

ATTACHMENT D: ARTICLE III DRAFT ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE III, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 1, IN GENERAL, DIVISION 2, DEFINITIONS, DIVISION 4, ZONING DISTRICTS, DIVISION 5, OVERLAY DISTRICTS, DIVISION 7, GENERAL REGULATIONS, DIVISION 9, NONCONFORMING STRUCTURES AND USES, DIVISION 10, PERMIT PROCEDURES; AND DIVISION 11, ADMINISTRATION.

Case No. 04ORD-00000-00022

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

SECTION 1:

DIVISION 1, IN GENERAL, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-203, Zoning District Designations and Applicability, to read as follows:

Sec. 35-202. Zoning District Designations and Applicability.

The general categories of districts established by this Article, the individual districts, and the symbols used to represent said districts, are as follows:

1. Agricultural Districts

AG-I Agriculture I
AG-II Agriculture II

2. Residential Districts

RR Residential Ranchette
R-1/E-1 Single Family Residential
R-2 Two-Family Residential
EX-1 One-Family Exclusive Residential
DR Design Residential
PRD Planned Residential Development
SLP Small Lot Planned Development
MHP Mobile Home Planned Development
MHS Mobile Home Subdivision
OT-R Old Town Residential

3. Commercial Districts

C-1 Limited Commercial

C-2	Retail Commercial
C-3	General Commercial
C-S	Service Commercial
CH	Highway Commercial
CN	Neighborhood Commercial
C-V	Resort/Visitor Serving Commercial
SC	Shopping Center
PI	Professional and Institutional

4. **Industrial Districts**

M-RP	Industrial/Research Park
M-1	Light Industry
M-2	General Industry
M-CR	Coastal Related Industry
M-S-GOL	Service Industrial - Goleta

5. **Other Districts**

PU	Public Utilities
REC	Recreation
RES	Resource Management
MT-GOL	Mountainous - Goleta
MU	Mixed Use
OT - R/GC	Old Town Residential/General Commercial
OT - R/LC	Old Town Residential/Light Commercial

The regulations of this Article shall be applied to land upon the adoption of zoning ordinances with zoning maps adopted pursuant to Sections 35-204 and 35-205. The boundaries of the districts and the district symbols are delineated on the zoning maps in said zoning ordinances. The district regulations corresponding to the symbol so shown shall apply within district areas delineated on said zoning maps.

SECTION 2:

DIVISION 1, IN GENERAL, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-203, Overlay District Designations and Applicability, to add new overlay districts to read as follows:

Sec. 35-203. Overlay District Designations and Applicability.

1. In addition to the regulations governing the zoning districts described in Sec. 35-202, the following overlay districts and the symbols used to represent them on the zoning maps are established as follows:

D	Design Control
F	Airport Approach Area
HWMF	Hazardous Waste Management Facility Overlay District
AH	Affordable Housing
FA	Flood Hazard Area
MIX-GOL	Mixed Use-Goleta
ESH-GOL	Environmentally Sensitive Habitat-Goleta
RC-GOL	Riparian Corridor-Goleta
HC	Highway 101 Corridor Overlay District
PA-OTO	Pedestrian Area-Old Town Orcutt
<u>AH</u>	<u>Affordable Housing</u>
<u>D</u>	<u>Design Control</u>
<u>ESH-GOL</u>	<u>Environmentally Sensitive Habitat-Goleta</u>
<u>ESH-TCP</u>	<u>Environmentally Sensitive Habitat Area – Toro Canyon</u>
<u>F</u>	<u>Airport Approach Area</u>
<u>FA</u>	<u>Flood Hazard Area</u>
<u>HC</u>	<u>Highway 101 Corridor</u>
<u>HWMF</u>	<u>Hazardous Waste Management Facility</u>
<u>PA-OTO</u>	<u>Pedestrian Area-Old Town Orcutt</u>
<u>RC-GOL</u>	<u>Riparian Corridor-Goleta</u>

2. The regulations of the overlay districts shall apply to the land in the same manner as the zoning district regulations. Overlay regulations shall apply wherever the symbol and the boundaries of the area are shown on the zoning maps. When a symbol for an overlay district is added to a zoning district symbol, the regulations of the overlay district shall be applicable in addition to the zoning district regulations. If any of the provisions of the overlay district conflict with provisions of the zoning district regulations, the provisions which are most restrictive shall govern with the exception of the AH Overlay. Within areas subject to the AH Overlay where conflict occurs between the base zone district standards

and the provisions of the AH Overlay, the provisions of the Overlay shall apply. The provisions of the HC Overlay District apply only to development within the Highway 101 Corridor described in Sec. 35-250E.3.

3. In addition to the overlay districts established above, the following overlays resulting from the adoption of community and area plans are established as follows:

<u>GOL</u>	<u>Goleta Community Plan</u>
<u>LA</u>	<u>Los Alamos Community Plan</u>
<u>ORC</u>	<u>Orcutt Community Plan</u>
<u>SUM</u>	<u>Summerland Community Plan</u>
<u>TCP</u>	<u>Toro Canyon Plan</u>

If any of the provisions of these overlays conflict with provisions of the zoning district regulations, the provisions the overlays shall govern.

SECTION 3:

DIVISION 2, Definitions, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-209 revise the existing definitions of Agriculture, Artist Studio, Dwelling, Dwelling, One-Family, Dwelling, Two-Family, Dwelling, Multiple, Floor Area, Gross, Floor Area, Net, Guest House – Cottage, Home Occupation, Kennel, Commercial, Kitchen, Lot, Lot, Interior, Nonconforming Lot, Nonconforming Structure, Nonconforming Use, Setback, Yard, Yard, Front, Yard, Rear, Yard, Side, Zoning Administrator, to read as follows:

AGRICULTURE: The production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, ~~and~~ the preparation for sale and marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form grown on the premises, and as allowed by Sec. 35-280 (General Regulations – Agricultural Sales), but not including a slaughter house, fertilizer works, commercial packing or processing plant or plant for the reduction of animal matter or any other similarly objectionable use.

ARTIST STUDIO: A building or structure, or portion of a building or structure, used as a place of work by an artist or photographer who resides in a dwelling unit located on the same lot as the artist studio, ~~but shall not include commercial sales or transactions on the property. An artist studio may~~

~~include a restroom, however it shall specifically exclude cooking facilities, or any other use that would allow the building or structure to be used as a separate dwelling unit or guest house.~~

~~DWELLING: A building or portion thereof designed for and occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families and their guests and servants, with sanitary facilities and one kitchen provided within the unit. A room or group of rooms having interior access between all habitable rooms, including permanent provisions for living, sleeping, eating, cooking, bathing and sanitary facilities, constituting a separate and independent housekeeping unit, occupied or intended for occupancy by one family on a non-transient basis and having not more than one kitchen. Boarding or lodging houses, dormitories, and hotels shall not be defined as dwelling units.~~

~~DWELLING, ONE-FAMILY: A building or portion thereof, designed for and occupied in whole or in part as a residence or sleeping place, either permanently or temporarily, by one family and its guests, with sanitary facilities and one kitchen provided within the unit. Interior access shall be provided and maintained through all habitable portions of the dwelling. Additionally, this interior access requirement shall not be satisfied by providing access through non habitable areas of the dwelling. Boarding or lodging houses, dormitories, and hotels shall not be defined as dwelling units. A building designed for and occupied exclusively by one family, and containing one dwelling.~~

~~DWELLING, TWO-FAMILY: A single detached dwelling designed for and occupied exclusively by two families alone, and having but two kitchens. A building designed for and occupied exclusively by two families, and containing two dwellings.~~

~~DWELLING, MULTIPLE: A single detached building designed for and occupied exclusively by three or more families living independently of each other as separate housekeeping units, building or portion of a building, designed for and occupied exclusively by three or more families, and containing three or more dwellings including apartment houses, apartment hotels, condominiums, and flats, but not including fraternities, sororities, trailer courts or camps, motels, hotels or resort type hotels.~~

~~FLOOR AREA-GROSS: The total area of all floors of a building and measured to the surfaces of interior walls and including corridors, stairways, elevator shafts, attached garages, porches, balconies, basements, and offices. The area included within the surrounding exterior walls of all floors or levels of a building or portion thereof, exclusive of vent shafts and unroofed courtyards, as measured to the interior surfaces of exterior walls, or from the centerline of a common or party wall separating two buildings, and including:~~

- ~~(i) corridors and halls;~~
- ~~(ii) stairways;~~
- ~~(iii) elevator shafts;~~
- ~~(iv) closets, storage, service, utility and mechanical equipment rooms;~~
- ~~(v) attached garages;~~
- ~~(vi) open or roofed porches, balconies, or porticos;~~
- ~~(vii) roofed arcades, plazas, courts, walkways, or breezeways;~~
- ~~(viii) permanently roofed and either partially enclosed or unenclosed, building features used for sales, service, display, storage or similar uses;~~
- ~~(ix) basements, cellars or attic areas where the floor to ceiling height is six feet or greater and that are deemed usable by the building official;~~
- ~~(x) in residential zone districts, additionally all roofed porches, arcades balconies, porticos, breezeways or similar features when located above the ground floor.~~

~~The gross floor area of a structure that lacks walls shall be the area of all floors or levels included under the roofed or covered area of the structure. For attached or detached residential second units, this term includes only the second unit and its directly accessible appurtenant interior spaces, and shall not be considered to include any existing floor area not contained within the second unit, nor shall it include the floor area of storage or other accessory structures or spaces not directly accessible from the living area of the second unit.~~

~~FLOOR AREA-NET: The gross floor area excluding vents, shafts, stairways, corridors and halls, unusable attics, and unenclosed porches and balconies.~~

~~GUEST HOUSE: Detached living quarters of a permanent type of construction without kitchen or cooking facilities of any kind, intended and used primarily for temporary guests of the occupants of~~

the main ~~building~~ dwelling on the lot on which such guest house is located, and not rented or otherwise used as a separate dwelling.

HOME OCCUPATION: ~~An occupation~~ A commercial activity conducted entirely within the dwelling portion of a building dwelling by the occupants a person or persons residing in of the dwelling unit, or conducted entirely within an artist studio by a person residing in a dwelling located on the same lot.

KENNEL, COMMERCIAL: Any premises or area where four (4) or more dogs four (4) months of age or older are bred, boarded or trained, for other than private enjoyment of the residents of the lot on which the kennel is located, and where services are offered to the public.

KITCHEN: Any room, all or part of which is designed, built, equipped, maintained, used, or intended to be used for the preparation and cooking of foods.

LOT: ~~A single parcel of land in one (1) ownership, the boundaries of which are delineated in the latest recorded parcel map, subdivision map, or Certificate of Compliance recorded in the County Recorder's Office or deed provided that such recorded deed does not create or attempt to create a lot in violation of the provisions of any applicable California law or County ordinance.~~

An existing area of land under one ownership that was lawfully created as required by the Subdivision Map Act and predecessor ordinances and statutes, and local ordinances, that can lawfully be conveyed in fee as a discrete unit separate from any contiguous lot. A lot also means a lot for which a Certificate of Compliance or Conditional Certificate of Compliance has been recorded and the boundaries of which have not subsequently been altered by merger or further subdivision.

LOT, INTERIOR: ~~A lot which has access by a private easement and has no street frontage or by a portion of a lot having a width of less than forty (40) feet.~~ A lot that (1) has no street frontage or (2) the street frontage is less than 40 feet in width and the lot was not created by a subdivision resulting in five or more lots.

NONCONFORMING LOT: A lot, the area, dimensions or location of which was lawful prior to the ~~adoption~~ effective date of this Article or any amendments hereto, or previously adopted County Zoning Ordinances and which does not conform to the present regulations of ~~the zoning district in which it is situated~~ this Article.

NONCONFORMING STRUCTURE: A building or structure, ~~the setbacks, height, or location of~~ which was lawful prior to the ~~adoption~~ effective date of this Article or any amendments hereto, or previously adopted County Zoning Ordinances and which does not conform to the present regulations of ~~the zoning district in which it is situated~~ this Article including but not limited to height, location, lot coverage or setbacks.

NONCONFORMING USE: Any use of land, building, or structure which was lawful prior to the ~~adoption~~ effective date of this Article or any amendment hereto, or previously adopted County Ordinances, and which does not conform to the present regulations on use of ~~the zoning district in which it is situated~~ this Article including but not limited to (1) a use of land established where the use is not identified as a permitted use by the zoning district applicable to the lot on which the use is located, (2) a use of land that is identified as a permitted use by the zoning district applicable to the lot on which the use is located but is not allowable on the particular site because of planning area standards of a Community and Area Plan Overlay commencing with Division 12, (3) a use of land that was lawfully established without the coastal development permit or other entitlement (e.g., conditional use permit, development plan) now required by this Article, (4) a use of land that is operated or conducted in a manner that does not now conform with the standards of this Article including but not limited to floor area ratios, minimum site area, limitations on use, or location criteria, or (5) a residential use that exceeds the number of dwelling units or bedrooms allowed on the lot by this Article.

SETBACK: The minimum required distance that a building or structure must be located from any property line of the lot on which they are located or street center line in order to provide an open yard area which is unoccupied and unobstructed from the ground upward except as specifically allowed for in this Article.

VISION CLEARANCE AREA: A triangular space at the street or highway corner of a corner lot ~~containing no~~ wherein the height of plantings, fences, walls, ~~or~~ and other structures is restricted exceeding three (3) feet in height. ~~Vision clearance shall be measured along the street line from the corner to the hypotenuse of the triangle.~~ (See Sec. 35-456. Vision Clearance Area.)

YARD: ~~An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such open space is unoccupied and unobstructed from the ground upward except for architectural features as specified in Sec. 35-457.3, and accessory buildings as specified in Sec. 35-450. of this Article. In measuring a yard as hereinafter provided, the line of a building shall be deemed to mean a line, parallel to the nearest lot line, drawn through the point of a building or the point of a dwelling group nearest to such lot line.~~ See SETBACK.

YARD, FRONT: ~~A yard extending across the front of a lot between the inner side yard lines and measured from the front line of the lot to the front line of a building.~~ See SETBACK, FRONT.

YARD, REAR: ~~A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the main building. For the purpose of this Article, the rear yard of an irregular or triangular lot shall be measured from a line at least ten feet long lying entirely within the lot, parallel or most nearly parallel to and most distant from the front line of said lot.~~ See SETBACK, REAR.

YARD, SIDE: ~~A yard between the side line of the lot and the nearest line of a building, and extending from the front line of the lot to the required rear yard setback line.~~ See SETBACK, SIDE.

ZONING ADMINISTRATOR: A position authorized by Section 65900 *et seq.* of the California Government Code ~~created by ordinance, which~~ that pursuant to this Article and Sec. 2-27 of Article V of Chapter 2 of the Santa Barbara County Code is ~~authorizes~~ authorized as a hearing officer to hear and decide on applications including, but not limited to, Minor Conditional Use Permits, Development Plans, Modifications and Variances, ~~as set forth within this Article and Article V of Chapter 2, of the Santa Barbara County Code.~~

SECTION 4:

DIVISION 2, DEFINITIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to add the following definitions of Environmental Review, Habitable Room, Household Pet, Interior Access, Lot Width, Gross, Lot Width, Net, Permitted Use, Secondary Use, Setback, Front, Setback, Rear, Setback, Side, to read as follows:

ENVIRONMENTAL REVIEW: The analysis of the potential environmental effects that may result from development, performed in compliance with the California Environmental Quality Act (Public Resources Code Sec. 21000 et seq.), the Guidelines for Implementation of the California Environmental Quality Act (Public Resources Code Sec. 15000 et seq.), and the County of Santa Barbara Environmental Thresholds and Guidelines Manual.

HABITABLE ROOM: A space intended for living, sleeping, eating, or cooking, including but not limited to, living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, recreation rooms, and enclosed porches suitable for year-round use. Specifically excluded are balconies, bathrooms, foyers, garages, hallways, laundries, open porches, pantries, storage closets, utility rooms, unfinished attics and basements, other unfinished spaces used for storage, and water closets.

HOUSEHOLD PET: Animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the occupants of the dwelling. Household pets shall include, but not be limited to, domestic birds, cats and dogs, fish, rabbits, rodents and snakes, but shall not include horses, mules, goats, cows, hogs, or other similar size animals, or roosters or peacocks.

INTERIOR ACCESS: Unobstructed, enclosed passageways with conditioned air systems connecting habitable rooms, which are not blocked by doors that are fixed in a closed position or are capable of being fixed in a closed position by a one-way deadbolt or similar device. Access through sleeping rooms, bathrooms and garages is not considered interior access.

LOT WIDTH, GROSS: The average distance between the side lot lines, measured at right angles to the lot depth, including any area lying within a public street, such public street being defined as a permanently reserved right-of-way which has been dedicated to the County of Santa Barbara.

LOT WIDTH, NET: The average distance between the side lot lines, measured at right angles to the lot depth, not including any area lying within a public street, such public street being defined as a permanently reserved right-of-way which has been dedicated to the County of Santa Barbara.

PERMITTED USE: Uses that are listed within specific zone districts as permitted uses that may be allowed subject to obtaining the necessary approvals and permits as identified in the zone district and this Article.

SECONDARY USE: a) A land use subordinate or accessory to a principal land use. b) When used in reference to residential use in conjunction with commercial and industrial uses in this Article, secondary shall mean two residential bedrooms per 1,000 square feet of total gross floor area of commercial or industrial development. However, in no event shall the total gross floor area of the residential development exceed the total gross floor area of the commercial or industrial use.

SETBACK, FRONT: An open yard area extending across the front of a lot between the side lot lines, the depth of which is the required minimum setback distance as measured perpendicularly between the front lot line and a line parallel thereto on the lot.

SETBACK, REAR: An open yard area extending across the rear of the lot between the side lot lines, the depth of which is the required minimum setback distance as measured perpendicularly between the rear lot line and a line parallel thereto on the lot.

SETBACK, SIDE: An open yard area extending between the front setback and the rear setback, the width of which is the required minimum setback distance as measured perpendicularly between the side lot lines and a line parallel thereto on the lot.

SECTION 5:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-216.3 of Section 35-216, AG-I Agriculture I, to read as follows:

Sec. 35-68.3 Permitted Uses.

1. All types of agriculture commercial livestock feed or sales yard, subject to the limitations hereinafter provided in this Sec. 35-216.
2. Raising of horses, mules, cattle, sheep, llamas and ostriches, or other livestock, except that on parcels of less than ~~twenty~~ (20) acres, not to exceed one such animal shall be permitted for each 20,000 square feet of gross area of the lot(s) upon which the same are kept. Dairies and hog ranches, as defined in Division 2, shall be subject to a Major Conditional Use Permit.
3. Private kennels and small animals and poultry raising limited to reasonable family use on a non-commercial basis.
4. Sale of agricultural products ~~produced on the premises pursuant to the provisions of Sec. 35-280 (Agricultural Sales). If a building or structure is required for the sale of such products, the sale shall be conducted within an existing agricultural building or from a separate stand not exceeding six hundred (600) square feet of sales area and located no closer than twenty (20) feet to the right-of-way line of any street.~~
5. Greenhouses, provided that for any greenhouse development including related structures (e.g., packing sheds) of 20,000 square feet or more, and all additions which when added to existing development total 20,000 square feet or more, a development plan shall be submitted, processed, and approved as provided in Sec. 35-317. (Development Plans). The submittal requirements set forth in Sec. 35-317.3. shall be waived; development plans for greenhouses shall include the following:
 - a. A plot plan of the proposed development drawn to scale showing:
 - 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. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National ~~Manufactured~~ Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health

& Safety Code Section 18551, subject to the provisions of Sec. 35-282 (General Regulations).

