compliance with Section 35.82.080 (Development Plans) shall not apply and instead a Development Plan application for hoop structures or shade structures shall include a site plan of the proposed development drawn to scale that shows the following:
 - (1) Gross acreage and boundaries of the property.
 - (2) Location of all existing and proposed structures, their use, and square footage of each structure.
 - (3) Landscaping.
 - (4) Location and number of parking spaces.
 - (5) Location of driveways and adjacent streets.

(6) Topography - contour intervals to depict slopes.

- (a) Ten or 25-foot intervals for lots of more than 20 acres.
- (b) Five- or ten-foot intervals for lots of five to 20 acres.
- (c) Five-foot intervals for lots less than five acres.

3. **Development standards for hoop structures and shade structures.**

a. **Development standards for hoop structures and shade structures.** Hoop structures and shade structures shall comply with the following standards in addition to any other applicable standards of this Development Code. Hoop structures and shade structures not in compliance with Subsection C.3.a.(1) (Lighting) and C.3.a.(2) (Structural elements), below, may be permitted in compliance with Subsection 35.42.140.B (Greenhouses).

- (1) **Lighting.** Interior and exterior lighting associated with hoop structures and shade structures is not allowed.
- (2) **Structural elements.** Hoop structures and shade structures shall not have permanent structural elements such as footings and foundations, and shall not have any utilities including plumbing, natural gas, or electricity.
- (3) **Setbacks.** Hoop structures and shade structures shall comply with applicable setbacks of the zone in which they are located.
- (4) **Streams and Creeks.**
 - (a) Within the Urban, Inner Rural, and EDRN areas hoop structures and shade structures shall be setback 50 feet from the top-of-bank or edge of riparian vegetation of streams and creeks, whichever is more protective of the resource.
 - (b) Within the Rural areas hoop structures and shade structures shall be setback 100 feet from the top-of-bank or edge of riparian vegetation of streams and creeks, whichever is more protective of the resource.

b. **Development standards for hoop structures and shade structures more than 20 feet in height.** In addition to the development standards contained in Subsection C.3.a (Development standards for hoop structures and shade structures), hoop structures and shade structures that are more than 20 feet in height shall also comply with the following development standards:

- (1) **Landscaping.** Landscaping plans shall be required in compliance with Chapter 35.34 (Landscaping Standards).
 - ~~(a) **AG I zone.** Landscaping plans shall be required in compliance with Section 35.34.050 (Agricultural Zones Landscaping Requirements).~~

~~(b) **AG-II zone.** Landscaping plans shall be required in compliance with Chapter 35.34 (Landscaping Standards).~~

SECTION 56:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection K, Use Restrictions, of Section 35.42.150, Guesthouses, Artist Studios, and Cabanas, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

K. Use restrictions.

1. A guesthouse shall be used on a temporary basis only by the occupants of the principal dwelling or their nonpaying guests or employees and is not intended to be rented, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. Temporary is defined as occupying the guesthouse for not more than 120 days in any 12-month period.
2. Artist studios and cabañas shall not be used as a guesthouse or as a dwelling and shall not be used for overnight accommodations.
3. Commercial sales or transactions shall not occur within an artist studio or on the lot containing the artist studio unless allowed under a Land Use Permit (Section 35.82.110) ~~for as part of a home occupation issued in compliance with Section 35.42.190 (Home Occupations).~~
4. Guesthouses, artist studios, or cabañas may be determined to constitute a dwelling by the Director in compliance with Subsection 35.42.020.B.9 (Determination that accessory structure constitutes a dwelling).

SECTION 57:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection L, Notice to property owner, of Section 35.42.150, Guesthouses, Artist Studios, and Cabanas, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

- L. **Notice to property owner.** Before issuance of a ~~Land Use Permit in compliance with Section 35.82.110 (Land Use Permits)~~ planning permit for a guesthouse, artist studio, or cabaña, a Notice to Property Owner that specifies at a minimum the allowable uses of the structure shall be recorded by the property owner.

SECTION 58:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection N, Artist

studios, of Section 35.42.150, Guesthouses, Artist Studios, and Cabanas, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

- N. **Artist studios.** Issuance of a ~~Land Use Permit~~Zoning Clearance in compliance with Section 35.82.110-210 (~~Land Use Permits~~Zoning Clearances) for a home occupation in compliance with Section 35.42.190 (Home Occupations) shall be required prior to or concurrent with the issuance of a Land Use Permit for an artist studio.

SECTION 59:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.42.190, Home Occupations, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

35.42.190 Home Occupations

- A. ~~Purpose and applicability.~~ This Section provides development and operational standards for home occupations ~~where allowed by Article 35.2 (Zones and Allowable Land Uses).~~ The intent is to prevent any adverse effects on the residential enjoyment of surrounding residential properties.
- B. ~~Applicability.~~ The provisions of this Section shall apply to all home occupations, including which include Cottage Food Operations and In-home Retail Sales. Home occupations ~~may be~~ permitted as an accessory use to in any legally established dwelling in any zone including nonconforming dwellings, subject to the standards of this Section.
- C. Permit requirements.
1. ~~Before the commencement of a home occupation within a dwelling or artist studio, a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be issued for the home occupation unless the occupation qualifies for an exemption as stated in Subsection E (Exceptions to permit requirements for home occupations) below.~~
 2. ~~Prior to the issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) for a home occupation within a dwelling or artist studio, a Notice to Property Owner certifying that the home occupation will be conducted in compliance with the development standards of Subsection D (Development Standards) below, and any other conditions as may be made part of the Zoning Clearance shall be recorded by the property owner.~~
- D. Development standards.
1. Home occupations other than cottage food operations. A home occupation shall comply with all of the following development standards, except that if the home

occupation qualifies as a cottage food operation then the development standards of Subsection D.2 (Cottage food operations) shall apply instead.

- a. Only one home occupation shall be allowed ~~on any one lot~~ per dwelling unit. All home occupation activities shall be conducted completely within the enclosed living space of the residence or accessory structure. If any home occupation activities are conducted within a garage, the use shall not encroach within the required parking spaces for the residence. The vehicle door to the garage shall remain closed while the home occupation activity is being conducted. ~~The home occupation shall be conducted either entirely within not more than one room of the dwelling, not including garages, or entirely within an artist studio. A home occupation may not be conducted outside of the dwelling or the artist studio.~~
- b. The home occupation shall not alter the residential character of the dwelling or the lot that contains the home occupation. There shall be no internal or external alterations to the dwelling that are not customarily found in residential structures, and the existence of the home occupation shall not be discernible from the exterior of the dwelling.
- c. The home occupation shall be conducted solely by the occupant(s) of a dwelling located on the lot that contains the home occupation. No employees other than the dwelling occupant(s) shall be permitted for business purposes on the lot that contains the home occupation. The home occupation may have off-site employees or partners provided they do not report for work at the lot that contains the home occupation.
- d. No displays or signs naming or advertising the home occupation shall be permitted on or off the lot that contains the home occupation. All advertising for the home occupation (e.g., telephone directories, newspaper, internet, social media, or other ~~printed material~~ media) or on equipment or vehicles associated with the home occupation shall not divulge the location of the home occupation. Business cards and letterhead may list the address of the home occupation.
- e. There shall be no more than five customers, patients, clients, students, or other persons served by the home occupation upon the lot that contains the home occupation at any one time except for in-home retail sales as allowed in compliance with Subsection E.1.a, below.
- f. A home occupation shall not use electrical or mechanical equipment that would create any visible or audible radio or television interference or create noise levels in excess of 65 dBA beyond the boundaries of the lot that contains the home occupation.
- g. No smoke or odor shall be emitted that occurs as a result of the home occupation.

- h. There shall be no outdoor storage of materials related to the home occupation unless stored in compliance with Subsection 35.23.050.C (Accessory storage of materials).
 - i. No vehicles or trailers, except those incidental to the residential use and those allowed under Subsection 35.36.100.B.2 (Overnight parking of commercial vehicles), shall be kept on the lot that contains the home occupation.
 - j. A home occupation shall be strictly secondary and subordinate to the primary residential use and shall not change or detrimentally affect the residential character of the dwelling, the lot that contains the home occupation, or the neighborhood.
 - k. Where a home occupation will be conducted within a ~~dwelling or artist studio~~ structure that relies on a septic system, written clearance from the Public Health Department shall be required prior to approval of the Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances).
 - l. No hazardous materials other than those commonly found within a residence shall be used or stored on the site. Hazardous materials and equipment shall be limited to quantities that do not constitute a fire, health, or safety hazard.
 - m. Business-related deliveries shall be limited to a maximum of two per week. United States Mail and commercial parcel carriers' deliveries shall be exempt from this limitation.
 - n. A home occupation shall not create vehicular or pedestrian traffic that changes the residential character of the neighborhood and dwelling unit where the business is being conducted, or create a greater demand for parking than can be accommodated onsite or on the street frontage abutting the lot that contains the home occupation.
- 2. Cottage food operations. A cottage food operation shall comply with all of the following development standards.
 - a. Allowed locations.
 - (1) No more than one cottage food operation shall be allowed within any one dwelling unit.
 - (2) Only one cottage food operation may be allowed on a lot.
 - b. Allowed location within the dwelling and the lot containing the cottage food operation. All food preparation, packaging, sales, storage and handling of cottage food products and related ingredients, and equipment, shall be located within the registered or permitted area consisting of the dwelling's private kitchen and one or more attached rooms within the dwelling in which the cottage food operation is operated that are used exclusively for storage.

- (1) No portion of the cottage food operation including sales and storage shall occur within any parking area required in compliance with Chapter 35.36 (Parking and Loading Standards).
- c. Cottage food operators and cottage food employees.
 - (1) The cottage food operation shall be conducted by the cottage food operator within the dwelling where the cottage food operator resides as their primary residence. Said dwelling shall be a legally established dwelling.
 - (2) One full-time equivalent employee as defined by California Health and Safety Code Section 113758(b)(1) may participate in a cottage food operation in addition to those individuals residing within the dwelling as their primary residence.
- d. Parking. All parking of vehicles and trailers associated with the cottage food operation on the lot on which the cottage food operation occurs shall be maintained in compliance with Chapter 35.36 (Parking and Loading Standards).
 - (1) Customers and non-resident cottage food employees shall not park their vehicles within or upon a parking space that is required to satisfy the parking requirement for the primary use of the lot.
 - (2) On R-1/E-1 and R-2 zoned lots, the overnight parking of commercial vehicles on the lot shall be in compliance with Subsection 35.36.100.B.2 (Overnight parking of commercial vehicles).
- e. Sales. Food items may only be sold, or offered for sale, from the dwelling to customers present at the dwelling between the hours of 9:00 a.m. to 6:00 p.m.
- f. All waste containers shall be in compliance with Section 17-8 (Containers) of Chapter 17 (Solid Waste Services) of the County Code.
- g. A cottage food operation shall not create vehicular or pedestrian traffic or other public nuisance that changes the residential character of the neighborhood and dwelling unit where the business is being conducted, or create a greater demand for parking than can be accommodated onsite or on the street frontage abutting the lot on which the home occupation occurs.
- h. The cottage food operation shall at all times be conducted in compliance with:
 - (1) The conditions and limitations of this Subsections D.2 and any other conditions and/or limitations that may be part of the Zoning Clearance issued to allow the cottage food operation.
 - (2) California Health and Safety Code Section 113758.
 - (3) All other applicable State and County laws, regulations and requirements.

- i. The cottage food operation shall be registered or permitted by the County Public Health Department in compliance with Section 114365 of the California Health and Safety Code. Prior to the issuance of a Zoning Clearance for a cottage food operation the cottage food operator shall present proof of receipt of registration or permit for the cottage food operation from the County Public Health Department.
- E. Exceptions to permit requirements for home occupations. A Zoning Clearance shall not be required for home occupations that are in compliance with all of the following criteria:
 1. The development standards of Subsection D.1 or D.2, above, as applicable to the specific home occupation except that:
 - a. Clients or customers shall not be served at the lot that contains the home occupation except for in-home retail sales provided that these sales do not exceed four times within a calendar year and that there are no more than 25 customers at each sales event at any one time.
 - b. Business advertisements, except for business cards and letterhead, shall not list the address of the ~~artist studio or dwelling in which the home occupation occurs.~~
 - c. With the exception of in-home retail sales allowed pursuant to subsection E.1.a above, business transactions occurring on the lot that contains the home occupation shall occur by internet, telephone, facsimile, computer modem or other telecommunication medium, or written correspondence.
 - d. ~~Home occupations that comply with these standards (Subsection E.1.a through E.1.c, above) may be exempted from the location requirement of Subsection D.1.a, above, and may be conducted in other structures in addition to the dwelling or artist studio (e.g. garages or workshops), in compliance with all other provisions of this Development Code.~~
- F. ~~Violations of~~Prohibited home occupations regulations.
 1. ~~It shall be unlawful for a person, firm, or corporation, to establish, cause, allow, or maintain a type of business, profession or other commercial occupation (collectively to be referred to as a "home occupation") within a dwelling before the issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) allowing the home occupation unless the home occupation does not require the issuance of a Zoning Clearance in compliance with Subsection E (Exceptions to permit requirements for home occupations), above.~~
 2. ~~The home occupation shall at all times be conducted in compliance with the conditions and limitations of Subsection D (Development Standards), above, any other conditions and/or limitations that may be part of the Zoning Clearance issued in compliance with Section 35.82.210 (Zoning Clearances) to allow the home occupation, and it shall be~~

~~unlawful for a person to conduct a home occupation for which a Zoning Clearance has been issued without complying with all conditions attached to the permit.~~

~~3. Failure to comply with conditions and limitations of the Zoning Clearance shall be cause for revocation of the Zoning Clearance in compliance with Section 35.84.060 (Revocations).~~

41. Occupations that cannot comply with all of the development standards listed in Subsection D (Development Standards), above, shall not be permitted as home occupations. Examples of prohibited occupations include:

- a. Automotive repair or service.
- b. Painting of vehicles, trailers, boats or machinery.

SECTION 60:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection B, Permit Requirement, of Section 35.42.193, Homestays, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

B. **Permit Requirement.** Homestays may only be located where allowed in Article 35.2 (Zones and Allowable Land Uses) ~~in certain commercial, special purpose, residential and Agriculture I zones~~ and in compliance with the identified permit requirement ~~identified in Article 35.2 (Zones and Allowable Land Uses)~~. The required permit shall be obtained and all conditions of the permit shall be satisfied prior to the commencement of a Homestay. Regardless of the number of properties a property owner owns, in no case shall a property owner possess more than one homestay permit at any given time.

SECTION 61:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, a new Subsection 12, Transient Occupancy Tax (TOT), is added to Subsection D, Development Standards, of Section 35.42.193, Homestays, of Chapter 35.42, Standards for Specific Land Uses, as follows:

12. Transient Occupancy Tax (TOT). The owner/applicant shall maintain a TOT license and remain current on all required TOT reports and payments.

SECTION 62:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.42.200, Mixed-Use Development, of Chapter 35.42, Standards for Specific Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 63:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.42.205, Mobile Homes on Permanent Foundations, of Chapter 35.42, Standards for Specific Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 64:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.42.220, Residential Project Convenience Facilities, of Chapter 35.42, Standards for Specific Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 65:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection (9), Design review, of Subsection c, Development standards for campgrounds, including low-impact camping areas, of Subsection 1, Campgrounds, of Subsection E, Specific allowable uses and development standards for agricultural enterprise rural recreation in the AG-II zone, of Section 35.42.240, Rural Recreation, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

(9) Design review. Design review shall be required for new structural development when required pursuant to Section 35.82.070. In addition to exceptions to design review pursuant to Section 35.82.070 and Subsection 35.28.080.~~G-C.3~~ (Santa Ynez Valley Community Plan Area), the Director may exempt new campground structures from design review requirements if the new development is not visible from public roadways or other areas of public use (e.g., public parks).

SECTION 66:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.42.250, Small Animal Hospital, of Chapter 35.42, Standards for Specific Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 67:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection f of Subsection 12, Storage of trailers as accessory to a residential use, of Subsection G, Trailer Use, of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

- f. Any recreational vehicle that is parked outside of a fully enclosed or fully screened structure shall be in compliance with Subsection ~~G~~^J, Exterior parking, of Section 35.36.100, Standards for Residential Zones ~~and Uses~~.

SECTION 68:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 1 of Subsection F, Application and processing requirements, of Section 35.42.265, Transitional and Supportive Housing, of Chapter 35.42, Standards for Specific Land Uses, is hereby amended to read as follows:

1. If required based on the permit type, notice of the application and pending decision on a permit for transitional or supportive housing shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings). Transitional or supportive housing being permitted with a Zoning Clearance shall require a posted notice by the applicant subject to the same requirements in 35.106.050A ~~020A~~².

SECTION 69:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.42.270, Vehicle Services, of Chapter 35.42, Standards for Specific Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 70:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.50.020, Applicability, of Chapter 35.50, Purpose and Effect of Article, is hereby amended to read as follows:

35.50.020 Applicability

The various chapters in Article 35.5 (Oil and Gas, Wind Energy, and Cogeneration Facilities) identify the types of oil and gas facilities, wind energy systems, and cogeneration facilities that are allowed in the County within certain zones established by Section 35.14.020 (Zoning Map and

Zones); determine required types of planning permits and plans; and provide regulations for the operation of the oil and gas facilities, wind energy systems, and cogeneration facilities.

SECTION 71:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Sections 35.52.010, Purpose; 35.52.020, Voter Approval – Facilities on South Coast that Support Offshore Oil and Gas Activities; 35.52.030, Definitions; and 35.52.040, Allowed Uses and Permit/Plan Requirements, of Chapter 35.52, Oil and Gas Facilities, are hereby amended to read as follows:

35.52.010 Purpose

This Chapter identifies the types of oil and gas facilities that are allowed within certain zones established by Section 35.14.020 (Zoning Map and Zones); determines required types of permits and plans; and provides regulations for the operation of the oil and gas facilities.

35.52.020 ~~Reserved~~Voter Approval – Facilities on South Coast That Support Offshore Oil and Gas Activities

- A. ~~Projects and facilities subject to voter approval.~~ Any legislative approvals (e.g., zoning amendment, Comprehensive Plan amendment, Development Plan, or other legislative action) which would authorize or allow the development, construction, installation, or expansion of an onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) shall not be final unless such authorization is approved, in the affirmative, by a majority of the votes cast by the voters of the County of Santa Barbara in a regular election. For the purposes of this Chapter, the term "onshore support facility" means a land use, installation, or activity proposed to effectuate or support the exploration, development, production, or storage, processing, or other activities related to offshore energy resources.
- B. ~~Excluded projects and facilities.~~ The voter approval requirement set forth in Subsection A. above, shall not apply to onshore pipeline projects or to onshore support facilities that are located entirely within an existing approved consolidated oil and gas processing site at Las Flores Canyon (designated as of June 13, 1995 as APN 081 220 14, 081 230 19) or the former consolidated oil and gas processing site at Gaviota (designated as of June 13, 1995 as APN 081 130 07, 081 130 52, 081 130 53).
- C. ~~Expiration.~~ The terms, policies, and zoning amendments identified in this Section shall expire at the end of 25 years after September 20, 1996 unless extended by the Board or by another vote of the electorate.
- D. ~~Administrative Guidelines.~~ See Appendix B – Administrative Guidelines for Implementing Measure A96 – Voter Approval Initiative.

35.52.030 Definitions

Unless otherwise defined within this Chapter, the definitions of energy and petroleum related terms shall be those identified in County Code Chapter 25 (~~Oil and Petroleum Wells~~ Petroleum Code), Section 25-~~43~~ (Definitions).

35.52.040 Allowed Uses and Permit/Plan Requirements

- A. **Types of allowed energy facility uses and zones where allowed.** Table 5-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities) identifies the types of oil and gas facilities that are allowed and the zones in which they are allowed. The "Specific Use Regulations" column in the table provides references to specific code sections that further describe and define the uses. The "Permit Required by Zone" column indicates the zones in which oil and gas facilities are allowed.
- B. **Permit and plan requirements.** In addition, Table 5-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities) identifies the permit requirements and the plan requirements for oil and gas facility uses. Proposed oil and gas facilities shall comply with the permit requirements and plan requirements, in addition to other permits required by the County Code. Table 5-1 provides for energy facility uses that are:
1. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Land Use Permit Section 35.82.110 (Land Use Permits). These are shown as "P" uses in the table.
 2. Allowed subject to the approval of a Conditional Use Permit Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), and shown as "CUP" uses in the table.
 3. Allowed subject to the approval of an Oil Drilling and Production Plan or a ~~Final Development Plan~~, and shown as specific ~~Section names and Section numbers~~ annotated notes in the "~~Required Plan~~ Permit Required by Zone" columns in the table.
 4. Not allowed in particular zones and shown as "—" in the table.
 5. Allowed subject to specific development standards and other requirements included in the Section number included in the "Specific Use Regulations" column in the table.

TABLE 5-1 Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities	<table><tr><td>P</td><td>Permitted use, Land Use Permit required</td></tr><tr><td>CUP</td><td>Conditional Use Permit required</td></tr><tr><td>—</td><td>Use Not Allowed</td></tr></table>	P	Permitted use, Land Use Permit required	CUP	Conditional Use Permit required	—	Use Not Allowed
P	Permitted use, Land Use Permit required						
CUP	Conditional Use Permit required						
—	Use Not Allowed						

LAND USE (1)	PERMIT REQUIRED BY ZONE											Specific Use Regulations
	AG-I	AG-II	RES	RR	C-2	C-3	REC	M-1	M-2	M- RP	M-CR	
Drilling and Production of Onshore Oil and Gas Reservoirs	CUP	P (2)(3)(4)	CUP	CUP	CUP	CUP	CUP (5)	CUP	P (2)(3)(4)	CUP	P (2)(3)(4)	35.52.050
Treatment and Processing Facilities	CUP (6)(7)	CUP (6)(7)	—	—	—	—	—	—	P (6)	—	P (6)	35.52.060
Refining	—	—	—	—	—	—	—	—	P (6)(8)(9)	—	—	35.52.070
Oil and Gas Pipelines	Allowed in all zones identified in Article 35.2 (Zones and Allowable Land Uses) P(6)											35.52.080

Notes:

(1) Sections 35.52.050, 35.52.060, 35.52.070 and 35.52.080 further describe and define the uses allowed as Drilling and Production of Onshore Oil and Gas Reservoirs, Treatment and Processing Facilities, Refining, and Oil and Gas Pipelines.

(2) Oil Drilling and Production Plan in compliance with Section 35.52.050 required. See Section 35.53.040 for specific application requirements. In the M-2 and M-CR zones a Development Plan in compliance with Section 35.82.080 is not required in addition to the Oil Drilling and Production Plan.

(3) See Subsection 35.52.050.C (Criteria and standards for exemption of oil/gas drilling projects from approval of Oil Drilling and Production Plan).

