

ATTACHMENT E: ARTICLE IV DRAFT ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE IV, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 4, ZONING DISTRICTS, DIVISION 7, GENERAL REGULATIONS, DIVISION 8, NONCONFORMING STRUCTURES AND USES, DIVISION 9, PERMIT PROCEDURES; AND DIVISION 10, ADMINISTRATION.

Case No. 04ORD-00000-00023

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

SECTION 1:

DIVISION 2, DEFINITIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend the existing definitions of 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, Nonconforming Lot, Nonconforming Structure, Nonconforming Use, Setback, Yard, Yard, Front, Yard, Rear, Yard, Side, Zoning Administrator, to read as follows:

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 —~~COTTAGE~~: ~~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 land use 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 2:

DIVISION 2, DEFINITIONS, of Article IV 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, 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.

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 3:

DIVISION 4, ZONING DISTRICTS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-419.3 of Section 35-419, R-1/E-1 Single-Family Residential, to read as follows:

Sec. 35-419.3. Permitted Uses.

1. One single-family dwelling per legal lot. Such dwelling may be a mobile home certified under the National 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. 35-464.
2. One guest house and one artist studio subject to the provisions in Sec. 35-451. (General Regulations) and accessory to a residential use of the same lot.
3. Home occupations subject to the provisions of Sec. 35-452. (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.
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 a residential use located on the same lot and subject to the provisions of ~~this Section~~ Sec. 35-419.12.
 7. Public parks, public playgrounds, and community centers operated by a public agency.
 8. One attached or detached residential second unit per legal lot subject to the provisions of Sec. 35-470 (Residential Second Units).
 9. Special Care Homes, subject to the provisions of Section 35-471.3.
 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 4:

DIVISION 4, ZONING DISTRICTS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-419.6 of Section 35-419, R-1/E-1 Single-Family Residential, to read as follows:

Sec. 35-419.6. 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 Size <u>Area</u>	<u>Minimum Net Lot Width (ft.)</u>
7-R-1	7,000 sq. ft. (net)	65
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. 35-419.6.1 unless such lot is a fraction lot.~~
3. A dwelling may be located upon a lot with less width than required in Sec. 35-419.6.1.

SECTION 5:

DIVISION 4, ZONING DISTRICTS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-419.7 of Section 35-419, R-1/E-1 Single-Family Residential, to read as follows:

Sec. 35-419.7. 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.
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.

SECTION 6:

DIVISION 4, ZONING DISTRICTS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-419.8 of Section 35-419, R-1/E-1 Single-Family Residential, to read as follows:

Sec. 35-419.8. 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 7:

DIVISION 4, ZONING DISTRICTS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-419.9 of Section 35-419, R-1/E-1 Single-Family Residential, to read as follows:

Sec. 35-419.9. 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 ~~ten~~ (10) feet

SECTION 8:

DIVISION 4, ZONING DISTRICTS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-419.12 of Section 35-419, R-1/E-1 Single-Family Residential, to read as follows:

Sec. 35-419.12. Animals.

1. Animal keeping allowed pursuant to this section shall be accessory to a residential use of the lot on which the animal keeping occurs.
2. Not to exceed one horse, mule, goat, cow, or other similar size animal shall be permitted for each 20,000 square feet of gross area on each lot provided that not to exceed five such

animals shall be permitted on any lot. In no case shall said animals be kept for commercial purposes.

23. No stable, ~~or~~ barn, or other large animal 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 large animal enclosure 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 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.
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. 35-492 (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 9:

DIVISION 4, ZONING DISTRICTS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-420.3 of Section 35-420, R-2 Two-Family Residential, to read as follows:

Sec. 35-420.3. 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 35-417.3.
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. 35-452. (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.
65. 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.
76. The keeping of animals and poultry accessory to a residential use located on the same lot and subject to the provisions of Sec. 35-419.12: (R-1, Animals).
87. Public Parks, public playgrounds, and community centers operated by public agencies.
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 10:

DIVISION 4, ZONING DISTRICTS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-420.5 of Section 35-420, R-2 Two-Family Residential, to read as follows:

Sec. 35-420.5. Minimum Lot Size Area.

1. Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a 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 Area (sq. ft.)	Minimum Net Lot Width (ft.)
7-R-2	7,000	65

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. 35-420.6.1 unless such lot is a fraction lot.
3. A dwelling may be located upon a lot with less width than required in Sec. 35-420.5.1.