7. One guest house or artist studio per legal lot subject to the provisions of Sec. 35-268 (General Regulations) and accessory to the primary residential use of the same lot.
8. Wineries subject to the provisions of 35-292j.
9. Home occupations, subject to the provisions of Sec. 35-269 (General Regulations) and accessory to a residential use of the same lot.
10. One attached residential second unit per legal lot zoned AG-I-5, AG-I-10, or AG-I-20 subject to the provisions of Sec. 35-291 (Residential Second Units).
11. Special Care Homes, subject to the provisions of Section 35-292a.4.
12. Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 6:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-216.6 of Section 35-216, AG-I Agriculture I, to read as follows:

Sec. 35-216.6. Minimum Lot ~~Size~~ Area.

1. Each main dwelling unit and its permitted accessory buildings and structures shall be located on a lot having a minimum ~~gross~~ lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.

Zoning Symbol	Minimum <u>Gross</u> Lot Size <u>Area</u> (acres)
AG-I-5	5 acres
AG-I-10	10 acres
AG-I-20	20 acres
AG-I-40	40 acres

2. ~~A dwelling may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots.~~ A dwelling may be located upon a lot with less area than required in Sec. 35-216.6.1 unless such lot is a fraction lot.

SECTION 7:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-217.3 of Section 35-217, AG-II Agriculture II, to read as follows:

Sec. 35-217.3 Permitted Uses.

1. All types of agriculture, including commercial raising of animals, subject to the limitations hereinafter provided in this Sec. 35-217.
2. Sale of agricultural products ~~produced on the premises~~ pursuant to the provisions of Sec. 35-280 (Agricultural Sales). ~~If a building or structure is required for the sale of such products, the sale shall be conducted within an existing agricultural building or from a separate stand not exceeding six hundred (600) square feet of sales area and located no closer than twenty (20) feet to the right of way line of any street.~~
3. Commercial boarding of animals and riding stables.
4. Animal hospitals.
5. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National ~~Manufactured~~ Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Sec. 35-282 (General Regulations).
6. One guest house or artist studio per legal lot subject to the provisions of Sec. 35-269 (General Regulations) and accessory to the primary residential use located on the same lot.
7. Greenhouses provided that for any greenhouse development including related structures (e.g., packing sheds) of 20,000 square feet or more, and all additions which when added to existing development total 20,000 square feet or more, a development plan shall be submitted, processed, and approved as provided in Sec. 35-317. (Development Plans). The submittal requirements set forth in Sec. 35-317.3. shall be waived; development plans for greenhouses shall include the following:
 - a. A plot plan of the proposed development drawn to scale showing:
 - 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.
8. Excavation or quarrying of building or construction materials, including diatomaceous earth, in total amounts of less than 1,000 cubic yards in one or more locations or parcels under the control of one operator that do not exceed a total of one acre. All other mining, extraction, and quarrying operations shall be subject to the provisions of Sec. 35-320, Reclamation Plans and Surface Mining Permits.
9. Private and/or commercial kennels.
10. On lands under Williamson Act (Agricultural Preserve) contract, which are not subject to a recorded notice of non-renewal, or on lands otherwise enforceably restricted to agricultural use (by an Agricultural Conservation Easement or Open Space Easement), one Residential Agricultural Unit, either attached or detached, per legal lot zoned AG-II-40 AG-II-100, or AG-II-320 provided that the detached unit and accessory structures are located within the clustered residential agricultural building site of the principal dwelling unit, subject to the provisions set forth in DIVISION 7, GENERAL REGULATIONS, Sec. 35-291B (Residential Agricultural Units).
11. Onshore oil development, including exploratory and production wells, separation facilities, and pipelines, subject to the requirements set forth in DIVISION 8, ENERGY FACILITIES.
12. Wineries subject to the provisions of Sec. 35-292j.
13. Home occupations, subject to the provisions of Section 35-269 (General Regulations) and accessory to a residential use located on the same lot.
14. Special Care Homes, subject to the provisions of Section 35-292a.4.
15. Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 8:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-217.6 of Section 35-217, AG-II Agriculture II, to read as follows:

Sec. 35-217.6. Minimum Lot ~~Size~~ Area.

1. Each main dwelling unit and its permitted accessory buildings and structures shall be located on a lot having a minimum ~~gross~~ lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.

Zoning Symbol	Minimum <u>Gross Lot Size Area</u> (acres)
AG-II-40	40 acres
AG-II-100	100 acres
AG-II-320	320 acres

2. A dwelling may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots. A dwelling may be located upon a lot with less area than required in Sec. 35-217.6.1 unless such lot is a fraction lot.

SECTION 9:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-218.3 of Section 35-218, RR Residential Ranchette, to read as follows:

Sec. 35-218.3. Permitted Uses.

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this Section.
2. Raising of horses, mules, cattle, sheep, llamas and ostriches, or other livestock, except that on parcels of less than ~~twenty (20)~~ acres, not to exceed one such animal shall be permitted for each 20,000 square feet of gross area of the lot(s) upon which the same are kept.
3. Sale of agricultural products ~~produced on the premises pursuant to the provisions of Sec. 35-280 (Agricultural Sales). If a building or structure is required for the sale of such products, the sale shall be conducted within an existing agricultural building or from a separate stand not exceeding six hundred (600) square feet of sales area and located no closer than twenty (20) feet to the right-of-way line of any street.~~
4. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National ~~Manufactured~~ Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Sec. 35-282 (General Regulations).
5. One guest house or artist studio per legal lot, subject to the provisions of Sec. 35-268 (General Regulations) and accessory to the primary residential use of the same lot.

6. Home occupations, subject to the provisions of Sec. 35-269 (General Regulations) and accessory to the primary residential use of the same lot.
7. Greenhouses, hothouses, or other plant protection structures not exceeding 300 square feet.
8. The keeping of animals and poultry subject to the R-1/E-1 provisions of Section 35-219.12., subsections ~~2., 3. and 4.~~ 3. through 9., only (Animals).
9. One attached or detached residential second unit per legal lot subject to the provisions of Sec. 35-291 (Residential Second Units).
10. Special Care Homes, subject to the provisions of Section 35-292a.4.
11. Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 10:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-218.6 of Section 35-218, RR Residential Ranchette, to read as follows:

Sec. 35-218.6. Minimum Lot Size Area.

1. Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a minimum ~~gross lot width of 250 feet~~ and a minimum ~~gross~~ lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.

Zoning Symbol	Minimum <u>Gross Lot Size Area</u> (acres)	Minimum Gross Lot Width
		(feet)
RR-5	5 acres	<u>250</u>
RR-10	10 acres	<u>250</u>
RR-15	15 acres	<u>250</u>
RR-20	20 acres	<u>250</u>
RR-40	40 acres	250
RR-100	100 acres	<u>250</u>

2. ~~A dwelling may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots.~~ A dwelling may be located upon a lot with less area than required in Sec. 35-218.6.1 unless such lot is a fraction lot.

3. A dwelling may be located upon a lot with less width than required in Sec. 35-218.6.1.

SECTION 11:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-219.3 of Section 35-219, R-1/E-1 Single-Family Residential, to read as follows:

Sec. 35-219.3 Permitted Uses.

1. One single-family dwelling per legal lot. Such dwelling may be a mobile home certified under the National ~~Manufactured~~ Mobile Home Construction and Safety Standards Act of 1974 (42. U.S.C. § 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code § 18551, and subject to the provisions of Sec. 35-282. (General Regulations).
2. One guest house or artist studio subject to the provisions in Sec. 35-268. (General Regulations) and accessory to the primary residential use of the same lot.
3. Home occupations subject to the provisions of Sec. 35-269. (General Regulations) and accessory to a residential use of the same lot.
4. Orchards, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced unless allowed pursuant to the provisions of Sec. 35-280 (Agricultural Sales).
5. Greenhouses, hothouses, and other plant protection structures ~~not exceeding 300 square feet and used only for the propagation and cultivation of plants and provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith~~ subject to all of the following:
 - a. The structure is accessory to either a residential or agricultural use of the same lot.
 - b. The structure shall not exceed a gross floor area of 300 square feet.
 - c. The structure is used only for the propagation and cultivation of plants.
 - d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.
6. The keeping of animals and poultry accessory to the primary residential use located on the same lot and subject to the provisions of ~~this Section~~ Sec. 35-219.12.
7. Public parks, public playgrounds, and community centers.
8. One attached or detached residential second unit per legal lot subject to the provisions of Sec. 35-291 (Residential Second Units).

9. Special Care Homes, subject to the provisions of Section 35-292a.4.
10. Uses, buildings, and structures accessory and customarily incidental to ~~residential units,~~ the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not ~~involving~~ involve the maintenance of a commercial enterprise on the premises.

SECTION 12:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-219.6 of Section 35-219, R-1/E-1 Single-Family Residential, to read as follows:

Sec. 35-219.6. Minimum Lot Size Area.

1. Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a minimum ~~net~~ lot width and a minimum lot area, as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.

Zoning Symbol	Minimum Lot <u>Size Area</u>	<u>Minimum Net Lot Width</u> (ft.)
7-R-1	7,000 sq. ft. (net)	65
8-R-1	8,000 sq. ft. (net)	75
10-R-1	10,000 sq. ft. (net)	80
12-R-1	12,000 sq. ft. (net)	80
15-R-1	15,000 sq. ft. (net)	90
20-R-1	20,000 sq. ft. (net)	100
1-E-1	1 acre (gross)	120
2-E-1	2 acres (gross)	150
3-E-1	3 acres (gross)	210
5-E-1	5 acres (gross)	270
10-E-1	10 acres (gross)	380

2. ~~A dwelling may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots.~~ A dwelling may be located upon a lot with less area than required in Sec. 35-219.6.1 unless such lot is a fraction lot.
3. A dwelling may be located upon a lot with less width than required in Sec. 35-219.6.1.

SECTION 13:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-219.7 of Section 35-219, R-1/E-1 Single-Family Residential, to read as follows:

Sec. 35-219.7. Setbacks for Buildings and Structures.

1. Front: ~~Fifty (50)~~ feet from the centerline and ~~twenty (20)~~ feet from the right-of-way line of any street except that when the property fronts on a private roadway easement serving or having the potential to serve five or more ~~parcels~~ lots the setback shall be ~~twenty (20)~~ feet from the easement line.
2. Side: On each side of the lot, ~~ten~~ 10 percent of the width of the lot, except:
 - a. For lots ~~zoned 2-E-1~~ that have a minimum lot area requirement of two acres or less, in no case shall the required side ~~yard~~ setback be less than five (~~5~~) feet nor more than ~~ten (10)~~ feet.
 - b. For lots ~~zoned 3-E-1~~ that have a minimum lot area requirement of three acres or more, in no case shall the required side ~~yard~~ setback be less than ~~ten (10)~~ feet nor more than ~~twenty (20)~~ feet.
3. Rear: ~~Twenty five (25)~~ feet or ~~fifteen (15)~~ feet if the rear yard abuts a permanently dedicated open space or a street to which access has been denied as part of an approved subdivision or other approved development permit.

SECTION 14:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-219.8 of Section 35-219, R-1/E-1 Single-Family Residential, to read as follows:

Sec. 35-219.8. Permitted Variations of Setbacks for Buildings.

1. Side: The required side ~~yard~~ setback for portions of a building may be varied subject to all of the following limitations:
 - a. No portion of the building shall be less than five (~~5~~) feet from the side lines of the lot.
 - b. No portion of a an exterior wall of a building containing non-fixed windows or doors opening into rooms of a building (except a garage or other non-habitable space) shall

be located closer to the side lines of a lot than the required side yard setback prior to any variation allowed by subsection c. below.

- c. ~~Where the side of the building is parallel to the side property line, the average distance of the building from the side line of the lot shall equal the required side yard setback. Said average distance shall be computed by multiplying the length of the various segments of the appropriate side of the building by their corresponding distances from the side property line and dividing the sum of the products by the total length of the building. Where the side of the building is not parallel to the side property line, the area of the building located inside the side yard setback shall be compensated by an equal or greater area within the segment of the side of the building located outside of the side yard setback and the side yard setback line.~~

A portion of a building may be located within the required side setback provided that the footprint area of the portion of the building that intrudes 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. The compensating area shall not be located farther from the adjacent side lot line than one-half of the lot width.

- d. The compensating area used to vary a side setback shall not be used to vary a rear setback on the same lot.

2. Rear: The required rear yard setback for a portion of a building may be varied subject to all of the following limitations:

- a. No portion of a building used for dwelling purposes shall be closer than ~~fifteen~~ (15) feet to the rear line of the lot.

- b. ~~Where the rear of the building is parallel to the rear property line, the average distance of the building from the rear property line shall equal the required rear yard setback. Said average distance shall be computed by multiplying the length of the various segments of the rear of the building by their corresponding distances from the rear property line and dividing the sum of the products by the total width of the rear of the building. Where the rear of the building is not parallel to the rear property line, the area of the building located inside the rear yard setback shall be compensated by an equal or greater area within the segment~~

~~of the rear of the building located outside of the rear yard setback and the rear yard setback line.~~

A portion of a building may be located within the required rear setback provided that the footprint area of the portion of the building that intrudes into the required rear 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 rear setback and the rear setback line. The compensating area used to vary a rear setback shall not be located farther from the rear lot line than one-half of the lot depth.

- c. The compensating area used to vary a rear setback shall not be used to vary a side setback on the same lot.

SECTION 15:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-219.9 of Section 35-219, R-1/E-1 Single-Family Residential, to read as follows:

Sec. 35-219.9. Distance Required Between Buildings on the Same Building Site.

The minimum distance between a ~~building designed or used for human habitation~~ dwelling or guest house and any other detached building or structure on the same building site shall be five ~~(5)~~ feet

SECTION 16:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-219.12 of Section 35-219, R-1/E-1 Single-Family Residential, to read as follows:

Sec. 35-219.12. Animals.

1. Animal keeping allowed pursuant to this section shall be accessory to a residential use of a dwelling located on the lot on which the animal keeping occurs.
2. Not to exceed one horse, mule, goat, cow, hog, or other similar size animal shall be permitted for each 20,000 square feet of gross area on each lot provided that not more than three swine or five such other animals shall be permitted on any lot. In no case shall said animals be kept for commercial purposes. However, one small hoofed animal (e.g., goat, pig, sheep, etc.), excluding cattle and horses, may be kept on a lot as a current and certified

(or otherwise documented) 4-H, Future Farmers of America or similar organization official project for no more than six months within any one 12 month period provided the following standards are adhered to:

- a. The lot shall have a minimum net lot area of 10,000 square feet.
 - b. On any lot less than one acre (gross) in size, project animals shall be confined to a stable, barn or other animal enclosure (e.g., paddock, corral, pen or fenced area) that is located no closer than 40 feet to any dwelling on another lot.
23. No stable, barn or other large animals enclosure (~~i.e.~~ e.g., paddock, corral) shall be located on a single lot, excluding a combination of lots, having a gross area of less than 20,000 square feet. No portion of a stable ~~or~~ barn or other enclosure for large animals shall be located closer than: ~~(1) 40 feet to the door or window of any dwelling on another lot; (2) 70 feet to any street centerline and 20 feet to the right of way; (3) 15 feet from the rear property line; and (4) ten feet from the side property lines.~~
- a. 40 feet to any dwelling located on another lot.
 - b. 70 feet to any street centerline and 20 feet to any right-of-way.
 - c. 15 feet from the rear property line(s).
 - d. 10 feet from the side property lines.
 - e. 10 feet from the property lines of an interior lot.
34. There shall not be more than three ~~(3)~~ dogs permitted on any one lot.
45. Small non-hoofed animals (e.g., chickens, birds, ducks, rabbits, bees, etc.) shall be permitted provided that:
- a. Such small animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
 - b. The keeping of such small animals is not injurious to the health, safety, or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the County Public Health Department.
 - c. Enclosures for such small animals shall be no closer than 25 feet to any dwelling located on another lot.
 - d. No rooster or peacock shall be kept or raised in a residential zoning district except on a lot of one acre (gross) or more where all adjoining lots are of equivalent size or larger.

6. Odor and vector control: All animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Sites shall be maintained in a neat and sanitary manner.
7. Storage and disposal of manure: Persons keeping livestock in enclosed corrals or barns, rather than open pastures, shall remove and store or dispose of manure to prevent unsanitary conditions and breeding of flies. Manure shall not be allowed to accumulate so as to cause a hazard to the health, welfare or safety of humans and animals, or contamination of surface or subsurface water quality.
8. Erosion and sedimentation control: In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel. In the event such sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement in compliance with Sec. 35-330 (Enforcement).
9. Drainage: Where livestock are kept in enclosed corrals or barns, provision shall be made for proper drainage and control of runoff to prevent stagnant, standing water, or the flow of contaminated water in surface or subsurface water supplies.

SECTION 17:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-220.3 of Section 35-220, R-2 Two-Family Residential, to read as follows:

Sec. 35-220.3. Permitted Uses.

1. One single family dwelling or one two family dwelling, i.e., duplex, per legal lot.
2. Special Care Homes, subject to the provisions of Section 35-292a.4.
3. ~~Uses, buildings, and structures customarily incidental to single family and two family dwellings, for exclusive use of the residents of the site and their guests and not involving the maintenance of a commercial enterprise on the premises.~~
4. Home occupations subject to the provisions of Sec. 35-121. (General Regulations) and accessory to a residential use of the same lot.

- 54. Orchards, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced unless allowed pursuant to the provisions of Sec. 35-280 (Agricultural Sales).
- 65. Greenhouses, hothouses, and other plant protection structures ~~not exceeding 300 square feet used only for the propagation and cultivation of plants, provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith~~ subject to all of the following:
 - a. The structure is accessory to either a residential or agricultural use of the same lot.
 - b. The structure shall not exceed a gross floor area of 300 square feet.
 - c. The structure is used only for the propagation and cultivation of plants.
 - d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.
- 76. The keeping of animals and poultry subject to the provisions of Sec. 35-219.12: (R-1/E-1, Animals) and accessory to a residential use of the same lot.
- 87. Public Parks, public playgrounds, and community centers.
- 8. Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises.

SECTION 18:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-220.6 of Section 35-220, R-2 Two-Family Residential, to read as follows:

Sec. 35-220.6. Minimum Lot ~~Size~~ Area.

- 1. Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a minimum ~~net~~ lot width and a minimum ~~net~~ lot area, as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.

Zoning Symbol	Minimum Net Lot Size <u>Area</u> (sq. ft.)	Minimum Net Lot Width (ft.)
7-R-2	7,000	65
8-R-2	8,000	75

10-R-2	10,000	80
12-R-2	12,000	80
15-R-2	15,000	90
20-R-2	20,000	100
30-R-2	30,000	110

2. ~~Dwellings may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots.~~ A dwelling may be located upon a lot with less area than required in Sec. 35-220.6.1 unless such lot is a fraction lot.
3. A dwelling may be located upon a lot with less width than required in Sec. 35-220.6.1.

SECTION 19:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-220.7 of Section 35-220, R-2 Two-Family Residential, to read as follows:

Sec. 35-220.7. Setbacks for Buildings and Structures.