(4) In the AG-II, M-2, or M-CR zones, accessory equipment, excluding the installation of hydraulic fracturing, water flooding or steam injection systems using fresh groundwater, incidental to existing production facilities, shall not require Land Use Permits when the

installation of the equipment shall not require grading or expansion of the site.
(5) Use may be approved only within a County park ~~and subject to the requirements of County Code Section 25-4(d) (Permits generally Prohibited) (Petroleum Ordinance).~~
(6) ~~Final~~ Development Plan in compliance with Section 35.82.080 required. See Section 35.53.030 for specific application requirements.
(7) Conditional Use Permit in compliance with Section 35.82.060 is also required for treatment and processing facilities for oil and gas obtained from an onshore area.
(8) Conditional Use Permit in compliance with Section 35.82.060 is also required.
(9) Based on Commission Resolution 67-22, adopted by the Board on April 12, 1967, facilities for oil refining shall not be allowed in the portion of Santa Barbara County east of Point Conception and south of the ridge line of the Santa Ynez mountains.

SECTION 72:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection j, Screening from designated scenic highway, of Subsection 1, Standards applicable to all drilling and production, of Subsection B, Development standards for oil and gas drilling and production, of Section 35.52.050, Oil Drilling and Production, of Chapter 35.52, Oil and Gas Facilities, is hereby amended to read as follows:

- j. **Screening from designated scenic highway.** Production equipment and facilities shall be recessed, covered, or otherwise screened from view from a designated Scenic Highway that is indicated on the Scenic Highway Element Map ~~(GP-23)~~.

SECTION 73:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection C, Criteria and standards for exemption of oil/gas drilling projects from approval of Oil Drilling and Production Plan, of Section 35.52.050, Oil Drilling and Production, of Chapter 35.52, Oil and Gas Facilities, is hereby amended to read as follows:

- C. **Criteria and standards for exemption of oil/gas drilling projects from approval of Oil Drilling and Production Plan.** Only a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required for oil and gas drilling that meets all of the criteria and standards listed below. See Subsection 35.53.030 ~~CD~~ (Alternative filing requirements for Land Use Permit applications) below. For oil and gas drilling projects that do not meet the listed criteria, approval of an Oil Drilling and Production Plan shall be required. Development or land uses authorized through a Land Use Permit or Oil Drilling and Production Plan shall be established only as approved by the review authority and in compliance with the project description and any conditions of approval, except where a change to the project is approved pursuant to Section 35.84.040 of this Code.

SECTION 74:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection f, of Subsection 1, Location, of Subsection C, Criteria and standards for exemption of oil/gas drilling projects from approval of Oil Drilling and Production Plan, of Section 35.52.050, Oil Drilling and Production, of Chapter 35.52, Oil and Gas Facilities, is hereby amended to read as follows:

- f. The project is not located within a Scenic Highway corridor as designated on the Scenic Highway Element Map ~~(GP-23)~~.

SECTION 75:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.53.020, Applicability, of Chapter 35.53, Permit Requirements and Plan Applications, Processing, and Review, is hereby amended to read as follows:

35.53.020 Applicability

- A. **Applicability of Development Plans.** Development Plans shall be required in compliance with Table 5-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities), and Table 5-2 (Allowed Uses and Permit/Plan Requirements for Wind Energy Facilities).
 1. **Plan approval required before issuance of permits.** A Development Plan shall be approved in compliance with the procedures in Section 35.82.080 (Development Plans) and with the additional filing requirements of Subsection 35.53.030.A (Additional filing requirements for Development Plan applications) before issuance of a ~~Land Use Permit~~Zoning Clearance or other permits for development, including grading regulated under Article 35.5 (Oil and Gas, Wind Energy and Cogeneration Facilities).
 2. **Property location required within boundaries of approved plan.** Only property included within the boundaries of an approved Development Plan shall be entitled to a Land Use Permit for facilities and activities related the exploration and production of oil and gas.
- B. **Applicability of Oil Drilling and Production Plans.** Oil Drilling and Production Plans shall be required in compliance with Table 5-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities).
 1. **Plan approval required before issuance of permits.** An Oil Drilling and Production Plan shall be approved in compliance with the procedures in Section 35.53.040 (Application Filing, Processing, and Review for Oil Drilling and Production Plans) before issuance of a ~~Land Use Permit~~Zoning Clearance or other permits for oil and gas facilities development, including grading.

2. **Property location required within boundaries of approved plan.** Only property included within the boundaries of an approved Oil Drilling and Production Plan shall be entitled to a Land Use Permit for facilities and activities for the exploration and production of oil and gas.
- C. **Review authority.** The review authority for Development Plans, Exploration Plans, Production Plans, and Oil Drilling and Production Plans is identified in Table 8-1 (Review Authority).

SECTION 76:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsections A, Additional filing requirements for Development Plan applications, and B, Alternative filing requirements for Development Plan applications, of Section 35.53.030, Filing Requirements for Permit, Development Plan, and Specific Plan Applications, of Chapter 35.53, Permit Requirements and Plan Applications, Processing, and Review, are hereby amended to read as follows:

35.53.030 Filing Requirements for Permit, Development Plan, and Specific Plan Applications

- A. **Additional filing requirements for Development Plan applications.** In addition to the other information required in Section 35.82.080 (Development Plans), the following information shall be filed with a ~~Preliminary or Final~~ Development Plan application for the uses indicated:
 1. **Treatment and processing facilities addressed in Section 35.52.060.**
 - a. An updated emergency response plan to deal with potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. The emergency response plan shall be approved by the County's ~~Emergency Services Coordinator~~ Office of Emergency Management, a division within the ~~and Fire Department.~~
 - b. A phasing plan for the staging of development that includes the estimated timetable for project construction, operation, and completion, as well as location and amount of land reserved for future expansion.
 2. **Refining.**
 - a. An updated emergency response plan to deal with potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. The emergency response plan shall be approved by the County's Office of Emergency Management, a division within the Fire Department ~~Emergency Services Coordinator and Fire Department.~~

- b. A phasing plan for the staging of development that includes the estimated timetable for project construction, operation, and completion, as well as location and amount of land reserved for future expansion.
- B. **Alternative filing requirements for Development Plan applications.** For pipeline construction, the following information, in place of that listed in Section 35.82.080 (Development Plans), shall be filed with a ~~Preliminary or Final~~ Development Plan application:
 - 1. A brief statement of the proposed project.
 - 2. A site plan showing:
 - a. Property, easement, and pipeline right-of-way boundaries.
 - b. Proposed road construction or modification.
 - c. Area to be used for construction.
 - d. Area to be used for access and maintenance during pipeline operation.
 - e. Existing roads, water courses, and pipelines within the pipeline right-of-way.
 - f. Location and type of existing and proposed structures within 50 feet of the pipeline right-of-way.
 - g. Proposed alteration of surface drainages.
 - 3. A contour map showing existing and proposed contours.
 - 4. Measures to be used to prevent or reduce nuisance effects (e.g., dust, fumes, glare, noise, odor, smoke, vibration) and to prevent danger to life and property.
 - 5. A revegetation and site restoration plan shall be prepared by the applicant that includes provisions for restoration of biologically important habitats that shall be disturbed by construction or operational procedures. This plan will be subject to approval by the Department during project review.
 - 6. Other reasonable information as deemed necessary by the Department.
 - 7. In addition, for oil and gas pipelines, an updated emergency response plan to deal with potential consequences and actions to be taken in the event of hydrocarbon leaks or fires shall be submitted. The emergency response plan shall be approved by the County's Office of Emergency Management, a division within the Fire Department ~~Emergency Services Coordinator and Fire Department~~ unless the plan has received previous approval by the Public Utilities Commission.

SECTION 77:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code,

Subsection B, Post approval procedures, of Section 35.53.070, Post Review Procedures, of Chapter 35.53, Permit Requirements and Plan Applications, Processing, and Review, is hereby amended to read as follows:

- B. **Post approval procedures.** After the decision on an application for a Development Plan or Oil Drilling/Exploration Plan the following post-approval procedures shall apply:
1. Procedures and requirements in Chapter 35.84 (Post Approval Procedures).
 2. Procedures and requirements related to appeals and revocation in Article 35.10 (Land Use and Development Code Administration).
 3. Procedures and requirements in County Code Chapter 25 (~~Oil and Petroleum Wells~~Petroleum Code).

SECTION 78:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.53.080, Requirements Prior to Commencement of Development Authorized by a Final Development Plan or Oil Drilling and Production Plan, of Chapter 35.53, Permit Requirements and Plan Applications, Processing, and Review, is hereby amended to read as follows:

- A. **Final-Development Plan.** For ~~Final-Development Plans~~, issuance of a ~~Land Use Permit or a Zoning Clearance~~ in compliance with Section 35.82.080 (Development Plans) shall be required prior to the commencement of the development and/or authorized use allowed by the ~~Final-Development Plan~~.
- B. **Oil Drilling and Production Plan.** For Oil Drilling and Production Plans, the issuance of a ~~Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance~~ in compliance with Section 35.82.210 (Zoning Clearance) shall be required prior to the commencement of the development and/or authorized use allowed by the Oil Drilling and Production Plans.
- ~~1. **Land Use Permit required.** The issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required if the approval of a Substantial Conformity Determination in compliance with Subsection 35.84.040.C (Substantial Conformity Determinations) is required as a result of changes to the project allowed by the Oil Drilling and Production Plans.~~
 - ~~2. **Zoning Clearance required.** The issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearance) shall be required if the approval of a Substantial Conformity Determination in compliance with Subsection 35.84.040.C (Substantial Conformity Determinations) is not required as a result of changes to the project allowed by the Oil Drilling and Production Plans.~~

SECTION 79:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection A of Section 35.55.010, Purpose, of Chapter 35.55, Findings for Oil and Gas Facilities, is hereby amended to read as follows:

- A. ~~Final~~ Development Plans.

SECTION 80:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.55.040, Treatment and Processing Facilities – Findings for Development Plans, of Chapter 35.55, Findings for Oil and Gas Facilities, is hereby amended to read as follows:

35.55.040 Treatment and Processing Facilities - Findings for Development Plans

- A. **Treatment and processing facilities outside of the South Coast Consolidation Planning Area.** In addition to the findings for Development Plans in Section 35.82.080 (Development Plans) and in Subsection 35.52.060.B.10.c (Highway or rail transport of highly viscous oil), a ~~Preliminary or Final~~ Development Plan for treatment and processing facilities shall not be approved for a project in an area outside the South Coast Consolidation Planning Area unless the review authority also makes all of the following findings:
1. Consolidation or collocation on or adjacent to an existing processing facility to accommodate the proposed production is not feasible or is more environmentally damaging.
 2. There are not feasible alternative locations for the proposed processing facility that are less environmentally damaging.
 3. The proposed facility is compatible with the present and allowed recreational and residential development and the scenic resources of the surrounding area.
 4. Gas processing facilities proposed in the North County Consolidation Planning Area (~~NCCPA~~), including expansion of existing facilities, have been sited in compliance with criteria in the Comprehensive Plan study entitled, Siting Gas Processing Facilities. Additionally, sites are selected with adequate consideration of future gas processing needs in the North County Consolidation Planning Area~~NCCPA~~ to optimize siting and consolidation strategies. The "expansion" of an existing facility shall mean structural modifications, alterations, expansions, or enlargements that result in increased facility capacity, or changes in facility use, operation, or other limitations imposed by permit or other law. The "expansion" of an existing facility shall also mean introduction of production from a field not served by the processing facility since January 1, 1986, or from a new production well that increases the current area extent of a field presently

served by the facility. Expansion shall not include modification to existing facilities that is required to comply with current health and safety regulations, and codes.

B. Treatment and processing facilities within the South Coast Consolidation Planning Area.

In addition to the findings in Section 35.82.080 (Development Plans) and in Subsection 35.52.060.B.10.c (Highway or rail transport of highly viscous oil), ~~Preliminary or Final~~ Development Plans for processing facilities shall not be approved unless the review authority also makes one or more of the following findings:

1. Existing and approved processing capacity at the County designated consolidation sites is insufficient to accommodate proposed new production for a period of time that would render development of the proposed offshore reservoir infeasible. This finding shall take into account feasible delays in development of the offshore reservoir to maximize use of existing and approved processing capacity, and feasible expansion of existing processing facilities to provide sufficient capacity.
2. The specific properties of oil or gas from a particular reservoir considering available information on the physical and chemical characteristics of the stock, including but not limited to API gravity, sulfur and water content, viscosity, and pour point would render development of the resource technically infeasible unless specialized units can be built. This finding shall consider partial dehydration as a specialized unit if it is required to adapt a resource to the technical requirements of a processing facility. Modifications or additions to existing facilities shall be favored over construction of redundant processing capacity as long as the modifications or additions render the resource characteristics and the technical processing requirements of a facility compatible with one another.
3. Commingling the production in existing or already approved facilities at designated consolidation sites is environmentally unacceptable.

Additionally, ~~Preliminary or Final~~ Development Plan for expansion or construction of processing facilities shall not be approved unless the review authority also makes all of the following findings to restrict industrialization of the area.

4. The expansion of existing facilities or construction of new facilities are to be located at a consolidated oil and gas processing site as designated in the Comprehensive Plan.
5. The proposed processing facilities shall use, to the maximum extent feasible, existing ancillary facilities at the consolidated site.

SECTION 81:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, the first paragraph of Section 35.55.050, Refining – Findings for Development Plans, of Chapter 35.55, Findings for Oil and Gas Facilities, is hereby amended to read as follows:

35.55.050 Refining - Findings for Development Plans

In addition to the findings in Section 35.82.080 (Development Plans), a ~~Preliminary or Final~~ Development Plan shall not be approved unless the review authority also makes all of the following findings:

SECTION 82:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, the first paragraph of Section 35.55.060, Oil and Gas Pipelines – Findings for Development Plans, of Chapter 35.55, Findings for Oil and Gas Facilities, is hereby amended to read as follows:

In addition to the findings for Development Plans in Section 35.82.080 (Development Plans), a ~~Preliminary or Final~~ Development Plan that proposes new pipeline construction outside of industry facilities shall not be approved unless the review authority also makes all of the following findings:

SECTION 83:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection D of Section 35.56.020, Applicability, of Chapter 35.56, Oil/Gas Land Uses – Abandonment and Removal Procedures, is hereby amended to read as follows:

- D. All pipeline systems identified in Section 35.52.080 (Oil and Gas Pipelines), except for public utility natural gas transmission and distribution systems (e.g., ~~The Gas Company~~ Southern California Gas Company), that either transport or at one time transported natural gas, oil, produced water, or waste water that originated from an offshore reservoir, regardless of whether these uses were permitted in compliance with this Development Code or any preceding zoning ordinance.

SECTION 84:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection B, Other Permits, of Section 35.56.130, Performance Standards for Demolition and Reclamation Permits, of Chapter 35.56, Oil/Gas Land Uses – Abandonment and Removal Procedures, is hereby amended to read as follows:

- B. **Other permits.** The permittee shall obtain all other necessary permits from other agencies and, where applicable, submit proof of permits issued by the California ~~Division of Oil, Gas, and Geothermal Resources~~ Geologic Energy Management Division (CalGEM) to plug and

abandon wells or to inject waste water for purposes of disposal into any State oil and gas field before issuance of the Demolition and Reclamation Permit.

SECTION 85:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.56.160, Post Approval Procedures, of Chapter 35.56, Oil/Gas Land Uses – Abandonment and Removal Procedures, is hereby amended to read as follows:

35.56.160 Post Approval Procedures

- A. **Post approval procedures regarding changes to an approved Demolition and Reclamation Permit.** The procedures and requirements in ~~Subsection C (Substantial Conformity Determination), Subsection D (Amendments) and Subsection E (Revisions)~~ of Section 35.84.040 (Changes to an Approved Project) shall apply following the decision on an application for a Demolition and Reclamation Permit.

SECTION 86:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.57.030, Allowed Uses and Permit Requirements for Wind Energy Conversion Systems, of Chapter 35.57, Wind Energy Conversion Systems, is hereby amended to read as follows:

35.57.030 Allowed Uses and Permit Requirements for Wind Energy Conversion Systems

- A. **Allowed Uses and Permit Requirements.** Table 5-2 (Allowed Uses and Permit Requirements for Wind Energy Conversion Systems) identifies the types of wind energy conversion systems that are allowed by this Development Code in each zone, and the planning permit required to establish each use, ~~in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements)~~. A wind energy conversion system that is not listed in the table is not allowed.
- ~~B. Where the last column (Specific Use Regulations) in Table 5-1 includes a section number, the referenced Section may establish other requirements and standards applicable to the wind energy conversion system.~~

Table 5-2 Allowed Uses and Permit Requirements for Wind Energy Facilities	E Allowed use, no permit required (Exempt)
	P Permitted use, Land Use Permit required (1)
	MCUP Minor Conditional Use Permit required (1)
	CUP Conditional Use Permit required (1)
	S Permit determined by Specific Use Regulations
	— Use Not Allowed

Type of Wind Energy Conversion System	Permit Required by Zone						Specific Use Regulations
	AG-I AG-II	MT-GOL MT-TORO RMZ RES	RR R-1 EX-1 R-2 DR PRD SLP MHP MHS OT	C-1 C-2 C-3 C-S CH CN CV SC PI	M-1 M-2 M-RP M-CR	MU PU REC	
Total maximum power output = 200 KW or less	P (2)	MCUP	—	MCUP	MCUP	MCUP	
Total maximum power output = Exceeds 200 KW	CUP	—	—	—	CUP	—	

Notes:

- (1) Development Plan approval may be required in compliance with Section 35.57.040.B., below.
- (2) The maximum power output of each proposed wind turbine shall be 25 KW or less. The wind turbines shall be spaced at least 300 feet apart.

SECTION 87:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection C, Tower structures, of Section 35.57.050, Development Standards, of Chapter 35.57, Wind Energy Conversion Systems, is hereby amended to read as follows:

- C. **Tower structures.** Wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the International Building Code ~~Uniform Building Code~~ and National Electric Code.

SECTION 88:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code,

Section 35.59.020, Applicability, of Chapter 35.59, Utility Scale Photovoltaic Facilities, is hereby amended to read as follows:

35.59.020 Applicability

The regulations contained in this Chapter shall apply to utility-scale solar photovoltaic facilities used for electrical power generation ~~located in the Cuyama Valley Rural Region.~~

SECTION 89:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, the first paragraph of Section 35.59.040, Development Standards, of Chapter 35.59, Utility Scale Photovoltaic Facilities, is hereby amended to read as follows:

35.59.040 Development Standards

All utility-scale solar photovoltaic facilities shall comply with the following standards. Additionally, such facilities shall also comply with all the requirements established by other sections of this Development Code that are not in conflict with the requirements contained in this Chapter ~~35.59 (Utility Scale Solar Photovoltaic Facilities).~~

SECTION 90:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.80.020, Authority for Land Use and Zoning Decisions, of Chapter 35.80, Permit Application Filing and Processing, is hereby amended to read as follows:

35.80.020 Authority for Land Use and Zoning Decisions

A. Review Authority.

1. Table 8-1 (Review Authority) below, identifies the review authority responsible for reviewing and making decisions on each type of application required by this Development Code.
2. Any reference to the Board of Architectural shall actually refer to the Design Review body with jurisdiction in compliance with Chapter 2 of the County Code.
3. Where the Director is the identified review authority, the Director may, at the request of the Applicant, refer any application for a project to the Planning Commission for decision where, in the Director's opinion, the public interest would be better served by a Planning Commission public hearing and action. The Director's decision to refer or not to refer an application to the Planning Commission is final and not subject to appeal.

B. Applications subject to more than one review authority.

1. When an application is submitted that requires two or more discretionary applications ~~permit entitlements are submitted~~ that relate to the same development project and the individual ~~applications~~ permits are under the separate jurisdiction of more than one review authority ~~in compliance with Table 8-1 (Review Authority) below~~, all ~~applications~~ permits for the project shall be under the jurisdiction of the review authority with the highest jurisdiction in compliance with the following descending order:
 - a. Board;
 - b. Commission;
 - c. Zoning Administrator; and
 - d. Director.
2. If the Board is the review authority for a project due to a companion discretionary application (e.g., Zoning Map Amendment) the Commission shall make an advisory recommendation to the Board on each project.
3. This Section shall not apply to applications for:
 - a. Design Review submitted in compliance with Section 35.82.070 (Design Review).
 - b. Emergency Permits submitted in compliance with Section 35.82.090 (Emergency Permits).
 - ~~c. Land Use Permits submitted in compliance with Section 35.82.110 (Land Use Permits).~~
 - c.d. Sign Certificates of Compliance required in compliance with Chapter 35.38 (Sign Standards).
 - d.e. Zoning Clearances submitted in compliance with Section 35.82.210 (Zoning Clearance), unless specifically provided for in this Development Code.

Table 8-1- Review Authority

Type of Action	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Administrative and Legislative				
Development Code Amendments			Recommend	Decision

Type of Action	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Comprehensive Plan Amendments			Recommend	Decision
Interpretations	Decision		Appeal	Appeal
Reasonable Accommodation	See Chapter 35.37 (Reasonable Accommodation) for applicable Review Authority			
Specific Plans and Amendments			Recommend	Decision
Zoning Map Amendments			Recommend (2)	Decision
Planning Permits				
Conditional Use Permits			Decision	Appeal
Design Review	See Footnote (3) below			
Development Plans	See Table 8-2 (Development Plan Review Authorities) in Section 35.82.080 (Development Plans) for applicable Development Plan Thresholds			
Emergency Permits	Decision			
Hardship Determinations		Decision		
Land Use Permits (4)	Decision		Appeal	Appeal
Limited Exception Determinations			Decision	Appeal
Minor Conditional Use Permits	See Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) Decision		Appeal	Appeal

Type of Action	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Modifications	<u>Decision</u>	Decision	Appeal	Appeal
Nonconforming Status & Extent of Damage Determinations		Decision		
Oil and Gas Exploration and Production Plans			Decision	Appeal
Oil/Gas Land Uses - Abandonment and Removal Procedures	Decision		Appeal	Appeal
Overall Sign Plans	See Section 35.82.150 (Overall Sign Plans)			
Reclamation and Surface Mining Permits (54)			Decision	Appeal
Road Namings/Renamings	See Chapter 35.76 (Road Naming and Address Numbering)		Appeal	Appeal
Sign Certificates of Conformance	Decision		Appeal	Appeal
Sign Modifications		Decision	Appeal	Appeal
Use Determinations			Decision	Appeal
Variances		Decision	Appeal	Appeal
Zoning Clearances	Decision			

Notes:

- (1) "Recommend" identifies that the review authority makes a recommendation to a higher decision-making body; "Decision" identifies that the review authority makes the final decision on the matter; "Appeal" identifies that the review authority may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with Chapter 35.102 (Appeals).
- (2) The decision of the Commission to recommend denial of a Zoning Map Amendment is not transmitted to the Board absent the filing of an appeal or a written request for a hearing is filed with the Clerk of the Board within the five calendar days after the Commission files its recommendation with the Board.
- (3) The Board of Architectural Review with jurisdiction in compliance with County Code Chapter 2 shall make decisions on Design Reviews within the County; the decision of the Board of Architectural Review is appealable to the Commission; the decision of the Commission is appealable to the Board.
- ~~(4) The Zoning Administrator is the review authority for Land Use Permits approved in compliance with Section 35.42.190 (Home Occupations) and Section 35.82.110 (Land Use Permits) for Home Occupations that qualify as Cottage Food Operations. The decision of the Zoning Administrator may be appealed to the Commission; the decision of the Commission may be appealed to the Board.~~
- (5) The Director shall be the review authority on amendments to Reclamation Plans that are required in order to incorporate an interim management plan that is required due to a surface mining operation becoming idle.