SECTION 11:

DIVISION 4, ZONING DISTRICTS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-420.6 of Section 35-420, R-2 Two-Family Residential, to read as follows:

Sec. 35-420.6. 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: 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.

SECTION 12:

DIVISION 4, ZONING DISTRICTS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-420.7 of Section 35-420, R-2 Two-Family Residential, to read as follows:

Sec. 35-420.7. Permitted Variations of Setbacks for Buildings.

As provided for in Sec. 35-419.8.

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 13:

DIVISION 4, ZONING DISTRICTS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-420.8 of Section 35-420, R-2 Two-Family Residential, to read as follows:

Sec. 35-420.8. 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 ~~ten~~ (10) feet.

SECTION 14:

DIVISION 4, ZONING DISTRICTS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-421.4 of Section 35-421, DR Design Residential, to read as follows:

Sec. 35-421.4. 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 35-421.4., 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, but not including commercial driving tees, ranges, putting courses or miniature golf courses.
5. Public parks, public playgrounds, and community centers operated by public agencies.
6. Home occupations, subject to the provisions of Sec. 35-452. (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 located on the same lot and subject to the provisions of Sec. 35-419.12 (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. Special Care Homes, subject to the provisions of Sec. 35-417.3.
10. ~~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 15:

DIVISION 4, ZONING DISTRICTS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-421.13.3 of Section 35-421, DR Design Residential, to read as follows:

3. 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 by any other non-profit individual or entity on such reasonable terms and conditions as the Board of Supervisors may prescribe. ~~Which~~ Said reasonable terms and conditions may include conveying to the County of Santa Barbara restricting the rights to develop such property with anything except open space or noncommercial recreation 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 16:

DIVISION 4, ZONING DISTRICTS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-422.7 of Section 35-422, Planned Residential Development, to read as follows:

Sec. 35 422.7. 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. Home occupations, subject to the provisions of Sec. 35-452 (General Regulations).
5. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-422.7., 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.
6. Special Care Homes, subject to the provisions of Section 35-417.3.
7. 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.
8. Uses, buildings, and structures incidental, accessory, and subordinate to permitted uses.

SECTION 17:

DIVISION 4, ZONING DISTRICTS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-427.3 of Section 35-427, RES Resource Management, to read as follows:

Sec. 35-427.3. Permitted Uses.

1. One single-family dwelling per legal lot.
2. One guest house subject to the provisions of Sec. 35-451 (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. Agricultural grazing.

SECTION 18:

DIVISION 4, ZONING DISTRICTS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-427.8 of Section 35-427, RES Resource Management, to read as follows:

Sec. 35-427.8. 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
RES-640	640 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. 35-427.8.1 unless such lot is a fraction lot.

SECTION 19:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-450, Accessory Structures, to read as follows:

Sec. 35-450. Accessory Structures.

1. All structures, including agricultural accessory structures, shall conform to criteria set forth in this section and as defined by ordinance.
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 except barns and stables shall not exceed ~~sixteen~~ (16) feet in height and shall conform to the 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 ~~ten~~ (10) feet to the principal structure and that it occupies no more than 30 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~~ front line of the lot 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. 35-489.2 (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. 35-492 (Administration – Enforcement, Legal Procedures and Penalties) as appropriate.

10. Accessory structures containing one or more accessory use shall not exceed a building footprint area of 800 square feet, as measured to the interior surface of exterior perimeter walls, excluding barns and stables. For the purposes of this subsection, footprint refers to how the building sits on the ground as viewed perpendicularly from above, and includes any cantilevered portions of the structure. This limitation shall not apply to projects that have received preliminary or final approval from the County Board of Architectural Review, and have not been constructed as of May 16, 1995.

SECTION 20:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-451, Guest House, Artist Studio, and Cabaña, to read as follows:

Sec. 35-451. 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 two (~~2~~) gross acres.
3. There shall not be more than one (~~1~~) guest house and one artist studio on any lot. There shall be not more than one (~~1~~) cabaña on any lot.
4. The 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 provided the building footprint of the combined structure does not exceed 800 square feet

as measured to the interior surface of exterior, perimeter walls, and further that provided no interior access exists between the guest house, artist studio, or cabaña and the other accessory structure. For the purposes of this subsection, footprint refers to how the building sits on the ground as viewed perpendicularly from above, and includes any cantilevered portions of the structure. The 800 square foot restriction on the building footprint area of a combined accessory structure shall not apply to projects that have received preliminary or final approval from the County Board of Architectural Review, and have not been constructed, as of May 16, 1995; such projects are still subject to the 800 square foot building footprint area limitation on guest houses, artist studios, or cabañas and interior access between such uses and any other portion of a combined accessory structure may not be provided.