1. Front: ~~Fifty (50) feet from the centerline and twenty (20) feet from the right-of-way line of any street except that when the property fronts on a private roadway easement serving or having the potential to serve five or more parcels~~ lots the setback shall be ~~twenty (20) feet from the easement line.~~
2. Side: On each side of the lot, ~~ten~~ 10 percent of the width of the lot but in no case shall the required side ~~yard~~ be less than five ~~(5)~~ feet nor more than ~~ten (10)~~ feet.
3. Rear: ~~Twenty-five (25) feet or fifteen (15) feet if the rear yard abuts a permanently dedicated open space or a street to which access has been denied as part of an approved subdivision or other approved development permit.~~

SECTION 20:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-220.8 of Section 35-220, R-2 Two-Family Residential, to read as follows:

Sec. 35-220.8. Permitted Variations of Setbacks for Buildings.

As provided for in Sec. 35-219.8.

1. ~~Side: The required side yard setback for portions of a building may be varied subject to all of the following limitations:~~

- a. ~~No portion of the building shall be less than five (5) feet from the side lines of the lot.~~
- b. ~~No portion of a wall containing windows opening into rooms of a building (except a garage) shall be closer to the side lines of a lot than the required side yard setback.~~
- c. ~~Where the side of the building is parallel to the side property line, the average distance of the building from the side line of the lot shall equal the required side yard setback. Said average distance shall be computed by multiplying the length of the various segments of the appropriate side of the building by their corresponding distances from the side property line and dividing the sum of the products by the total length of the building.~~

~~Where the side of the building is not parallel to the side property line, the area of the building located inside the side yard setback shall be compensated by an equal or greater area within the segment of the side of the building located outside of the side yard setback and the side yard setback line.~~

2. ~~Rear: The required rear yard setback for a portion of a building may be varied subject to all of the following limitations:~~

- a. ~~No portion of a building used for dwelling purposes shall be closer than fifteen (15) feet to the rear line of the lot.~~
- b. ~~Where the rear of the building is parallel to the rear property line, the average distance of the building from the rear property line shall equal the required rear yard setback. Said average distance shall be computed by multiplying the length of the various segments of the rear of the building by their corresponding distances from the rear property line and dividing the sum of the products by the total width of the rear of the building.~~

~~Where the rear of the building is not parallel to the rear property line, the area of the building located inside the rear yard setback shall be compensated by an equal or greater area within the segment of the rear of the building located outside of the rear yard setback and the rear yard setback line.~~

SECTION 21:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-220.9 of Section 35-220, R-2 Two-Family Residential, to read as follows:

Sec. 35-220.9. Distance Required Between Buildings on the Same Building Site.

The minimum distance between a ~~building designed or used for human habitation~~ dwelling and any other detached building or structure on the same building site shall be five (~~5~~) feet.

SECTION 22:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-221.3 of Section 35-221, EX-1 One-Family Exclusive Residential, to read as follows:

Sec. 35-221.3. Permitted Uses.

1. One single-family dwelling per legal lot. Such dwelling may be a mobile home certified under the National ~~Manufactured~~ Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, and subject to the provisions of Sec. 35-282 (General Regulations). Except as provided herein, trailers in any condition shall not be used for any purpose.
2. One guest house or artist studio, subject to the provisions in Sec. 35-268 (General Regulations) and accessory to the primary residential use of the same lot.
3. Golf courses and facilities incidental and subordinate to such use (e.g., restaurant, pro shop, driving range) but not including commercial tees, putting courses or miniature golf courses.
4. Parks, playgrounds, and community facilities operated by a non-profit homeowners association.
5. Orchards, truck and flower gardens, and the raising of field crops provided there is no sale on the property of the products produced.
6. Greenhouses, hothouses, and other plant protection structures ~~not exceeding 300 square feet and used only for the propagation and cultivation of plants, provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith~~ subject to all of the following:
 - a. The structure is accessory to either a residential or agricultural use of the same lot.

- b. The structure shall not exceed a gross floor area of 300 square feet.
 - c. The structure is used only for the propagation and cultivation of plants.
 - d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.
7. The keeping of animals and poultry subject to the provisions of Sec. 35-219.12 (R-1/E-1 Animals) and accessory to the primary residential use of the same lot.
 8. Home occupations subject to the provisions of Sec. 35-269. (General Regulations) and accessory to a residential use of the same lot.
 9. One attached or detached residential second unit subject to the provisions of Sec. 35-291 (Residential Second Units).
 10. Special Care Homes, subject to the provisions of Section 35-292a.4.
 11. ~~Uses, buildings, and structures customarily incidental to residential units and not involving the maintenance of a commercial enterprise on the premises.~~
Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises.

SECTION 23:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-221.4 of Section 35-221, EX-1 One-Family Exclusive Residential, to read as follows:

Sec. 35-221.4. Uses Permitted with a Conditional Use Permit.

~~Only the following uses and no other uses whatsoever may be permitted by Conditional Use Permit pursuant to the procedures set forth in Sec. 35-172. (Conditional Use Permits).~~

The following uses may be permitted with a conditional use permit pursuant to the procedures set forth in Sec. 35-315 (Conditional Use Permits). The uses permitted with a conditional use permit as listed in Sec. 35-315 may not be permitted with a conditional use permit in the EX-1 zoning district.

1. Major Conditional Use Permits.
 - a. ~~Animals, use of property for animals in excess of the number permitted in this district.~~

- b. Club.
 - c. Educational institution.
 - d. Electric substations subject to regulations of the PU-Public Utilities District, Sec. 35-238.
 - e. ~~Private kennels.~~
2. Minor Conditional Use Permits.
- a. Greenhouses, hothouses, and other plant protection structures in excess of 300 square feet but in no case shall such structures exceed an area of 800 square feet, provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith.
 - b. Private kennels.

SECTION 24:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-221.5 of Section 35-221, EX-1 One-Family Exclusive Residential, to read as follows:

Sec. 35-221.5. Minimum Lot ~~Size~~ Area.

1. Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a ~~gross~~ lot area and a ~~gross~~ lot width as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.

Zoning Symbol	Minimum Gross Lot Area (<u>acres</u>)	Minimum Gross Lot Width (<u>ft.</u>)
3.5-EX-1	3.5 acres	225 feet
<u>1.5-EX-1</u>	<u>1.5</u>	150
2.5-EX-1	2.5 acres	200 feet
1.5-EX-1	1.5 acres	150 feet
3.5-EX-1	<u>3.5</u>	225

2. ~~For the purpose of this Section "lot width" is defined as the distance between the side lines of the lot measured at the front setback line of the main dwelling provided, however, that as to lots having no front setback line, lot width shall be the average distance between the side lines of the lot most nearly perpendicular to the nearest street, omitting easements or lot extensions necessary to gain access to such lots. A dwelling may be located upon a lot with less area than required in Sec. 35-221.5.1 unless such lot is a fraction lot.~~

3. ~~Dwellings may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots. A dwelling may be located upon a lot with less width than required in Sec. 35-221.5.1. For the purpose of this section "lot width" is defined as the distance between the side lines of the lot measured at the front setback line of the main dwelling provided, however, that as to lots having no front setback line, lot width shall be the average distance between the side lines of the lot most nearly perpendicular to the nearest street, omitting easements or lot extensions necessary to gain access to such lots.~~

SECTION 25:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-221.7 of Section 35-221, EX-1 One-Family Exclusive Residential, to read as follows:

Sec. 35-221.7 Distance Required Between Buildings on the Same Building Site.

The minimum distance between ~~buildings designed or used for human habitation dwellings~~, or between a dwelling and a guest house, on the same building site shall be ~~fifty (50)~~ feet. The minimum distance between a ~~building designed or used for human habitation dwelling or guest house~~ and any other detached building on the same building site shall be ~~ten (10)~~ feet if the detached building is one story or ~~fifteen (15)~~ feet if the detached building is two story stories.

SECTION 26:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-222.3 of Section 35-222, DR Design Residential, to read as follows:

Sec. 35-222.3. Processing.

No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan as provided in Sec. 35-317: (Development Plans), and with Sec. 35-314: (Land Use Permits), except that the development of ~~one single family dwelling on a single lot~~ the following shall not require a Development Plan: but shall be subject to the processing and development requirements of Sec. 35-219 (R-1/E-1 Single Family Residential):

1. One single-family dwelling, and uses, buildings, and structures accessory and customarily incidental thereto, on a single-lot where a final development plan has not been approved.

~~Such single family dwellings shall be subject to the processing and development requirements of the Sec. 35-219 R-1/E-1 zoning district.~~

2. Orchards, truck and flower gardens, the raising of field crops, and uses, buildings, and structures accessory and customarily incidental thereto.

Modifications to Development Plans may be granted by the Planning Commission or Board of Supervisors pursuant to Sec. 35-317.8--(Development Plans).

SECTION 27:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-222.4 of Section 35-222, DR Design Residential, to read as follows:

Sec. 35-222.4. Permitted Uses.

1. Single family, duplex, triplex, and multi-family dwelling units, including developments commonly known as row houses, town houses, condominiums, cluster, and community apartment projects.
2. Parking lots, carports, and garages designed and used for individual units within the district and either adjacent to such units or centrally located to serve a group of units.
3. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-222.4., for use by on-site residents and/or employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels.
4. Golf courses.
5. Public parks, public playgrounds, and community centers.
6. Home occupations, subject to the provisions of Sec. 35-269. (General Regulations) and accessory to a residential use of the same lot.
7. ~~The following uses are permitted, subject to the regulations set forth in the R-1/E-1 district:~~
 - a. ~~Keeping of animals.~~
 - b. ~~Greenhouses, hothouses, and other plant protection structures.~~

The keeping of animals accessory to a residential use of the same lot and subject to the provisions of Sec. 35-219.12 (R-1/E-1 Animals).
8. Greenhouses, hothouses, and other plant protection structures subject to all of the following:

- a. The structure is accessory to either a residential or agricultural use of the same lot.
 - b. The structure shall not exceeding a gross floor area of 300 square feet and.
 - c. The structure is used only for the propagation and cultivation of plants.
 - d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.
89. Orchards, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced unless allowed pursuant to the provisions of Sec. 35-280 (Agricultural Sales).
910. Special Care Homes, subject to the provisions of Sec. 35-292a.4.
1011. ~~Uses, buildings, and structures incidental, accessory and subordinate to permitted uses and not involving the maintenance of a commercial enterprise on the premises.~~
Uses, buildings, and structures accessory and customarily incidental to the above uses.
When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises.

SECTION 28:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-222.13.3 of Section 35-222, DR Design Residential, to read as follows:

3. ~~Title to the common open space shall be held by a non-profit association of homeowners or by any other individual or entity on such reasonable terms and conditions as the Board of Supervisors may prescribe, which may include conveying to the County of Santa Barbara the rights to develop such property with anything except open space or noncommercial recreation.~~

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 any other non-profit individual or entity on such reasonable terms and conditions as the Board of Supervisors may prescribe. Said reasonable terms and conditions may include restricting the rights to develop such property to those uses described in the approved Final Development Plan for the project area. 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.

SECTION 29:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-223.4 of Section 35-223, Planned Residential Development, to read as follows:

Sec. 35-223.4. Processing.

1. No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan, as provided in Sec. 35-317: (Development Plans), and with Sec. 35-314. (Land Use Permits) except that the development of orchards, truck and flower gardens, the raising of field crops, and uses, buildings, and structures accessory and customarily incidental, thereto shall not require a Development Plan but shall be subject to the processing and development requirements of Sec. 35-219 (R-1/E-1 Single Family Residential).
2. In addition to the other information required under Sec. 35-317 (Development Plans), the following information must be filed with a Preliminary or Final Development Plan application.
 1. a. Relationship of project to surrounding land uses.
 2. b. A copy of the proposed codes, covenants and restrictions (~~C.C.& R.'s~~ CC&Rs) including provisions for maintenance of open space, facilities, and services in the project site.

SECTION 30:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-223.7 of Section 35-223, Planned Residential Development, to read as follows:

Sec. 35 75.7. Permitted Uses.

1. Residential units, either attached or detached, including single family dwellings, duplexes, row houses, town houses, apartments, and condominiums.

2. Recreational facilities, including but not limited to tennis courts, swimming pools, playgrounds, and parks for the private use of the residents of the development, provided such facilities are not operated for remuneration.
3. Laundromat, meeting rooms, for use by residents of the development.
4. Where required by the Coastal Land Use Plan, resort visitor-serving facilities.
5. Home occupations, subject to the provisions of Sec. 35-121 (General Regulations) and accessory to a residential use of the same lot.
6. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-75.7., for use by on-site residents and/or employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels.
7. Special Care Homes, subject to the provisions of Section 35-143.3.
8. The keeping of household pets accessory to a residential use of a dwelling located on the lot on which the animal keeping occurs provided that:
 - a. There shall not be more than three dogs permitted on any one lot.
 - b. Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
 - c. The keeping of such animals is not injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Animal Services Division of the County Public Health Department.
 - d. Enclosures for such small animals shall be no closer than 25 feet to any dwelling located on another lot.
 - e. No rooster or peacock shall be kept or raised on the lot.
9. Orchards, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced unless allowed pursuant to the provisions of Sec. 35-280 (Agricultural Sales).
10. ~~Accessory uses, buildings and structures which are incidental, and subordinate to permitted uses.~~ Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises.

SECTION 31:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-225.5 of Section 35-225, C-2 Retail Commercial, to read as follows:

Sec. 35-225.5. Uses Permitted With a Minor Conditional Use Permit.

1. Small animal hospitals, provided all animals are kept within a completely enclosed building designed to reduce odor and the level of noise from such animals to the extent that adjacent properties will not be adversely affected by reason of such odor or noise.
2. Automobile and machinery repair and service conducted partially or wholly outdoors.
3. Boat sales yard and boat repair and services, but not including painting or junk yards for boats.
4. Cabinet shop.
5. Cleaning and dyeing establishment.
6. Community recycling facilities.
7. Electrical shop.
8. Frozen food locker as part of a retail store.
9. Furniture repair and upholstery.
10. Handicraft-type industries subject to the provisions of Sec. 35-315: (Conditional Use Permits).
11. Lumber and building materials sales yard.
12. Mechanical car wash.
13. Plumbing, heating, and ventilating shop.
14. Pump sales and service.
15. Outdoor sale of pool supplies, patio furniture, and spas.
16. Sales of fresh fruit, vegetables, and flowers from a motor vehicle or stand not affixed to the ground.
17. Sales or storage lot for trailers^{*}, including trailers used for carrying property, and recreational vehicles.
18. Sign painting shop.
19. Trailer^{*} rentals, including trailers used for carrying property, and truck rentals.

20. Residences provided the residential use is secondary to a permitted or conditionally permitted (i.e., Conditional Use Permit) commercial use in the same lot, except in the MIX-GOL Mixed Use-Goleta Overlay where a secondary residence may be allowed as a permitted use and where a residence may be allowed as the primary use with a minor conditional use permit.
21. Certified Farmer's Market.
22. Emergency Shelter.

~~* For the purpose of this section, the word "trailer" shall include, in addition to the trailers already included in the definition of trailer in Sec. 35-58, trailers used for carrying property.~~

SECTION 32 :

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-226.3 of Section 35-226, C-3 General Commercial, to read as follows:

Sec. 35-226.3. Permitted Uses.

1. All uses ~~permitted in the C-2 district~~ listed in Sec. 35-225.3 (C-2 Retail Commercial – Permitted Uses).
2. Bakery.
3. Bus terminal.
4. Frozen food locker.
5. Printing plant.
6. Storage warehouse including mini-storage facilities.
7. Unenclosed used automobile sales lot.
8. The following uses when 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 (6) feet in height:
 - a. Agricultural packing or processing plant.
 - b. Agricultural supply store or distribution center for supplies such as feed, fertilizer, pesticides, and fuel.
 - c. Automobile, farm implement and machinery repair, sales and service but not automobile wrecking yards or junk yards.
 - d. Automobile body work and painting.

- e. Blacksmith shop, welding shop, or machine shop.
 - f. Carpenter and cabinet shop.
 - g. Cleaning and dyeing establishment.
 - h. Furniture repair and upholstery.
 - i. Heating, plumbing, or ventilating supplies, sales and service.
 - j. Lumber and building materials sales yard.
 - k. Sign painting store.
 - l. Wholesale distributing center.
9. Small animal hospitals, provided all animals are kept within a completely enclosed building designed to reduce odor and the level of noise from such animals to the extent that adjacent properties will not be adversely affected by reason of such odor or noise.
 10. Recycling centers for the collection of, in addition to domestic recyclables, non-ferrous metals, high temperature alloys, exotics, precious metals and other similar types of materials.
 11. Contractors' equipment storage yard when conducted within an area enclosed by a solid wall, hedge or fence not less than six feet in height.
 12. Trailer rentals, including trailers used for carrying property, and truck rentals.
 13. Any other retail or wholesale store, shop, or establishment which the Planning Commission finds is of similar character to those enumerated in this section and is not more 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.
 - ~~14~~14. Emergency Shelter.
 - ~~15~~15. Single Room Occupancy Facility.
 - ~~16~~16. Buildings, structures, and uses accessory and customarily incidental to any of the above uses, provided:
 - a. There shall be no manufacture, assembling, processing or compounding, of products other than such as are customarily incidental or essential to the above uses.
 - b. Such 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.

SECTION 33:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-229.3 of Section 35-229, CN Neighborhood Commercial, to read as follows:

Sec. 35-229.3. Permitted Uses.

1. Retail stores, shops, or establishments supplying commodities to meet the day-to-day needs of residents in the neighborhood, such as a food market (less than 3,000 square feet of net floor space), liquor store, prescription pharmacy, delicatessen, pizza take-out, flower shop, furniture store, hardware store, hobby shop, or ice cream shop.
2. Repair and service uses such as dry cleaner sub-station, small appliance repair, barber shop, beauty parlor, shoe repair, or tailor.
3. Christmas tree sales.
4. Non-Residential Child Care Center, pursuant to Section 35-292a.3.
5. Any other light retail business use which the Planning Commission finds is of similar character to those enumerated in this Section 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.
6. Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 34:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-231.5 of Section 35-231, SC Shopping Center, to read as follows:

Sec. 35-231.5. Permitted Uses.

1. Convenience Shopping Center.
 - a. Retail stores and shops primarily engaged in selling food for home preparation and consumption such as: 1) food market; 2) meat market; and 3) bakery.
 - b. Liquor store.
 - c. Stores, shops and establishments offering regularly required services as follows:
 - 1) Barber shop.
 - 2) Beauty shop.

- 3) Cleaning and pressing shop and laundry agency having a floor area of not to exceed 2,000 square feet.
 - 4) Self-service laundry or cleaning establishment.
 - 5) Shoe repair shop.
 - 6) Service station in conjunction with other commercial establishments.
 - 7) Branch banks, excluding drive-thrus.
 - d. Restaurants, delicatessens, cafes, and bars excluding drive-in restaurants.
 - e. Drug store.
 - f. Variety store.
 - g. Hardware store.
 - h. Professional and commercial offices occupying not more than twenty (20) percent of the gross square footage of the total building area.
 - i. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by the Section 35-231.5., for use by on-site employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels.
 - j. Small animal hospitals and veterinary clinics.
 - k. Any other store, shop or establishment offering goods at retail or service which the Planning Commission finds is similar in character to those enumerated above and is essential to the daily (frequent) needs of the residents of the surrounding area and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, smoke, traffic congestion, depreciation of property values, danger to life and property, or other similar causes.
 - i. Uses, buildings and structures accessory and customarily incidental to the above uses.
2. Community Shopping Centers
- a. All uses in a Convenience Shopping Center.
 - b. Department store.
 - c. Apparel store.
 - d. Jewelry store.
 - e. Home furnishings.
 - f. Radio, television, and music store.