SECTION 91:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.82.020, Effective Date of Permits, of Chapter 35.82, Permit Review and Decisions, is hereby amended to read as follows:

35.82.020 Effective Date of Permits

- A. **Effective Date of Permit.** A decision on a planning permit shall be effective on the date of action except as provided below.
 1. **Decisions subject to appeal.** The approval of a planning permit for a projectA decision on an application for any approval subject to appeal shall become effective on the eleventh day following the date of application approval by the appropriate review authority where an appeal of the review authority's action has not been filed in compliance with Chapter 35.102 (Appeals) unless otherwise indicated in the planning permit. The effective date shall extend to 5:00 p.m. on the following working day where the tenth day falls on a weekend, holiday, or other day the County offices are not open for business.

2. If appealed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal.

~~B. **Extension of effective date.** The effective date shall extend to 5:00 p.m. on the following working day where the eleventh day falls on a weekend, holiday, or other day the County offices are not open for business.~~

~~CB. **No entitlement for development.** No entitlement for the use or development shall be granted before the effective date of the planning permit.~~

C. **Lapse.** When a permit or approval has been exercised, it shall remain valid and in force unless the use or structure authorized by the permit or approval is removed from the site or remains vacant and unused for its authorized purpose, or is abandoned or discontinued for a period greater than 12 consecutive months, in which case the permit or approval may be revoked in accordance with Section 35.84.060 (Revocations). No use of land or structure, the permit for which has lapsed in compliance with this Section and has been revoked in accordance with Section 35.84.060 (Revocations), shall be reactivated, re-established, or used unless a new permit is first obtained.

SECTION 92:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.82.040, Permits to Run with the Land, of Chapter 35.82, Permit Review and Decisions, is hereby amended to read as follows:

35.82.040 Permits to Run with the Land

~~A Conditional Use Permit or Minor Conditional Use Permit, Development Plan, Design Review, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, Zoning Clearance approval or other planning permit approved~~Any permit or approval granted in compliance with this Chapter shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with this Chapter or as otherwise specified in the planning permit. All applicable conditions of approval shall continue to apply after a change in property ownership.

SECTION 93:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.82.060, Conditional Use Permits and Minor Conditional Use Permits, of Chapter 35.82, Permit Review and Decisions, is hereby amended to read as follows:

35.82.060 Conditional Use Permits and Minor Conditional Use Permits

- A. **Purpose and intent.** The purpose of this Section is to provide for uses that are essential or desirable but cannot be readily classified as allowed uses in individual zones by reason of their special character, uniqueness of size or scope, or possible effect on public facilities or surrounding uses. The intent of this Section is to provide for specific consideration of these uses.
- B. **Applicability.** The provisions of this Section shall apply to those uses ~~listed~~ identified within this Development Code as requiring either a Conditional Use Permit or Minor Conditional Use Permit. The following references in this Section to Conditional Use Permits shall be interpreted to include both Conditional Use Permits and Minor Conditional Use Permits unless otherwise noted.
- C. **Contents of application.** An application for a Conditional Use Permit shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).
- D. **Processing.**
1. After receipt of an application for a Conditional Use Permit, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 2. Notice of the filing of an complete application shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).
 3. The Department shall refer the application for a Conditional Use Permit to the Subdivision/Development Review Committee for review and recommendation to the review authority.
 4. **Design review required.** The following applications shall be subject to Design Review in compliance with Section 35.82.070 (Design Review).
 - a. An application for a Conditional Use Permit.
 - b. An application for a Minor Conditional Use Permit as specifically identified by the Director, Zoning Administrator, Commission, or Board.
 - c. This requirement may be waived by the Director if no or only minor structural development is proposed that would not otherwise require Design Review.
 5. The review authority shall hold at least one noticed public hearing on the requested Conditional Use Permit, unless waived for a Minor Conditional Use Permit in compliance with Subsection D.9, below, and approve, conditionally approve, or deny the request.
 6. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).

7. The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).
8. Conditional Use Permits may be granted for a period of time and subject to conditions and limitations as may be required to protect the public health, peace, safety, and general welfare of the community. The conditions may be more restrictive than those required in the specific zones.
9. **Waiver of public hearing.** The requirement for a public hearing for a Minor Conditional Use Permit may be waived by the Director in compliance with the following requirements:
 - a. Notice, that a public hearing shall be held upon request by any person, is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Chapter 35.106 (Noticing and Public Hearings).
 - (1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Minor Conditional Use Permit application.
 - b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection D.9.a, above, is mailed.
 - c. If the requirement for a public hearing is waived, then the Director shall be the review authority for the Minor Conditional Use Permit application.
- ~~9. In the case of a Conditional Use Permit application where the project is subject to Development Plan requirements, a Development Plan shall be required in addition to obtaining a Conditional Use Permit, except for the following:~~
 - ~~a. Commercial telecommunication facilities that are permitted by a Conditional Use Permit pursuant to Section 35.44.010 (Commercial Telecommunication Facilities) provided that any structure constructed or erected as part of the telecommunications facility shall only be used as part of the telecommunication facility and shall be removed pursuant to Section 35.44.010.E.4 (Project abandonment/site restoration).~~
- ~~10. Notwithstanding the requirements of Subsection 35.80.020.B (Applications subject to more than one review authority) and Section 35.82.080 (Development Plans), if a Development Plan is required in compliance with Subsection D.8 above, then the Development Plan shall also be under the jurisdiction of the Zoning Administrator if the Conditional Use Permit would be under the jurisdiction of the Zoning Administrator provided:~~
 - ~~a. The use of the site proposed to be allowed by the Minor Conditional Use Permit is the only proposed use of the site, or~~

~~b. On a developed site, no new development is proposed beyond that applied for under the Minor Conditional Use Permit.~~

E. **Findings required for approval of Conditional Use Permits ~~other than Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards)~~.** A Conditional Use Permit application shall be approved or conditionally approved only if the review authority first makes all of the following findings, as applicable.

1. Findings required for all Conditional Use Permits:

- a. The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed;
- b. Significant environmental impacts will be mitigated to the maximum extent feasible.
- c. Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
- d. There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.
- e. The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.
- f. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.
- g. Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.

~~2. Additional findings required for sites zoned MT-GOL (Mountainous Goleta) zone.~~

- ~~a. The proposed project will not cause significant erosion, sedimentation, runoff, siltation, or an identified significant adverse impact to downstream water courses or water bodies.~~
- ~~b. The proposed project will not cause any significant adverse effect on environmentally sensitive habitat areas.~~

~~3. Additional findings required for sites zoned MT-TORO (Mountainous Toro) zone.~~

- ~~a. The proposed project will not require extensive alteration of the topography.~~
- ~~b. The proposed project will not cause erosion, sedimentation, runoff, siltation, or an identified significant adverse impact to downstream water courses or water bodies.~~

- ~~c. The proposed project will not cause any significant adverse effect on environmentally sensitive habitat areas, plant species, or biological resources.~~

42. Additional findings required for sites zoned MT-GOL (Mountainous Goleta), MT-TORO (Mountainous Toro), and RMZ (Resource Management).

- a. The proposed project will not require extensive alteration of the topography.
- b. The proposed project will not cause erosion, sedimentation, runoff, siltation, or an identified significant adverse impact to downstream water courses or water bodies.
- c. The proposed project will not cause any significant adverse effect on environmentally sensitive habitat areas, plant species, or biological resources.

~~F. Findings required for approval of Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards).~~ A Conditional Use Permit application shall be approved or conditionally approved only if the Zoning Administrator first makes all of the following findings:

- ~~1. The sign is necessary to direct or inform the public as to the location or changing attraction of those uses specified in Chapter 35.38 (Sign Standards).~~
- ~~2. The location and size of the sign will not be detrimental to the safety, convenience, property values, and general welfare of the neighborhood.~~
- ~~3. If the sign informs the public concerning service club meetings, the permittee agrees in writing, if required by the Zoning Administrator, to permit additional service club signs to be placed on the same structure.~~

~~GF. Requirements prior to commencement of conditionally permitted uses and permit expiration.~~

- 1. For Conditional Use Permits approved for property located in the Inland area, issuance of a ~~Land Use Permit in compliance with Section 35.82.110 (Land Use Permits)~~ or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit.
 - ~~a. **Land Use Permit required.** The issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required if the approval of a Substantial Conformity Determination in compliance with Subsection 35.84.040.C (Substantial Conformity Determinations) is required as a result of changes to the project allowed by the Conditional Use Permit.~~
 - ~~b. **Zoning Clearance required.** The issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required if the approval of a Substantial Conformity Determination in compliance with Subsection 35.84.040.C~~

~~(Substantial Conformity Determinations) is not required as a result of changes to the project allowed by the Conditional Use Permit.~~

2. Time limits and extensions.

- a. **Conditional Use Permits without approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit does not include an approved phasing plan for development of the project authorized by the Conditional Use Permit, then a time limit shall be established within which the required ~~Land Use Permit or Zoning Clearance~~ shall be issued.
 - (1) The time limit shall be a reasonable time based on the nature and size of the proposed development or use.
 - (2) If a time limit is not specified, the time limit shall be ~~18 months~~ four years from the effective date of the Conditional Use Permit.
 - (3) ~~The review authority responsible for reviewing and making a decision on the application for the Conditional Use Permit in compliance with Table 8-1 (Review Authority) and Subsection 35.80.020.B (Applications subject to more than one review authority).~~ The Director may extend the time limit of an approved Conditional Use Permit application in compliance with Section 35.84.030 (Time Extensions).
 - (4) If the required time limit in which to obtain the required ~~Land Use Permit or Zoning Clearance~~ has expired and an application for an extension has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.
- b. **Conditional Use Permits with approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit includes a phasing plan for development of the project authorized by the Conditional Use Permit, then the required ~~Land Use Permit or Zoning Clearance~~ shall be issued within the time limit(s) established by the phasing plan.
 - (1) ~~The time limit may be extended only by revising the phasing plan for development of the project authorized by the Conditional Use Permit in compliance with Subsection C. (Substantial Conformity Determinations), Subsection D. (Amendments) or Subsection E. (Revisions) of Section 35.84.040 (Changes to an Approved Project).~~ The Director may extend the time limit of an approved phasing plan in compliance with Section 35.84.030 (Time Extensions).
 - (2) If the required time limit(s) in which to obtain the required ~~Land Use Permit or Zoning Clearance~~ for the first phase of the project authorized by the Conditional Use Permit has expired and an application ~~to revise the phasing~~

~~plan~~for an extension has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.

- (3) If the required time limit(s) in which to obtain the required ~~Land Use Permit~~ ~~or~~ Zoning Clearance for any subsequent phase of the project authorized by the Conditional Use Permit has expired and an application to ~~revise~~ extend the phasing plan has not been submitted, then:

- (a) The Conditional Use Permit shall be considered void and of no further effect as to that phase and any subsequent phase(s) of the project.
- (b) The Conditional Use Permit is automatically revised to eliminate phases of project from the project authorized by the Conditional Use Permit that are considered void and of no further effect in compliance with Subsection 3.b.(3)(a), above.

- ~~(4) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits and Zoning Clearances shall be issued within 10 years of the effective date of the Conditional Use Permit.~~

- ~~(a) This 10 year period may be extended by the Commission provided an application for a Time Extension is submitted in compliance with Section 35.84.030 (Time Extensions).~~

~~3. Conditional Use Permit void. A Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by the Conditional Use Permit is discontinued for a period of more than 12 months. The time limit for discontinuance may be extended by the review authority that approved the Conditional Use Permit in compliance with Section 35.84.030 (Time Extensions).~~

H. **Changes to approved permit.** Changes to an approved Conditional Use Permit shall be processed in compliance with Section 35.84.040 (Changes to an Approved Project).

I. **Conditions, restrictions, and modifications.**

- 1. At the time the Conditional Use Permit is approved, or subsequent amendments or revisions are approved, the review authority may modify the applicable distance between structures, landscaping, parking, screening requirements, setbacks, structure coverage, structure height limit, ~~or~~ yard areas, or other development standards when the review authority finds that the modifications are justified and consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines.
- 2. As a condition of approval of any Conditional Use Permit, or of any subsequent amendments or revisions, the review authority may impose any appropriate and reasonable conditions or require any redesign of the project as the review authority may deem necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area,

- to preserve or enhance the public health, peace, safety and welfare, or to implement the purposes of this Development Code.
3. The review authority may require as a condition of approval of any Conditional Use Permit, or of any subsequent amendment or revision, the preservation of trees existing on the subject property.
 4. **Mission Canyon Community Plan area.** Within the Mission Canyon Community Plan area, as a condition of approval of any Conditional Use Permit or Minor Conditional Use Permit, or of any subsequent amendments or revisions, the review authority shall require an approved Fire Protection Plan in compliance with Policy FIRE-MC-4 to avoid onsite and offsite emergency evacuation impacts.
- J. **Permit revocation.** A Conditional Use Permit approval may be revoked or modified in compliance with Section 35.84.060 (Revocations).
- K. **Post approval procedures.** The procedures and requirements in Chapter 35.84 (Post Approval Procedures) and those related to appeals in Article 35.10 (Land Use and Development Code Administration), shall apply following the decision on an application for a Conditional Use Permit.

SECTION 94:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.82.070, Design Review, of Chapter 35.82, Permit Review and Decisions, is hereby amended to read as follows:

35.82.070 Design Review

- A. **Purpose and intent.** The purpose and intent of Design Review is to encourage development that exemplifies the best professional design practices, to benefit surrounding property values, enhance the visual quality of the environment, and prevent poor quality of design.
- B. **Applicability.**
1. **Board of Architectural Review.** The Board of Architectural Review shall be interpreted to mean the Central County Board of Architectural Review, the Montecito Board of Architectural Review, the North County Board of Architectural Review, and the South County Board of Architectural Review, as these Boards of Architectural Review are established and identified in Article V of Chapter 2 of the County Code. The applicable Board of Architectural Review shall govern the provisions of this Section within their respective jurisdictional areas as established by Article V of Chapter 2 of the County Code.
 2. **Design Review action required.** Design Review action shall be required for ~~all of the following:~~ any structure or sign requiring Design Review as specifically provided in this

Development Code, except as provided in Subsection 35.82.070.C (Exceptions to Design Review Requirements).

- ~~a. Any structure or sign requiring Design Review as specifically provided under the applicable zone regulations of Article 35.2 (Zones and Allowable Land Uses).~~
 - ~~b. Any structure or sign requiring Design Review as specifically provided under Article 35.3 (Site Planning and Other Project Standards).~~
 - ~~c. Any structure or sign requiring Design Review as specifically provided under Article 35.4 (Standards for Specific Land Uses).~~
 - ~~d. Any structure or sign requiring Design Review as specifically provided under Article 35.5 (Oil and Gas, Wind Energy and Cogeneration Facilities).~~
 - ~~e. Any structure or sign requiring Design Review as specifically provided under Article 35.6 (Resource Management).~~
 - ~~f. Any structure or sign requiring Design Review as specifically provided under Article 35.8 (Planning Permit Procedures).~~
 - ~~g. Any structure or sign requiring architectural approval as specifically identified by the Director, Zoning Administrator, Commission, or Board. The Board of Architectural Review shall also render its advice on the exterior architecture of structures and signs to the Director, Zoning Administrator, Commission, or Board when requested to do so.~~
- ~~3. **Gaviota Coast, Mission Canyon, Summerland and Toro Canyon Plan areas.** In addition to the items identified in Subsection B.2, above, for lots located within the Gaviota Coast Plan area, Mission Canyon Community Plan area, Summerland Community Plan area, and the Toro Canyon Area Plan area, the provisions of this Section shall also apply to:~~
- ~~a. Any structure, additions to a structure, or sign.~~
 - ~~b. Gaviota Coast Plan area. Within the Gaviota Coast Plan area, single agricultural structures with a individual gross floor area of less than 5,000 square feet that are in compliance with the following standards are not subject to the requirements of this Section 35.82.070 (Design Review):~~
 - ~~(1) The existing cumulative structural development located on the lot that the structure is proposed to be located on does not exceed a footprint area of 10,000 square feet.~~
 - ~~(2) The structure(s) complies with the following standards:~~
 - ~~(a) All exterior lighting is in compliance with the following:~~
 - ~~(i) The lighting is required for safety purposes only.~~

~~(ii) Light fixtures are fully shielded (full cutoff) and are directed downward to minimize impacts to the rural nighttime character.~~

~~(iii) Lighting is directed away from habitat areas, nearby residences, public roads and other areas of public use to the extent feasible.~~

~~(b) The structure uses building materials, earth tone colors, and non-reflective paints that are compatible with the surrounding natural environment to maximize the visual compatibility of the development with surrounding areas.~~

~~c. **Summerland Community Plan area.** Within the Summerland Community Plan area, new encroachments of structures, fences, walls, landscaping, etc., into existing public road rights-of-way as part of a project otherwise requiring Design Review in compliance with Section 35.82.070 (Design Review).~~

C. **Exceptions to Design Review requirements.** Design review approval shall not be required for the following:

1. **General.**

a. Accessory dwelling units.

b. Junior accessory dwelling units.

~~c. Decks.~~

~~d. Fences, gates, gateposts and walls as follows; 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:~~

~~(1) Fences, gates, and walls six feet or less in height and gateposts of eight feet or less in height, when located in the front setback area.~~

~~(2) Fences, gates, and walls of eight feet or less in height and gateposts of 10 feet or less in height when located outside of front setback areas and not closer than 20 feet from the right-of-way line of any street.~~

~~e. Hot tubs, spas, and swimming pools.~~

~~f. Interior alterations.~~

~~g. Solar panels.~~

~~h. Other exterior alterations determined to be minor by the Director.~~

- if. The replacement or restoration of structures that were 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 or affecting the lot on which the damaged or destroyed structures were located; 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.
- 2. The following unless subject to a previous Design Review approval or associated with development otherwise requiring Design Review:
 - a. Detached accessory structures with less than 500 square feet of gross floor area located behind another building or on the rear half of the lot.
 - b. Decks.
 - c. Fences, gates, gateposts and walls as follows; 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:
 - (1) Fences, gates, and walls six feet or less in height and gateposts of eight feet or less in height, when located in the front setback area.
 - (2) Fences, gates, and walls of eight feet or less in height and gateposts of 10 feet or less in height when located outside of front setback areas and not closer than 20 feet from the right-of way line of any street.
 - d. Hot tubs, spas, and swimming pools.
- 3. **Gaviota Coast Plan area.** Within the Gaviota Coast Plan area and where not subject to Section 35.62.040 (Ridgeline and Hillside Development Guidelines), single agricultural structures with an individual gross floor area of less than 5,000 square feet that are in compliance with the following standards:
 - a. The existing cumulative structural development located on the lot that the structure is proposed to be located on does not exceed a footprint area of 10,000 square feet.
 - b. The structure(s) complies with the following standards:
 - (1) All exterior lighting is for safety purposes only.
 - (2) The structure uses building materials, earth tone colors, and non-reflective paints that are compatible with the surrounding natural environment to maximize the visual compatibility of the development with surrounding areas.
- 24. **Special Provisions for projects in the jurisdictional area of the North County Board of Architectural Review.** The following are special provisions that apply to projects that are within the jurisdictional area of the North County Board of Architectural Review:

- a. **Exemptions.** The following projects shall be exempt from Design Review if they cannot be viewed from public roadways or other areas of public use. Landscape screening shall not be taken into consideration when determining whether the project is visible from public roadways.
 - (1) One-family dwellings.
 - (2) Commercial and industrial projects not open to the public.
 - (3) Accessory structures.
- b. **Advisory actions.** Review by the North County Board of Architectural Review of one-family dwellings is advisory and does not require either preliminary or final approval.
- c. **Time limits.** The North County Board of Architectural Review shall seek to complete its review of all projects within its purview as expeditiously as possible. Therefore, one-family dwellings shall be reviewed by the North County Board of Architectural Review no more than three times or for no longer than three months from the date of filing an application, whichever occurs first unless the project changes or requests for a continuance are initiated by the applicant require further review. If the North County Board of Architectural Review fails to render its advice within this limitation, then the project shall proceed to the review authority without a recommendation by the North County Board of Architectural Review.
- d. **Structures subject to Chapter 35.62 (Ridgeline and Hillside Development).** The following applies to structures that would normally be subject to Design Review due to their location in an area subject to the requirements of Chapter 35.62 (Ridgeline and Hillside Development)).
 - (1) **Exemptions.** Exemptions to the Ridgeline and Hillside Guidelines that may normally be allowed in compliance with Subsection 35.62.040.B.2 (Exemptions allowed by the Board of Architectural Review) shall instead be reviewed and, if appropriate, allowed as follows:
 - (a) Structures shall be reviewed by the Director for compliance with the development guidelines contained in Subsection 35.62.040.C (Development guidelines).
 - (b) The Director may exempt a structure from compliance with the development guidelines in compliance with Subsection 35.62.040.C.1 (Guidelines - Application and interpretation) in addition to Subsection 35.62.040.B.3 (Exemptions allowed by the Director).
- e. **Special provision not applicable.** The special provisions described in Subsection 2.a through 2.d above, shall not apply to the following:

- (1) Development Plans where the Commission is the review authority.
- (2) Structures subject to approved planning permits and subdivision maps that are conditioned to require review and approval by the Board of Architectural Review in order to mitigate visual impacts or provide for consistency with the Comprehensive Plans.

D. **Contents of application.** An application for a Design Review shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).

E. **Processing.**

1. **Conceptual Review.** The Board of Architectural Review shall hold at least one noticed public hearing to review and comment on a project's concept or theme in the early stages of development. No formal action is taken; however, comments and discussion give the applicant general direction for future review.

a. A maximum of two Conceptual Review hearings may be held prior to submittal and acceptance of an application for a planning permit.

~~12.~~ Applications for Preliminary and Final review by the Board of Architectural Review shall be accepted only if the application is accompanied by a development application or if the Department is processing an existing development application for the proposed project.

~~23.~~ **Preliminary and Final Approval.** The Board of Architectural Review shall hold as least one noticed public hearing on an application for Preliminary or Final Approval and approve, conditionally approve or deny the request in compliance with Section 2-33.15 of Chapter 2, Article V of the County Code and this Section.

a. Where the accompanying development application requires a discretionary approval, the hearing for Preliminary or Final Approval shall be held after the decision has been made on the accompanying development application.

~~34.~~ Notice of ~~the~~ hearings shall be given and the hearings shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).

~~45.~~ The action of the Board of Architectural Review is final subject to appeal in compliance with Chapter 35.102 (Appeals).

F. **Findings required for approval.**

1. **Findings required for all Design Review applications.** A Design Review application shall be approved or conditionally approved only if the Board of Architectural Review first makes all of the following findings:

a. Overall structure shapes, as well as parts of any structure (buildings, fences, screens, signs, towers, or walls) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the subject property.