5. No guest house, artist studio, or cabaña shall exceed a height of ~~sixteen (16)~~ feet or contain more than one story. A loft shall be counted as a story. A guest house, artist studio, or cabaña may be located above or below another accessory structure in areas where the H-MON Overlay does not apply.
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 (i.e., regulation size tennis or basketball 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 home occupation permit shall be required for all artist studios.
14. If 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. 35-470.5.11).
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 21:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-452, Home Occupations, to read as follows:

Sec. 35-452. Home Occupations.

Sec. 35-452.1. 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. 35-452.2 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. 35-269.3 Processing.

1. Except as stated in Sec. 35-452.3-5, prior to the commencement of any type of occupation in the a home or an artist studio, a land use permit 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. 35-452.4 and any other conditions as may be made part of the Land Use Permit.

Sec. 35-452.24. 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. 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 to 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~~ 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 35-419.11: 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 land use permit issued to allow the home occupation. Failure to comply with said conditions and limitations shall be cause for revocation of the land use permit.
16. Occupations that cannot comply with all of the development standards listed in Sec. 35-452.4 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. 35-452.35. 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. 35-452.24.
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. 35-452.46. 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 22:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-455, Fences, Walls and Gateposts, to read as follows:

Sec. 35-455. Fences, Walls, Gates and Gateposts.

~~In all districts, fences and walls of six (6) feet or less and gateposts of eight (8) feet or less in height are not structures for the purpose of requiring a Land Use Permit, and may be located in the required front, side, or rear yard except that corner lots must meet the vision clearance requirements (see Sec. 35-456.):~~

- 1. In all 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. 35-456 (General Regulations – Vision Clearance). In no case shall the height of the fence exceed the height limit of the applicable zoning district.

<u>Location of Fence, Wall, Gate or Gatepost</u>	<u>Permit Requirement</u>		
	<u>Exempt</u>	<u>Land Use 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 setback</u>	<u>Fences, walls and</u>	<u>Not applicable.</u>	<u>Fences, walls and gates</u>

<u>areas.</u>	<u>gates six feet or less in height; gateposts eight feet or less in height.</u>		<u>greater than six feet in height; gateposts greater than eight 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 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>Outside of setback areas</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>

- ~~12.~~ A maximum of ten (10) percent of the total linear length of a wall or fence including gates may be allowed to exceed ~~six (6) feet in~~ 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 ~~six (6) feet in~~ the maximum height specified for its entire length.
- ~~2.~~ ~~In all districts other than Agricultural Districts, fences and walls of more than six (6) feet and gateposts of more than eight (8) feet in height are structures for the purpose of requiring a Land Use Permit under this Article and may be permitted in the required front, side or rear yard only under a Conditional Use Permit as provided in Section 35-483. (Conditional Use Permits).~~
- ~~23.~~ The height of walls, fences, gates or gateposts shall be determined by measurement from the natural grade at the lower side of the fence, wall, gate or gatepost.

SECTION 23:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-456, Vision Clearance, to read as follows:

Sec. 35-456. Vision Clearance Area.

In all zone districts, a vision clearance area of not less than ten (10) feet 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 24:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-457, General Setback Regulations, to read as follows:

Sec. 35-457. 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. Every part of a setback 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.
4. b. Fire escapes, balconies, and unroofed and unenclosed porches, or landings may extend four feet into a) ~~the a~~ 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.
- c. 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. 35-456 (General Regulations – Vision Clearance Area).
- d. 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.
- e. 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.

f. 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 property.

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 25:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-457, General Setback Regulations, to read as follows:

Sec. 35-458. 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 26:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-466, Temporary Second Dwellings, to read as follows:

Sec. 35-466. ~~Temporary Second Dwellings~~ Temporary Uses.

~~In any district where an existing structure is to be used for dwelling purposes on a temporary basis during the construction on the same lot of another structure to be used for dwelling purposes, a Land Use Permit for such structure to be constructed may be issued by the Director, subject to execution of an agreement by the property owner that said existing structure will be removed, converted or reconverted to a permitted accessory building within three months after commencement of the occupancy of the newly constructed dwelling and subject to the receipt by the County of a performance security in an amount designated by the County Building Official and in form and content acceptable to the County Counsel, assuring the performance of said property owner's obligations set forth in said agreement.~~

Sec. 35-466.1 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. 35-466.2 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 (Land Use Permits) and Sec. 35-315 (Conditional Use Permits), as applicable.