- g. Sporting goods.
- h. Pet shop.
- i. Book shop.
- j. Any other store, shop or establishment offering goods at retail or service which the Planning Commission finds is of similar character to those enumerated above and is essential to the shopping needs of the area it serves and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, smoke, traffic congestion, depreciation of property, or other similar causes.
- k. Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 35:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-232.4 of Section 35-232, PI Professional and Institutional, to read as follows:

Sec. 35-232.4. Permitted Uses.

1. Professional offices, studios, and office buildings.
2. Hospitals, sanitariums, medical clinics, special care homes, and similar buildings, when used for the treatment of human ailments, subject to the approval as to need of the Santa Barbara Subarea Advisory Counsel of the Health Systems Agency, Ventura-Santa Barbara.
3. Eleemosynary and philanthropic institutions for human beings.
4. Banks and Savings and Loan offices.
5. Churches, libraries, museums, and schools, including business schools, but not including dance halls nor trade schools using heavy equipment.
6. Community, civic center, and governmental buildings and structures.
7. Clubs, golf courses, and country clubs.
8. Cemetery, crematory, or mausoleums.
9. Off-street parking facilities accessory and incidental to an adjacent commercial use.
10. Retail stores, shops, or establishments supplying commodities or services intended to meet the day to day needs of employees in the vicinity including but not limited to drug stores, convenience markets, barber shops, shoe repair, dry cleaners, restaurants, and

coffee shops. Cumulative development of these uses shall not exceed 20 percent of the total gross floor area on the lot.

11. Athletic clubs.
12. Any other professional or institutional use which the Planning Commission finds is similar in character to those enumerated in this section and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, smoke, vibration, danger to life or property, or other similar causes.
- ~~12~~13. Non-Residential Child Care Centers, that are ancillary to uses permitted by Section 35-232.4 when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels.
- ~~13~~14. ~~Uses, buildings, and structures incidental, and subordinate to permitted uses.~~
Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 36:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to delete the text of Section 35-233A, M-S-GOL Service Industrial-Goleta.

SECTION 37:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-234.3 of Section 35-234, M-1 Light Industry, to read as follows:

Sec. 35-234.3. Processing.

No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan, as provided in Sec. 35-317: (Development Plans), and with Sec. 35-314: (Land Use Permits), except the development of agricultural uses as allowed in Sec. 35-234.4.

SECTION 38:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-234.4 of Section 35-234, M-1 Light Industry, to read as follows:

Sec. 35-234.4. Permitted Uses.

1. All uses ~~permitted in~~ listed in Sec. 35-226.3 (the C-3 district General Commercial) except ~~C-2 district~~ those uses listed in Sec. 35-225.3 (C-2 Retail Commercial – Permitted Uses) and residential uses.
2. All uses ~~permitted in~~ listed in Sec. 35-233.4 (the M-RP district Industrial Research Park).
3. Building material manufacturing plant, including concrete mixing plant.
4. Equipment storage yard.
5. Fuel yard.
6. Draying, freighting, or trucking yard or terminal.
7. Public works, public service or public utility service center or electrical substations.
8. Small boat building, not including ship building.
9. The following uses when conducted within a completely enclosed building:
 - a. The manufacture, compounding, processing, packaging, or treatment of bakery goods, candy, dairy products, and other food products but excluding such products as fish, meat, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.
 - b. The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.
 - c. The manufacture and maintenance of electrical and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
 - d. The manufacture of furniture.
 - e. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, and battery manufacturing.
 - f. Blacksmith shop, machine shop, and punch presses excluding drop hammers.
 - g. Foundry casting of lightweight non-ferrous metal not causing noxious fumes or odors.
11. Towing companies and motor vehicle storage yards.

12. Any other light industrial use, building, or structure which the Planning Commission finds is of similar character to those enumerated in this section and is 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.
- ~~13.~~ Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-234.4., for use by on-site employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels.
- ~~14.~~ Emergency Shelter.
- ~~15.~~ ~~Buildings, structures, and uses accessory and customarily incidental to any of the above uses, not including retail sale by manufacturing enterprises.~~
Orchards, truck and flower gardens, raising of field crops, or other such agricultural uses as are permitted on any abutting parcel zoned for agricultural or residential uses.
- ~~16.~~ ~~Orchards, truck and flower gardens, raising of field crops, or other such agricultural uses as are permitted on any abutting parcel zoned for agricultural or residential uses.~~
Buildings, structures, and uses accessory and customarily incidental to any of the above uses, not including retail sale by manufacturing enterprises.

SECTION 39:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-235, M-2 General Industry, to read as follows:

Sec. 35-235. M-2 General Industry.

Sec. 35-235.1. Purpose and Intent.

The purpose of this district is to allow for all types of industrial uses while providing the level of review of projects that is necessary to ensure that adverse impacts will be minimized and that these uses will be compatible with surrounding properties.

Sec. 35-235.2. Preliminary Development Plan to be Included in Application for Rezoning.

Unless the Planning Commission expressly waives the requirement, an application for a rezoning to this District shall include a Preliminary Development Plan as part of the application. Upon approval by the Board of Supervisors of the rezoning and Preliminary Development Plan, the Preliminary Development Plan may be incorporated into the Rezoning Ordinance.

Sec. 35-235.3. Processing.

No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan, as provided in Sec. 35-317: (Development Plans), and with Sec. 35-314: (Land Use Permits), except the development of agricultural uses as allowed in Sec. 35-235.4 .

Sec. 35-235.4. Permitted Uses.

~~With the exception of oil and gas marine terminals, all industrial uses are permitted except that the following uses are permitted subject to the issuance of a Major Conditional Use Permit pursuant to Sec. 35-315. (Conditional Use Permits):~~

1. All industrial uses except for oil and gas marine terminals and those uses enumerated in Sec. 35-235.5.
2. Orchards, truck and flower gardens, raising of field crops, or other such agricultural uses as are permitted on any abutting parcel zoned for agricultural or residential uses.
3. Buildings, structures, and uses accessory and customarily incidental to any of the above uses, not including retail sale by manufacturing enterprises.

Sec. 35-235.5. Uses Permitted with a Major Conditional Use Permit.

1. Cement, lime or building materials manufacture or processing.
2. Chemical manufacture.
3. Distillation or reduction of bones.
4. Explosives manufacture or storage.
5. Fat rendering.
6. Fertilizer manufacture.
7. Fish cannery or packing plant.
8. Manufacture of artificial gas.
9. Kelp reduction and processing.
10. Smelting of ores.
11. Stockyard, feed lot or slaughter house.
12. Tannery.
13. Asphalt hot mix plant.
14. Refineries.
15. Major electric transmission substation.

Sec. 35-235.56. Performance Standards.

1. Open storage of equipment and materials shall be permitted only in areas screened from view of surrounding lots.
2. The volume of sound measured outside during calm air conditions, generated by any use on the property shall not exceed ~~seventy-five (75)~~ dBL 10 at or beyond any point along the property boundary upon which such use is located. However, in no case shall the volume of sound exceed ~~sixty-five (65)~~ dBL dn at the location of any nearby noise sensitive uses, as defined in the County Noise Element.
3. Any generation of offensive odors or fumes, noxious gases or liquids, heat, glare, or radiation and 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.

Sec. 35-235.67. Minimum Lot Size.

None.

Sec. 35-235.78. Setbacks for Buildings and Structures.

1. Front: ~~Fifty (50)~~ feet from the centerline and ~~twenty (20)~~ feet from the right-of-way line of any street.
2. Side:
 - a. ~~Ten (10)~~ feet.
 - b. On corner lots, the ~~side yard~~ setback along the side street shall conform to the front ~~yard~~ setback provisions of this district.
3. Rear:
 - a. ~~Ten (10)~~ feet.
 - b. For any lot that has a rear ~~boundary~~ property line which abuts a lot zoned residential, ~~fifty (50)~~ feet.

Sec. 35-235.89. Height Limit.

No building or structure shall exceed a height of ~~forty-five (45)~~ feet.

Sec. 35-235.910. Parking.

As provided in DIVISION 6, PARKING REGULATIONS.

Sec. 35-235.1011. Landscaping.

1. All front property lines shall be landscaped with a minimum of a five-foot wide planted area.

2. The first five (~~5~~) feet of any setback area abutting a lot in a residential or commercial district shall be landscaped and a masonry wall not less than six (~~6~~) feet in height shall be provided.
3. Installation and maintenance of said landscaping shall be guaranteed by performance securities as set forth in Sec. 35-289. (General Regulations).

SECTION 40:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-240.3 of Section 35-240, RES Resource Management, to read as follows:

Sec. 35-240.3. Permitted Uses.

1. One single-family dwelling per legal lot.
2. One guest house subject to the provisions of Sec. 35-268 (General Regulations) and accessory to the primary residential use of the same lot.
3. The non-commercial keeping of animals and poultry accessory to the primary residential use located on the same lot.
4. Agricultural grazing.
5. Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 41:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-240.8 of Section 35-240, RES Resource Management, to read as follows:

Sec. 35-240.8. Minimum Lot ~~Size~~ Area.

1. Each lot shall have a minimum ~~gross~~ lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map. Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.

Zoning Symbol	Minimum <u>Gross Lot Size Area</u> (acres)
RES-40	40 acres
RES-100	100 acres
RES-320	320 acres

2. ~~A dwelling may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots.~~ A dwelling may be located upon a lot with less area in size than required in Sec. 35-240.8.1 unless such lot is a fraction lot.

SECTION 42:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-240A.3 of Section 35-240A, MT-GOL, Mountainous Goleta, to read as follows:

Sec. 35-240A.3. Permitted Uses.

1. One single-family dwelling per legal lot.
2. One guest house subject to the provisions of Sec. 35-268 (General Regulations) and accessory to the primary residential use of the same lot.
3. The keeping of animals and poultry.
4. Agricultural grazing.
5. Cultivated agriculture, vineyard, or orchard use where the average area of disturbance due to agricultural improvements occurs on slopes of ~~forty (40)~~ percent or less and on slopes greater than ~~forty (40)~~ percent where the cumulative area of disturbance (pre-existing and proposed) totals five (~~5~~) acres or less.
6. Home occupations, subject to the provisions of Section 35-269 (General Regulations) and accessory to a residential use of the same lot.
7. Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 43:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-240A.8 of Section 35-240A, MT-GOL, Mountainous Goleta, to read as follows:

Sec. 35-240A.8. Minimum Lot Size Area.

1. Each lot shall have a minimum ~~gross~~ lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map. Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a lot area as

indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.

Zoning Symbol	Minimum <u>Gross Lot Size Area</u> (acres)
MT-GOL-40	40 acres
MT-GOL-100	100 acres
MT-GOL-320	320 acres

2. ~~A dwelling may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots.~~ A dwelling may be located upon a lot with less area than required in Sec. 35-240A.8.1 unless such lot is a fraction lot.

SECTION 44:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-240B.3 of Section 35-240B, MT-TORO, Mountainous Area Toro Canyon Planning Area, to read as follows:

Sec. 35-240B.3. Permitted Uses.

1. One single-family dwelling per legal lot.
2. One guesthouse subject to the provisions of Sec. 35-268 (General Regulations) and accessory to a residential use of the same lot.
3. The non-commercial keeping of animals and poultry accessory to a residential use located on the same lot.
4. Cultivated agriculture, vineyard, or orchard when there is evidence of permitted or legal nonconforming use within the previous ten-year period.
5. Home occupations, subject to the provisions of Section 35-269 (General Regulations) and accessory to a residential use of the same lot.
6. ~~Accessory uses,~~ Uses buildings and structures ~~that are~~ accessory and customarily incidental to the above uses.

SECTION 45:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-240B.8 of Section 35-240B, MT-TORO, Mountainous Area Toro Canyon Planning Area, to read as follows:

Sec. 35-240B.8. Minimum Lot Size Area.

1. Each lot shall have a minimum ~~gross~~ lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map. Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.

Zoning Symbol	Minimum <u>Gross Lot Size Area</u> (acres)
MT-TORO-40	40 acres
MT- TORO -100	100 acres
MT- TORO -320	320 acres

2. ~~A dwelling may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots.~~ A dwelling may be located upon a lot with less area than required in Sec. 35-240B.8.1 unless such lot is a fraction lot.

SECTION 46:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-243.2.3 of Section 35-243, OT-Old Town Districts, to read as follows:

Sec. 35-243.2.3. Permitted Uses. (OT - LC)

1. Barber shop or beauty parlor.
2. Shoe sales and/or repair store.
3. Clothing store.
4. Professional and commercial offices.
5. Residential, as provided in Sec. 35-243.4.
6. Any other light retail business use which the Planning Commission finds is of similar character to those enumerated in this Section 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.

7. All uses permitted in Sec. 35-225. (C-2 Retail Commercial) except that amusement enterprises shall not be permitted; however a maximum of four (4) video games may be permitted as an incidental adjunct to another commercial use.
8. Areas designated only as OT-GC are permitted all of the above uses with the exception of No. 5 (Residential).
9. Uses, buildings, and structures accessory and customarily incidental to the above uses.

SECTION 47:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-243.3.3 of Section 35-243, OT-Old Town Districts, to read as follows:

Sec. 35-243.3.3. Permitted Uses. (OT-GC)

1. Barber shop or beauty parlor.
2. Shoe sales and/or repair store.
3. Clothing store.
4. Professional and commercial offices
5. Residential, as provided in Sec. 35-243.4. (Residential).
6. Any other light retail business use which the Planning Commission finds is of similar character to those enumerated in this Section and is not more injurious to the health, safety, or welfare or the neighborhood because of noise, odor, dust, vibration, traffic congestion, danger to life and property, or other similar causes.
7. All uses permitted in Sec. 35-225. (C-2 Retail Commercial) except that amusement enterprises shall not be permitted; however a maximum of four (4) video games may be permitted as an incidental adjunct to another commercial use.
Areas designated only as OT-GC are permitted all of the above uses with the exception of No. 5 (Residential).
8. Uses, buildings, and structures accessory and customarily incidental to the above uses.

SECTION 48:

DIVISION 4, ZONING DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-243.4.3 of Section 35-243, OT-Old Town Districts, to read as follows:

Sec. 35-243.4.3. Permitted Uses.

1. As provided in Sec. 35-222.4. (Design Residential) except that golf courses shall not be a permitted use.
2. One attached or detached residential second unit per legal lot subject to the provisions of Section 35-291 (Residential Second Units).
3. Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 49:

DIVISION 5, OVERLAY DISTRICTS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to delete the text of Section 35-102B, Growth Management Overlay (GMO), and reserve the section number for future use.

SECTION 50:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-267, Accessory Structures, to read as follows:

Sec. 35-267. Accessory Structures.

1. All structures, including agricultural accessory structures, shall conform to criteria set forth in this section and as defined by ordinance; except that mobile home site accessory structures within a Mobile Home Park shall instead be regulated by the MHP District provisions (Sec. 35-241.).
2. Except in Agricultural zone districts, no accessory structures shall be constructed on a lot until construction of the principal structure has begun and no accessory structure shall be used unless the principal structure on the lot is also being used, or the principal use has been established and commenced.
3. An accessory structure erected as an integral part of the principal structure shall comply in all respects with the use, ~~yard~~ setback, and height requirements applicable to the principal structure.

4. Accessory structures shall conform to the height requirements and front and side ~~yard~~ setback regulations of the district. An accessory structure may be located in the required rear ~~yard~~ setback provided that it is located no closer than five (5) feet to the principal structure and that it occupies no more than ~~forty (40)~~ percent of the required rear ~~yard setback~~, and that it does not exceed a height of ~~twelve (12)~~ feet.
5. No accessory structure on a corner lot having a width of less than 100 feet shall be located closer to the street right-of-way or centerline than the principal building on that lot, nor within any side or front ~~yard~~ setback.
6. For a corner lot backing on a key lot, an accessory structure shall be setback from the rear property line by a distance equal to the side ~~yard~~ setback requirement applicable to the key lot.
7. Agricultural accessory structures which serve as a primary place of employment or which are used by the public may include a bathroom and wetbar area, provided that prior to the issuance of a land use permit for said structure, a Notice to Property Owner is recorded by the property owner that specifies the allowable use(s) of said structure. For all other accessory structures, ~~plumbing devices shall be limited to~~ toilets and wash basins may be allowed, ~~and~~ however no bathing facilities or wetbars shall be allowed.
8. No cooking facilities shall be allowed in accessory structures..
9. Accessory buildings and structures shall not be used for sleeping purposes and shall not be used as guest houses, artist studios, or cabañas, unless specifically permitted for such use. An accessory building or structure, or portion thereof, including guest houses, artist studios and cabanas, may be determined to constitute a dwelling by the Director when it is configured or occupied for residential purposes, whether permanent or temporary, and contains elements evidencing separate residential occupancy. Elements to be considered may include, but are not limited to, the proximal arrangement and various combinations of bathing facilities, closets, countertops or cupboards, dishwashers, exterior entrances, exterior staircases, garbage disposals, interior locking doors, separate addresses/mail box designations, separate balconies, decks, patios or yards, separate cable lines, phone lines or utility lines, separate carports, garages or parking areas (covered or uncovered), sleeping lofts, toilets, and sinks or bar sinks. Issuance of a building permit or other approval does not, of itself, establish that a building or portion thereof is not a dwelling unit. Said determination by the Director is considered a decision that may be appealed pursuant to Sec. 35-327.2

(Appeals to the Planning Commission). If, after appeal to the Planning Commission and, if required, the Board of Supervisors the determination that the accessory building or structure, or portion thereof constitutes a dwelling is maintained, then the dwelling may be subject to an enforcement action pursuant to Sec. 35-330 (Administration – Enforcement, Legal Procedures and Penalties) as appropriate.

10. On lots of one acre or less, the gross floor area of an accessory structure shall not exceed 800 square feet, excluding garages, barns and stables.

SECTION 51:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-268, Guest House, Artist Studio, and Cabaña, to read as follows:

Sec. 35-268. Guest House, Artist Studio and Cabaña

1. Accessory structures used as guest houses, artist studios, or cabañas ~~must~~ shall conform to criteria set forth in this section and as defined by ordinance.
2. No guest house shall be located on a lot containing less than one ~~(1)~~ gross acre.
3. There shall not be more than one ~~(1)~~ guest house or artist studio on any lot. There shall be not more than one ~~(1)~~ cabaña on any lot.
4. The net floor area of such guest house, artist studio, or ~~pool house~~ cabaña shall not exceed 800 square feet; however, such structures may be attached to another accessory structure so that the total net floor area of the combined structures exceeds 800 square feet, provided no interior access exists between the guest house, artist studio, or cabaña and the other accessory structure.
5. No guest house, artist studio, or cabañas shall exceed a height of 16 feet or contain more than one story. A loft shall be counted as a story. ~~Such story~~ A guest house, artist studio, or cabaña may be located above or below another accessory structure.
6. There shall be no kitchen or cooking facilities within a guest house, artist studio, or cabaña. However, a wet bar may be provided, limited to the following features:
 - a. A counter area with a maximum length of seven ~~(7)~~ feet.
 - b. The counter area may include a bar sink and an under-counter refrigerator.
 - c. The counter area may include an overhead cupboard area not to exceed seven ~~(7)~~ feet in length.