- b. Electrical and mechanical equipment will be well integrated into the total design concept.
 - c. There will be harmony of color, composition, and material on all sides of a structure.
 - d. There will be a limited number of materials on the exterior face of the structure.
 - e. There will be a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.
 - f. Site layout, orientation, and location of structures and signs will be in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the site.
 - g. Adequate landscaping will be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of plantings that are appropriate to the project, and that adequate provisions have been made for maintenance of all landscaping.
 - h. Signs, including associated lighting, are well designed and will be appropriate in size and location.
 - i. The proposed development is consistent with any additional design standards and design guidelines, as applicable, as expressly adopted by the Board for a specific local area, community, or zone ~~in compliance with Subsection G. (Local design standards) below.~~
- ~~2. **Additional findings required for Design Review applications within the Eastern Goleta Valley area.** Where Design Review is required in compliance with Subsection 35.28.080.E (Eastern Goleta Valley), plans for new or altered structures will be in compliance with the Eastern Goleta Valley Residential Design Guidelines, as applicable. The Eastern Goleta Valley Residential Design Guidelines, which are intended to serve as a guide only, shall constitute "additional design standards" for purposes of Subsection 35.82.070.F.1.(i).~~
- 2.3. **Additional finding required for Design Review applications within the Summerland Community Plan Area.**
- ~~a. Plans for new or altered structures will be in compliance with the Summerland Residential and Commercial Design Guidelines.~~
 - a.b. Permitted encroachments of structures, fences, walls, landscaping, etc., into existing public road rights-of-way are consistent in style with the urban and rural areas and minimize adverse visual or aesthetic impacts.
 - b.e. Landscaping or other elements are used to minimize the visual impact of parking proposed to be located in front setback areas.

- ~~c.d.~~ If Monterey or Contemporary architectural styles are proposed, the design is well executed within the chosen style, and the style, mass, scale, and materials proposed are compatible with the surrounding neighborhood.

~~4. Additional finding required for Design Review applications within the Toro Canyon Plan Area.~~ All non-agricultural structures are in compliance with Subsection 35.28.210.H.1 (Development standards).

~~5. Additional finding required for Design Review applications within the Los Alamos Community Plan area.~~ Where Design Review is required in compliance with Subsection 35.28.080.F (Los Alamos Community Plan), plans for new or altered structures will be in compliance with the Los Alamos Bell Street Design Guidelines, as applicable. The Los Alamos Bell Street Design Guidelines, which are intended to serve as a guide only, shall constitute "additional design standards" for purposes of Subsection 35.82.070.F.1.(i).

36. Additional findings required for Design Review applications within the Mission Canyon Community Plan area.

- ~~a.~~ Plans for new or altered structures subject to the provisions of Section 35.28.080 (Design Control (D) Overlay Zone) are in compliance with the Mission Canyon Residential Design Guidelines as applicable.

- ~~a.b.~~ Large visible understories (greater than four feet in height) and exposed retaining walls are minimized.

- ~~b.c.~~ Retaining walls are colored and textured (e.g., with earth tone colors and split face details) to match adjacent soils or stone, and visually softened with appropriate landscaping.

- ~~c.d.~~ The visible portion of a retaining wall above finished grade does not exceed a height of six feet as measured from the bottom of a footing to the top of the wall. The Board of Architectural Review may grant an exemption to this finding if a written finding is made that the exemption is necessary to allow a project that:

- (1) Furthers the intent of protecting hillsides and watersheds;
- (2) Enhances and promotes better structural and/or architectural design; and
- (3) Minimizes visual or aesthetic impacts.

- ~~d.e.~~ Landscaping and hardscaping located in the public right-of-way is consistent in style with the semi-rural character of Mission Canyon.

74. Additional findings required for Design Review applications within the Scenic Corridor - Mission Canyon (SC-MC) overlay zone.

- a. New structures or alterations to existing structures will not impede views of, or interfere with the visual and historic character of the scenic corridor.

- b. New structures or alterations to existing structures have been reviewed within the context of the traditional and historical architectural setting in the vicinity, including Mission Santa Barbara, the Santa Barbara Museum of Natural History, "Glendessary House" (a County Landmark), and "Rockwood" (the Santa Barbara Woman's Club). While no particular architectural style is prescribed for this area, project design should promote a smooth transition from the City of Santa Barbara's "El Pueblo Viejo Landmark District" (around the Mission) to Mission Canyon. In this area, high quality construction and materials for exterior finishes are used.
- c. Where a traditional Spanish architectural style is proposed that incorporates a tile roof, two-piece terra cotta (Mission "C-tile") roof is used.
- d. New or altered fences, gates, gateposts, and walls are consistent with the architectural style of the structure, are compatible with the visual and historical character of the setting, are colored with appropriate earth tone colors to match adjacent soils or stone, are visually softened with appropriate landscaping, and make use of high quality construction and materials.

~~**8. Additional findings required for Design Review applications within the Mixed Use (MU) zone.** A Design Review application for a project located on property zoned MU shall be approved or conditionally approved only if the Board of Architectural Review first makes all of the findings required in compliance with Subsection 35.26.030.E (Design review required) and Subsection 35.26.050.E.8.h (Design criteria).~~

~~**9. Additional finding required for Design Review applications within the Gaviota Coast Plan area.** Where Design Review is required in compliance with Subsection B.3, above, plans for new or altered residential structures and structures that are accessory to residential structures will be in compliance with the Gaviota Coast Plan Design Guidelines, as applicable. The Gaviota Coast Plan Design Guidelines, which are intended to serve as a guide only, shall constitute "additional design standards" for purposes of Subsection 35.82.070.F.1.i.~~

- G. **Local design standards.** Additional design standards for a particular geographic area or zone may be developed as part of or independently of a Community Plan. Such standards serve to provide further guidance in the review of projects for the geographic area beyond those standards or findings contained in this Section. The following procedures shall be followed in adopting the local design standards:
 - 1. The Board of Architectural Review shall review proposed design standards at a draft stage and provide comments on the draft design standards as to their consistency with the standards and findings provided in this Section, as well as their overall utility and effectiveness. These comments shall be incorporated into the draft design standards by the Department.

2. The Commission shall hold a hearing to review the proposed design standards and shall transmit its action to the Board in the form of a written recommendation.
3. The Board shall hold a hearing to review the proposed design standards and shall approve or disapprove the proposed design standards.
 - a. This hearing may be held in conjunction with an overall Community Plan adoption.
 - b. The manner of adoption of the design standards (e.g., by ordinance or resolution) shall be at the discretion of the Board.
 - c. Adoption of design standards shall:
 - (1) Constitute a directive to the Board of Architectural Review to utilize the design standards in review of projects located in the applicable area or zone; and
 - (2) Not constitute a granting of any formal authority to any local Design Review board not otherwise granted by appropriate legal mechanism.

~~H. **Appeals.** The action of the Board of Architectural Review to grant or deny preliminary or final approval is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~

~~H.~~ **Expiration of Design Review approval.**

1. **If development permit exists.** All Design Review approvals shall expire on the date the associated development permit (e.g., Conditional Use Permit, Development Plan, Land Use Permit) including time extensions, expires.
2. **If no development permit exists.** Where no development permit exists, all Design Review approvals shall expire ~~two~~ four years from the effective date of final approval, except the Director may grant an extension of the approval if an active development application is being processed by the Department.

~~J.~~ **~~Minor~~ Changes to Design Reviews.** Minor changes to an approved project shall be in compliance with Section 35.84.040 (Changes to an Approved Project).

1. The Director shall have the authority and discretion to consult with the Chair of the Board of Architectural Review to determine whether a design alteration constitutes a minor change.

~~K.~~ **Permit revocation.** A Design Review approval may be revoked or modified in compliance with Section 35.84.060 (Revocations).

~~L.~~ **Post approval procedures.** The procedures and requirements in Chapter 35.84 (Post Approval Procedures), and those related to appeals in Article 35.10 (Land Use and Development Code Administration) shall apply following the decision on an application for Design Review.

SECTION 95:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.82.080, Development Plans, of Chapter 35.82, Permit Review and Decisions, is hereby amended to read as follows:

35.82.080 Development Plans

- A. **Purpose and intent.** The purpose and intent of a Development Plan is to provide specific consideration for projects that are allowed uses within their respective zones which, because of the location, scale, or type of the development, require comprehensive review.
- B. **Applicability.** The provisions of this Section shall apply to all development and activities identified within this Development Code as requiring a Development Plan.
1. ~~Final Development Permit Plan required.~~ No permit shall be issued for any development, including grading, for any property subject to this Section until a ~~Final~~ Development Plan has been approved in compliance with this Section.
 2. **All portions of site to be included.** No portion of a property not included within the boundaries of the Development Plan shall be entitled to any development permits.
 3. **Review authority.** The Planning Commission is the review authority for Development Plans ~~is-except as~~ identified in Table 8-2 (Development Plan Review Authorities) below or as specifically stated in another part of this Development Code.

Table 8-2- Development Plan Review Authorities

Type of Project	Role of Review Authority			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
<u>Development Plans for structures and additions of less than 1,000 square feet where Development Plan approval is required by virtue of a Zone requirement</u>				
<u>All Zones</u>	<u>Decision</u>		<u>Appeal</u>	<u>Appeal</u>
Gross floor area of 10,000 square feet or less in the following zones: (1)				
C-1 (General Commercial)	Decision		Appeal	Appeal
C-2 (Retail Commercial)	Decision		Appeal	Appeal
C-3 (General Commercial)	Decision		Appeal	Appeal

Type of Project	Role of Review Authority			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
CH (Highway Commercial)	Decision		Appeal	Appeal
CS (Service Commercial)	Decision		Appeal	Appeal
M-1 (Light Industry)	Decision		Appeal	Appeal
M-2 (General Industry)	Decision		Appeal	Appeal
M-RP (Industrial Research Park)	Decision		Appeal	Appeal
MU (Mixed Use)	Decision		Appeal	Appeal
OT (Old Town)	Decision		Appeal	Appeal
PI (Professional and Institutional)	Decision		Appeal	Appeal
Gross floor area greater than 10,000 square feet but less than 15,000 square feet in size in the following zones: (1)				
C-1 (General Commercial)		Decision	Appeal	Appeal
C-2 (Retail Commercial)		Decision	Appeal	Appeal
CH (Highway Commercial)		Decision	Appeal	Appeal
CS (Service Commercial)		Decision	Appeal	Appeal
M-1 (Light Industry)		Decision	Appeal	Appeal
M-2 (General Industry)		Decision	Appeal	Appeal
M-RP (Industrial Research Park)		Decision	Appeal	Appeal
MU (Mixed Use)		Decision	Appeal	Appeal
OT (Old Town)		Decision	Appeal	Appeal
PI (Professional and Institutional)		Decision	Appeal	Appeal

Type of Project	Role of Review Authority			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Gross floor area less than or equal to 15,000 square feet in size in the following zones: (1)				
CN (Neighborhood Commercial)		Decision	Appeal	Appeal
C-V (Visitor Serving Commercial		Decision	Appeal	Appeal
PU (Public Utilities)		Decision	Appeal	Appeal
Telecommunications facilities in all zones in compliance with Chapter 35.44	See Table 4-20 (Section 35.44.010) and Table 4-21 (Section 35.44.020)			
As-built Development Plans for non-conforming development without revisions to existing development (2)				
As-built Development Plans for non-conforming development without revisions to existing development (2) All Zones	Decision		Appeal	Appeal
Final Development Plans that the Director determines to be in substantial conformity with approved Preliminary Development Plan	Decision		Appeal	Appeal
Development Plans outside of the review authority of the Director or Zoning Administrator.			Decision	Appeal

Notes:

- (1) Gross floor area includes all outdoor areas designated for sales and storage and the gross floor area of existing structures.
- (2) The Director shall be the review authority for applications for ~~Final~~ Development Plans for projects that were legally permitted and developed without a ~~Final~~ Development Plan and are now nonconforming solely due to the absence of an approved ~~Final~~ Development Plan

provided revisions to the existing development are not proposed as part of the application for the ~~Final~~ Development Plan except for minor alterations to the exterior of the structure that are determined to be exempt from Design Review by the Director in compliance with Section 35.82.070 (Design Review). If revisions to the existing development are proposed, then the application shall be processed as if it was an application for a new project and the jurisdiction shall be determined in compliance with this Table 8-2 .

C. **Contents of application.** An application for a Development Plan shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).

D. **Processing.**

~~1. An applicant may file a Preliminary and then a Final Development Plan, or just a Final Development Plan.~~

~~a. Any application filed in compliance with this Section that is determined to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan shall be accompanied by an application that, if approved, would make the project consistent. The Director may refuse to accept for processing any application the Director finds to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan, unless accompanied by an application that, if approved, would make the project consistent.~~

21. After receipt of an application for a Development Plan, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

2. Notice of the filing of a complete application shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).

3. After receipt of an application for a Development Plan, the Department shall refer the Development Plan to the Subdivision/Development Review Committee ~~and the Board of Architectural Review~~ for review and recommendations to the review authority. ~~This requirement may be waived by the Director in the following situations:~~

~~a. An application for a Final Development Plan that is submitted subsequent to the approval of a Preliminary Development Plan where there is no change from the approved Preliminary Development Plan and the project received final approval from the Board of Architectural Review; or~~

~~b. An application for a Final Development Plan that is submitted for projects that were legally permitted and developed without a Development Plan provided that any exterior alterations can be determined to be minor by the Director in compliance with Subsection 35.82.070.C (Exceptions to Design Review requirements).~~

4. **Development Plans under the jurisdiction of the Director.** A public hearing shall not be required if the Director is the review authority for the Development Plan.
 - a. Notice of the pending decision of the Director on a Development Plan shall be given ~~at least 10 days before the date of the Director's decision~~ in compliance with Chapter 35.106 (Noticing and Public Hearings).
 - b. The Director may approve, conditionally approve, or deny the Development Plan.
 - c. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).
5. **Development Plans under the jurisdiction of the Commission or Zoning Administrator.** A public hearing shall be required if the Commission or Zoning Administrator is the review authority for the Development Plan.
 - a. The review authority shall hold at least one noticed public hearing on the requested Development Plan and approve, conditionally approve, or deny the request.
 - b. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
 - c. The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).
- ~~6. If a Development Plan application is considered in conjunction with a Zoning Map Amendment application or other application requiring legislative approval, the Commission may recommend approval, conditional approval, or denial to the Board.~~
- E. **Findings required for approval.** A Development Plan application shall be approved or conditionally approved only if the review authority first makes all of the following findings, as applicable:
 1. **Findings for all ~~Preliminary or Final~~ Development Plans.**
 - a. The site of the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the density and intensity of development proposed.
 - b. Adverse impacts will be mitigated to the maximum extent feasible.
 - c. Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
 - d. There will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the proposed project.
 - e. The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area.

- f. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan.
- g. Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the agricultural, rural, and scenic character of the rural areas.
- h. The project will not conflict with any easements required for public access through, or public use of a portion of the subject property.

~~2. Additional finding required for Final Development Plans.~~

- ~~a. **Substantial conformity.** The plan is in substantial conformity with any previously approved Preliminary Development Plan, except when the review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan.~~
- ~~(1) If the Final Development Plan is under the jurisdiction of the Director, and the Director cannot find that the Final Development plan is in substantial conformity with the previously approved Preliminary Development Plan, the Director shall refer the Final Development Plan to the review authority that approved the Preliminary Development Plan for a decision on the Final Development Plan.~~

~~3. Additional findings required for Preliminary or Final Development Plans for sites zoned C-V (Visitor Serving Commercial).~~

- ~~a. For development within Rural areas as designated on the Comprehensive Plan maps, the project will not result in a need for ancillary facilities on other rural lands (e.g., residences, stores). Such facilities, if necessary, shall be provided within designated urban areas.~~
- ~~b. For development surrounded by areas zoned residential, the proposed use is compatible with the residential character of the area.~~

~~4. Additional findings required for Preliminary or Final Development Plans for sites zoned MU (Mixed Use).~~

- ~~a. The density and type of mixed use development is consistent with all applicable Comprehensive Plan policies and incorporates any other conditions specifically applicable to the lots that are identified in the Comprehensive Plan.~~
- ~~b. The mixed use development will not be detrimental to the health, safety, comfort, convenience, property values, and general welfare of the neighborhood.~~
- ~~c. The existing and proposed circulation is suitable and adequate to serve the proposed uses.~~

- ~~d. The structures are clustered to the maximum extent feasible to provide the maximum amount of contiguous open space.~~
- ~~e. The mixed use development will not adversely affect necessary community services (e.g., fire protection, police protection, sewage disposal, traffic circulation, and water supply).~~
- ~~f. The proposed mixed uses are sited and designed to ensure the compatibility of the uses.~~

~~5. Additional findings required for Preliminary or Final Development Plans for sites zoned PRD (Planned Residential Development).~~

- ~~a. The density and type of the proposed development will comply with the PRD zone and applicable policies of the Comprehensive Plan including any applicable community or area plan policies.~~
- ~~b. Adequate provisions are or will be made within the proposed covenants, conditions, and restrictions to permanently care for and maintain public and common open spaces and recreational areas and facilities.~~
- ~~c. The structures are clustered to the maximum extent feasible to provide the maximum amount of contiguous open space.~~

~~6. Additional findings required for Preliminary or Final Development Plans for sites within the Hazardous Waste Management Facility overlay zone.~~

- ~~a. There is a need for the off site treatment, storage, or disposal hazardous waste management facility as determined in compliance with Policy 2-1 of the County's Hazardous Waste Element.~~
- ~~b. The proposed facility is consistent with the siting criteria for off site hazardous waste management facilities identified in the Hazardous Waste Element and the development standards identified in Section 35.28.140 (Hazardous Waste Management Facility (HWMF) Overlay Zone).~~
- ~~c. A risk assessment has been prepared for the Development Plan which adequately evaluates the risks to human health and safety and the environment under both routine operations and upset conditions.~~
- ~~d. The risks to human health and the environment have been minimized to the maximum extent feasible and the remaining risks are considered acceptable.~~
- ~~e. The project will not create a financial burden for the County.~~
- ~~f. The proposed facility operator has demonstrated financial responsibility for the operation, monitoring, closure, and post closure of the subject facility.~~

F. Requirements prior to commencement of development authorized by a Final Development Plan.

1. For ~~Final Development Plans~~ approved for property located in the Inland area, issuance of a ~~Land Use Permit in compliance with Section 35.82.110 (Land Use Permits)~~ or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required prior to the commencement of the development and/or authorized use allowed by the Development Plan.
 - a. ~~Land Use Permit required.~~ The issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required if the approval of a Substantial Conformity Determination in compliance with Subsection 35.84.040.C (Substantial Conformity Determinations) is required as a result of changes to the project allowed by the Final Development Plan.
 - b. ~~Zoning Clearance required.~~ The issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required if the approval of a Substantial Conformity Determination in compliance with Subsection 35.84.040.C (Substantial Conformity Determinations) is not required as a result of changes to the project allowed by the Final Development Plans.

G. Time limits and extensions.

1. ~~Preliminary Development Plans.~~ Preliminary Development Plans shall expire two years after approval unless a time extension is approved in compliance with Section 35.84.030 (Time Extensions).
2. ~~Final Development Plans.~~
 - a1. **Final Development Plans without approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan does not include an approved phasing plan for development of the project authorized by the Final Development Plan, the following time limits and extensions shall apply then a time limit shall be established within which the required Zoning Clearance shall be issued.
 - (1)a. The time limit shall be a reasonable time based on the nature and size of the proposed development or use. ~~Final Development Plans for agricultural developments.~~ Within the Rural area as designated on the Comprehensive Plan maps, for lots with a base zone of AG-II and no designated Comprehensive Plan or zoning overlays, Final Development Plans for agricultural development shall expire 10 years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Section 35.84.030 (Time Extensions).
 - (2)b. If a time limit is not specified, the time limit shall be four years from the effective date of the Development Plan. ~~Final Development Plans for other than agricultural developments.~~ Except as provided in Subsection G.2(a)(1) (Final Development Plans for agricultural developments) above, Final Development Plans for other than agricultural developments shall expire five years after approval unless substantial physical construction has been

~~completed on the development or a time extension is approved in compliance with Section 35.84.030 (Time Extensions).~~

- c. The Director may extend the time limit of an approved Development Plan application in compliance with Section 35.84.030 (Time Extensions).
- d. If the required time limit in which to obtain the required Zoning Clearance has expired and an application for an extension has not been submitted, then the Development Plan shall be considered void and of no further effect.

b2. Final Development Plans with approved phasing plans. If at the time of approval of a ~~Final~~ Development Plan the ~~Final~~ Development Plan includes a phasing plan for development of the project authorized by the ~~Final~~ Development Plan, then the required ~~Land Use Permit or Zoning Clearance~~ shall be issued within the time limit(s) established by the phasing plan.

~~(1)a. The Director may extend the time limit of an approved phasing plan in compliance with Section 35.84.030 (Time Extensions). The time limit may be extended only by revising the phasing plan for development of the project authorized by the Final Development Plan in compliance with Subsection C. (Substantial Conformity Determinations), Subsection D. (Amendments) or Subsection E. (Revisions) of Section 35.84.040 (Changes to an Approved Project).~~

~~(2)b. If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for the first phase of the project authorized by the Final Development Plan has expired and an application to revise the phasing plan for an extension has not been submitted, then the Final Development Plan shall be considered to have expired and of no further effect.~~

~~(3)c. If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for any subsequent phase of the project authorized by the Final Development Plan has expired and an application to revise extend the phasing plan has not been submitted, then:~~

~~(a1) The Final Development Plan shall be considered to have expired and of no further effect as to that phase and any subsequent phase(s) of the project.~~

~~(b2) The Final Development Plan is automatically revised to eliminate phases of project from the project authorized by the Final Development Plan that are considered to have expired and of not further effect in compliance with Subsection 2.(c)(31)(i), above.~~

3. Development Plans with approved maps. A Development Plan approved in conjunction with a map subject to Chapter 21 of the County Code shall be valid for four years from the effective date of the Development Plan or until one year from

the date that the map is recorded, whichever is later. If the map expires, the Development Plan shall be considered to have expired and of no further effect.

~~(4) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits and Zoning Clearances shall be issued within 10 years of the effective date of the Final Development Plan.~~

~~(a) This 10 year period may be extended by the Commission provided an application for a Time Extension is submitted in compliance with Section 35.84.030 (Time Extensions).~~

~~(i) The extension of the 10 year period is not subject to Subsection 35.84.030.D.2 (Development Plans (Preliminary and Final)) that limits the extension of the approval of a Development Plan to 12 months.~~

H. Conditions, restrictions, and modifications.

1. At the time the ~~Preliminary or Final~~ Development Plan is approved, or subsequent amendments or revisions are approved, the review authority may modify the distance between structures, landscaping, parking, screening requirements, setbacks, structure coverage, structure height limit, ~~or yard areas, or other development standards specified in the applicable zone and Chapter 35.36 (Parking and Loading Standards)~~ when the review authority finds that the modifications are justified and consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines~~modification is justified.~~
 2. As a condition of approval of any ~~Preliminary or Final~~ Development Plan, the review authority may impose any appropriate conditions or require any redesign of the subject project as it may deem to be reasonable and necessary in order to protect the persons or property in the neighborhood, to preserve the natural resources or scenic quality of the area, to preserve the neighborhood character, to preserve or enhance the public health, peace, safety, and general welfare, or to implement the purposes of this Development Code.
 3. The review authority may require as a condition of approval of any Development Plan, the preservation of trees existing on the subject property.
 4. **Mission Canyon Community Plan area.** Within the Mission Canyon Community Plan area, as a condition of approval of any ~~Preliminary or Final~~ Development Plan, the review authority shall require that the ~~Preliminary or Final~~ Development Plan include an approved Fire Protection Plan to avoid onsite and offsite emergency evacuation impacts.
- I. **Post approval procedures.** The procedures and requirements in Chapter 35.84 (Post Approval Procedures) and those related to appeals in Article 35.10 (Land Use and

Development Code Administration), shall apply following the decision on an application for a Development Plan.

