

## MLUDC ORDINANCE AMENDMENT

### ORDINANCE NO. 5121

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, TO EXTEND THE TIME PERIOD FOR REGULATIONS REGARDING THE TEMPORARY SUSPENSION OF COMPLIANCE WITH CERTAIN REQUIREMENTS OF APPROVED PERMITS AND NONCONFORMING USES TO SUPPORT A RE-OPENING OF SANTA BARBARA COUNTY IN A MANNER THAT PROTECTS PUBLIC HEALTH AND EFFECTIVELY LIMITS THE SPREAD OF COVID-19 AND PROVIDE FOR TIME EXTENSIONS DUE TO HARDSHIPS RELATED TO COVID-19 BY AMENDING: DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES; AND DIVISION 35.9, MONTECITO LAND USE AND DEVELOPMENT CODE ADMINISTRATION.

Case No. 20ORD-00000-00008

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

#### **SECTION 1:**

DIVISION 35.7, Montecito Planning Permit Procedures, of the MLUDC, is hereby amended to revise Subsection (2), of Subsection b, of Subsection 7, Time extensions due to hardship related to COVID-19, of Subsection D. Processing, of Section 35.474.030, Time Extensions, of Chapter 35.474, Post Approval Procedures, to read as follows:

- (2) The application shall be filed prior to the expiration of the planning permit that is the subject of the Time Extension request and before the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated, or when the COVID-19 provisions (Sections 35.474.030.D.7, 35.474.040.A.1, 35.474.040.F, 35.491.020.B.4, and 35.498.090.C) are terminated earlier by ordinance amendment.

#### **SECTION 2:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of the MLUDC, is hereby amended to revise Subsection a., Temporary time period, of Subsection 4 of Subsection B, Expansion or extension, of Section 35.491.020, Nonconforming Uses of Land and Structures, of Chapter 35.491, Nonconforming Uses, Structures, and Lots, to read as follows:

- a. **Temporary time period.** This provision shall take effect on June 16, 2020 and expire the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions (Sections 35.474.030.D.7, 35.474.040.A.1, 35.474.040.F, 35.491.020.B.4, and 35.498.090.C) are terminated by ordinance amendment.

#### **SECTION 3:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of the MLUDC, is hereby amended to revise Subsection 1, Temporary time period, of Subsection C, Temporary suspension of compliance in order

to protect public health, of Section 35.498.090, Penalty for Violation of Conditions, of Chapter 35.498, Enforcement and Penalties, to read as follows:

1. **Temporary time period.** Subsections 35.474.030.D.7, 35.474.040.F, 35.491.020.B.4, and 35.498.090.C (ordinance amendments related to COVID-19) shall take effect on June 16, 2020 and expire the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions (Sections 35.474.030.D.7, 35.474.040.A.1, 35.474.040.F, 35.491.020.B.4, and 35.498.090.C) are terminated by ordinance amendment.
  - a. The expiration date of these temporary amendments may be extended or revised by the Board of Supervisors by adoption of future ordinance amendments. Unless otherwise extended or amended by the Board, upon expiration this ordinance, shall be repealed and shall be of no further force or effect.

**SECTION 4:**

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

**SECTION 5:**

Except as amended by this Ordinance, the MLUDC shall remain unchanged and shall continue in full force and effect.

**SECTION 6:**

This ordinance shall take effect and be in full force 30 days from the date of its passage and shall remain in effect and operative until the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions are terminated by ordinance amendment. Before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara. Unless otherwise extended or amended by the Board, upon expiration this ordinance, it shall be repealed and shall be of no further force or effect.

**SECTION 7:**

Public health restrictions related to COVID-19 are subject to rapid change. Even if the Board of Supervisors adopts this Ordinance, the Board of Supervisors retains all of its statutory planning and zoning authority. For example, the Board of Supervisors may still take action(s) later to change or remove the temporary suspension and may do so without the temporary changes to a project receiving: 1) an amortization period prior to removal; and/or 2) legal nonconforming use status.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 10<sup>th</sup> day of November, 2020, by the following vote:

AYES: Supervisors Williams, Hart, Hartmann, Adam and Lavagnino

NOES: NONE

ABSTAINED: NONE

ABSENT:

  
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GREGG HART, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

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

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By:   
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Deputy County Counsel