- d. The counter area shall be located against a wall or, if removed from the wall, it shall not create a space more than four (4) feet in depth. The seven (7) foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.
- e. No cooking facilities shall be included in the wet bar area.
7. Guest houses and cabañas may contain bathrooms as defined by ordinance. ~~However, in artist studios, plumbing facilities shall be limited to those required for a wetbar, if provided, and/or restroom containing a toilet and wash basin. No bathing facilities shall be permitted in artist studios.~~ An artist studio may contain a restroom; however bathing facilities are not permitted.
8. Guest houses, artist studios, or cabañas ~~must~~ shall conform to all of the setback regulations set forth in the applicable zone district for dwellings.
9. A guest house shall be used on a temporary basis only by the occupants of the main dwelling or their non-paying guests or servants and ~~is~~ shall not ~~to~~ be rented or let out, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. Temporary is defined as occupying the premises for no more than ~~one hundred twenty~~ (120) days in any ~~twelve~~ (12) month period.
10. Artist studios and cabañas shall not be used as temporary sleeping quarters, guest houses, or as a dwelling unit.
11. A Notice To Property Owner ~~document~~ shall be ~~required to be~~ recorded by the property owner prior to issuance of a Land Use Permit for any guest house, artist studio or cabaña; that specifies, at a minimum, the allowable uses of the structure.
12. A cabaña may be approved in conjunction with a proposed pool or sport court, provided that ~~occupancy~~ construction of the ~~building~~ proposed pool or sport court is completed prior to or simultaneously with completion of the ~~pool or court~~ cabaña.
13. A land use permit for a home occupation ~~permit~~ shall be required for all artist studios.
14. If either an Attached or a Detached Residential Second Unit exists or has current approval on a ~~parcel~~ lot, a guest house or artist studio may not also be approved (see also Sec. 35-291.5.11).
15. Commercial sales or transactions shall not occur either within an artist studio or on the lot containing the artist studio unless allowed pursuant to an issued land use permit for a home occupation.

SECTION 52:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-269, Home Occupations, to read as follows:

Sec. 35-269. Home Occupations.

Sec. 35-121.1. Processing Purpose and Intent.

The purpose of this section is to provide permit regulations and processing requirements for home occupations. The intent is to prevent any adverse effects on the residential enjoyment of surrounding residential properties.

Sec. 35-121.2 Applicability.

The provisions of this section shall apply to all home occupations. Home occupations may be permitted in any dwelling in any zoning district including nonconforming dwellings.

Sec. 35-121.3 Processing.

1. Except as stated in Sec. 35-269.3-5, prior to the commencement of any type of occupation in the a home or an artist studio, a land use for a home occupation application shall be submitted to shall be issued by the Department of Planning and Development Department. The Department of Planning and Development shall approve, conditionally approve, or deny such application. Upon approval of such application, a Land Use Permit shall be issued for the home occupation.
2. Prior to issuance of the land use permit the applicant shall sign and record a Notice to Property Owner certifying that the home occupation will be conducted in compliance with the development standards of Sec. 35-269.4 and any other conditions as may be made part of the coastal development permit.

Sec. 35-269.24 Findings Development Standards.

The Planning and Development Department shall approve a home occupation application only if the proposed occupation meets all of the following criteria A home occupation shall comply with all of the following development standards:

1. Only one home occupation shall be allowed on any one lot. A The home occupation shall be conducted either entirely within not more than one room of the dwelling not including garages, except for or entirely within an artist studios. A home occupation may not be conducted outside of the dwelling or the artist studio.

2. The home occupation shall not alter the residential character of the dwelling or the lot that contains the home occupation. There shall be no ~~structural~~ internal or external alterations of the dwelling that are not customarily found in such structures, and the existence of the home occupation shall not be ~~apparent beyond the boundaries of the premises~~ discernible from the exterior of the dwelling unit.
3. The home occupation shall be conducted solely by the occupant(s) of ~~the~~ a dwelling unit 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 premises lot that contains the home occupation for business purposes. 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.
4. No displays, or ~~advertising~~ signs naming or advertising the home occupation shall be permitted on or off the premises lot that contains the home occupation. All advertising for the home occupation, including but not limited to telephone directories, newspaper or other printed material, 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.
5. There shall be no more than five (~~5~~) customers, patients, clients, students, or other persons served by said home occupation upon the premises lot that contains the home occupation at any one time.
6. A home occupation shall not use any electrical or mechanical equipment that would create any visible or audible radio or television interference, or create noise audible beyond the boundaries of the ~~premises~~ lot that contains the home occupation. Noise levels associated with the home occupation shall not exceed 65 dBA outside the dwelling that contains the home occupation.
7. No smoke or odor shall be emitted that occurs as a result of the home occupation.
8. There shall be no outdoor storage of materials related to the home occupation.
9. No vehicles or trailers except those incidental to the residential use and those allowed under Section 35-219.11- shall be kept on the ~~premises~~ lot that contains the home occupation.
10. 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, ~~premises~~ the lot that contains the home occupation, or the neighborhood.

11. Where a home occupation will be conducted within a dwelling or artist studio that relies on a septic system, written clearance from the Santa Barbara County ~~Environmental~~ Public Health Department will be required prior to approval.
12. No hazardous materials other than those commonly found within a residence shall be used or stored on the site. Such materials and equipment shall be limited to quantities that do not constitute a fire, health or safety hazard.
13. Business-related deliveries shall be limited to a maximum of two per week. United States Mail and commercial parcel carriers' deliveries are exempted from this limitation.
14. 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 on-site or on the street frontage abutting the lot that contains the home occupation.
15. The home occupation shall at all time be conducted in compliance with the conditions and limitations of the foregoing subsections 1. through 14 and any other conditions and/or limitations that may be part of the coastal development permit issued to allow the home occupation. Failure to comply with said conditions and limitations shall be cause for revocation of the coastal development use permit.
16. Occupations that cannot comply with all of the development standards listed in Sec. 35-269.4 may not be permitted as home occupations. Such prohibited occupations include, but are not limited to:
 - a. On-site automotive repair or service.
 - b. Painting of vehicles, trailers, boats or machinery.

Sec. 35-269.35. Exception to Permit Requirement for Home Occupation.

No land use permit for a home occupation permit shall be required for home occupations such as accounting, bookkeeping, consultants in engineering, finance, management and publishing, telephone sales, etc., which meet all of the following criteria:

1. ~~Findings~~ Development standards 1-4 and 6-11 15 under Sec. 35-121.24.
2. No clients or customers shall be served at the ~~premises~~ lot that contains the home occupation.
3. No business advertisements, except for business cards and letterhead, may list the ~~home~~ address of the home occupation.

4. All business transactions occurring on the premises lot that contains the home occupation shall occur by telephone, ~~FAX~~ facsimile, computer modem or other telecommunication medium, or written correspondence ~~or other telecommunication medium~~.

Sec. 35-269.46. Violations of Home Occupation Regulations.

- 1a. It shall be unlawful for any person, firm or corporation to establish, cause, permit or maintain any type of business, profession or other commercial occupation (collectively to be referred to as a "home occupation") in an area zoned for residential use ~~without first securing a Home Occupation Permit from the Department of Planning and Development which approves, and/or conditionally approves such use or activity~~ prior to the issuance of a land use permit allowing said home occupation.
- 2b. It shall be unlawful for any person to conduct a home occupation for which a ~~Home Occupation Permit~~ land use permit has been issued without complying with all conditions attached to such permit.

SECTION 53:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-272, Fences, Walls and Gateposts, to read as follows:

Sec. 35-272. Fences, Walls and Gate Posts.

1. In all zoning districts other than agricultural zones, fences, walls, gates and gateposts may be located on a lot in conformance with the height limitations and permit requirements provided in the following chart, except that corner lots must meet the vision clearance requirements set forth in Sec. 35-273 (General Regulations – Vision Clearance). In no case shall the height of the fence exceed the height limit of the applicable zoning district or exceed the height limitations of Sec. 35- 247 (F - Airport Approach Overlay).

<u>Location of Fence, Wall, Gate or Gatepost</u>	<u>Permit Requirement</u>		
	<u>Exempt</u>	<u>Coastal Development Permit</u>	<u>Minor Conditional Use Permit</u>
<u>Front setback area.</u>	<u>Fences, walls and gates six feet or less in height; gateposts eight feet or less in height.</u>	<u>Not applicable.</u>	<u>Fences, walls and gates greater than six feet in height; gateposts greater than eight feet in height.</u>
<u>Side and rear</u>	<u>Fences, walls and gates eight feet or less</u>	<u>Not applicable.</u>	<u>Fences, walls and gates greater than eight feet in</u>

<u>setback areas.</u>	<u>in height; gateposts ten feet or less in height.</u>		<u>height; gateposts greater than ten feet in height.</u>
<u>Interior lot setback areas 20 feet or less from any street right-of-way.</u>	<u>Fences, walls and gates six feet or less in height; gateposts eight feet or less.</u>	<u>Not applicable.</u>	<u>Fences, walls and gates greater than six feet in height; gateposts greater than eight feet in height.</u>
<u>Interior lot setback areas greater than 20 feet from any street right-of-way.</u>	<u>Fences, walls and gates eight feet or less in height; gateposts ten feet or less in height.</u>	<u>Not applicable.</u>	<u>Fences, walls and gates greater than eight feet in height; gateposts greater than ten feet in height.</u>
<u>Outside of setback areas</u>	<u>Fences, walls and gates eight feet or less in height; gateposts ten feet or less in height.</u>	<u>Fences, walls and gates greater than eight feet in height; gateposts greater than ten feet in height.</u>	<u>Not applicable.</u>

2. In agricultural zoning districts, fences, walls, gates and gateposts may be located on a lot in conformance with the height limitations and permit requirements provided in the following chart, except that corner lots must meet the vision clearance requirements set forth in Sec. 35-273 (General Regulations – Vision Clearance). In no case shall the height of the fence exceed the height limit of the applicable zoning district, or exceed the height limitations of Sec. 35-247 (F - Airport Approach Overlay).

<u>Location of Fence, Wall or Gatepost</u>	<u>Permit Requirement</u>		
	<u>Exempt</u>	<u>Coastal Development Permit</u>	<u>Minor Conditional Use Permit</u>
<u>Front setback area.</u>	<u>Fences, walls and gates six feet or less in height; gateposts eight feet or less in height.</u>	<u>Fences, walls and gates greater than six feet in height; gateposts greater than eight feet in height.</u>	<u>Not applicable.</u>
<u>Side and rear setback areas.</u>	<u>Fences, walls and gates eight feet or less in height; gateposts ten feet or less in height.</u>	<u>Fences, walls and gates greater than eight feet in height; gateposts greater than ten feet in height.</u>	<u>Not applicable.</u>
<u>Interior lot setback areas 20 feet or less from any street right-of-way.</u>	<u>Fences, walls and gates six feet or less in height; gateposts eight feet or less in height.</u>	<u>Fences, walls and gates greater than six feet in height; gateposts greater than eight feet in height.</u>	<u>Not applicable.</u>
<u>Interior lot setback</u>	<u>Fences, walls and</u>	<u>Fences, walls and</u>	<u>Not applicable.</u>

<u>areas greater than 20 feet from any street right-of-way.</u>	<u>gates eight feet or less in height; gateposts ten feet or less in height.</u>	<u>gates greater than eight feet in height; gateposts greater than ten feet in height.</u>	
<u>Outside of setback areas</u>	<u>Fences, walls and gates eight feet or less in height; gateposts ten feet or less in height.</u>	<u>Fences, walls and gates greater than eight feet in height; gateposts greater than ten feet in height.</u>	<u>Not applicable.</u>

23. In addition, the following regulations shall apply:

- a. A maximum of ~~ten~~ (10) percent of the total linear length of a wall or fence including gates may be allowed to exceed the maximum height specified for exemption from a land use Permit, where topographic or other unavoidable conditions will destroy its architectural integrity if held to the maximum height specified for its entire length.
- 4. b. The height of walls, ~~or~~ fences, gates or gateposts shall be determined by measuring from the natural grade at the lower side of the fence, wall, gate or gate posts.

Location of Fence, Wall or Gate Post	Exempt from Land Use Permit	If Not Exempt From a LUP, Type of Permit Required in All Districts Other Than Agricultural Districts
Front Yard Setback	Fences and walls less than six (6) feet and gate posts less than eight (8) feet in height are exempt from a LUP.	Minor CUP required for fences and walls more than six (6) feet or gate posts more than eight (8) feet in height.
Side and Rear Yard Setback	Fences and walls less than eight (8) feet and gate posts less than (10) feet in height that are not closer than twenty (20) feet to the right-of-way line of any street are exempt from a LUP.	Minor CUP required for fences and walls more than eight (8) feet or gate posts more than ten (10) feet in height, or closer than twenty (20) feet to the right-of-way line of any street.
Outside of Setback Areas	Fences and walls less than eight (8) feet and gate posts less than ten (10) feet in height are exempt from a LUP.	LUP required for fences and walls more than eight (8) feet or gate posts more than ten (10) feet in height.

SECTION 54:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-273, Vision Clearance, to read as follows:

Sec. 35-273. Vision Clearance Area.

1. ~~In agricultural and residential districts, a vision clearance of not less than ten (10) feet shall be provided on all corner lots.~~
2. ~~In all other districts, a vision clearance of not less than seven (7) feet shall be provided on all corner lots.~~

In all zone districts, a vision clearance area shall be provided on all corner lots. No structure, including but not limited to fences and gateways, or vegetation which obstructs the visibility of and from vehicles approaching the intersection of a state highway or public or private street with another state highway or public or private street, shall be constructed, grown, maintained or permitted higher than two and one-half feet above the curb grade, or three feet above the edge of pavement, within a triangular area bounded by the right-of-way lines and a diagonal line joining points on the right-of-way lines that are 10 feet away from the point of their intersection. In the case of rounded corners, the vision clearance area shall be the triangular area between an extension of the right-of-way lines prior to the beginning of the tangent and a diagonal line joining points on right-of-way line or extension thereof that are 10 feet away from the point of intersection of the extensions of the right-of-way lines. The tangents referred to are those at the beginning and at the end of the curve of the right-of-way line at the corner.

SECTION 55:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-274, General Setback Regulations, to read as follows:

Sec. 35-274. General Setback Regulations.

1. Where a setback line is called for or shown on a recorded ~~subdivision~~ final or parcel map or on a Final Development Plan ~~in the PRD district under Sec. 35-233.11-~~, the required setback shall be the setback line shown on the ~~subdivision~~ final or parcel map ~~of or~~ Final Development Plan.

2. In computing the depth of a rear ~~yard~~ setback or the width of a side ~~yard~~ setback, if such ~~yard setback~~ abuts upon an alley, and the lot owner ~~of the yard~~ owns all or one-half of the underlying fee of such alley, up to one-half the width of such alley may be included in the rear ~~yard~~ or side ~~yard~~ setback.
3. On any lot which 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, which reduction was required by the County for road widening purposes, the required yards shall be computed on the basis of the original dimensions of the lot as though such road widening had not occurred.
4. ~~In single family residential subdivisions wherein all proposed dwellings are to be constructed at one time by the developer and a plot plan showing the location and dimensions of each building and the front, side, and rear yard setback dimensions on each lot has been filed with the Planning and Development Department, the Director may modify the required front yard setback for not to exceed fifty (50) percent of the lots on each side of the street in each block, subject to all of the following limitations:~~
 - a. ~~No garage shall be located closer than ten (10) feet to the street right of way line.~~
 - b. ~~No part of the dwelling portion of the building shall be located closer than fifteen (15) feet to the street right of way line.~~
 - c. ~~No garage shall be so oriented that there is less than twenty (20) feet of unobstructed driveway space within the property on which to park a car outside of the garage.~~
 - d. ~~The average distance of each building from the centerline of the street shall be at least fifty (50) feet. Such average distance shall be determined by multiplying the width of the various segments of the front of the building by the setback distance of such segments from the centerline of the street and dividing the sum of the products by the total width of the building.~~
5. Every part of a setback, except for mobile home site setbacks subject to the provisions of Sec. 35-241: (MHP), shall be unobstructed from the ground to the sky, except as otherwise provided in this Article and ~~except as provided below:~~
 - a. ~~for the~~ The ordinary projection of sills, buttresses, cornices, chimneys, eaves, and ornamental features ~~but in no case shall such projections exceed~~ may extend into a setback no more than three (3) feet. ~~However, h~~ Handrails on outdoor stairways may extend into the setback an additional six (6) inches.

6. b. Fire escapes, balconies, and unroofed and unenclosed porches, or landings may extend four feet into ~~a) the~~ a front or rear yard setback ~~four (4) feet~~, and b) three feet into a side yard setback ~~three (3) feet~~, when constructed and ~~placed~~ located as in a manner that shall not obstruct light or ventilation of buildings or the ready use of said yards setbacks for ingress or egress.
7. c. Trellises and patio covers that are attached to a dwelling, except on not including mobile homes sites subject to provisions set forth in Sec. 35-241: (MHP), may be located within the rear yard setback when no closer than ~~fifteen (15)~~ ten (10) feet to the rear property line, or no closer than ~~ten (10)~~ ten (10) feet to the rear property line when adjacent to a permanently dedicated open space area or road right-of-way.
- d. Ornamental garden and landscaping structures without roofs (e.g., fountains, elevated ponds, planters) may be located within the front and side setbacks provided the feature is either:
- 1) Less than 30 inches high, or
 - 2) Covers an area of 50 square feet or less and is less than either six feet in height and, if located within a vision clearance area, is consistent with the regulations of Sec. 35-273 (General Regulations – Vision Clearance Area).
- e. Decks less than 32 inches in vertical distance as measured from finished grade to the top of the decking material may be located within the front or side setback unless located in a designated ESH area.
- f. Non-habitable structures may be located in the side setback provided that the structures comply with all of the following:
- 1) Cumulatively the structures do not occupy an area greater than 10 percent of the side setback in which they are located, or 120 square feet, which ever is less.
 - 2) Do not contain any utilities.
 - 3) Are screened from view from abutting properties by a wall or fence at least as tall as the structures.
 - 4) Are located no closer than five feet to any other building or structure located on the same lot.

- g. Pedestals supporting utility meters no greater than four feet in height and 24 square feet in area may be located in a front or side setback provided they are completely screened from view from any public or private street and adjoining lot.
- h. Unroofed enclosures for irrigation equipment, solid waste containers and utilities may be located in a front setback provided (1) the total area surrounded by all such enclosures does not exceed 120 square feet and (2) the enclosure complies with the all of the following:
- 1) The enclosure is no greater than six feet in height.
 - 2) The enclosure surrounds an area no greater than 50 square feet.
 - 3) The enclosure is located between a fence or a wall that is at least as tall as the enclosure and the rear of the lot, and it is not visible from any public or private street or adjoining lot.
5. In any area where a building can be legally constructed on or closely adjacent to the right-of-way line of a public street, eaves and roof overhangs, sills, belt courses, fire escapes, balconies, and unroofed and unenclosed porches may project into a street right-of-way no more than ~~thirty (30)~~ inches; provided that all such encroachments shall be at least eight (8) feet above any area used by pedestrians, and at least ~~fourteen (14)~~ feet above any area used for vehicular traffic; and provided further, an encroachment permit for such projections is obtained from the County Roads Division of the Department of Public Works.
56. Where the elevation of the ground at a point ~~fifty (50)~~ feet from the centerline of any street is seven (7) feet or more below or above the grade of said centerline, the front setback of a private detached garage (not carport) may be decreased by ~~forty (40)~~ percent and the front setback for a dwelling may be decreased by ~~twenty (20)~~ percent provided the front face of such garage is ~~not~~ located a minimum of ~~closer than ten (10) feet to~~ from the abutting street right-of-way.