SECTION 96:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.82.110, Land Use Permits, of Chapter 35.82, Permit Review and Decisions, is hereby amended to read as follows:

35.82.110 Land Use Permits

- A. **Purpose and intent.** This Section establishes procedures and findings for the approval, issuance of, and effective time periods for, Land Use Permits. The intent of this Section is to ensure that development proposals are in compliance with the provisions of the Comprehensive Plan, including any applicable community or area plan, this Development Code, and any conditions established by the County.
- B. **Applicability.** The provisions of this Section shall apply to the following, except as provided in Subsection B.5 (Exceptions to Land Use Permit Requirements):
1. ~~all~~ All development and uses listed—identified within this Development Code as requiring a Land Use Permit, including development.
 2. Buildings or structures erected, constructed, altered, repaired or moved, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, that are not otherwise required by this Development Code to have Conditional Use Permit or Development Plan approval.
 3. Any development proposal in conjunction with a Modification pursuant to Section 35.82.130 (Modifications), except an accessory dwelling unit or junior accessory dwelling unit.
 4. Any development proposal in conjunction with a Variance pursuant to Section 35.82.200 (Variances) where the development proposal does not require Conditional Use Permit or Development Plan approval.
 5. Exceptions to Land Use Permit Requirements. Land Use Permit approval is not required for the following:
 - a. Signs.
 - b. Accessory dwelling unit and junior accessory dwelling units.
 - c. Development, uses, and activities specifically identified in this Development Code as requiring a Zoning Clearance unless a Modification or Variance is requested.
 - d. Development, uses, and activities that are identified in this Development Code as exempt from planning permits.

- e. Development, uses, and activities specifically identified in this Development Code as requiring Conditional Use Permit or Development Plan approval.
- C. **Contents of application.** An application for a Land Use Permit shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).
- D. **Processing.**
1. The Director shall review the Land Use Permit application for compliance with the Comprehensive Plan including any applicable community or area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request.
 2. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).
 3. No entitlement for development shall be granted prior to the effective date of the Land Use Permit. A Land Use Permit shall not be issued and deemed effective:
 - a. Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the review authority in compliance with Chapter 35.102 (Appeals).
 - b. Until all conditions of the Land Use Permit that are required to be satisfied prior to issuance of the Land Use Permit have been satisfied.
 - c. Until all necessary prior approvals have been obtained.
 - d. For applications for grading of individual building pads on property located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Design Review approval in compliance with Section 35.82.070 (Design Review).
 - ~~4. In the case of a development which requires a public hearing and final action by the Commission or the Zoning Administrator, or final action by the Director, the Director shall not approve any subsequently required Land Use Permit within the 10 calendar days immediately following the date that the review authority took final action, during which time an appeal of the action may be filed in compliance with Chapter 35.102 (Appeals).~~
 54. If a Land Use Permit is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Land Use Permit shall not be approved or conditionally approved while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zone and existing provisions of this Development Code and the amendment initiated by the Board ~~or unless a Preliminary or Final Development Plan in compliance with Section 35.82.080 (Development Plans) was approved before the adoption of the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.~~

- ~~65.~~ Notice of ~~the approval or conditional approval of~~ pending decision on a Land Use Permit shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).
- E. **Findings required for approval.** A Land Use Permit application shall be approved or conditionally approved only if the Director first makes all of the following findings:
1. **Findings for all Land Use Permits:**
 - a. The proposed development conforms:
 - (1) To the applicable provisions of the Comprehensive Plan including any applicable community or area plan; and
 - (2) With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).
 - b. The proposed development is located on a legally created lot.
 - c. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).
 2. **Additional finding required for sites within the Summerland Community Plan area:**
 - a. The development will not adversely impact existing recreational facilities and uses.
- F. **Permit expiration.**
1. A Land Use Permit shall remain valid only as long as compliance with all applicable requirements of this Development Code and the permit continues.
 - ~~2. The approval or conditional approval of a Land Use Permit shall be valid for 12 months unless a time extension is approved in compliance with Section 35.84.030 (Time Extensions) except that a Land Use Permit approved or conditionally approved and unissued as of December 1, 2011 shall be valid for 12 months following December 1, 2011 unless a time extension is approved in compliance with Section 35.84.030 (Time Extensions).~~
 - ~~32.~~ A Land Use Permit shall expire ~~two~~ four years from the effective date of issuance approval if the use and/or structure for which the permit was issued has not been established or commenced in compliance with the effective permit Land Use Permit has not been exercised unless a time extension is approved in compliance with Section 35.84.030 (Time Extensions).
 - a. A Land Use Permit is exercised when the Land Use Permit is issued and a valid County grading, building, or construction permit has been issued for work related

to the approval and substantial work authorized under the permit has commenced. Where a building, grading, or construction permit is not required, the Land Use Permit shall be considered exercised when the use or development authorized by the approval has commenced.

- G. ~~Minor Changes to Land Use Permits.~~ Minor Changes to an approved or issued Land Use Permit shall be allowed in compliance with Section 35.84.040 (Changes to an Approved Project).
- H. **Permit revocation.** An issued Land Use Permit may be revoked in compliance with Section 35.84.060 (Revocations).
- I. **Post approval procedures.** The procedures and requirements in Chapter 35.84 (Post Approval Procedures) and those related to appeals in Article 35.10 (Land Use and Development Code Administration), shall apply following the decision on an application for a Land Use Permit.

SECTION 97:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.82.130, Modifications, of Chapter 35.82, Permit Review and Decisions, is hereby amended to read as follows:

35.82.130 Modifications

- A. **Purpose and intent.** The purpose and intent of this Section is to allow for minor modifications of certain zone standards, where, because of integrity of design, practical difficulties, topography, tree or habitat protection, or other similar site conditions, minor adjustments to the regulations, requirements, or standards would result in better project design, land use planning, and resource protection.
- B. **Applicability.**
 - 1. **Allowed for permitted uses only.** The provisions of this Section shall apply to specific development proposals that are allowed in the zone in which the project is located which ~~are do not otherwise subject to require~~ Conditional Use Permit (Section 35.82.060) or Development Plan (Section 35.82.080) ~~requirements approval~~.
 - 2. **Activities or uses not otherwise allowed.** In no case shall a Modification be granted to allow an activity which is not otherwise allowed in the zone in which the property is situated, nor shall a Modification be granted which alters the procedural or timing requirements of this Development Code.
 - 3. **Allowed Modifications.** Modifications may only be granted in conjunction with a specific development proposal and are limited to the following:

- a. **Maximum setback reduction of 20 percent.** The area of each front, side or rear setback area shall not be reduced by more than 20 percent of the minimum setback area required in compliance with the applicable zone regulations.
 - (1) If a portion of a front, side or rear setback area that is requested to be reduced is occupied by a nonconforming structure(s) at the time of application for the Modification, then the setback area occupied by the nonconforming structure(s) shall be added to the amount of setback area requested to be reduced in determining whether the requested reduction in front, side or rear setback area would exceed 20 percent of the minimum setback area required in compliance with the applicable zone regulations.
- b. **Setback reductions for structures, except unenclosed, attached entryways or porches.** No setback reduction for structures, except for unenclosed, attached entryways or porches (see Subsection 3.c (Front setback reductions for unenclosed, attached entryways or porches) below) shall result in:
 - (1) **Front.** A front setback depth, as measured from the right-of-way or easement line of a street, of less than 16.5 feet.
 - (2) **Side.** A side setback width from property lines of less than three feet.
 - (3) **Rear.** A rear setback depth from property lines of less than 15 feet.
- c. **Front setback reductions for unenclosed, attached entryways or porches.** No front setback reduction for an unenclosed, attached entryway or porch shall result in a front setback depth, as measured from the right-of-way or easement line of a street or driveway, of less than 10 feet.
- d. **Increase in zone height limitations.** Up to a 10 percent increase in the zone height limitations.
- e. **Increase in the maximum Floor Area Ratio.** Up to a 10 percent increase in the maximum Floor Area Ratio (FAR) requirements for structures originally constructed before the adoption of the FAR regulations (e.g., if the FAR is 0.50, the maximum modification would allow a FAR of 0.55).
- f. **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 number of required bicycle parking spaces be reduced.
 - ~~(2) The number of spaces required for an accessory dwelling unit be reduced, unless such reduction in the number of spaces is allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).~~

- (32) 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.
- (43) A reduction in the required number of parking spaces for development within the Summerland Community Plan Area be allowed that results in an increase in on-street parking.
- (54) The required number of parking spaces in the Mission Canyon Community Plan area be reduced from three to two in the R-1/E-1 (Single Family Residential) zone for habitable additions to an existing dwelling unit of 500 square feet or greater or an addition or remodel that includes one or more new bedrooms and results in a dwelling with three or more bedrooms, unless:
 - (a) The reduction would preserve the integrity of a historic structure, or
 - (b) There is no space for the third parking space due to topography, lot configuration, or other physical constraints as determined by the Director. The reduction shall not be granted if the addition or remodel is proposed in a location that would be suitable for the required third parking space.
 - (c) The floor area of the addition, or location of the bedrooms, is within an accessory dwelling unit or junior accessory dwelling unit approved in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

~~4. **Prohibited Modifications.** In no case shall a Modification be granted for a reduction in buffer, landscape, open space, or other requirements of this Development Code, except as identified above.~~

C. Contents of application.

- 1. An application for a Modification shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).
 - a. **Land Use Permit required.** A Land Use Permit is required for any development proposal that includes a Modification, except an accessory dwelling unit or junior accessory dwelling unit.
- 2. **Review Period Delay Request Form.** An application for a Modification for an accessory dwelling unit or junior accessory dwelling unit shall be submitted concurrently with a Review Period Delay Request Form which shall request that the County toll the accessory dwelling unit or junior accessory dwelling unit application review period until the County has taken final action on the application for the Modification for the accessory dwelling unit or junior accessory dwelling unit.

D. Processing.

1. **Concurrent Processing.** Where a Land Use Permit is required, the Modification shall be processed concurrently with and acted upon at the same time as, the Land Use Permit application.
2. The Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
3. Notice of the filing of a complete application shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).
24. The project shall be subject to the provisions of Section 35.82.070 (Design Review), unless waived by the Director in accordance with Subsection 35.82.070.C.1.h, and shall be scheduled to be heard by the Board of Architectural Review for preliminary review and approval only, before the project is heard by the Zoning Administrator.
5. The Director is the review authority for Modifications.
6. A public hearing shall not be required for a Modification,
7. Notice of pending decision on a Modification shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).
8. The Director may approve, conditionally approve, or deny the Modification.
9. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).
- ~~3. The Zoning Administrator shall hold at least one noticed public hearing on the requested Modification, unless waived in compliance with Subsection D.7, below, and approve, conditionally approve, or deny the request.~~
- ~~4. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).~~
- ~~5. The review authority, in approving the Modification, may require conditions as deemed reasonable and necessary to promote the intent and purpose of this Development Code and the public health, safety, and welfare.~~
- ~~6. The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~
- ~~7. **Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements. If the requirement for a public hearing is waived, then the Director shall be the review authority for the Modification application. A listing of Modification applications for which the public hearing may be waived shall be provided on the Zoning Administrator's hearing agendas.~~
 - ~~a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing~~

~~as well as any other persons known to be interested in receiving notice in compliance with Chapter 35.106 (Noticing and Public Hearings).~~

~~(1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Modification application.~~

~~b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice is provided in compliance with Subsection D.7.a, above.~~

E. **Findings required for approval.** An application for a Modification shall be approved or conditionally approved only if the ~~Zoning Administrator~~Director first makes all of the following findings:

1. **Findings for all Modifications.**

~~a. The project is consistent with the Comprehensive Plan, including any applicable community or area plan.~~

~~b. The project complies with the intent and purpose of the applicable zone including overlays, and this Development Code.~~

~~ea.~~ The Modification is minor in nature and will result in a better architectural or site design, as approved by based on input from the Board of Architectural Review except when waived by the Director, and/or will result in greater resource protection than the project without the Modification.

~~eb.~~ The project will be compatible with the neighborhood, and will not create an adverse impact to aesthetics, community character, or public views.

~~ec.~~ Any Modification of parking or loading zone requirements will not adversely affect the demand for on-street parking in the immediate area.

~~ed.~~ The project Granting of the Modification will not be detrimental to existing ambient noise levels, physical access, light, solar exposure, or ventilation on or off the subject site.

~~ee.~~ Any adverse environmental impacts associated with the Modification will be mitigated to a level of insignificance.

2. **Additional finding required for sites within the Summerland Community Plan area.**

a. The development will not adversely impact existing recreational facilities and uses.

F. **Expiration.**

1. **Modifications with Land Use Permits.** A Modification with a Land Use Permit shall expire on the date the associated Land Use Permit, including time extensions, expires.

- ~~12. **Expiration in 12 months**~~**Modifications without Land Use Permits.** Except as provided in Subsection F.1.a, below, ~~a~~**A Modification without a Land Use Permit** shall expire ~~12 months~~ **four years** from the effective date if a ~~Land Use~~**Building** Permit has not been issued for the project for which the Modification was approved, unless ~~(1)~~ otherwise specified by conditions of project approval or ~~(2)~~ a time extension has been approved in compliance with Section 35.84.030 (Time Extensions).
- ~~a. **Accessory dwelling units and junior accessory dwelling units.**~~ A Modification shall expire 12 months from the effective date if a Building Permit has not been issued for the accessory dwelling unit or junior accessory dwelling unit for which the Modification was approved, unless (1) otherwise specified by conditions of project approval or (2) a time extension has been approved in compliance with Section 35.84.030 (Time Extensions).
- ~~2. **Once granted a permit.**~~ Except as provided in Subsection F.2.a, below, once the project for which the Modification was approved has been issued a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits), the Modification shall have the same expiration date as the issued Land Use Permit.
- ~~a. **Accessory dwelling units and junior accessory dwelling units.**~~ Once the accessory dwelling unit or junior accessory dwelling unit for which the Modification was approved has been issued a Building Permit, the Modification shall have the same expiration date as the issued Building Permit.
- G. **Post approval procedures.** The procedures and requirements in Chapter 35.84 (Post Approval Procedures) and those related to appeals in Article 35.10 (Land Use and Development Code Administration), shall apply following the decision on an application for a Modification.

SECTION 98:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.82.190, Use Determinations, of Chapter 35.82, Permit Review and Decisions, is hereby deleted in its entirety and reserved for future use.

SECTION 99:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.82.200, Variances, of Chapter 35.82, Permit Review and Decisions, is hereby amended to read as follows:

35.82.200 Variances

- A. **Purpose and intent.** The purpose and intent of this Section is to allow variances from the strict application of the provisions of this Development Code where, because of exceptional

conditions (e.g., the location, shape, size, surroundings, or topography, or other extraordinary situation or condition of the subject property), the literal enforcement of this Development Code would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of this Development Code.

B. Applicability.

1. The provisions of this Section shall apply to all zones.
2. In no case shall a Variance be granted:
 - a. To allow a use or activity which is not otherwise allowed in the zone in which the property is located; or
 - b. From the procedures identified in this Development Code.

C. Contents of application. An application for a Variance shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).

D. Processing.

1. An application for a Variance shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).
 - a. **Land Use Permit required.** A Land Use Permit is required for any development proposal that includes a Variance but does not otherwise require Conditional Use Permit or Development Plan approval.
- ~~12.~~ An application filed in compliance with this Section that is determined by the Director to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan shall be accompanied by an application to make the project consistent.
- ~~23.~~ The Department may refuse to accept for processing any application the Director finds to be inconsistent with the Comprehensive Plan.
4. **Concurrent Processing.** The Variance shall be processed concurrently with and acted upon at the same time as, the associated Land Use Permit, Conditional Use Permit, or Development Plan application.
5. Notice of the filing of a complete application shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).
- ~~36.~~ The Zoning Administrator shall hold at least one noticed public hearing on the requested Variance and approve, conditionally approve, or deny the request.
- ~~47.~~ Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).

~~58.~~ The Zoning Administrator, in approving the Variance may require conditions as deemed reasonable and necessary to promote the purpose and intent of this Development Code and the public health, safety, and welfare.

~~69.~~ The action of the Zoning Administrator is final subject to appeal in compliance with Chapter 35.102 (Appeals).

~~7. Prior to the issuance of any planning permit required to effectuate the approved Variance, the applicant shall agree, in writing, to comply with all conditions imposed by the review authority in the granting of the Variance.~~

E. **Findings required for approval.** A Variance application shall be approved or conditionally approved only if the Zoning Administrator first makes all of the following findings:

1. Due to special circumstances applicable to the subject property, including location, shape, size, surroundings, or topography, the strict application of this Development Code deprives the subject property of privileges enjoyed by other property in the vicinity and under identical zone classification.
2. The granting of the Variance shall not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which the property is situated.
3. The granting of the Variance will not be in conflict with the purpose and intent of this Development Code or the Comprehensive Plan.

F. **Expiration.** A Variance shall expire on the date the associated Land Use Permit, Conditional Use Permit, or Development Plan, including time extensions, expires.

~~FG.~~ **Post approval procedures.** The procedures and requirements in Chapter 35.84 (Post Approval Procedures) and those related to appeals in Article 35.10 (Land Use and Development Code Administration), shall apply following the decision on an application for a Variance.

SECTION 100:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.82.210, Zoning Clearances, of Chapter 35.82, Permit Review and Decisions, is hereby amended to read as follows:

35.82.210 Zoning Clearances

A. **Purpose and intent.** This Section provides procedures and findings to allow for the approval of, and effective time periods for, Zoning Clearances which may be required in compliance with Subsection B. (Applicability) below. The intent of this Section is to ensure that development conforms to the provisions of the Comprehensive Plan, including any

applicable community or area plan, this Development Code, and any conditions or development standards established by the County.

B. Applicability.

1. **Zoning Clearance required.** A Zoning Clearance shall be issued by the Director ~~where a Zoning Clearance is required in compliance with this Development Code~~ for the following, unless other requirements of this Development Code specify that the Zoning Clearance is not required or the activity is exempt from the approval of a planning permit in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements).
 - a. Uses or development specifically identified throughout this Development Code as requiring a Zoning Clearance.
 - b. Any use or development for which a Conditional Use Permit or Development Plan has been approved, including Substantial Conformity Determination, Amendment, or Revision approved pursuant to Section 35.84.040 (Changes to an Approved Project).
 - c. **Damaged or destroyed structure.** The replacement or restoration of a conforming structure damaged or destroyed by a disaster, as determined by the Director.
 - (1) 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, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
 - (2) 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 or affecting 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 1.c(1) above and with applicable policies of the Comprehensive Plan.
 - (3) Notwithstanding the height measurement methodology contained in Section 35.30.090.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 or affecting 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.

(a) For the purposes of this subsection, post-event grade is defined as the existing grade on the lot at the time of application submittal.

(4) Except as provided in Subsection 1.c(4)(a) 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 35.82.070 (Design Review), if the structure is otherwise required to have Design Review (e.g. the site is within the Design Control overlay).

(a) 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 or affecting 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.

2. **Zoning Clearance approval.** The issuance of a Zoning Clearance certifies that the land use or development will satisfy all applicable provisions of this Development Code, including the conditions of approval of any existing approved permits for the subject property, including applicable discretionary projects (e.g., Conditional Use Permit, Final Maps, Development Plans, Parcel Maps).~~In cases where a construction permit is required by Chapter 10 of the County Code, the Zoning Clearance is processed and issued as part of the construction permit application and approval process. Issuance of a Zoning Clearance may also enable the establishment of a land use or structure that does not require a construction permit but is still subject to the standards of this Development Code.~~
- C. **Contents of application.** An application for a Zoning Clearance shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).
- D. **Processing.**

1. **Review for compliance.** The Director shall review the Zoning Clearance application for compliance with the Comprehensive Plan, including any applicable community or area plan, this Development Code, and other applicable conditions or regulations, including any discretionary approvals applicable to the site and issue, conditionally issue or deny the request. A Zoning Clearance shall not be issued by the Director until:
 - a. All necessary prior approvals, including, but not limited to design review, development plan, conditional use permit approval, as applicable, have been obtained;
 - b. The Director has determined that the subject property, as it specifically pertains to the use or structure submitted for approval, is in compliance with all laws, regulations, and rules pertaining to zoning uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and if applicable, zoning violation enforcement and processing fees, as established from time to time by the Board, have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).
2. **Decision not subject to appeal.** The action of the Director to issue, conditionally issue or deny a Zoning Clearance, ~~approve or deny a time extension to an issued Zoning Clearance, or approve or deny a minor change to an issued Zoning Clearance~~ is final and not subject to appeal.
3. ~~**Design Review required.** A Zoning Clearance for any structure that requires Design Review shall not be issued until the structure receives final Design Review approval in compliance with Section 35.82.070 (Design Review).~~
4. ~~**Development Plan required.** Except for projects that only require the approval of a Zoning Clearance in compliance with Section 35.23.130 (Multi family Residential Orcutt), the approval of a Development Plan in compliance with Section 35.82.080 (Development Plans) shall be required before the issuance of any Zoning Clearance for a structure that is not otherwise required to have a discretionary permit and is 20,000 square feet or more of gross floor area or is an attached, or detached addition that, together with the existing structures on the lot will total 20,000 square feet or more of gross floor area.~~
53. **Zoning Clearance subject to resolution of the Board.** If a Zoning Clearance is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Zoning Clearance shall not be issued or conditionally issued while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zoning and existing provisions of this Development Code and amendment initiated by the Board unless a Conditional Use Permit was approved in compliance with Section 35.82.060 or ~~Preliminary or Final~~ Development Plan was approved in compliance with Section 35.82.080) before the adoption of the Board's resolution and the proposed uses and

structures are in conformance with the approved Conditional Use Permit or ~~Preliminary or Final~~ Development Plan.

E. Zoning Clearance expiration.

1. A Zoning Clearance shall remain valid only as long as compliance with all applicable provisions of this Development Code and the Zoning Clearance conditions continues.
2. ~~A-Except as stipulated elsewhere in this Development Code or by California State Law, a Zoning Clearance shall expire two-four years from the date of issuance if the use or structure for which the Zoning Clearance was issued has not been established or commenced in compliance with the issued Zoning Clearance has not been exercised~~ unless a time extension is approved in compliance with Section 35.84.030 (Time Extensions).
 - a. A Zoning clearance is exercised when a valid County grading, building, or construction permit has been issued for work related to the approval and substantial work authorized under the permit has commenced. Where a building, grading, or construction permit is not required, the Zoning Clearance shall be considered exercised when the use or development authorized by the approval has commenced.