Sec. 35-466.3 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 noncommercial use of property for charitable functions, parties, receptions, weddings or other similar gatherings where the use of the subject property for such activities does not exceed three times within the same calendar year provided 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. 35-482:
 - 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. 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 land use 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.
 - c. Seasonal sales lots. Seasonal temporary sales activities (e.g., Christmas trees, Halloween pumpkins, Thanksgiving materials, etc.) 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. 35-483 and the issuance of a land use permit pursuant to Sec. 35-482:

- a. Reception facilities that provide indoor or outdoor facilities on a commercial basis for receptions, parties, weddings or other similar gatherings.
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. 35-466.3.2 shall be approved, approved with conditions, or denied within 30 days of submittal of a complete application for the land use permit.

Sec. 35-466.4 Development Standards.

Temporary uses permitted under Sec. 35-466.3 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. The obtainment of 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. 35-466.5 Additional Findings.

In addition to the findings required to be adopted by the decision-maker pursuant to Sections 35-482 and 35-483, 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. 35-466.6 Noticing.

1. Notice of a land use permit approved pursuant to Sec. 35-466.3 shall be provided in accordance with Sec. 35-488 (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. 35-488 (Noticing).

Sec. 35-466.7 Appeals.

1. Notwithstanding the provisions of Sec. 35-489.2 (Appeals to the Planning Commission), the approval, approval with conditions, or denial of a Land Use Permit for a temporary use listed in Sec. 35-466.3.2 may be appealed to the Chair of the Montecito Planning Commission 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 Chair of the Montecito Planning Commission, or designee, 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 than the time the temporary use is scheduled to commence. The decision of the Chair of the Montecito Planning Commission, or designee, shall be final. Notwithstanding the provisions of Sec. 35-488 (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. 35-466.3.3 may be appealed to the Board of Supervisors in accordance with the provisions of Sec. 35-489.3 (Appeals to the Board of Supervisors).

Sec. 35-466.8 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 27:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-463, Trailer Use, to read as follows:

Sec. 35-463. Trailer Use.

Sec. 35-463.1 Limitation on Use.

Trailers shall only be used as ~~Except as otherwise~~ expressly permitted in this Sec. 35-463, 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. 35-463.2. 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 35-315.7., 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. 35-483 and the issuance of a land use permit under Sec. 35-482 provided that the Zoning Administrator also finds, in addition to the findings required under Sec. 35-483 (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 35-483 (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. 35-463.3. 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. 35-482., 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. 35-463.4. Temporary Dwelling Use of Trailers during Construction of Residential Buildings in all Zone Districts.

In the R-1/E-1, and RES, ~~and AG-H~~ 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. 35-482, for not to exceed ninety (90) days, under a Land Use Permit under Sec. 35-482 a period of one year or until 30 days after the final building permit inspection has been completed by the County Building Official or designee, or the building is occupied, whichever is earlier, provided:

1. Said ~~90 day~~ 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. 35-483- (Conditional Use Permits)

Sec. 35-463.5 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. 35-463.6. Use of Trailers for Various Purposes in all Zone Districts.

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. To permit trailers as air quality monitoring stations, ~~pursuant to a Minor Conditional Use Permit under Sec. 35-483.4 and a Land Use Permit under Section 35-482.,~~ 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~~ provided that the following ~~additional~~ findings are made in addition to the findings required under Sec. 35-483 (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. 35-463.7. 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.

SECTION 28:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-470.4 of Section 35-470, Residential Second Unit, to read as follows:

Sec. 35-470.4. 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. 35-470.4.2 ~~and~~ or Sec. 35-470.4.3 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 29:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-470.6.7 of Section 35-470, 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 30:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-470.6.8 of Section 35-470, 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 31:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-470.6.22 of Section 35-470, 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 32:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-470.6.23 of Section 35-470, 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 33:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-470.7.1 of Section 35-470, Residential Second Unit, to read as follows:

1. Notice of ~~an~~ approved or conditionally approved Land Use Permits 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. 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 34:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-474D.3.1 and Section 35-474D.3.2 of Section 35-474D, Noncommercial Telecommunication Facilities, to read as follows:

Sec. 35-474D.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. 35-482:
 - 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, data) 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) ~~T~~he height of the antenna including the support structure does not exceed 65 feet, and
 - 2) ~~T~~he development standards set forth in Sec. 35-474D.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, 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. 35-485 and the approval and issuance of a Land Use Permit pursuant to Sec. 35-482:
 - 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 telecommunication signals (e.g., radio, television, data) 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. 35-474D.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, 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 35:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to add a new Section 35-474F. Wildlife Species Rehabilitation, to read as follows:

Sec. 35-474F. 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 specific development standards for wildlife species rehabilitation. The intent of this section is to ensure the compatibility of such wildlife species rehabilitation activities 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 zone districts where the keeping of animals is otherwise allowed 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. However, such structure shall not be allowed on lots zoned as Resource Management (RES).
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. 35-489.2 (Appeals - Planning Commission).