SECTION 56:

DIVISION 7, GENERAL REGULATIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-275, Through, Corner, Interior and Odd-Shaped Lots, to read as follows:

Sec. 35-275. Through, Corner, Interior, and Odd-Shaped Lots.

1. Through Lots. The side ~~yard~~ setbacks shall extend the full depth of the lot between the ~~street lines~~ front setbacks and there shall be two (2) front ~~yard~~ setbacks ~~for the purpose of computing setbacks.~~
2. Corner Lots Abutting Two or More Streets.
 - a. If a corner lot is less than 100 feet in width, the front ~~yard~~ 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 front ~~yard~~ setback be less than ~~ten (10)~~ feet.
 - b. If a corner lot is 100 feet or greater in width, there shall be a front ~~yard~~ setback along each street abutting the lot and all such setbacks shall conform to the front ~~yard~~ setback requirements of the applicable zone district.
 - c. The rear ~~yard~~ setback for a corner lot backing upon a key lot may be reduced to the size of the required side ~~yard~~ setback for the key lot or ~~ten (10)~~ feet, whichever is greater, provided the total front, side, and rear ~~yard~~ setback area required by the applicable district regulations is not reduced. An accessory structure on a corner lot backing up on a key lot shall be setback from the rear property line by a distance equal to the side ~~yard~~ setback requirements applicable to the key lot.
3. Interior Lots. The setback regulations of the applicable zone district shall not apply to an interior lot but any structure located upon such lot shall have a setback of at least ~~ten (10)~~ feet from all property lines and the total setback area shall equal the total area of all setbacks required in the applicable zone district.
4. 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.
5. The rear setback of a triangular lot shall be measured from a line at least 10 feet long lying entirely within the lot, parallel or most nearly parallel to and most distant from the front line of said lot.

SECTION 57:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-280, Temporary Tract Offices in Subdivisions, to read as follows:

Sec. 35-280. ~~Temporary Tract Offices in Subdivisions~~ Agricultural Sales.

Sec. 35-280.1. Purpose and Intent.

The purpose of this section is to provide for commercial facilities for the retail sale of agricultural commodities on property that is zoned to allow for agricultural activities and to establish specific permit requirements and development standards for such facilities. The intent is to promote the orderly development of such agricultural sales within Santa Barbara County and ensure their compatibility with surrounding land uses in order to protect the public health and safety and natural and visual resources.

Sec. 35-280.2. Applicability.

This section shall apply to all lots where the primary use of the lot is agriculture and the lot is located in a zoning district specified in the following section.

Sec. 35-280.3. Permit Requirements.

Permit requirements for agricultural sales regulated under this section are specified below. Additional permits may be required by other provisions of this Article, e.g., for structures accessory to the agricultural sales.

1. Within the AG-I, AG-II, RR, M-1, M-2 and M-CR zoning districts, the following activities are exempt from the requirement to obtain a coastal development permit provided the activity is conducted in compliance with the development standards specified below.
 - a. Sales of agricultural products, operated by a single proprietor, and either (1) grown on-site or (2) on other property located within Santa Barbara County that is either owned or leased by the same owner or lessee of the lot on which the sales occur or (3) on other property within a 25 mile radius of the lot on which the sales occur. This includes operations where customers have access to the growing areas and pick the product themselves, such as Christmas tree farms, pumpkin patches, and apple or fruit picking.
 - b. Sales of ornamental trees, shrubs and plants, grown in containers that may be imported from off-site, including incidental sale of garden and landscape

- materials and equipment, and including retail sales directly to members of the public provided the area to which the public has access is limited to 10,000 square feet.
- c. Sales of imported vegetative holiday sales products (e.g., pumpkins, Christmas trees) provided the area to which the public has access is limited to 10,000 square feet.
2. Within the AG-I, AG-II, RR, M-1, M-2 and M-CR zoning districts, the following activities require a development plan approved by the Director of Planning and Development pursuant to Sec. 35-317 and the issuance of a land use permit pursuant to Sec. 35-314.
- a. Sales of ornamental trees, shrubs and plants, grown in containers, including incidental sale of garden and landscape materials and equipment, and including retail sales directly to members of the public provided the area to which the public has access is greater than 10,000 square feet.
3. Within the R-1, R-2, DR, PRD and CH zoning districts, the following activities may be allowed pursuant to a conditional use permit approved by the Zoning Administrator pursuant to Sec. 35-315 and the issuance of a land use permit pursuant to Sec. 35-314.
- a. Sales of agricultural products grown predominantly on-site or on other property within a 25 mile radius of the lot on which the sales occur and operated by a single proprietor. This includes operations where customers have access to the growing areas and pick the product themselves, such as Christmas tree farms, pumpkin patches, and apple or fruit picking.

Sec. 35-280.4. *Development Standards.*

Agricultural sales shall comply with the following development standards.

1. If a building or structure is required for the sale of such products, the sale shall be conducted within an existing agricultural building or from a separate stand not exceeding 600 square feet of gross floor area and located no closer than 20 feet to the right of way line of any street.
2. The area devoted to retail sales of non-plant materials, if allowed, is limited to a single location no greater than 300 square feet in area. Product inventory related to the retail sales of non-plant materials may be stored separately and the area devoted to such storage

shall not be included within the 300 square feet provided the inventory storage area neither visible nor accessible to the public.

3. Structures which are not used for a period of one year shall be removed within the three months following the year of non-use.
4. Ingress and egress to the agricultural sales area shall be clearly visible, and turning movements into the premises from adjacent road rights-of-way shall not create congestion or cause unnecessary slowing at access points.
5. All parking areas, except for those associated with short-term, seasonal sales, shall be surfaced with a minimum of asphalt, concrete, brick or other masonry paving units, chip seal or crushed rock surface. Parking area associated with short-term, seasonal sales may be unimproved, however, any dust generation shall not be allowed to become a nuisance and shall be kept to a minimum through the periodic wetting of the surface. Parking shall not be allowed within any adjacent road rights-of-way or trail easements. Parking areas shall comply with the disabled access requirements of Title 24 of the California Code of Regulations as applicable.
6. All exterior lighting fixtures associated with the agricultural sales area shall be of a low intensity, low glare design and shall be shielded with full cut-off design and directed downward so that neither the lamp nor the related reflector interior surface is visible from any location off of the project site in order to prevent spill over onto adjacent lots under separate ownership. No exterior lighting shall be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction.
7. In addition to the development standards listed above, the following development standards shall also apply to agricultural sales on property located within the R-1, R-2, DR, PRD and CH zoning districts:
 - a. The lot upon which the agricultural sales occur shall consist of a minimum of two acres (gross).
 - b. If a building or structure is required for the sale of such products, the sale shall be conducted either within an existing accessory building or from a separate stand not to exceed 200 square feet of sales and storage area except that if the premises consist of five or more contiguous acres, such building shall not exceed 600 square feet.
 - c. Only one stand shall be allowed on the premises.
 - d. New structures shall be approved by the Board of Architectural Review.

- e. A building permit shall be obtained, if required.
- f. Signs advertising the sale of agricultural products shall conform to Section 35-16.2 of Article I of Chapter 35 of the Santa Barbara County Code.
- g. A minimum of two permanently maintained onsite parking spaces shall be provided, which shall not be located closer than 20 feet to the right-of-way line of any street.
- h. Prior to the issuance of a land use permit, a permit for the sale of agricultural products shall be obtained from the Department of Health Care Services pursuant to Title 17, California Administrative Code Section 13653.

Sec. 35-280.5. Noticing.

Notice of the pending decision of the Director on a development plan processed pursuant to Sec. 35-317.2.2 shall be provided pursuant to Sec. 35-326 (Noticing) except that the notice shall include a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to Planning and Development within the 10 calendar days following such notice. If a written request for a hearing is submitted to Planning and Development within the 10 calendar days following such notice the project shall be processed as a Development Plan under the jurisdiction of the Zoning Administrator.

SECTION 58:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-281, Trailer Use, to read as follows:

Sec. 35-281. Trailer Use.

Sec. 35-281.1 Limitation on Use.

Trailers shall only be used as ~~Except as otherwise~~ expressly permitted in this Sec. 35-281-, ~~in the Mobile Home Park (MHP) zone district,~~ Sec. 35-241 (Mobile Home Park), Sec. 35-315 (Conditional Use Permits) and in the provisions of the individual zone districts allowing mobile homes certified under the National ~~Manufactured~~ Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. §5401 *et seq.*); ~~no trailer shall be used for any purpose whatsoever.~~

Sec. 35-281.2. Temporary Use of Trailers other than for Habitation During Construction in all Zone Districts.

1. Purpose: In all zone districts, trailers which have been converted for use as construction offices, tool storage, or for particular work such as electrical shops, cabinet shops, and other similar uses and which are not used for human habitation during the night are permitted to be maintained on a building site during periods of erection of buildings thereon, provided:

- a. Building permits have been issued for the buildings.
- b. Trailers shall be promptly removed upon completion of construction.

2. Processing:

- a. Up to three ~~(3)~~ such converted trailers may be located on any one building site ~~may be permitted~~ without the requirement of a ~~Land Use Permit~~.
- b. ~~More than three (3) such trailers per building site, may be permitted pursuant to a Minor Conditional Use Permit under Sec. 35-315. and a Land Use Permit under Sec. 35-314., providing that:~~
 1. ~~The Zoning Administrator makes additional findings that the need for the trailers and a time frame for their removal has been clearly demonstrated;~~
and
 2. ~~The trailers are permitted for an initial period not to exceed two (2) years. Renewals for additional 2 year periods may be granted under the provisions of Section 35-172.7., Processing, provided that the request is filed prior to the expiration date of the previously approved permit for the same use.~~

More than three such converted trailers per building site may be permitted for an initial period not to exceed two years pursuant to the approval of a minor conditional use permit under Sec. 35-315 and the issuance of a land use permit under Sec. 35-314 provided that the Zoning Administrator also finds, in addition to the findings required under Sec. 35-315 (Conditional Use Permits), that the need for the trailers and a time frame for their removal has been clearly demonstrated. Renewals for additional two year periods may be granted by the approval of a new conditional use permit under Section 35-315 (Conditional Use Permits), provided that the request for renewal is filed prior to the expiration date of the previously approved conditional use permit for the same use.

Sec. 35-281.3. Temporary Watchman Use of Trailers during Construction in all Zone Districts.

In all zone districts, during periods of erection of buildings upon building sites, a trailer usable for or designed for human habitation may be maintained on such site for use as a watchman's quarters subject to the issuance of a ~~Land Use Permit~~ under Sec. 35-314., provided:

1. Building permits have been issued for the buildings.
2. Only one ~~(4)~~ such trailer shall be permitted on a site; and,
3. The trailer shall be promptly removed upon completion of construction or within one ~~(4)~~ year following the issuance of the land use permit, whichever is earlier.

Sec. 35-281.4. Temporary Watchman Use of Trailers in all Zone Districts.

In all zone districts, a trailer usable for or designed for human habitation may be permitted to be used as a watchman's quarters for a maximum of five ~~(5)~~ years subject to ~~issuance the~~ approval of a ~~Minor Conditional Use Permit~~ under Sec. 35-315; and the issuance of a Land Use Permit under Sec. 35-314., provided:

1. The trailer is accessory to a permanent building, structure, or use.
2. The permittee complies with the State Mobile Home Act, if applicable.
3. The trailer complies with setbacks and distances between buildings required for buildings or structures.
4. ~~The trailer, when added together with other dwelling units on the lot on which the trailer is located, does not exceed the number of dwellings permitted under the applicable zone district.~~

Sec. 35-281.5. Temporary Dwelling Use of Trailers during Construction of Residential Buildings in all Zone Districts.

In all zone districts, a trailer may be used for a single-family dwelling during construction of a residential building, subject to the issuance of a land use permit under Sec. 35-314, for a period of one ~~(4)~~ year or until ~~thirty (30)~~ days after ~~an occupancy permit is issued~~ the final building permit inspection has been completed by a the County Building Official or designee, or the building is occupied, whichever is earlier, ~~under a Land Use Permit under Sec. 35-169.,~~ provided:

1. Said one year period shall be reduced by any period during which the trailer has been illegally occupied at the site.
2. The building permit for the residential building has been issued ~~for the residential building~~ and the foundation inspection has been completed.

3. The permittee complies with the State Mobile Home Act, if applicable.
4. The trailer complies with the setbacks and distance between buildings required for buildings or structures.

A time extension for ~~the a~~ Land Use Permit issued ~~under~~ pursuant to this section may only be granted as a Minor Conditional Use Permit pursuant to Sec. 35-315: (Conditional Use Permits).

Sec. 35-281.6. Use of Trailers for Various Purposes in all Zone Districts.

~~In all zone districts, trailers may be permitted pursuant to a Minor Conditional Use Permit under Sec. 35-315, and a Land Use Permit under Sec. 35-314. Trailers may used for the following purposes in all zone districts subject to the approval of a minor conditional use permit under Sec. 35-315 and a land use permit under Sec. 35-314. All trailers permitted pursuant to this section, including their foundations, shall be promptly removed upon completion of construction of the permanent building or discontinuance of the authorized use. The decision-maker with jurisdiction over the conditional use permit may condition the project to require that a performance security, in a form acceptable to and approved by the County, be deposited with the County to guarantee the removal of the trailers and foundations in order to ensure compliance with the requirement.~~

1. Accessory to ~~a permanent~~ an existing building ~~already~~ on the same site for any use allowed under the provisions of the applicable zoning district and regulations of this Article subject to the following:
 - a. The Conditional Use Permit shall be valid for an initial period not to exceed two ~~(2)~~ years. The Conditional Use Permit may be renewed for additional two ~~(2)~~ year periods under the provisions of Sec. 35-315: (Conditional Use Permits) subject to the restrictions of this section, provided, however, that the request for the renewal is filed prior to the expiration date of the previously approved Conditional Use Permit, and
 - b. In no case shall the cumulative time period for the Conditional Use Permits and any renewals for the site exceed a maximum of six ~~(6)~~ years unless a finding ~~can be~~ is made that:
 - 1) A permanent building is under construction on the building site to house the use and replace the trailers(s), or

- 2) An ~~active~~ unexpired building permit has been issued for a permanent building to be constructed on the building site to house the use and to replace the trailers(s), or
 - 3) The construction of a permanent building on the building site to house the use and to replace the trailer(s) is authorized pursuant to a valid, unexpired, discretionary permit.
2. To house otherwise permitted branch offices of banks or savings and loan associations provided the branch office is licensed as a mobile branch office by the State or Federal Government and all district setbacks are complied with.
 3. ~~On permanently improved sites, which are isolated from trailer parks, open and available to a railroad, and within the railroad's right of way, provided such trailers are used to house exclusively employees of the railroad engaged full time in construction or maintenance of the railroad's right of way.~~
To exclusively house employees of a railroad engaged full-time in construction or maintenance of the railroad's right-of-way provided such trailers are located on permanently improved sites within the railroad's right-of-way that are isolated from trailer parks.
 4. To permit trailers as air quality monitoring stations, for a time period that is adequate to meet the specific air quality monitoring needs of the project, as recommended by the County Air Pollution Control District and determined to be appropriate by the ~~Zoning Administrator, and providing~~ decision-maker with jurisdiction over the project provided that the following ~~additional~~ findings are made in addition to the findings required under Sec. 35-315 (Conditional Use Permits):
 - a. That the stations are either required or approved by the County Air Pollution Control District;
 - b. That all zoning district setbacks are complied with; and
 - c. That the trailers are adequately screened by landscaping or other measures from public view.

~~All trailers permitted pursuant to this section, including their foundations, shall be promptly removed upon completion of construction of the permanent building or discontinuance of the authorized use. The Zoning Administrator may condition the project, and may require bonding or other performance security to ensure compliance with this requirement.~~

Sec. 35-218.7. Use of Trailers as Offices in Agricultural Districts.

In any agricultural zoning district, trailers may be permitted to be used ~~temporarily~~ primarily for the performance of duties imposed on the owner or lessee of the land in connection with the agricultural activities conducted thereon by federal, state, or county laws or regulations, for the following periods and under the following permits: Permits issued or approved pursuant to Sec. 35-281.7.2 or Sec. 35-281.7.3 below shall provide that any such trailers shall be removed from the lot within six months following the effective date of any rezoning of the lot on which the trailer is located to other than an agricultural zoning district.

1. For ~~less than thirty (30) days~~ or less without the requirement of a ~~Land Use Permit~~ .
2. For ~~more than thirty (30) days to but no more than one (1) year~~ with pursuant to the issuance of a Land Use Permit under Sec. 35-314.
3. For over one year pursuant to the approval of a Minor Conditional Use Permit under Sec. 35-315; and the issuance of a Land Use Permit under Sec. 35-314.

~~Any extension of the time limits set forth in this Section shall be subject to the approval of the Zoning Administrator.~~

~~Permits issued or approved under paragraph 2. and 3., above, shall provide that any such trailers shall be removed from the lot within six (6) months following the effective date of any rezoning of the lot on which the trailer is located to a zone district classification other than agriculture.~~

Sec. 35-281.8. Use of Trailers for Single-Family Dwellings for Full Time Farm Workers in All Zone Districts; Not Including Labor Camps

~~In all zone districts, pursuant to a Minor Conditional Use Permit under Sec. 35-315. and a Land Use Permit under Sec. 35-314., trailers may be used for a period not to exceed five (5) years as single family dwellings by workers (either employees or owners) engaged full time in agriculture on the farm or ranch on which the trailer will be located, provided:~~

Trailers may be used as single-family dwellings in all zoning districts for not to exceed four employees of the owner or lessee of the land engaged full time in agriculture on the farm or ranch upon which the trailer(s) is located pursuant to the approval of a minor conditional use permit under Sec. 35-315 and the issuance of a land use permit under Sec. 35-314 provided:

1. The permittee complies with the State Mobile Home Act.
2. The trailer(s) complies with the setbacks and distance between buildings required for buildings or structures.

3. The permittee can document the existing and proposed agricultural use of the property and demonstrates a need for such a trailer(s) additional dwellings to support such use.
4. The permittee provides proof of the full-time ~~nature of the workers~~ employment of the proposed resident(s) of the trailers. Such proof shall be to the satisfaction of Planning and Development in the form of any one or combination of the following:
 - a. Employer's income tax return.
 - b. Employee's pay receipts.
 - c. Employee's W-2 form.
 - d. Notarized contract between applicant and employee which delineates work to be performed and wages to be received.
 - e. Employer's DE-3.
 - f. Other option approved by Planning and Development.