F. ~~Minor Changes to Zoning Clearances.~~ Minor Changes to an issued Zoning Clearance shall be allowed in compliance with Section 35.84.040 (Changes to an Approved Project).

G. Zoning Clearance revocation. A Zoning Clearance issuance may be revoked or modified in compliance with Section 35.84.060 (Revocations).

SECTION 101:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.84.010, Purpose and Intent, of Chapter 35.84, Post Approval Procedures, is hereby amended to read as follows:

35.84.010 Purpose and Intent

This Chapter establishes procedures for depositing and releasing performance securities, revising approved or issued permits required by this Development Code, ~~and procedures for granting extensions of time, and revoking permits and approvals.~~

SECTION 102:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.84.030,

Time Extensions, of Chapter 35.84, Post Approval Procedures, is hereby amended to read as follows:

35.84.030 Time Extensions

- A. **Purpose and Intent.** The purpose of this Section is to provide the procedures and findings for approval of Time Extensions that may be allowed in compliance with this Development Code.
- B. **Applicability and filing.** The provisions of this Section shall apply to all applications for Time Extensions. The application shall be submitted prior to the expiration of the permit that is the subject of the Time Extension request. However, final action by the County on the application may occur following the date that the permit would otherwise expire.
- C. **Contents of application.** An application for a Time Extension shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).
- D. The Director may extend the expiration of a permit or approval issued under this Development Code one time for two years for good cause shown in compliance with this Section.
 - 1. **Permits with approved phasing plans.** The allowance for a time extension apply to each individual phase. Each phase requires a separate time extension application.
- E. An application for a time extension shall be filed with the Department at least 30 days before the expiration of the permit, approval, or phase that is the subject of the Time Extension request.
- F. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
- G. Prior to an action by the Director to approve or conditionally approve the application, the Director shall first determine that the requirements for the issuance of the original permit or approval are still met.
- H. The action of the Director is final and is not subject to appeal.
- ~~D. **Processing.**~~
 - ~~1. **Conditional Use Permits and Minor Conditional Use Permits.**~~
 - ~~a. **Extension of permit approval.** The review authority responsible for reviewing and making a decision on the Conditional Use Permit or Minor Conditional Use Permit in compliance with Table 8-1 (Review Authority) of Chapter 35.80 (Permit Application Filing and Processing) may extend the time limit in which the Land Use Permit or Zoning Clearance is required to be issued in compliance with Subsection 35.82.060.G.2 (Time limits and extensions) one time for good cause shown in compliance with the following:~~

- ~~(1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.~~
 - ~~(2) Notice of the application shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).~~
 - ~~(3) The review authority shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing) below, and approve, conditionally approve, or deny the request.~~
 - ~~(4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).~~
 - ~~(5) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~
 - ~~(6) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.82.060.E (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards)) or Subsection 35.82.060.F (Findings required for approval of Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards)) that were made in conjunction with the initial approval of the Conditional Use Permit or Minor Conditional Use Permit can still be made.~~
- ~~b. **Discontinuance of Use.** The review authority may extend the time limit that a Conditional Use Permit would become void and automatically revoked due to discontinuance of use in compliance with Subsection 35.82.060.G.3 (Conditional Use Permit void) one time for good cause shown in compliance with the following:~~
- ~~(1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.~~
 - ~~(2) Notice of the application shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).~~
 - ~~(3) The review authority shall hold at least one noticed public hearing on the requested Time Extension and approve, conditionally approve or deny the request.~~
 - ~~(4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).~~

- ~~(5) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~

~~2. Development Plans (Preliminary and Final).~~

- ~~a. Extension of permit approval. The review authority responsible for reviewing and making a decision on the Development Plan in compliance with Table 8-1 (Review Authority) of Chapter 35.80 (Permit Application Filing and Processing) may extend the expiration of the approved or conditionally approved Development Plan one time for 12 additional months for good cause shown in compliance with the following:~~

- ~~(1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.~~
- ~~(2) Except for applications for Time Extensions where the Director is the review authority, the review authority shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing), below, and approve, conditionally approve or deny the request.~~
- ~~(3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).~~
- ~~(4) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~
- ~~(5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.82.080.E (Findings required for approval) that were made in conjunction with the initial approval of the Development Plan can still be made.~~

- ~~b. Expiration. A Development Plan shall expire 12 months from the effective date of the extension or two years from the expiration date of the initial effective date of approval of the Development Plan, whichever occurs first.~~

~~3. Land Use Permits. The Director may extend the expiration of an approved or conditionally approved, and an issued, Land Use Permit one time for 12 additional months for good cause shown in compliance with the following:~~

- ~~a. Notice of the application shall be given in compliance with Section 35.106.075 (Time Extensions Under the Jurisdiction of the Director).~~
- ~~b. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.~~

- ~~c. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~
- ~~d. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Subsection 35.82.110.E (Findings required for approval) that were made in conjunction with the initial approval of the Land Use Permit can still be made.~~
- ~~4. **Modifications.** The Director may extend the approval of a Modification one time for 12 additional months for good cause shown in compliance with the following:~~
 - ~~a. After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.~~
 - ~~b. Notice of the application shall be given in compliance with Section 35.106.075 (Time Extensions Under the Jurisdiction of the Director).~~
 - ~~c. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.~~
 - ~~d. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~
 - ~~e. A Time Extension application shall be approved or conditionally approved only if the Director first finds that the applicable findings for approval required in compliance with Subsection 35.82.130.E (Findings required for approval) that were made in conjunction with the initial approval of the Modification can still be made.~~
- ~~5. **Oil Drilling and Production Plan.**~~
 - ~~a. **Extension of permit approval.** The review authority responsible for reviewing and making a decision on the Oil Drilling and Production Plan in compliance with Table 8-1 (Review Authority) of Chapter 35.80 (Permit Application Filing and Processing) may extend the expiration of the approved or conditionally approved Oil Drilling and Production Plan one time for 12 additional months for good cause shown in compliance with the following:~~
 - ~~(1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.~~
 - ~~(2) Except for applications for Time Extensions where the Director is the review authority, the review authority shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing), below, and approve, conditionally approve or deny the request.~~

- ~~(3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).~~
- ~~(4) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~
- ~~(5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Section 35.55.030 (Oil Drilling and Production Findings for Oil Drilling and Production Plans) that were made in conjunction with the initial approval of the Oil Drilling and Production Plan can still be made.~~
- ~~b. **Expiration.** An Oil Drilling and Production Plan shall expire 12 months from the effective date of the extension or two years from the expiration date of the initial effective date of approval of the Oil Drilling and Production Plan, whichever occurs first.~~
- ~~6. **Zoning Clearances.** The Director may extend the expiration of an issued Zoning Clearance one time for 12 additional months for good cause shown in compliance with the following:~~
 - ~~a. An application for a time extension shall be filed with the Department at least 30 days before the expiration of the Zoning Clearance that is the subject of the Time Extension request.~~
 - ~~b. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.~~
 - ~~c. Prior to an action by the Director to approve or conditionally approve the application, the Director shall first determine that the requirements for the issuance of a Zoning Clearance required in compliance with Subsection 35.82.210.D.1 (Review for compliance) are still met.~~
 - ~~d. The action of the Director is final and is not subject to appeal.~~
- ~~7. **Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:~~
 - ~~a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Chapter 35.106 (Noticing and Public Hearings).~~
 - ~~(1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Time Extension application.~~

- ~~b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection D.7.a, above, is mailed.~~
- ~~c. If the requirement for a public hearing is waived, then the Director shall be the review authority for the Time Extension application.~~
- ~~d. A listing of Time Extension applications for which a notice that the public hearing may be waived has been mailed shall be provided on the next available Commission's hearing agenda following the mailing of the notice.~~
- ~~8. Time extensions due to hardship related to COVID-19. In addition to the Time Extensions provided in Subsection D.1 through Subsection D.6, above, the Director may for good cause extend the expiration of a planning permit for one additional 24 month period in compliance with the following:~~
 - ~~a. The Director has determined that a Time Extension is necessary due to a hardship resulting from COVID-19 and/or the associated economic downturn.~~
 - ~~b. The application for the Time Extension is filed with the Department in compliance with the following:~~
 - ~~(1) The application shall be filed in compliance with Section 35.80.030 (Application Preparation and Filing).~~
 - ~~(2) The application shall be filed prior to the expiration of the planning permit that is the subject of the Time Extension request and before October 31, 2024 or when the COVID-19 provisions (Sections 35.84.040.A.1, 35.84.030.D.8, 35.84.040.F, 35.101.020.B.4, and 35.108.090.C) are terminated earlier by ordinance amendment.~~
 - ~~c. Notice of the application shall be given in compliance with Section 35.106.075 (Time Extensions Under the Jurisdiction of the Director).~~
 - ~~d. A Time Extension application shall be approved only if the Director first finds that applicable determination or findings for approval required in compliance with Chapter 35.82 (Permit Review and Decision) that were made in conjunction with the initial approval of the planning permit for which the Time Extension is requested can still be made.~~
 - ~~e. The action of the Director is final and not subject to appeal.~~
- ¶. Effect of expiration.** After the expiration of a planning permit no further work shall be done on the site until a new planning permit and any required Building Permit or other County permits are first obtained.

SECTION 103:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.84.040, Changes to an Approved Project, of Chapter 35.84, Post Approval Procedures, is hereby amended to read as follows:

35.84.040 Changes to an Approved Project

Development, ~~or a new~~ land use, or project design authorized through ~~a planning permit~~ an approval granted in compliance with this Development Code shall be established only as approved by the review authority and in compliance with any conditions of approval, except where a change ~~to the project~~ is approved in the following manner. A change may be requested before, during or after construction or establishment and operation of the approved ~~land use~~ project.

A. **Contents of application.** An application for a change to an approved or issued planning permit or design review approval shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).

~~1. Temporary suspension of compliance with the project description and/or conditions of approval to an approved project necessary to protect public health and effectively limit the spread of COVID-19 and/or to support economic recovery from the impacts of COVID-19, as detailed in Subsection F (Temporary suspension of compliance with the project description and/or conditions of approval to an approved project necessary to protect public health and/or to support economic recovery from the impacts of COVID-19), below, do not require submittal of an application, but do require submittal of a checklist and additional materials.~~

~~a. Prior to implementation of the temporary changes, the owner/applicant may, and is encouraged to, submit a completed checklist, revised site plan, photos, and description of proposal describing the temporary changes and how the requirements of Subsection 35.108.090.C.3 (Requirements) will be met.~~

~~b. Within 30 days of implementing temporary changes to an approved project, the owner/applicant shall submit a completed checklist, revised site plan, photos, and description of proposal describing the temporary changes and how the requirements of Subsection 35.108.090.C.3 (Requirements) have been met.~~

B. **~~Minor changes to Land Use Permits, Design Reviews, and Zoning Clearances.~~** Minor changes to an approved or issued Land Use Permit, Design Review approval, or issued Zoning Clearance, may be allowed; provided, the changes substantially conform to the approved or issued permit, review, or clearance. A request shall be processed in the following manner:

1 Commercial Cannabis Cultivation Land Use Permits. Minor changes to an approved Land Use Permit for commercial cannabis cultivation (outdoor, mixed-light, indoor, and

nursery) are subject to Section 35.84.040.D (Minor Changes to Land Use Permits for Commercial Cannabis Cultivation), below.

21. Zoning Clearances, Design Reviews, and Land Use Permits Other than Land Use Permits for Commercial Cannabis Cultivation.

a. Except for Land Use Permits for commercial cannabis cultivation, the~~The~~ Director may approve a minor change to an approved or issued Land Use Permit, Design Review approval, or issued Zoning Clearance, subject to all of the following:

~~a~~(1). The Director determines that the minor change substantially conforms to the approved plans and the originally approved or issued permit;

~~b~~(2). There is no change in the use or scope of the development;

~~c~~(3). The minor change does not result in a change to the Director's conclusions regarding the project's specific conformance to development standards and findings;

~~d~~(4). The Land Use Permit, Design Review, or Zoning Clearance has not expired; and

~~e~~(5). The minor change is exempt from Design Review in compliance with Section 35.82.070 (Design Review).

~~2b~~. Where a minor change of an approved or issued Land Use Permit, Design Review approval, or issued Zoning Clearance, is approved, the permit, review, or clearance shall have the same effective and expiration dates as the original permit, review, or clearance and no additional public notice shall be required.

~~3c~~. Where it cannot be determined that the minor change materially conforms to an approved or issued Land Use Permit, Design Review approval, or issued Zoning Clearance in compliance with the above criteria, a new Land Use Permit, Design Review, or Zoning Clearance shall be required.

~~4d~~. The determination to allow a minor change to an approved or issued Land Use Permit, Design Review approval, or issued Zoning Clearance, is final and not subject to appeal.

Note: Also refer to Appendix C (Guidelines for Minor Changes to Land Use Permits, Design Reviews, and Zoning Clearances).

C. Planning Permits Other Than Land Use Permits and Zoning Clearances. Changes to approved planning permits, other than Land Use Permits and Zoning Clearances, may be approved in the following manner.

1. Substantial Conformity Determinations. The Director may approve a minor change to an approved ~~Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan, or Oil Drilling and Production Plan~~ permit if the Director first determines, in compliance with the County's Substantial Conformity Determination

Guidelines (see Appendix F), that the change is in substantial conformity with the approved permit.

1a. Contents of application. An application for a Substantial Conformity Determination shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).

2b. Processing.

~~a.~~**(1)** The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan including any applicable community or area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on the application for the Substantial Conformity Determination.

~~b.~~**(2)** The action of the Director is final and not subject to appeal.

~~c.~~**(3)** Notice of the application or pending decision on a Substantial Conformity Determination is not required.

3c. Land Use Permit Zoning Clearance required prior to commencement of development and/or use authorized by the Substantial Conformity Determination. Prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a ~~Land Use Permit Zoning Clearance~~ in compliance with Section 35.82.2410 (~~Land Use Permits Zoning Clearances~~) shall be required.

d. Time Limits.

(1) If the Zoning Clearance or Land Use Permit required by the original permit has not been exercised, the Substantial Conformity Determination shall be subject to the same time limit as the original permit.

(2) If the Zoning Clearance or Land Use Permit required by the original permit has been exercised, a Zoning Clearance for the development and/or use authorized by the Substantial Conformity Determination shall be issued within four years of the date the Director took action on the application for the Substantial Conformity Determination.

(a) The Director may extend the time limit of an approved Substantial Conformity Determination in compliance with Section 35.84.030 (Time Extensions).

(b) If the required time limit in which to obtain the required Zoning Clearance has expired and an application for an extension has not been submitted, then the Substantial Conformity Determination shall be considered void and of no further effect.

~~a. **Findings.** The Land Use Permit shall be approved only if the Director first finds, in addition to the findings normally required for a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits), that the development and/or use authorized by the Substantial Conformity Determination substantially conforms to the previously approved Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan, or Oil Drilling and Production Plan.~~

D2. Amendments. Where the Director is unable to determine that a requested change to an approved ~~Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan, or Oil Drilling and Production Plan~~, is in substantial conformity with the approved permit in compliance is a minor revision pursuant to with Subsection C.1, above, the Director may instead amend ~~a Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan, or Oil Drilling and Production Plan~~ the permit in compliance with the following.

1a. Contents of application. An application for an Amendment shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).

2b. Area under review. The location within the project site that the subject of the application for the Amendment:

~~a.~~ **(1)** Was analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or

~~b.~~ **(2)** Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be found exempt from environmental review in compliance with the California Environmental Quality Act.

3c. Processing.

~~a.~~ **(1)** The Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

~~b.~~ **(2)** The Department shall refer the application to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the review authority. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.

~~c.~~ **(3)** Notice of pending decision on an Amendment shall be given in compliance with ~~Section 35.106.020~~ Chapter 35.106 (~~Notice-Noticing and of Public Hearings and Review Authority Action~~).

~~d.~~(4) The Director shall review the application for the Amendment for compliance with the Comprehensive Plan including any applicable community and area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on an application for an Amendment.

e(5). The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).

f.(6) **Findings.** An application for an Amendment shall be approved or conditionally approved only if the Director first makes all of the following findings:

(a) The changes to the project that are the subject of the Amendment conform to the applicable provisions of the Comprehensive Plan including any applicable community or area plan.

(b) The proposed development and/or use is located on a legally created lot.

(c) The changes to the project that are the subject of the Amendment would not create a new environmental effect or the need for new mitigation measures.

~~(1) That the findings required for approval of the Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan or Oil Drilling and Production Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan or Oil Drilling and Production Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.~~

~~(2) That the environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan or Oil Drilling and Production Plan.~~

4d. Zoning Clearance required prior to commencement of development and/or use authorized by an Amendment. Prior to the commencement of the development and/or use authorized by the Amendment, the issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required.

e. Time Limits.

- (1) If the Zoning Clearance or Land Use Permit required by the original permit has not been exercised, the Amendment shall be subject to the same time limit as the original permit.
- (2) If the Zoning Clearance or Land Use Permit required by the original permit has been exercised, a Zoning Clearance for the development and/or use authorized by the Amendment shall be issued within four years of the effective date of the Amendment.
 - (a) The Director may extend the time limit of an approved Amendment in compliance with Section 35.84.030 (Time Extensions).
 - (b) If the required time limit in which to obtain the required Zoning Clearance has expired and an application for an extension has not been submitted, then the Amendment shall be considered void and of no further effect.

E3. Revisions.

- ~~1a.~~ A revised ~~Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan or Oil Drilling and Production Plan permit~~ shall be required for changes to an approved permit where the findings identified in Subsection ~~D.C.2~~ (Amendments) above cannot be made and substantial conformity cannot be determined in compliance with Subsection C.1 (Substantial Conformity Determinations).
 - ~~2b.~~ A revised permit shall be processed in the same manner as a new ~~Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan or Oil Drilling and Production Plan~~, in compliance with Chapter 35.53 (Permit Requirements and Plan Applications, Processing, and Review), Chapter 35.56 (Oil/Gas Land Uses—Abandonment and Removal Procedures), Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) or Section 35.82.080 (Development Plans), as applicable permit.
 - ~~3c.~~ The approval by the review authority of a revised ~~Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan or Oil Drilling and Production Plan permit~~ shall automatically supersede ~~any the~~ previously approved ~~Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan or Oil Drilling and Production Plan permit~~ upon the effective date of the revised permit.
- ~~F. Temporary suspension of compliance with the project description and/or conditions of approval to an approved project necessary to protect public health and/or to support economic recovery from the impacts of COVID-19. For the time period specified in Subsection 35.108.090.C.1 (Temporary time period), approval of a Minor Change,~~

~~Substantial Conformity Determination, Amendment, or Revision is not required for temporary changes to an approved project related to the standards in Section 35.108.090.C.2, below, that are necessary to protect public health and effectively limit the spread of COVID-19, and/or to support economic recovery from the impacts of COVID-19, and that comply with the standards set forth in Section 35.108.090.C.3, below.~~

GD. Minor Changes to Land Use Permits for Commercial Cannabis Cultivation. Minor changes to an approved Land Use Permit for commercial cannabis cultivation (outdoor, mixed-light, indoor, and nursery) in the AG-II, M-RP, M-1, and M-2 zones may be allowed. A request shall be processed in the following manner:

1. The Director may approve a minor change to an approved Land Use Permit where the Director determines:
 - a. The minor change is either environmentally beneficial (e.g., changes to improve the efficacy of odor control systems) or does not result in new, adverse environmental effects not analyzed or discussed at the time of project approval or in the need for additional mitigation measures;
 - b. The minor change does not substantially deviate from the approved plans and the originally approved permit;
 - c. There is no change in the use or scope of the development;
 - d. The minor change does not result in a change to the Director's conclusions regarding the project's specific conformance to development standards and findings;
 - e. The Land Use Permit has not expired; and
 - f. The minor change is exempt from Design Review in compliance with Section 35.82.070 (Design Review).
2. Where a minor change of an approved Land Use Permit is approved, the permit shall have the same effective and expiration dates as the original permit and no additional public notice shall be required.
3. If the Director determines a proposed change to an approved Land Use Permit does not meet the above criteria, a new Conditional Use Permit shall be required.
4. Determinations made pursuant to this subsection are not subject to Appendix C (Guidelines for Minor Changes to Land Use Permits) or Appendix F (Substantial Conformity Determination Guidelines).
5. The determination to allow a minor change to an approved Land Use Permit for commercial cannabis cultivation is final and not subject to appeal.

SECTION 104:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.84.060, Revocations, of Chapter 35.84, Post Approval Procedures, is hereby amended to read as follows:

35.84.060 Revocations

Any permit granted under this Development Code may be revoked or revised for cause if any of the conditions or terms of the permit are violated, if the permit was approved based on inaccurate information provided by the applicant, or if any law or ordinance is violated. This Section provides procedures for revocation or modification of issued Land Use Permits and Zoning Clearances and approved Conditional Use Permits and Minor Conditional Use Permits. The County's action to revoke a permit or approval shall have the effect of terminating the permit and denying the privileges granted by the original approval.

~~A. **Revocation of Land Use Permits and Zoning Clearances.** Issuance of a Land Use Permit or Zoning Clearance is contingent upon compliance with all conditions imposed as part of the project approval and with all applicable provisions of this Development Code. If it is determined that development activity is occurring in violation of any or all such conditions or provisions, the Director may revoke the permit or clearance and all authorization for development.~~

~~1. **Notification.** Written notice of such Revocation shall be provided to the permittee.~~

~~2. **Appeal.** The action of the Director to revoke a Land Use Permit or Zoning Clearance is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~

~~B. **Conditional Use Permits.** If the review authority who approved the Conditional Use Permit or Minor Conditional Use Permit determines that the permittee is not in compliance with one or more of the conditions of an approved Conditional Use Permit or Minor Conditional Use Permit, the review authority may revoke the Conditional Use Permit or Minor Conditional Use Permit, or direct the permittee to apply for an Amendment or Revision, in compliance with Subsection 35.84.040.D (Amendments) or Subsection 35.84.040.E (Revisions).~~

1A. Procedures.

1. **Initiation of Proceeding.** Revocation proceedings shall be initiated by the Director.

2. **Review Authority.** The Director shall act as the review authority for Revocations based on consideration of the requirements in this Section, except as provided below.

a. The Director, with affirmative consent from the property owner, may refer any Revocation to the Planning Commission for consideration and decision when, in the Director's opinion, the public interest would be better served by having the Planning Commission act as the review authority. The Director's decision to refer

or not to refer a Revocation to the Planning Commission is final and not subject to appeal.