SECTION 36:

DIVISION 8, NONCONFORMING STRUCTURES AND USES, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-476.1 of Section 35-476, 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 35-410 and in accordance with Section 35-482.2.j, 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 37:

DIVISION 8, NONCONFORMING STRUCTURES AND USES, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-477.1 of Section 35-477, Nonconforming Buildings and Structures, to read as follows:

Sec. 35-477. Nonconforming Buildings and Structures.

If a building or structure is conforming as to use but nonconforming as to setbacks, height, lot coverage, or other requirements concerning the building or structure, such structure may remain so long as it is otherwise lawful, subject to the following regulations.

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. Seismic retrofits, as defined in Section 35-410 and pursuant to Section 35-482.2(j), 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 38:

DIVISION 9, PERMIT PROCEDURES, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-482.2.1 of Section 35-482, Land Use Permits, to read as follows:

1. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, rebuilding, or demolishing of any building, structure, or improvement within the County wherein permits are required under the provisions of this Article, a Land Use Permit shall be ~~required~~ issued by the Planning and Development Department unless other regulations of this Article specifically indicate such permit is not required or the activity is exempt from the issuance of a Land Use Permit, as provided herein. Activities which are exempt from the issuance of a Land Use Permit shall comply with applicable regulations of this Article including but not limited to use, setback, and height; as well as all required provisions and conditions of any existing approved permits for the subject property. The following activities shall be exempt from the issuance of a Land Use Permit:

SECTION 39:

DIVISION 9, PERMIT PROCEDURES, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-482.2.1.b of Section 35-482, Land Use Permits, to read as follows:

- b. ~~Fences and walls of six (6) feet or less and gateposts of eight (8) feet or less in height.~~ Fences, walls, gates and gateposts pursuant to Sec. 35-455 (Fences, Walls, Gates and Gateposts).

SECTION 40:

DIVISION 9, PERMIT PROCEDURES, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-482.2.3 of Section 35-482, Land Use Permits, to read as follows:

3. ~~For buildings and structures 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. 35-485. (Development Plans) shall be required prior to the issuance of any Land Use Permit.~~

The approval of a development plan as provided in Sec. 35-485 (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 41:

DIVISION 9, PERMIT PROCEDURES, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-483.4.5 of Section 35-483, Conditional Use Permits, to read as follows:

5. Animals, use of property for animals different in kind or greater in number than otherwise permitted in this Article, except as provided in Sec. 35-474F (Wildlife Species Rehabilitation).

SECTION 42:

DIVISION 9, PERMIT PROCEDURES, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-483.6.2 of Section 35-483, 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. 35-474 (General Regulations – Applications That Are Within The Jurisdiction Of More Than One Final Decision Maker) and Sec. 35-485 (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 43:

DIVISION 9, PERMIT PROCEDURES, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-485.2 of Section 35-485, Development Plans, to read as follows:

3. The following shall be under the jurisdiction of the Zoning Administrator and shall be processed as set forth herein:
 - b) ~~Where a~~ In all zone districts, Final Development Plans for projects that was were legally permitted and developed without a Development Plan and is where the project is now considered nonconforming due to the absence of a Development Plan, a Final Development Plan may be processed for such "as built" development 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. 35-485.2.

SECTION 44:

DIVISION 10, ADMINISTRATION, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-492.6 of Section 35-492, Enforcement, Legal Procedures, and Penalties, to read as follows:

Sec. 35-492.6. 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 492.6.6.

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. 35-489.3 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. 35-489.3.

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, the County may collect the costs by making the amount of the unpaid cost a proposed lien against property that is the subject of the enforcement activity.

- a. Except for (1) liens recorded against a property 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 fee, cost, or charge shall not exceed the actual cost incurred performing the inspections and enforcement activity, including 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. 35-492.6.8 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 45:

Except as amended by this Ordinance, Divisions 2, 4, 7, 8, 9 and 10 of Article IV 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 46:

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:

ABSTAIN:

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