Said proof of full-time employment of the employee(s) residing in the trailer(s) shall be also be provided (1) every five years beginning from the issuance of the land use permit for the farm employee trailer(s) or (2) if the occupancy of the trailer changes, upon the change in occupancy and every five years thereafter. Failure to provide said proof of full-time employment shall be cause for revocation of the minor conditional use permit and land use permit.
5. ~~The permits provide~~ Minor conditional use permits and land use permits approved or issued pursuant to this section shall contain a condition that requires that the trailer shall be removed from the premises within six (6) months following the discontinuance of use of the premises for agricultural purposes.
6. ~~Minor Conditional Use Permits granted pursuant to the regulations of this section may be renewed for additional five (5) year periods of time if application for renewal is made to the Planning and Development Department prior to the expiration of the Conditional Use Permit.~~

Sec. 35-281.9. Use of Trailers for Housing in Farm Labor Camps in the Agriculture II District.

In the AG-II district, trailers may be permitted to be used for housing persons engaged full time in agriculture on farms or ranches other than the one on which the trailer is located, pursuant to a Major Conditional Use Permit under Sec. 35-315. and a Land Use Permit under Sec. 35-314., provided the permit shall provide that any such trailer shall be removed from the

lot within six (6) months following the effective date of any rezoning of the lot on which the trailer is located to a zone district classification other than Agriculture II District.

In the AG-II zoning district, trailers may be used in farm labor camps, as defined in Sec. 35-209, and subject to the approval of a major conditional use permit pursuant to Sec. 35-315 (Conditional Use Permits) and the issuance of a land permit pursuant to Sec. 35-314 (Land Use Permits), for housing persons engaged full-time in agriculture on farms or ranches provided that the major conditional use permit and the land use permit include a condition that any such trailer(s) shall be removed from the lot within six months following the effective date of any rezoning of the lot on which the trailer(s) is located to a zoning district other than the AG-II zoning district.

Sec. 35-281.10. Storage of Trailers as an Accessory Use to a Residential Use.

The storage of trailers designed for or capable of human habitation or occupancy shall be classified as an accessory use to a residential use only if the trailer does not exceed eight (8) and one-half feet in width, 13 and one-half feet ~~6 inches~~ in height (as measured from the surface upon which the vehicle stands to the top of the roof of the trailer), and 40 feet in length. All such trailers shall be screened from view from abutting streets. Said trailers may be stored on property without the requirement for a land use permit.

Sec. 35-281.11. Temporary Use After Destruction of Dwelling.

If an occupied dwelling is destroyed by ~~an accident or natural disaster, such as fire, flood, earthquake, etc.~~ fire, flood, earthquake, arson, vandalism or other calamity beyond the control of the property owner, the Director or authorized staff may approve a temporary Land Use Permit may be issued for a 90 180-day period for emergency use of a trailer for a dwelling, provided 1) no trailer is illegally located on the lot, and 2) an application for a trailer has been filed under another subsection of this Sec. 35-281., Trailer Use.

Sec. 35-281.12. Temporary Sales Office.

In all residential zoning districts, a trailer may be used as a temporary sales office pursuant to the provisions of Sec. 35-283 (Temporary Uses).

SECTION 59:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-283, Carnivals, Circuses, etc., to read as follows:

Sec. 35-283. Carnivals, Circuses, etc. Temporary Uses.

~~A temporary Land Use Permit may be approved by the Director or duly authorized staff for carnivals, circuses, and similar activities, including, but not limited to, art and craft fairs, outdoor shooting galleries, menageries, merry go rounds, ferris wheels, shooting matches, turkey shoots, tent shows, trained animal shows, amusement parlors, penny arcades, prizefights, and wrestling matches, in any commercial or industrial district but in no other districts, upon written application and provided: 1) they do not continue for more than five (5) consecutive days, 2) that the Director or authorized staff inspects and approves the proposed site of the carnival or circus or other such activity, and 3) that the applicant comply with all provisions of the laws of the County of Santa Barbara including, but not limited to, the County Business License Ordinance and any conditions imposed pursuant to this Article or any other such ordinance. No permit shall be issued until the Supervisor of the Supervisorial District in which the use is proposed, or his designated representative, has been notified of the application. The Director shall have the right to impose reasonable conditions upon the operation of a carnival, circus, or other such activity in order to protect and preserve the public health, safety, or welfare.~~

Sec. 35-283.1 Purpose and Intent.

The purpose of this section is to provide permit regulations and processing requirements for temporary uses and developments. The intent is to give special consideration and apply conditions to such temporary uses and developments in order to prevent any adverse effects on surrounding properties.

Sec. 35-283.2 Applicability.

The provisions of this section shall apply to all temporary uses of property described within this section. Such uses shall also be subject to all the provisions set forth in Sec. 35-314 (Coastal Development Permits) and Sec. 35-315 (Conditional Use Permits), as applicable. However, this section shall not apply to any use of property that is regulated pursuant to Sec. 35-292j (Wineries) of this Article or Chapter 6, Amusements, of the Santa Barbara County Code.

Sec. 35-283.3 Processing.

No permits for temporary uses subject to the provisions of this Section shall be approved or issued except in conformance with the following requirements.

1. Exempt temporary uses: The following temporary uses of property, which may include the erection of temporary structures such as fences, booths, tents or the parking of trailers, are exempt from any permit requirements:

- a. Car washes. Car washes, located on commercially zoned property, and limited to two days each month at each location, for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious or service organizations directly engaged in civic or charitable efforts, on nonresidential properties.
 - b. Charitable functions. The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided:
 - 1) On property that is less than five acres in size, use of the subject property for such activities does not exceed five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
 - 2) On property that is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
 - c. Public assembly facilities. Events occurring in approved convention centers, meeting halls, theaters or other approved public assembly facilities where the event is consistent with the uses allowed in that facility pursuant to a development permit issued pursuant to this Article.
 - d. Public property. Events held at a County park or on other County-owned land when conducted with the approval of the County.
 - e. Similar temporary uses. Other temporary uses which, in the opinion of the Director of the Planning and Development Department, are similar to those identified in this section.
2. The following temporary uses of property, which may include the erection of temporary structures such as fences, booths, tents or the parking of trailers, require the issuance of a land use permit pursuant to Sec. 35-314:
- a. Car washes. Car washes, located on commercially zoned property, operating more than two days each month at each location, for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious or service organizations directly engaged in civic or charitable efforts.

- b. Charitable functions. The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, where:
- 1) The property is less than five acres in size, use of the subject property for such activities exceeds five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
 - 2) The property is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time exceeds 300.
- c. Dwellings. An existing structure may be used for dwelling purposes on a temporary basis during the construction on the same lot of a new principal dwelling provided:
- 1) An agreement is recorded by the property owner prior to the issuance of the required coastal development permit for the new principal dwelling specifying that said existing structure will be removed, converted or reconverted to a permitted accessory structure within 90 days following commencement of the occupancy of the newly constructed dwelling, and
 - 2) Said agreement shall include the granting of access to the property to Planning & Development as necessary to ensure the performance of said property owner's obligations set forth in said agreement.
- d. Seasonal sales lots. Seasonal temporary sales activities (e.g., Christmas trees, Halloween pumpkins, Thanksgiving materials, etc.) not subject to the regulations of Sec. 35-280 (Agricultural Sales) including temporary residence/security trailers, on non-residentially zoned land, or residentially zoned land utilized by an institution (e.g., church, school), provided they do not continue for more than 60 consecutive days.
- e. Other similar temporary activity. Any other similar activity conducted for a temporary period either outdoors, within temporary structures or within single-family residential zoning districts which, as determined by the Director, has the potential to result in an adverse effect on surrounding properties.
3. The following temporary uses of property, which may include the erection of temporary structures such as fences, booths, tents or the parking of trailers, require a minor

conditional use permit approved by the Zoning Administrator pursuant to Sec. 35-315 and the issuance of a land use permit pursuant to Sec. 35-314:

- a. Reception facilities that provide indoor or outdoor facilities on a commercial basis for receptions, parties, weddings or other similar gatherings.
 - b. Charitable functions. The noncommercial use of property for charitable functions, parties, receptions, weddings or other similar gatherings where the property is less than five acres in size provided the owner of the property receives no remuneration and the number of persons present at the event at any one time exceeds 300.
4. No conditional use permit shall be approved, nor shall any land use permit be issued, until the Supervisor of the Supervisorial District in which the use is proposed, or his or her designated representative, has been notified of the application.
 5. A land use permit requested pursuant to Sec. 35-283.3.2 shall be approved, approved with conditions, or denied within 30 days of submittal of a complete application for the land use permit.

Sec. 35-283.4 Development Standards.

Temporary uses permitted under Sec. 35-283.3 shall comply with the following development standards:

1. Temporary uses shall not continue for more than five consecutive days unless otherwise specified.
2. The applicant for the temporary use shall comply with all provisions of the laws of the County of Santa Barbara including, but not limited to, the County Business License Ordinance and any conditions imposed pursuant to this Article or any other such ordinance.
3. The decision-maker with jurisdiction over the proposed temporary use shall have the right to impose reasonable conditions upon the operation of the temporary use in order to protect and preserve the public health, safety, or welfare. Noncompliance with any conditions of approval of a temporary use permit shall constitute a violation of the zoning ordinance. Such conditions may include, but shall not be limited to:
 - a. Special setbacks and buffers.
 - b. Regulation of outdoor lighting.
 - c. Regulation of points of vehicular ingress and egress, the location of parking areas, and implementation of a parking plan. Said plan may include:

- 1) The requirement for a parking coordinator to be present at all times during any temporary event attended by 100 or more persons to manage and direct vehicular movement.
- 2) The use of dust control measures to keep dust generation to a minimum and to maintain the amount of dust leaving the site.
- 3) Appropriate signage place onsite directing visitors to and indicating the location of parking areas. Signs shall be placed prior to the commencement of each event.
- d. Regulation of noise, vibration, odors, etc.
- e. Regulation of the number, height and size of temporary structures, equipment and signs.
- f. Limitation on the hours and days of operation of the proposed temporary use.
- g. If special sales are involved, limitations on the location where sales may occur, the number of vendors and the scope of goods sold.
- h. Obtaining all the appropriate Public Health Department permits and authorizations if food sales are involved,.
- i. If necessary, review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district.
- j. Obtaining a County business license if necessary.
4. All temporary electrical facilities, temporary toilet and plumbing facilities, and temporary shelters or structures shall be approved by the Building and Safety Division of Planning and Development and the County Fire Department or fire protection district.
5. The area used as a temporary event shall be left in a clean and orderly manner with all structures, signs, and other material removed within three days following the cessation of the event.

Sec. 35-283.5 Additional Findings.

In addition to the findings required to be adopted by the decision-maker pursuant to Sections 35-314 (Land Use Permits) and 35-315 (Conditional Use Permits), in order to approve an application for a temporary use, the decision-maker shall also make the following findings:

1. That the site is adequate in size and shape to accommodate the proposed temporary use.

2. That the proposed temporary use would not adversely interfere with existing uses on the subject property, and would not impede or adversely impact pedestrian access ways or vehicular circulation patterns.

Sec. 35-283.6 Noticing.

1. Notice of a land use permit approved pursuant to Sec. 35-283.3.2 shall be provided in accordance with Sec. 35-326 (Noticing). In addition, a copy of the approved land use permit shall be mailed, at least 10 calendar days prior to the date on which the land use permit is to be issued, to owners of property located within 300 feet of the exterior boundaries of the lot that temporary use is located on and to any person who has filed a written request with the Planning and Development Department.
2. Notice of projects that require a conditional use permit shall be provided in a manner consistent with the requirements of Sec. 35-326 (Noticing).

Sec. 35-283.7 Appeals.

1. Notwithstanding the provisions of Sec. 35-327.2 (Appeals to the Planning Commission), the approval, approval with conditions, or denial of a Land Use Permit for a temporary use listed in Sec. 35-283.3.2 may be appealed to the Zoning Administrator by the applicant or any interested person adversely affected by such decision. The appeal, which shall be in writing, and the accompanying fee, must be filed with the Planning and Development Department within 10 calendar days following of the date of the decision of the Planning and Development Department. The Zoning Administrator shall hold a hearing on the appeal no later than 12 hours prior to the time the event is scheduled to commence and will render a decision as soon as practicable and in no case later that the time the temporary use is scheduled to commence. The decision of the Zoning Administrator shall be final. Notwithstanding the provisions of Sec. 35-326 (Noticing), mailed and published notice is not required to be given of said hearing, however, the date, time and location of the review shall be provided to the applicant, appellant, and any interested person who has filed a written request with the Planning and Development Department for notice of approved permits on the subject lot.
2. The approval, approval with conditions, or denial of a conditional use permit for a temporary use listed in Sec. 35-283.3.3 may be appealed to the Board of Supervisors in accordance with the provisions of Sec. 35-327.3 (Appeals to the Board of Supervisors).

Sec. 35-283.8 Contents of an Application.

Application for a temporary use shall be made on forms provided by the County and shall include such plans and other information as may reasonably be required by the Director of the Planning & Development Department for a complete understanding of the proposed temporary use, accompanied by an application fee as established by resolution of the Board of Supervisors.

SECTION 60:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-291.4 of Section 35-291, Residential Second Units, to read as follows:

Sec. 35-291.4. Exclusion Areas.

1. Because of the adverse impact on the public health, safety, and welfare, residential second units shall not be permitted in Special Problems Areas designated by the Board of Supervisors except as provided in Sec. 35-291.4.2 ~~and~~ or Sec. 35-291.4.3 below based upon the finding that Special Problems Areas by definition are areas having present or anticipated flooding, drainage, grading, soils, geology, road width, access, sewage disposal, water supply, location or elevation problems.
2. A residential second unit may be approved within a designated Special Problems Area where Planning and Development can make all of the following findings:
 - a. The project application involves two contiguous legal lots under one ownership, at least one of which is vacant.
 - b. The owner has submitted an offer to dedicate a covenant of easement pursuant to Article VII of Chapter 35 of the County Code over the vacant lot for so long as a residential second unit is maintained on the developed lot.
 - c. The vacant lot is determined to be residentially developable pursuant to the following criteria:
 - 1) The lot was legally created, it is not a fraction lot, and the documents reflecting its creation do not preclude the lot from being used for residential purposes or designate the lot for a non-residential purpose including but not limited to well sites, reservoirs and roads.
 - 2) The lot has adequate water resources to serve the estimated interior and exterior needs for residential development as evidenced by a) a letter of

service from the appropriate district or company that documents that adequate water service is available to the lot and that such service is in compliance with the Company's Domestic Water Supply Permit or b) the owner demonstrates that the lot could be served by an on-site or off-site well or shared water system that meets the applicable water well requirements of the Environmental Health Services Division of the Public Health Department.

- 3) The lot a) is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district or b) the lot can be served by an individual sewage disposal system that meets all septic system requirements of the Environmental Health Services Division of the Public Health Department.
 - 4) The lot a) is currently served by an existing private road that meets all applicable fire agency roadway standards that connects to a public road or right-of-way easement or b) can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.
 - 5) The Special Problems Committee has reviewed the lot and has determined that the site conditions would not cause the Committee to ~~deny~~ recommend denial of development of the site for residential purposes.
3. Planning and Development may approve a residential second unit within a designated Special Problems Area where all of the development standards in Section 35-470.6 can be met and the project has been reviewed ~~and recommended~~ by the Special Problems Committee.

SECTION 61:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-291.6.7 of Section 35-291, Residential Second Unit, to read as follows:

7. ~~A residential second unit shall not exceed a mean height of 16 feet except when the portion of an attached residential second unit that would exceed a mean height of 16 feet would be wholly contained within the existing principle dwelling. A detached residential~~

~~second unit may be permitted as part of another detached structure provided that the building height of the entire structure shall not exceed 25 feet.~~

Height limit:

- a. An attached residential second unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the residential second 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 residential second unit. An exception to this height limit may be granted when the portion of a proposed residential second unit that would exceed this height limit is wholly contained within an existing structure.
- b. A detached residential second unit that is not connected by any means to another structure shall not exceed a building height of 16 feet. A detached residential second unit connected to a detached accessory structure may be permitted provided:
 - i) The height of the residential second unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the residential second 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 residential second unit, and
 - ii) The height of the entire structure does not exceed 25 feet.

SECTION 62:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-291.6.8 of Section 35-291, Residential Second Unit, to read as follows:

8. ~~A residential second unit shall have a separate entrance. The entrance to the residential second unit shall not face an abutting street unless the entrance is structurally shielded so as not to be apparent when viewed from the abutting street unless this prohibits construction of the second unit in which the front door may be visible from the abutting street.~~

An attached residential second unit shall have a separate entrance. Any entrance to an attached residential second unit shall be structurally shielded so that the entrance is not visible when viewed from any street abutting the lot that the residential second unit is located on. This standard may be waived by the Director of Planning and Development if it would prohibit the construction of an attached residential second unit on the lot.

SECTION 63:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-291.6.22 of Section 35-291, Residential Second Unit, to read as follows:

22. ~~In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, a detached residential second unit shall not be located closer to the principal abutting street than the principal dwelling unless other provisions of this Article, such as setback requirements, prohibit construction of the second unit in the rear of the lot on parcels one acre or less in size.~~

A detached residential second unit proposed on a lot of one acre or less in gross lot area located within a residential zoning district shall not be located closer to the principal abutting street than the principal dwelling unless (a) the detached residential second unit is to be located in a permitted structure existing on July 1, 2003 and no exterior alterations are proposed, or (b) other provisions of this Article, such as setback requirements, prohibit construction of the second unit further from the principal abutting street than the principal dwelling.

SECTION 64:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-291.6.23 of Section 35-291, Residential Second Unit, to read as follows:

23. ~~In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, the exterior appearance and architectural style of the residential second unit shall reflect that of the principal dwelling, and shall use the same exterior materials, roof~~

~~covering, colors and design for trim, windows, roof pitch and other exterior physical features on parcels one acre or less in size.~~

A detached residential second unit proposed on a lot of one acre or less in gross lot area located within a residential zoning district shall reflect the exterior appearance and architectural style of the principal dwelling and shall use the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features unless the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed.

SECTION 65:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-291.7.1 of Section 35-291, Residential Second Unit, to read as follows:

1. Notice of ~~an~~ approved or conditionally approved Land Use Permit for ~~an~~ attached residential second units, ~~or a~~ and detached residential second units ~~not~~ located in ~~an AG-I zone~~ a residential zoning district, shall be given consistent with Sec. 35-326.3 (Land Use Permit Noticing). In addition, a copy of the approved Land Use Permit shall be mailed, at least ten calendar days prior to the date on which the Land Use Permit is to be issued, to property owners within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to receive notice with Planning and Development. The notice shall state that the grounds for appeal are limited to the demonstration that the project for which the Land Use Permit was approved or conditionally approved is inconsistent with the development standards contained in Sec. 35-291.6.

SECTION 66:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-292i.3 of Section 35-292i, Non-commercial Telecommunication Facilities, to read as follows:

Sec. 35-292i.3. Processing.