3. Noticing and Public Hearings.

- a. Director as Review Authority. Where the Director is the review authority for a Revocation, notice of the revocation or revisions of the permit or approval shall be provided to the permittee and property owner.~~The review authority shall hold at least one noticed public hearing prior to revoking the Conditional Use Permit or Minor Conditional Use Permit or directing the applicant to apply for an Amendment or Revision in compliance with the provisions of this Development Code.~~
- b. Planning Commission or Board of Supervisors as Review Authority. Where the Planning Commission or Board of Supervisors is the review authority for a Revocation, the Planning Commission or Board of Supervisors shall hold at least one noticed public hearing on the Revocation. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
- ~~c. The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~
- ~~d. Where the applicant has been directed to apply for an Amendment or Revision in compliance with Section 35.84.040 (Changes to an Approved Project) above, the review authority for the revocation shall also be the review authority for the required Amendment or Revision.~~

B. Required Findings. The review authority may revoke or revise the permit if it makes any of the following findings:

1. That the approval was obtained by fraud or inaccurate information;
2. The use or structure authorized by the permit or approval is removed from the site or remains vacant and unused for its authorized purpose, or is abandoned or discontinued for a period greater than 12 consecutive months;
3. That the permit or approval granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;
4. That the use for which the approval was granted was or is so exercised as to be detrimental to the public health or safety;
5. That the circumstances under which the permit was granted have been changed by the owner or operator to such a degree that one or more of the findings contained in the permit is no longer valid and the public health, safety, and welfare merit revocation of the permit; or

6. That the conditions of approval are found to be inadequate to mitigate the impacts of the use allowed by the permit, and the public health, safety and welfare merit modification of the permit.

SECTION 105:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.88.040, Processing of Specific Plans, of Chapter 35.88, Specific Plans, is hereby amended to read as follows:

35.88.040 Processing of Specific Plans

- A. **Departmental processing of application.** After receipt of the permit application, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- B. **Referral to the Subdivision/Development Review Committee.** The Department shall refer the Specific Plan to the Subdivision/Development Review Committee for review and recommendation to the Commission.
- C. **Public hearing required.** The Commission shall hold at least one noticed public hearing on the Specific Plan. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
- D. **Transmittal of Commission's recommendation to the Board.**
 - 1. The Commission's recommendation on the Specific Plan shall be transmitted to the Board by resolution of the Commission carried by the affirmative votes of not less than a majority of its total voting members. A draft ordinance adopting the Specific Plan shall accompany the resolution.
 - 2. The resolution shall be accompanied by a statement of the Commission's reasons for the recommendation.
- E. **Board public hearing required.** The Board shall hold at least one noticed public hearing before adopting the proposed Specific Plan. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
- ~~F. **Site development plan required.** A Specific Plan shall not be considered adopted until a site development plan, together with the required accompanying data, has been approved by an ordinance of the Board after consideration at a noticed public hearing following a recommendation by the Commission.~~
- ~~G.~~ **Zoning consistency with Specific Plan required.** At the time of adoption of the Specific Plan, the Board shall determine whether the existing zoning on the subject property is consistent with the Specific Plan. If the Board finds that it is inconsistent, then either the County or the

proponent of the Specific Plan shall initiate a Zoning Map Amendment to bring the zoning of the subject property into conformance with the Specific Plan.

- ~~H~~G. **Referral of changes or additions to the Commission.** The Board shall not make any change or addition to any proposed Specific Plan recommended by the Commission until the proposed change or addition has been referred back to the Commission for a report and a copy of the report has been filed with the Board. Failure of the Commission to report back to the Board within 40 days after the referral, or a longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Commission to hold a public hearing on the proposed change or addition.
- ~~I~~. ~~**Final Development Plan required.** No permits shall be issued for construction, erection, or occupancy of any structure, nor for grading, nor for any use of land which requires a Land Use Permit or Zoning Clearance, as applicable, until a Final Development Plan, as required under the applicable zone, has been approved in compliance with Section 35.82.080 (Development Plans).~~
- ~~J~~H. **Action by the Board.** The adoption of the Specific Plan shall be by ordinance in compliance with Government Code Section 65453.
- ~~K~~I. **Amendments to Specific Plan.** Amendments to the Specific Plan shall be processed in the same manner as specified for adoption of an original Specific Plan in compliance with this Section.

SECTION 106:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.89.040, Application Contents, of Chapter 35.89, Mobilehome Park Closure, is hereby amended to read as follows:

35.89.040 Application Contents

An application for a Conditional Use Permit ~~required in compliance with Section 35.89.030 (Conditional Use Permit Requirements), above, for a mobilehome park closure~~ shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing) and shall include all of the following, ~~in addition to all information required in Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).~~

SECTION 107:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, a new Section 35.101.015, Nonconforming Lots, is added to Chapter 35.101, Nonconforming Uses, Structures, and Lots, as follows:

35.101.015 Nonconforming Lots

Any lot that is smaller than the minimum lot size required by this Development Code or does not meet the applicable dimensional requirements shall be considered a lawful nonconforming lot if it is shown on a duly recorded subdivision map or otherwise verified to be a legally created lot.

- A. A nonconforming lot may be used as a building site subject to compliance with all applicable requirements, unless a variance or other waiver, modification, or exception is approved as provided for in this Development Code.
- B. A nonconforming lot shall not be further reduced in area, width, or depth, unless such reduction is allowed pursuant to a provision of the County Code, required as part of a public improvement, or otherwise specifically allowed pursuant to State law.
- C. **Lot reconfiguration.** Two or more legal lots with insufficient area to meet the minimum lot area requirements of the applicable zone may be combined or resubdivided provided:
 - a. All other regulations of this Development Code and County Code Chapter 21 are complied with;
 - b. The combined or resubdivided lots are as large or larger than the original lots; and
 - c. The minimum area of each new lot is 7,000 square feet.

SECTION 108:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection B, Expansion or extension, of Section 35.101.020, Nonconforming Uses of Land and Structures, of Chapter 35.101, Nonconforming Uses, Structures, and Lots, is hereby amended to read as follows:

B. Expansion or extension.

1. An existing nonconforming use may be extended throughout or relocated within an existing structure; provided, no structural alterations are made except those required by law or ordinance (e.g., Building Code regulations).
2. No existing nonconforming use shall be extended to occupy any land outside of the structure.
3. No existing nonconforming use of land outside structures, or not involving structures, shall be enlarged, extended, or increased to occupy a greater area of land than was occupied at the time the use became nonconforming, or moved to any portion of the lot not currently occupied by the nonconforming use.
- ~~4. In order to protect public health and support the reopening of the Santa Barbara County in a manner that effectively limits the spread of COVID-19 by allowing for the use of outdoor areas to ensure that physical distancing and/or other public health~~

~~requirements can be met and to provide other forms of relief to support economic recovery from the impacts of COVID-19, the following provisions apply for the temporary time period specified below and take precedence over subsections 1, 2, and 3 included above, if the below provisions are applicable to a particular nonconforming use.~~

~~a. **Temporary time period.** This provision shall take effect on June 16, 2020 and shall expire the earlier of October 31, 2024 or when the COVID-19 provisions (Sections 35.84.040.A.1, 35.84.030.D.8, 35.84.040.F, 35.101.020.B.4, and 35.108.090.C) are terminated by ordinance amendment.~~

~~b. **Development standards.** For nonconforming uses, this section authorizes the temporary expansion or extension of a nonconforming use related to the following standards provided the requirements of Subsection B.4.c, below, are met:~~

~~i. **Setbacks.**~~

~~ii. **Site coverage maximums.**~~

~~iii. **Minimum open space.**~~

~~iv. **Parking and loading standards.**~~

~~v. **Signs.**~~

~~vi. **The requirement that uses shall occur within a completely enclosed building.**~~

~~vii. **Limitations on food service at wineries and tasting rooms.**~~

~~viii. **Restrictions on uses in the right of way.**~~

~~ix. **Other development standards as determined to be necessary by the Director for the protection of public health related to COVID-19 and/or to support economic recovery from the impacts of COVID-19.**~~

~~c. **Requirements.** To be eligible for this temporary expansion or extension, all of the following requirements must be met:~~

~~i. **The temporary expansion or extension of aspects of the nonconforming use related to development standards listed in Subsection B.4.b, above, are necessary to ensure physical distancing, comply with other public health requirements put in place by federal, State, or local public health officials to limit the spread of COVID-19, and/or to support economic recovery from the impacts of COVID-19.**~~

~~ii. **The owner/applicant must follow all applicable State and local directives regarding reopening of businesses or community entities during the COVID-19 pandemic response, including certification or attestation and COVID-19 protection plan. Public health restrictions related to COVID-19 are subject to rapid change and nothing in this Subsection B.4 is intended, nor shall it be**~~

~~construed, to allow nonconforming uses to operate in violation of any federal, State, or local public health orders, rules, or regulations.~~

~~iii. Any State or local permit or approval required by regulations other than this Development Code is obtained (e.g., a business purposes encroachment permit, health permit, alcoholic beverage control license, fire department authorization).~~

~~iv. The nonconforming use is non-residential.~~

~~v. The expansion or extension of the nonconforming use does not occur within environmentally sensitive habitat. No native vegetation or environmentally sensitive habitat would be removed to accommodate the use of outdoor areas.~~

~~vi. No permanent structures are proposed, constructed, or erected (temporary coverings, such as canopies or umbrellas, to shade occupants from the sun and/or weather are allowed).~~

~~d. Submittal of Checklist.~~

~~i. Prior to implementation of the temporary expansion or extension, the owner/applicant may, and is encouraged to, submit a completed checklist, revised site plan, photos, and description of proposal describing the temporary expansion or extension and how the requirements of Subsection 35.101.020.B.4.c (Requirements) will be met.~~

~~ii. Within 30 days of implementing a temporary expansion or extension, the owner/applicant shall submit a completed checklist, revised site plan, photos, and description of proposal describing the temporary expansion or extension and how the requirements of Subsection 35.101.020.B.4.c (Requirements) have been met.~~

~~e. Enforcement.~~

~~i. If a completed checklist, revised site plan, photos, and description of proposal are not submitted pursuant to Subsection B.4.d, or upon submittal the Director determines, in the Director's sole discretion, that the requirements of Subsection B.4.c, above, are not satisfied, the Director may notify the owner/applicant that the suspension of compliance to protect public health and/or to support economic recovery from the impacts of COVID-19 are not applicable and the Director may initiate enforcement action. The Director's action is not subject to appeal.~~

~~ii. If a completed checklist, revised site plan, photos, and description of proposal are submitted pursuant to Section B.4.d and the requirements of Subsection B.4.c, above, are met, as determined in the sole discretion of the Director, the temporary expansion and/or extension of the nonconforming use shall~~

~~not constitute a violation subject to penalties, for the time period specified in Subsection B.4.a, above. The Director's action is not subject to appeal.~~

SECTION 109:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection G, Limited exception determinations for certain nonconforming industrial uses, of Section 35.101.020, Nonconforming Uses of Land and Structures, of Chapter 35.101, Nonconforming Uses, Structures, and Lots, is hereby amended to read as follows:

G. Limited exception determinations for certain nonconforming industrial uses.

1. **Process and findings required.** Improvements comprising minor enlargements, expansions, extensions, or structural alterations of a structure dedicated to an industrial, public works, or energy-related nonconforming use may be allowed, subject to the following process and findings.
2. **Requirement for limited exception determination.** The review authority shall approve a Limited Exception Determination in compliance with Section 35.82.120 (Limited Exception Determinations) before the approval of any permit ~~in compliance with Section 35.82.110 (Land Use Permits)~~ to allow minor enlargements, expansions, extensions, or structural alterations.
 - a. Where a discretionary permit has not been previously approved for the existing nonconforming industrial use, appropriate non-discretionary permits may be issued after a Limited Exception Determination has been approved in compliance with Section 35.82.120 (Limited Exception Determinations).
 - b. Where a discretionary permit has previously been approved, changes to that permit may be made in compliance with this Development Code and the appropriate non-discretionary permits may be issued after a Limited Exception Determination has been approved in compliance with Section 35.82.120 (Limited Exception Determinations).

SECTION 110:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 1, Enlargements or extensions allowed in limited circumstances, of Subsection A, Structural change, expansion, or extension, of Section 35.101.030, Nonconforming Structures, of Chapter 35.101, Nonconforming Uses, Structures, and Lots, is hereby amended to read as follows:

A. Structural change, expansion, or extension.

1. **Enlargements or extensions allowed in limited circumstances.**

- a. Except as listed in Subsection A.1.b (Allowed structural alterations), below or otherwise provided in this Development Code, a nonconforming structure shall not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Development Code.
- b. **Allowed structural alterations.** The following structural alterations are allowed, provided the appropriate permits have been obtained.
 - (1) **Seismic retrofits allowed.** Seismic retrofits as defined in Article 35.11 (Glossary) and in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).
 - (2) **Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.
 - (3) **Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.
 - (4) **Conforming residential uses and residential accessory uses.** A nonconforming structure that is devoted to a conforming residential use or that is normally or historically accessory to the primary residential use may be structurally altered in a manner that is not otherwise allowed in compliance with Subsection A.1.a, above, provided that the alteration does not result in a structure that extends beyond the existing exterior, and, for structures that are 50 years old or greater, the Director determines that the alteration will not result in a detrimental effect on any potential historical significance of the structure.
 - (5) **Accessory dwelling units and junior accessory dwelling units.** A nonconforming structure may be enlarged, extended, or structurally altered to convert the structure into an accessory dwelling unit or junior accessory dwelling unit provided that the accessory dwelling unit or junior accessory dwelling unit complies with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
- c. ~~**Permit required.** The issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) is required prior to the commencement of any~~

~~structural alteration allowed in compliance with Subsections A.1.a or A.1.b, above, unless the alteration is determined to be exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements).~~

SECTION 111:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection A, Conformity of uses requiring a discretionary permit, of Section 35.101.080, Nonconforming Due to Lack of a Discretionary Permit, of Chapter 35.101, Nonconforming Uses, Structures, and Lots, is hereby amended to read as follows:

- A. **Conformity of uses requiring a discretionary permit.** A ~~use~~lawfully existing use that is nonconforming due to lack of~~without the approval of a discretionary permit that would be required by this Development Code,~~ shall be deemed conforming provided the use is operated and maintained only to the extent that it previously existed (e.g., maintain the same site area boundaries, hours of operation, use, floor area).

SECTION 112:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection B, Timing and form of appeal, of Section 35.102.020, General Appeal Procedures, of Chapter 35.102, Appeals, is hereby amended to read as follows:

B. **Timing and form of appeal.**

~~1. Appeals of decisions of the Board of Architectural Review, Director, Commission, or Zoning Administrator.~~

~~1.a.~~ **Filing of the appeal.** An appeal, which shall be in writing and accompanying fee, as authorized by this Development Code,~~of a decision or determination of the Board of Architectural Review, Director, Commission, or Zoning Administrator~~ shall be filed with the Department within the 10 calendar days following the date of the decision or determination that is the subject of the appeal, except as follows or as otherwise provided in this Development Code:

~~(1)~~a. Within 30 calendar days following the date of decision by the Director that an oil or gas lease has been abandoned in compliance with Section 35.56.070 (Decision on Application to Defer Abandonment).

~~(2)~~b. Where the tenth calendar day falls on a weekend, holiday, or other day the County offices are not open for business, an appeal may be filed before 5:00 p.m. on the following working day.~~Except as otherwise provided in this Development Code.~~

~~b2.~~ **Form of appeal.** The appellant shall use the form provided by the Department in addition to any other supporting materials the appellant may wish to furnish in

compliance with Subsection C (Requirements for contents of an appeal) below, explaining the reasons for the appeal. ~~An appeal.~~ A completed appeal form, signed by all appellants, shall be filed with the Director, who shall process the appeal in compliance with this Chapter, including scheduling the matter before the applicable review authority.

- ~~2. **Computation of time for appeal.** The time within which the appeal shall be filed shall commence on the day following the day on which the decision or determination was made. In the event the last day for filing an appeal falls on a non-business day of the County, the appeal may be timely filed on the next business day.~~

SECTION 113:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection C, Requirements for contents of an appeal, of Section 35.102.020, General Appeal Procedures, of Chapter 35.102, Appeals, is hereby amended to read as follows:

C. Requirements for contents of an appeal.

1. **General requirements.** The appellant shall specifically provide in the appeal all of the following:
 - a. The identity of the appellant and their interest in the decision;
 - b. The identity of the decision or determination appealed which may include the conditions of that decision or determination;
 - c. The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal. A clear, complete, and concise statement of the decision being appealed and reasons why the decision or determination is inconsistent with the provisions and purposes of this Development Code or other applicable law; and
 - d. If it is claimed that there was an error or abuse of discretion on the part of the review authority, or other officer or authorized employee, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made, then these grounds shall be specifically stated.
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 of preliminary approval decisions of the Board of Architectural Review.**
A decision of the Board of Architectural Review to grant preliminary approval of a

project that has received approval of the associated development application may not be appealed to the Commission unless the appellant can demonstrate that the project for which preliminary Design Review approval was granted does not substantially conform to the project that was granted approval under the associated development application. If the Director determines that the appeal does not raise a substantial issue that the project for which preliminary Design Review approval was granted does not substantially conform to the project that was approved under the associated development application, 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.

- a. ~~**Appeals regarding a previously approved discretionary permit.** If the approval of a Land Use Permit required by a previously approved discretionary permit is appealed, the appellant shall identify:~~
- ~~(1) How the Land Use Permit is inconsistent with the previously approved discretionary permit;~~
 - ~~(2) How the discretionary permit's conditions of approval that are required to be completed before the approval of a Land Use Permit have not been completed; or~~
 - ~~(3) How the approval is inconsistent with Chapter 35.106 (Noticing and Public Hearings).~~
- b. **Appeals of final decision of the Board of Architectural Review.** A decision of the Board of Architectural Review to grant final approval may not be appealed to the 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 114:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.102.040, Appeals to the Commission, of Chapter 35.102, Appeals, is hereby amended to read as follows:

35.102.040 Appeals to the Commission

- A. **Decisions appealed to the Commission.** The following decisions may be appealed to the Commission provided the appeal complies with the requirements of Subsections 35.102.020.C through Subsection 35.102.020.E above.
1. **Board of Architectural Review decisions.** The following decisions of the Board of Architectural Review may be appealed to the Commission:
 - a. Any decision of the Board of Architectural Review to grant or deny preliminary approval in compliance with Subsection 35.102.020.C.2.a (Appeals of preliminary decisions of the Board of Architectural Review).
 - b. Any decision of the Board of Architectural Review to grant or deny final approval in compliance with Subsection 35.102.020.C.2.~~c~~b (Appeals of final decisions of the Board of Architectural Review).
 2. **Building Official decisions.** The following decisions of the Building Official may be appealed to the Commission.
 - a. The decision of the Building Official to require an applicant for a solar energy system to apply for a Solar Use Permit. The grounds for an appeal of a decision to require a Solar Use Permit are restricted to a demonstration that the solar energy system would not have a specific, adverse impact upon the public health and safety.
 - b. Any decision of the Building Official to approve, conditionally approved, or deny an application for a Solar Use Permit.
 3. **Director decisions.** The following decisions of the Director may be appealed to the Commission:
 - a. Any determination on the meaning or applicability of the provisions of this Development Code.
 - b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943.
 - c. Any decision of the Director to revoke an approved or issued ~~Land Use Permit~~permit.
 - d. Any decision of the Director to approve or deny an application for a Land Use Permit except as follows:
 - (1) Land Use Permits approved in compliance with Section 35.42.260 (Temporary Uses and Trailers) not including Subsection 35.42.260.G (Trailer Use).
 - ~~e. Any decision of the Director to revoke an issued Zoning Clearance.~~

- ~~e.f.~~ Any decision of the Director to approve, conditionally approve, or deny an application for a Development Plan.
 - ~~f.g.~~ Any decision of the Director to approve, conditionally approve, or deny any other discretionary application where the Director is the designated review authority.
 - ~~g.h.~~ Any decision of the Director as to whether an unauthorized mobilehome park closure is underway.
 - ~~h.i.~~ Any other action, decision, or determination made by the Director as authorized by this Development Code where the Director is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.
4. **Zoning Administrator decisions.** The following decisions of the Zoning Administrator may be appealed to the Commission:
- a. Any decision of the Zoning Administrator to approve, conditionally approve, or deny ~~a an application for a Conditional Use Permit, Development Plan, Lot Line Adjustment, Modification, Overall Sign Plan, Sign Modification, Variance, or other~~ discretionary application where the Zoning Administrator is the applicable review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.
 - b. Any other action, decision, or determination made by the Zoning Administrator as authorized by this Development Code where the Zoning Administrator is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.
- B. **Report to the Commission.** The Department shall transmit to the Commission copies of the permit application including all maps and data and a statement identifying the reasons for the decision by the ~~Board of Architectural Review, Building Official, Director, or Zoning Administrator~~ decision maker before the hearing on an appeal.
- C. **Scope of appeal hearings.** The hearings on the appeal shall be de novo.
- D. **Action on appeal.** The Commission shall affirm, reverse, or modify the decision of the ~~Board of Architectural Review, Building Official, Director, or Zoning Administrator~~ decision maker.
- 1. **Decision on the appeal of Solar Use Permits.** The action of the Commission, and the action of any subsequent County review authority, shall not have the effect of denying the application to install the solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

- a. Any conditions imposed by the Commission on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

SECTION 115:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 2 of Subsection A, Decisions appealed to the Board, of Section 35.102.050, Appeals to the Board, of Chapter 35.102, Appeals, is hereby amended to read as follows:

2. Any final action on decisions of the Commission to approve, conditionally approve, or deny ~~an application for a Conditional Use Permit, Development Plan, Lot Line Adjustment, Tentative Map, Variance, or other a~~ discretionary application where the Commission is the designated review authority.

SECTION 116:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection B, Contents of application, of Section 35.104.040, Processing of Amendments, of Chapter 35.104, Amendments, is hereby amended to read as follows:

- B. **Contents of application.** If initiated by a person other than the Board, Commission, or Director, an Amendment application shall be filed in compliance with Chapter 35.80 (Permit Application Filing and Processing).

1. In addition to any other application requirements, the application for a Zoning Map Amendment shall include information, data, or other evidence in support of the applicable findings required by Section 35.104.060.

- ~~1a. Application shall include a Development Plan. Unless the Commission expressly waives the requirement, an~~ An application for a Zoning Map Amendment to rezone property to any of the zones listed below shall require the submittal of an application for either a Final or a Preliminary Development Plan in compliance with Section 35.82.080 (Development Plans), unless the Director expressly waives the requirement. and Section 35.104.080 (Rezoning Requirements for Specific Zones) below.

- a. ~~DR (Design Residential).~~
- b. ~~MHP (Mobile Home Planned Development).~~
- c. ~~MHS (Mobile Home Subdivision).~~
- d. ~~PRD (Planned Residential Development).~~
- e. ~~SLP (Small Lot Planned Development).~~

- ~~f. C V (Resort/visitor Serving Commercial).~~
- ~~g. OT-R (Old Town Residential).~~
- ~~h. PI (Professional and Institutional).~~
- ~~i. M-RP (Industrial Research Park).~~
- ~~j. M-1 (Light Industry).~~
- ~~k. M-2 (General Industry).~~
- ~~l. MU (Mixed Use).~~
- ~~m. PU (Public Works Utilities).~~
- ~~n. REC (Recreation).~~
- ~~o. HWMF (Hazardous Waste Management Facility) overlay.~~

SECTION 117:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.104.080, Rezone Requirements for Specific Zones, of Chapter 35.104, Amendments, is hereby deleted in its entirety and reserved for future use.

SECTION 118:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.106.020, Notice of Public Hearing and Review Authority Action, of Chapter 35.106, Notice and Public Hearings, is hereby amended to read as follows:

35.106.020 Notice of Public Hearing and Review Authority Action

- A. **Minimum requirements.** ~~Except for decisions on applications for Reasonable Accommodation processed in compliance with Chapter 35.37 (Reasonable Accommodation) that are under the jurisdiction of the Director and are not processed in conjunction with a discretionary application, Design Review processed in compliance with Section 35.82.070 (Design Review), Emergency Permits processed in compliance with Section 35.82.090 (Emergency Permits), Land Use Permits processed in compliance with Section 35.82.110 (Land Use Permits), Zoning Clearances processed in compliance with Section 35.82.210 (Zoning Clearances), and Time Extensions that are under the jurisdiction of the Director~~Unless otherwise specified, whenever the provisions of this Development Code require public notice, notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all other applications that require a noticed public hearing or notice of review authority action and the following. Each notice shall comply with the following minimum requirements.

1. **By the Department.** Notice shall be given by the Department in compliance with the following:

a. **Newspaper publication.**

(1) **Notice of public hearing.** Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before the scheduled public hearing ~~or action~~ by the review authority, except as provided below.

(a) Design Review. Notice by newspaper publication is not required for public hearings by the review authority related to Design Review applications.

(b) Land Use Permits. Notice by newspaper publication is not required for public hearings by the review authority related to Land Use Permit applications.

b. **Mailed notice.**

(1) **Notice of filing of ~~an~~ a complete application.** Notice of the filing of ~~an~~ a complete application shall be mailed within the 15 calendar days following the Department's determination in compliance with Section 35.80.050 (Initial Application Review) that an application is complete for processing to:

(a) Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.

(b) The applicant.

(c) The owner of the subject lot, if different from the applicant.

(d) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.

(e) Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with Chapter 35.44 (Telecommunications Facilities).

(f) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.44.010 (Commercial Telecommunication Facilities), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.

- (g) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.44.010 (Commercial Telecommunication Facilities), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
- (2) **Notice of public hearing or review authority action/pending decision.** Notice of public hearing or review authority action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.(1), above, except as follows for Land Use Permit applications and Modification applications that are subject to Design Review.
 - (a) If a Land Use Permit or Modification application is subject to Design Review in compliance with Section 35.82.070 (Design Review), notice shall be made at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review.
- (3) **Optional notice to more than 1,000 owners of property.** If the number of owners to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide the notice required by Subsections A.1.a and A.1.b.(2), above, by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days before the scheduled hearing or action.
- ~~c. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).~~
- ~~d. **Contents of notice.** The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.~~
- ~~e. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.~~
- 2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:
 - a. **Posted notice.** The applicant shall post a notice of a public hearing or review authority action/pending decision in compliance with the following:
 - (1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be

viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.

- (2) The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications that are under the jurisdiction of the Planning Commission or Board of Supervisors, the notice shall be a minimum of two feet tall by three feet wide.:

~~(a) Applications for development that are under the jurisdiction of the Commission and requires the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).~~

~~(b) Applications for development that are under the jurisdiction of the Commission and requires the approval of a Development Plan in compliance with Section 35.82.080 (Development Plans), not including applications for Development Plans required solely in compliance with Subsection 35.21.030.C, Subsection 35.22.030.C.1, Subsection 35.23.030.C.1, and Subsection 35.25.030.D.1.a.~~

~~(c) Applications for legislative actions under the jurisdiction of the Board as the designated review authority in compliance with Table 8-1 (Review Authority) of Chapter 35.80 (Permit Application Filing and Processing).~~

- (3) Said notice shall be posted by the applicant:

(a) At least 10 days before the scheduled public hearing or review authority action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.

(b) If the application is determined to subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.

- (4) The notice shall be required to be continuously posted from the date required by Subsection A.2.a.(3) above until at least 10 days following an action of the review authority to approve, conditionally approve, or deny the application, including an action on an appeal of the decision of the review authority.

- (5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled initial public hearing or action by the review authority. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the review authority.

SECTION 119:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.106.050, Land Use Permits, of Chapter 35.106, Notice and Public Hearings, is hereby deleted in its entirety and reserved for future use.

SECTION 120:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.106.060, Design Review, of Chapter 35.106, Notice and Public Hearings, is hereby deleted in its entirety and reserved for future use.

SECTION 121:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.106.070, Emergency Permits, of Chapter 35.106, Notice and Public Hearings, is hereby amended to read as follows:

35.106.070 Emergency Permits

- A. **Minimum requirements.** Notice of the application for an Emergency Permit shall be given in compliance with the following:
 1. The Department shall provide mailed notice of applications for Emergency Permits to all owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 2. The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
 3. The Department shall also conspicuously post a notice in ~~three~~one locations on the subject lot.
 4. The mailing or posting of notice is not required to precede the actual commencement of the emergency work.

SECTION 122:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.106.075, Time Extensions Under the Jurisdiction of the Director, of Chapter 35.106, Notice and Public Hearings, is hereby deleted in its entirety and reserved for future use.

SECTION 123:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.106.080, Contents of Notice, of Chapter 35.106, Notice and Public Hearings, is hereby amended to read as follows:

35.106.080 Contents of Notice

- A. ~~**All Notices for all projects.**~~ The following shall be included in all notices required to be provided by the Department in compliance with this Section ~~not including notices that are required to be posted by applicant.~~
1. The date of filing of the application and the name of the applicant.
 2. The Department case number assigned to the application.
 3. The name of the Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.
 4. A general description of the project and its location.
- B. **Notice for projects that require a public hearing or discretionary review authority action.** In addition to the information required to be included in all notices pursuant to Subsection A (All Notices) above, the The following shall be included in all notices required to be provided by the Department for projects that require a public hearing or discretionary action by a review authority ~~not including notices that are required to be posted by applicant.~~
- ~~1. All information required by Subsection A (Notice for all projects) above.~~
 21. The place, date, and general time of the hearing at which the project will be heard by the review authority, if the action requires a public hearing. If the project does not require a public hearing, then only the date of pending action of the review authority is required.
 32. A general description of the County procedures concerning the conduct of public hearings and actions, including the submission of public comments either in writing or orally before the hearing or decision, and requirements regarding the procedure to appeal the decision.
- C. **Notice for projects that do not require a public hearing or discretionary review authority action.** In addition to the information required to be included in all notices pursuant to

Subsection A (All Notices) above, the The following shall be included in all notices required to be provided by the Department for projects that do not require a public hearing or discretionary action by a review authority ~~not including notices that are required to be posted by applicant.~~

~~1. All information required by Subsection A (Notice for all projects), above.~~

~~21.~~ A general description of the County procedures concerning the review of the application, including:

- a. How to participate in the review of the application;
- b. How to receive notification of any pending ~~review in compliance with Section 35.82.070 (Design Review)~~ Design Review, if applicable, or action to approve, conditionally approve, or deny the application;
- c. How to submit comments either in writing or orally before review by the Board of Architectural Review if applicable, or action to approve, conditionally approve, or deny the application; and
- d. Requirements regarding the procedure to appeal the decision of the Board of Architectural Review if applicable, or action by the Director to approve, conditionally approve, or deny the application.

~~32.~~ If applicable, the date of the pending action on the application and the date of expiration of the appeal period.

SECTION 124:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.108.010, Purpose and Intent, of Chapter 35.108, Enforcement and Penalties, is hereby amended to read as follows:

35.108.010 Purpose and Intent

This Chapter establishes provisions which are intended to ensure compliance with the requirements of this Development Code and any conditions of a ~~Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, Zoning Clearance or any other permit or other approval~~, to promote the County's planning efforts, and for the protection of the public health, safety, and welfare of the County.

SECTION 125:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code,

Section 35.108.090, Penalty for Violations of Conditions, of Chapter 35.108, Enforcement and Penalties, is hereby amended to read as follows:

35.108.090 Penalty for Violations of Conditions

- A. **Compliance with conditions required.** If any portion of a privilege authorized by a ~~Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, or any other permit approved~~any permit or approval granted in compliance with this Development Code is utilized, the conditions of said permit shall immediately become effective and shall be strictly complied with.
- B. **Violation of conditions subject to penalty.** The violation of any valid condition imposed by the review authority in connection with the granting of any ~~Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, or any other permit approved~~permit or approval in compliance with this Development Code, shall constitute a violation and shall be subject to the same penalties as defined in this Chapter.
- ~~C. **Temporary suspension of compliance in order to protect public health and/or to Support Economic Recovery from the impacts of COVID-19.** In order to protect public health and support the reopening of the Santa Barbara County in a manner that effectively limits the spread of COVID-19 by allowing for the use of outdoor areas to ensure that physical distancing and/or other public health requirements can be met and to provide other forms of relief to support economic recovery from the impacts of COVID-19, the following provisions apply for the temporary time period specified below.~~
- ~~1. **Temporary time period.** Subsections 35.84.040.A.1, 35.84.030.D.8, 35.84.040.F, 35.101.020.B, and 35.108.090.C (ordinance amendments related to COVID-19) shall take effect on June 16, 2020 and shall expire the earlier of October 31, 2024 or when the COVID-19 provisions (Sections 35.84.040.A.1, 35.84.030.D.8, 35.84.040.F, 35.101.020.B.4, and 35.108.090.C) are terminated by ordinance amendment.~~
- ~~a. The expiration date of these temporary amendments may be extended or revised by the Board of Supervisors by adoption of future ordinance amendments. Unless otherwise extended or amended by the Board, upon expiration this ordinance, shall be repealed and shall be of no further force or effect.~~
- ~~2. **Development standards.** For approved projects, this section authorizes the temporary suspension of compliance with the project description and/or conditions of approval related to the following standards provided the requirements of Subsection C.3, below, are met:~~
- ~~a. Setbacks.~~
- ~~b. Site coverage maximums.~~
- ~~c. Minimum open space.~~

- ~~d. — Parking and loading standards.~~
 - ~~e. — Signs.~~
 - ~~f. — The requirement that uses shall occur within a completely enclosed building.~~
 - ~~g. — Limitations on food service at wineries and tasting rooms.~~
 - ~~h. — Restrictions on uses in the right of way.~~
 - ~~i. — Other development standards as determined to be necessary by the Director for the protection of public health related to COVID-19 and/or to support economic recovery from the impacts of COVID-19.~~
- ~~3. — **Requirements.** To be eligible for the temporary suspension of compliance, all of the following requirements must be met:~~
- ~~a. — The temporary changes to an approved project that render the project unable to strictly comply with its project description, conditions of approval, and/or the development standards listed in Subsection C.2, above, are necessary to ensure physical distancing, and/or comply with other public health requirements put in place by federal, State, or local public health officials to limit the spread of COVID-19, and/or support economic recovery from the impacts of COVID-19.~~
 - ~~b. — The owner/applicant must follow all applicable State and local directives regarding reopening of businesses or community entities during the COVID-19 pandemic response, including certification or attestation and COVID-19 protection plan. Public health restrictions related to COVID-19 are subject to rapid change and nothing in this Subsection C is intended, nor shall it be construed, to allow approved projects to operate in violation of any federal, State, or local public health orders, rules or regulations.~~
 - ~~c. — The project otherwise complies with its project description, conditions of approval, applicable development standards, and Comprehensive Plan policies.~~
 - ~~d. — Any State or local permit or approval required by regulations other than this Development Code is obtained (e.g., a business purposes encroachment permit, health permit, alcoholic beverage control license, fire department authorization).~~
 - ~~e. — The approved project is non-residential.~~
 - ~~f. — The use does not occur within environmentally sensitive habitat. No native vegetation or environmentally sensitive habitat would be removed to accommodate the use of outdoor areas.~~
 - ~~g. — No permanent structures are proposed, constructed, or erected (temporary coverings, such as canopies or umbrellas, to shade occupants from the sun and/or weather are allowed).~~
- ~~4. — **Enforcement.**~~

- ~~a. If a completed checklist, revised site plan, photos, and description of proposal are not submitted pursuant to Subsection 35.84.040.A.1, or upon submittal the Director determines, in the Director's sole discretion, that the requirements of Subsection C.3, above, are not satisfied, the Director may notify the owner/applicant that the suspension of compliance to protect public health and/or support economic recovery from the impacts of COVID 19 are not applicable and the Director may initiate enforcement action. The Director's action is not subject to appeal.~~
- ~~b. If a completed checklist, revised site plan, photos, and description of proposal are submitted pursuant to Section 35.84.040.A.1 and the requirements of Subsection C.3, above, are met, as determined in the sole discretion of the Director, strict compliance to the applicable portions of the project description, conditions of approval, and/or the development standards listed in Subsection 2, above, is not required and the temporary changes to the project shall not constitute a violation subject to penalties, for the time period specified in Subsection C.1, above. The Director's action is not subject to appeal.~~

SECTION 126:

ARTICLE 35.11, Glossary, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, is hereby amended to change the definitions of “Dwelling, Multiple”, “Home Occupation”, “Public Open Space”, and “Common Open Space”; add a definition of “Specimen Tree”; and delete the definitions of “Determination, Use”, “Modular Home”, and “Open Space, Usable” as follows:

~~**Determination, Use.** An action by the Commission determining and/or finding that a use not identified as an permitted use in a specific zone is similar in nature and/or character to the other permitted uses in that zone and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, traffic congestion, danger to life and property, or other similar causes, and is therefore also considered a permitted use.~~

Dwelling, Multiple. A building, group of buildings, or portion of a building, designed for and occupied exclusively by three or more families, and containing three or more dwellings. Includes duplexes (if multiple), triplexes, apartment houses, apartment hotels, condominiums, community apartment projects, flats, rowhouses, and townhouses in different arrangements, but does not include organizational houses, trailer courts or camps, motels, hotels or resort type hotels.

Home Occupation. A commercial activity conducted ~~entirely within the dwelling portion of a dwelling by residents of the dwelling, or conducted entirely within an artist studio by a person residing in a dwelling on the same lot~~ as accessory to a residential dwelling unit in compliance with Section 35.42.190 (Home Occupations).

~~Modular Home.~~ ~~A dwelling unit constructed in whole or in part of prefabricated material or components to be assembled onsite and affixed to a permanent foundation, subject to the requirements of the Uniform Building Code.~~

Open Space.

1. **Public Open Space.** Outdoor areas, under either private or public land ownership, which are dedicated as being open to public use and provide for active or passive recreation. ~~Public open space includes public parks, recreational support facilities (e.g., restrooms, stairways, picnic tables), public parking lots, beaches, access corridors such as bike paths, hiking, or equestrian trails, usable natural areas, and vista points that are accessible to members of the general public. Environmentally sensitive habitat areas and archaeological sites may be included in public open space. Water bodies such as streams, ponds, and lakes may be included in public open space only if available for active recreational purposes (e.g., swimming, boating, fishing) but in no case shall water bodies be credited for more than five percent of the total public open space requirement. Public open space shall not include areas which are unusable for recreational purposes (e.g., private or public streets, private parking lots, or hazardous areas such as steep slopes and bluff faces).~~
2. **Common Open Space.** Common open space includes recreational areas and facilities for the use of the residents or guests of a development. These areas and facilities typically consist of recreational areas, landscaped areas, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development and may be used by all occupants of the development. ~~include tennis courts, swimming pools, playgrounds, community gardens, landscaped areas for common use, or other open areas of the site needed for the protection of the habitat, archaeological, scenic, or other resources. Water bodies may be included but shall not be credited for more than five percent of the total common open space requirement. Common open space shall not include driveways, public or private streets, parking lots, private patios and yards, other developed areas or hard surfaced walkways.~~
3. **Private Open Space.** A usable open space adjoining and directly accessible to a dwelling unit that includes patios, decks, and yards, reserved for the exclusive use of the residents of adjoining dwelling units and their guests.

~~Open Space, Usable.~~ ~~Outdoor space that serves a recreational function or provides visual relief from the building mass, the minimum dimension of which shall be six feet excluding required front yards not used for balconies or patios.~~

Specimen Tree. Native trees and other trees having unusual scenic or aesthetic quality, serving as known raptor nesting or key roosting sites, having important historical value, are unique due to species type or location, or serving as an important biological resource.

SECTION 127:

APPENDIX C, Guidelines for Minor Changes to Land Use Permits, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows:

APPENDIX C
GUIDELINES FOR MINOR CHANGES TO LAND USE PERMITS, DESIGN REVIEWS, AND ZONING
CLEARANCES

The following guidelines shall be used by the Department to determine if a minor change to an approved or issued Land Use Permit, Design Review, or Zoning Clearance can be allowed without requiring a new permit, review, or clearance.

1. The proposed change would otherwise be exempt from Design Review pursuant to Section 35.82.070 (Design Review) and would not be counter to design direction provided by the prior Design Review approval.
2. ~~The proposed change would otherwise be exempt from a Land Use Permit pursuant to Section 35.20.040 (Exemptions from Planning Permit Requirements).~~ The change would not result in an increase in square footage greater than 10 percent of the total square footage of the original approval or 300 square feet, whichever is less, measured cumulatively from the original approval.
3. Any increase in grading does not result in the change of approved topography or an increase greater than 10 percent of the total grading of the original approval. The project has not been the subject of substantial public controversy or interest and there is no reason to believe that the proposed change has the potential to create substantial controversy.
4. No more than 12 months have passed since final occupancy of the approved project.
45. The change does not increase the height of the roof ridgeline by more than 10 percent.
5. ~~The change would not be counter to design direction provided by the applicable Board of Architectural Review.~~
6. If the site is one acre or less, the footprint of the structure may not be moved more than five percent closer to the property line. If the site is more than one acre, the footprint of the structure may not be moved more than 10 percent closer to the property line.
7. The change does not result in the removal of a specimen trees.
8. ~~The change does not affect easements for trails, public access, or open space.~~
98. The change does not increase the required number of parking spaces.

If the proposed "minor" change does not conform to the guidelines identified above, the applicant should apply for a new planning permit, review, or clearance.

SECTION 128:

APPENDIX F, Substantial Conformity Determination Guidelines, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows:

APPENDIX F SUBSTANTIAL CONFORMITY DETERMINATION GUIDELINES

On occasion, an applicant requests slight deviations from an approved action in order to carry out a project. The County Development Code allows certain types of alterations from an approved project, following a determination of substantial conformity.

Procedure:

1. Applicant obtains an application for a Substantial Conformity Determination at the Department and pays applicable fees which may vary depending on the complexity of the request.
2. The Department reviews the project description that was considered at the time of project approval.
3. The Department considers key issues:
 - ~~a. Has the project been the subject of substantial public controversy, or is there reason to believe the change is likely to create substantial public controversy?~~
 - ~~b.~~ a. Will the deviation result in a change to the project that would alter the scope and intent of the project the review authority acted on?
 - ~~c. Would the deviation alter the public's perception of the project?~~
 - ~~d.~~ b. Would the deviation result in environmental effects not analyzed or discussed at the time of project approval and/or result in the need for additional mitigation measures? Or, if the project was not subject to CEQA, would the deviation potentially result in an environmental effect or need for mitigation measures?

If the answer to any of these basic questions is "yes", the Director cannot make a determination of substantial conformity.
4. The Department compares the request with established criteria. Listed below are criteria developed to assist in determining whether proposed changes to approved projects are in substantial conformity with the approved plans.
 - a. Does not conflict with project conditions of approval and/or recorded map conditions.

- b. Does not result in health or safety impacts.
- c. That the project facilities, operating procedures, environmental impacts, safety impacts, and the project's compliance with policies are substantially the same as those considered in the previous permit issued by the Director.
- d. That the proposed changes ~~proposed~~ can be effectuated through existing permit conditions or standard conditions of approval.
- ~~e. That the impacts and changes do not alter the findings that the benefits of the project outweigh the significant unavoidable environmental effects made in connection with the original approval.~~
- ~~f. Does~~ Generally, the proposed changes do not result in an increase in square footage greater than 10 percent of the total square footage of the original approval or of 1,000 sq. ft. or more than 10 percent of building coverage of new structures over total project approvals square feet, whichever is less, measured cumulatively from the original approval.
- ~~g.~~ Is clearly exempt from environmental review or was evaluated in the environmental review document prepared for the project and there are no new significant impacts related to the project change.
- ~~h.~~ Does not require the removal of specimen trees or impact areas defined in the project environmental document as sensitive habitat or designated as areas prohibiting structures or other development.
- ~~i.~~ Is consistent with Comprehensive plan policies and Development Code requirements.
- ~~j.~~ Does not result in more than 1500 cubic yards of net cut and/or fill, and avoids slopes of 30% or greater, unless these impacts were addressed in the environmental assessment for the project and mitigation measures were imposed to mitigate said impacts and the proposal would not compromise the mitigation measures imposed or result in additional environmental impacts.
- ~~k.~~ Is located within the same general location as, and is topographically similar to, approved plans. The location shall not be moved more than 10 percent closer to a property line than the originally approved development.
- ~~l.~~ Does not result in an overall height which is greater than 10 percent above the approved height of the tallest structure. The project must remain consistent with height requirements of the zone.
- ~~m.~~ Receives Design Review approval for landscaping and structures, if necessary.
- ~~n.~~ Does not result in a significant intensification of use; e.g., no new employees, no increases in traffic, if these were important to the previous environmental/policy analysis.
- ~~o.~~ Does not affect easements for trails, public access, or open space.

5. Depending on the degree of complexity for a substantial conformity determination request, the project manager takes action as follows:
 - a. If a Substantial Conformity Determination request is minor, ~~(e.g., no additional conditions are required, is not controversial, does not alter the intent of the decision-makers action, with approval from their supervisor)~~, the Director issues the appropriate permit ~~(Land Use Permit)~~ Zoning Clearance.
 - b. The Department prepares a letter outlining the changes to be made and why they are being approved. The letter must be reviewed and signed Director.
6. If a Substantial Conformity Determination cannot be made regarding changes to a project, the applicant may:
 - a. Withdraw the request and continue with the project as approved; or
 - b. ~~Submit an application for a Substantial Conformity Determination to the review authority for the original permit to which the Substantial Conformity Determination is requested, or a~~ Apply for an Amendment or Revision of the original permit.
7. Substantial Conformity Determinations are made by the review authority for the original permit if the conditions of approval of that permit so require.

SECTION 129:

All existing indices, section references and numbering, and figure and table numbers contained in Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 130:

Except as amended by this ordinance, Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 131:

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that nay one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 132:

If legislation is enacted which would supersede or preempt any section or subsection of this ordinance then the Board of Supervisors deems that section or subsection null and void and this ordinance shall remain in full force and effect without said section or subsection.

SECTION 133:

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 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 _____, 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

LAURA CAPPS, 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 MULLEM

Ordinance Streamlining and Housing Accommodation Amendments

Case No. 25ORD-00006

Hearing Date: December 16, 2025

Attachment C-1 – Page 454

COUNTY COUNSEL

By _____

Deputy County Counsel

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Amendments Changes Shown.docx