No permits for development subject to the provisions of this section shall be approved or issued except in conformance with the following requirements:

1. The following development requires the approval and issuance of a Land Use Permit pursuant to Sec. 35-314:
 - a. Ground or roof-mounted receive-only satellite dish antennas or wireless television antennas over one meter in diameter but not greater than two meters in diameter that are used solely for the non-commercial, private reception of telecommunication signals (e.g., radio, television) are allowed in all zone districts.
 - b. Amateur radio antennas used in connection with licensed amateur radio stations, including Military Affiliated Radio Stations, operated principally by the occupant of the property where the facility is located are allowed in all zone districts provided:
 - 1) The height of the antenna including the support structure does not exceed 65 feet, and
 - 2) The development standards set forth in Sec. 35-292i.4. are complied with. In the situation where the height of the antenna including the support structure is adjustable (e.g., a retractable, telescoping or tilt-over antenna), the height of the antenna with support structure shall be measured when it is at the lowest position, and further provided that the antenna with support structure is maintained at the lowest position unless the associated amateur radio station is operating. Any antenna or antenna support structure installed without the necessary permits prior to June 6, 2002 shall not be considered a zoning violation provided any necessary permit for the antenna support structure and antenna installation are obtained within one year from June 6, 2002.
2. The following development requires a Development Plan approved by the Director of Planning and Development pursuant to Sec. 35-317 and the approval and issuance of a Land Use Permit pursuant to Sec. 35-314:
 - a. A ground or roof-mounted receive-only satellite dish antenna and wireless television antenna greater than two meters in diameter that is used solely for the non-commercial, private reception of communication signals (e.g., radio, television) is allowed in all zone districts.
 - b. Amateur radio antennas used in connection with licensed amateur radio stations, including Military Affiliated Radio Stations, operated principally by the occupant

of the property where the facility is located are allowed in all zone districts where the height of the antenna and associated support structure exceeds 65 feet provided the development standards set forth in Sec. 35-292i.4. are complied with. In the situation where the height of the antenna including the support structure is adjustable (e.g., a retractable, telescoping or tilt-over antenna), the height of the antenna with support structure shall be measured when it is at the lowest position, and further provided that the antenna with support structure is maintained at the lowest position unless the associated amateur radio station is operating. ~~Any antenna or antenna support structure installed without the necessary permits prior to June 6, 2002 shall not be considered a zoning violation provided any necessary permit for the antenna support structure and antenna installation are obtained within one year from June 6, 2002.~~

SECTION 67:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to add a new Section 35-292k. Wildlife Species Rehabilitation, to read as follows:

Sec. 35-292k. Wildlife Species Rehabilitation.

1. Purpose and intent: The purpose of this section is to provide for the rehabilitation of wildlife species commonly occurring within Santa Barbara County and to establish development standards for wildlife species rehabilitation. The intent of this section is to ensure their compatibility with surrounding land uses in order to minimize potential adverse effects on adjoining property, the neighborhood and persons in the vicinity from the improper management of animals.
2. Applicability: The rehabilitation of wildlife species, including the construction of structures accessory thereto, may be allowed in all zoning districts subject to the following requirements. This section does not apply to pet stores, animal clinics, animal hospitals and veterinarian offices.
3. Permit Requirements: No permit is required for the provision of nursing care to sick or injured wildlife prior to returning them to the wild except as follows:

- a. Permits may be required by other provisions of this Article, e.g., for structures used to enclose or house animals, and by other chapters of the Santa Barbara County Code.
4. Development standards: All wildlife species rehabilitation facilities shall comply with the following development standards.
 - a. On any lot having a residential zone classification, no stable, barn or other enclosure for large animals shall be located on a lot having a gross area of less than 20,000 square feet. No portion of a stable, barn or other enclosure for large animals shall be located closer than:
 - 1) 40 feet to any dwelling located on another lot.
 - 2) 70 feet to any street centerline and 20 feet to any right-of-way line.
 - 3) 15 feet from rear property lines.
 - 4) 10 feet from side property lines.
 - 5) 10 feet from the property lines of an interior lot.
 - b. Odor and vector control: All animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Sites shall be maintained in a neat and sanitary manner.
 - c. Storage and disposal of animal waste: All animal waste generated by the wildlife species rehabilitation facility shall be removed and stored or disposed of to prevent unsanitary conditions and breeding of flies.
 - d. The wildlife species rehabilitation shall be conducted in a manner that is not injurious to the health, safety, or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the County Public Health Department. If the Director determines that the wildlife species rehabilitation is injurious to the health, safety, or welfare of the neighborhood and/or does create offensive noise or odor, the Director may order the cessation of such wildlife species rehabilitation activities. This decision of the Director may be appealed to the Planning Commission as provided in Sec. 35-327.2 (Appeals – Planning Commission).

SECTION 68:

DIVISION 9, NONCONFORMING STRUCTURES AND USES, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-306.1 of Section 35-306, Nonconforming Use of Land, Buildings, and Structures, to read as follows:

1. Structural Change. Except as otherwise provided in this Article, including seismic retrofitting as defined in Section 35-209 and in accordance with Section 35-314.2.t and the rehabilitation of structures used as residences as defined in Sec. 35-352.3, no existing building or structure devoted to a nonconforming use under this Article shall be enlarged, extended, reconstructed, moved, or structurally altered unless such use is changed to a use permitted in the district in which it is located. No building or structure accessory to a nonconforming use under this Article shall be erected, enlarged, or extended unless such building or structure is also accessory to a conforming use.
 - a. Exceptions: Existing structures devoted to a nonconforming use may be enlarged, extended, reconstructed, moved, and/or structurally altered, subject to the following criteria:
 - i. The structure has been declared to be a historical landmark pursuant to a resolution of the Board of Supervisors may be structurally altered provided that the County Historical Landmarks Advisory Commission has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term and has reviewed and approved the proposed structural alterations.

SECTION 69:

DIVISION 9, NONCONFORMING STRUCTURES AND USES, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-307.1 of Section 35-307, Nonconforming Buildings and Structures, to read as follows:

1. Structural Change, Extension, or Expansion. A nonconforming structure may be enlarged, extended, moved, or structurally altered provided that any such extension, enlargement, etc., complies with the setback, height, lot coverage, and other requirements of this Article except as provided in Sec. 35-352.4. Seismic retrofits, as defined in Section 35-209 and pursuant to Section 35-314.2.t, are allowed throughout the conforming and nonconforming portions of the structure or building. No living quarters

may be extended into an accessory building located in the required front, side, or rear yards by such addition or enlargement.

- a. Exceptions: A nonconforming structure may be enlarged, extended, reconstructed, moved, and/or structurally altered, subject to the following criteria:
- i. The structure has been declared to be a historical landmark pursuant to a resolution of the Board of Supervisors may be structurally altered provided that the County Historical Landmarks Advisory Commission has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term and has reviewed and approved the proposed structural alterations.

SECTION 70:

DIVISION 10, PERMIT PROCEDURES, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-314.2.1.b of Section 35-314, Land Use Permits, to read as follows:

- b. ~~Fences and walls of six feet or less and gateposts of eight (8) feet or less in height located within front yard setback areas. Fences and walls of eight (8) feet or less in height and gate posts of ten (10) feet in height located outside of front yard setback areas and not closer than twenty (20) feet to the right of way line of any street.~~ Fences, walls, gates and gateposts pursuant to Sec. 35-272 (Fences, Walls, Gates and Gateposts).

SECTION 71:

DIVISION 10, PERMIT PROCEDURES, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-314.2.3 of Section 35-314, Land Use Permits, to read as follows:

3. ~~For buildings and structures, not including agricultural reservoirs, that do not otherwise require a discretionary permit and are 20,000 or more square feet in size or are attached or detached additions that when together with existing buildings and structures total 20,000 square feet or more, a Development Plan as provided in Sec. 35-317. (Development Plans) shall be required prior to the approval of any Land Use Permit.~~

The approval of a development plan as provided in Sec. 35-317 (Development Plans) shall be required prior to the approval of any land use permit for a structure that is not otherwise required to have a discretionary permit 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 lot will total 20,000 square feet or more of gross floor area.

SECTION 72:

DIVISION 10, PERMIT PROCEDURES, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-315.4 of Section 35-315, Conditional Use Permits, to read as follows:

Sec. 35-315.4. Minor Conditional Use Permits.

The following uses may be permitted in any zone district in which they are not otherwise permitted with a Minor Conditional Use Permit, provided the Zoning Administrator can make the findings set forth in Section 35-315.8. (Findings).

1. Buildings, structures, facilities and uses of a public works, utilities or private service nature, except airports, including, but not limited to, the following:
 - a. Unless otherwise provided for in specific districts' regulations, reservoirs that are 50,000 square feet or more of total development.
 - b. Water production, storage, and treatment systems and distribution lines, including but not limited to, shared water systems, community water systems, water treatment plants, water package plants and appurtenant fixtures and structures associated with water wells and water storage tanks, proposed to serve more than one domestic, commercial, industrial or recreational connection in the RR, R-1/E-1, R-2, and EX-1 districts and more than five connections in all other zone districts.
 - c. Commercial water trucking facilities involving extraction and storage operations in the RR, R-1/E-1, R-2, EX-1, DR, PRD, SLP, MHP and MHS zoning districts.
 - d. Septic tanks or dry wells on all lots in designated Special Problems Areas for sewage disposal.
 - e. Experimental waste disposal systems such as, mound or evapo-transpiration systems.

- f. Electrical substations subject to the performance standards and district requirements of the Public works, Utilities and Private Services Facilities District, Sec. 35-238, excluding major electric transmission substations.
 - g. Private flood control projects of more than 21,000 square feet of total development area.
2. ~~Fences and walls over six (6) feet in height when located within the front yard setback or when located within the side yard setback and closer than twenty (20) feet to the right of way of any street. Within areas of the side yard setback that are more than twenty (20) feet from the right of way of any street or within the rear yard setback, fences and walls of more than eight (8) feet and gateposts of more than ten (10) feet in height.~~
Fences, walls, gates and gateposts pursuant to Sec. 35-272 (Fences, Walls, Gates and Gateposts).
3. Communication facilities, as specified in and governed by Section 35-292h.
4. ~~Sale of Agricultural products grown on the premises, subject to the additional requirements set forth in Section 35-315.12.~~
54. Special care homes, except as provided in Section 35-292a.4.
65. Wind turbines and wind energy systems subject to the provisions of Section 35-300. (Energy Facilities).
76. Animals, use of property for animals different in kind or greater in number than otherwise permitted in this Article, except as provided in Sec. 35-292k (Wildlife Species Rehabilitation).
87. Child care facilities, as defined in Section 35-209, Definitions.
98. Uses, buildings, and structures accessory and customarily incidental to the above uses

SECTION 73:

DIVISION 10, PERMIT PROCEDURES, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-315.6.2 of Section 35-315, Conditional Use Permits, to read as follows:

2. 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. Notwithstanding the requirements of Sec. 35-292d (General Regulations – Applications That Are Within The Jurisdiction Of More Than One

Final Decision Maker) and Sec. 35-317 (Development Plans), if the conditional use permit would be under the jurisdiction of the Zoning Administrator, then the development plan shall also be under the jurisdiction of the Zoning Administrator provided:

- a. The use of the site proposed to be allowed by the 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.

SECTION 74:

DIVISION 10, PERMIT PROCEDURES, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to delete Section 35-315.13.4, and renumber Section 35-315.13.5 as Section 35-315.13.4, of Section 35-315, Conditional Use Permits.

SECTION 75:

DIVISION 10, PERMIT PROCEDURES, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-317.2 of Section 35-172, Development Plans, to read as follows:

Sec. 35-174.2. Applicability.

1. No permit shall be issued for any development, including grading, for any property subject to the provisions of this section until a Preliminary and/or Final Development Plan has been approved as provided below.
2. The following shall be under the jurisdiction of the Director and shall be processed as set forth herein:
 - a) In the Highway Commercial (CH), Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Industrial Research Park (M-RP), Light Industry (M-1), General Industry (M-2), Shopping Center Commercial (SC), Service Industrial Goleta (M-S-GOL), and Professional and Institutional (PI) zoning districts, Preliminary and Final Development Plans for buildings and structures which do not exceed a total of 10,000 square feet when combined with all outdoor areas designated for sales or storage and existing buildings and structures on the site.

- b) ~~Where a project was legally developed without an effective Development Plan and is considered nonconforming due to the absence of a Development Plan, a Final Development Plan may be processed for such “as built” development.~~
In all zone districts, Final Development Plans for projects that were legally permitted and developed without an effective Development Plan where the project is now considered nonconforming due to the absence of a Development Plan provided that no revisions to the existing development are proposed in connection with the Final Development Plan application. If revisions to the existing development are proposed, then the application shall be processed as if it were an application for a new project and the jurisdiction shall be determined pursuant to Sec. 35-317.2.
- c) Communication facilities as specified in Sec. 35-292h.

SECTION 76:

DIVISION 11, ADMINISTRATION, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-330.6 of Section 35-330, Enforcement, Legal Procedures, and Penalties, to read as follows:

Sec. 35-330.6. Recovery of Costs.

1. Purpose and Intent.

This section establishes procedures for the recovery of administrative costs, ~~including staff time~~ expended on the enforcement of the provisions of this Article ~~in cases where no permit is required in order to cure a violation.~~ The intent of this section is to recoup administrative costs reasonably related to enforcement.

2. Definitions.

For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them herein.

Owner: The record owner or any person having possession and control of the subject property;

Costs: Administrative costs, including staff time expended and reasonably related to enforcement for items including site inspections, summaries, reports, telephone contacts, correspondence with the owner and any concerned citizens or officials, and related travel time.

3. The Planning and Development Department shall maintain records of all ~~administrative~~ costs, incurred by responsible County Departments, associated with the processing of violations and enforcement of this Article and shall recover such costs from the property owner as provided herein. Staff time shall be calculated at an hourly rate as established and revised from time to time by the Board of Supervisors.

4. Notice.

Upon investigation and a determination that a violation of any of the provisions of this Article is found to exist, the Director, or any person within the department authorized by the Director, shall notify the record owner or any person having possession or control of the subject property by mail of the existence of the violation, the Department's intent to charge the property owner for all ~~administrative~~ costs associated with enforcement, and of the owner's right to a hearing on objections thereto. The notice shall be in substantially the following form:

NOTICE

The Department of Planning and Development has determined that conditions exist at the property at _____ which violate Section _____ of the County Code, to wit:

(description of violation)

Notice is hereby given that at the conclusion of this case you will receive a summary of ~~administrative~~ costs associated with the processing of this violation, at an hourly rate as established and adjusted from time to time by the Board of Supervisors. The hourly rate presently in effect is \$ _____ per hour of staff time.

You will have the right to object to these charges by filing a Request for Hearing with the Department of Planning and Development within ~~ten~~(10) days of service of the summary of charges, pursuant to Section 35-330.6.6.

Additionally, where a permit(s) is obtained to legalize this violation, you will be subject to a penalty fee, equal to all applicable permit fees, but not to exceed \$2,000.00.

5. At the conclusion of the case, the Director shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the subject property by certified mail. Said summary shall include a notice in substantially the following form:

NOTICE

If you object to these charges you must file a Request for Hearing on the enclosed form within ~~ten~~(10) days of the date of this notice.

If you fail to timely request a hearing, your right to object will be waived and you will be liable to the County for these charges, to be recovered in a civil action in the name of the County, in any court of competent jurisdiction within the County, or by recording a lien against the property that is the subject of the enforcement activity.

If after a hearing the Director affirms the validity of the costs, you will be liable to the County in the amount stated in the summary or any lesser amount as determined by the Director. These costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the County, or by recording a lien against the property that is the subject of the enforcement activity. The amount of the lien may be collected at the same time and in the same manner as property taxes are collected.

The decision of the Director may be appealed to the Santa Barbara County Board of Supervisors pursuant to Sec. 35-327.3 of Chapter 35 of the County Code.

~~In the event that (a) no Request for Hearing is timely filed or, (b) after a hearing the Director affirms the validity of the costs, the property owner or person in control and possession shall be liable to the County in the amount stated in the summary or any lesser amount as determined by the Director. These costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the County.~~

6. Any property owner, or other person having possession and control thereof, who receives a summary of costs under this section shall have the right to a hearing before the Director on his objections to the proposed costs in accordance with the procedures set forth herein.
 - a. A request for hearing shall be filed with the department within ~~ten (10)~~ days of the service by mail of the Department's summary of costs, on a form provided by the Department.
 - b. Within ~~thirty (30)~~ days of the filing of the request, and on ~~ten (10)~~ days written notice to the owner, the Director shall hold a hearing on the owner's objections, and determine the validity thereof.
 - c. In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include, but are not limited to, the following: Whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; the degree of cooperation provided by the owner; whether reasonable minds can differ as to whether a violation exists.
 - d. The Director's decision ~~shall be appealable~~ may be appealed to the Board of Supervisors pursuant to § Sec. 35-327.3.
7. In the event that a request for hearing by the Director is not filed in a timely manner, or that after a hearing the Director affirms the validity of the costs and an appeal to the Board of Supervisors is not filed in a timely manner, the property owner or person in control and possession shall be liable to the County in the amount stated in the summary or any lesser amount as determined by the Director. If the costs have not been paid within 45 days of notice thereof, these costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the County, or by recording a lien against the property that is the subject of the enforcement activity.
 - a. Except for liens recorded against a property (1) containing an owner-occupied residential dwelling unit or (2) to recover costs associated with an enforcement, abatement, correction, or inspection activity regarding a violation in which the violation was evident on the plans that received a building permit, the amount of the proposed lien may be collected at the same time and in the same manner as property taxes are collected. All laws applicable to the levy, collection, and enforcement of ad valorem taxes shall be applicable to the proposed lien, except

that if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of taxes would become delinquent, then the lien that would otherwise be imposed by this section shall not attach to real property and the costs of enforcement relating to the property shall be transferred to the unsecured roll for collection.

- b. The amount of any cost shall not exceed the actual cost incurred performing the inspections and enforcement activity; the actual cost may include permit fees, fines, late charges, and interest.
8. The owner of the property that is the subject of the enforcement activity shall be provided with written notice of the proposed lien, including a description of the basis for the costs comprising the lien, a minimum of 45 days after notice to pay the costs. The notice shall also inform the owner of the ability to appeal the imposition of the proposed lien to the Board of Supervisors regarding the amount of the proposed lien. The notice shall be mailed by certified mail to the last known address of the owner of the property.
9. The Board of Supervisors may delegate the holding of the hearing required by Sec. 35-330.6.8 to a hearing board designated by the Board of Supervisors. The hearing board may be the housing appeals board established pursuant to Section 17920.5 of the Health and Safety Code or any other body designated by the Board of Supervisors. The hearing board or body shall make a written recommendation to the Board of Supervisors which shall include factual findings based on evidence introduced at the hearing. The Board of Supervisors may adopt the recommendation without further notice of hearing, or may set the matter for a de novo hearing before the Board of Supervisors. Notice in writing of the de novo hearing shall be provided to the owner of the property that is the subject of the enforcement activity at least 10 days in advance of the scheduled hearing.
10. If the Board of Supervisors determines that the proposed lien authorized pursuant to subdivision (a) shall become a lien, the body may also cause a notice of lien to be recorded. This lien shall attach upon recordation in the office of the county recorder of the County of Santa Barbara and shall have the same force, priority, and effect as a judgment lien, not a tax lien. The notice shall, at a minimum, identify the record owner or possessor of the property, set forth the last known address of the record owner or possessor, set forth the

date upon which the lien was created against the property, and include a description of the real property subject to the lien and the amount of the lien.

SECTION 77:

Except as amended by this Ordinance, Divisions 1, 2, 4, 5, 7, 9, 10 and 11 of Article III of Chapter 35 of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

SECTION 78:

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, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of December, 2004, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

JOSEPH CENTENO
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel