

**ATTACHMENT 2: COUNTY LAND USE AND DEVELOPMENT CODE  
ORDINANCE AMENDMENT ADDITIONAL REVISIONS EXCERPTS**

**SECTION 9:**

**35.23.060 DR Zone Standards**

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

B. **Open space.** Open space, unoccupied by main or accessory structures not directly related to the open space amenities, storage, parking areas, public or private streets, driveways, and loading areas, shall be provided in accordance with the following standards.

1. **Minimum amount of open space.**

- a. **Maximum Zone Density of Less than 20 Dwelling Units per Gross Acre (i.e. DR-0.1-DR-16).** A minimum of ~~200~~300 square feet of open space shall be provided per dwelling unit. The required open space shall be provided as common or private open space in conformance with the standards of this section.
- b. **Maximum Zone Density of 20 Dwelling Units per Gross Acre or More (i.e. DR-20-DR-30/40).** A minimum of ~~60~~150 square feet of open space shall be provided per dwelling unit. A minimum of 25 percent of the required open space shall be provided as common open space in conformance with the standards of this section. The balance of the required open space shall be provided as private or common open space in conformance with the standards of this section.

2. **Configuration.**

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

3. **Minimum Dimensions.**

a. **Private Open Space.**

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

- (2) *Above Ground Level.* Private open space located above ground level (e.g., balconies) shall be a minimum of six feet in length and six feet in width.
- b. **Common Open Space.** Common open space areas shall be a minimum of 15 feet in length and 15 feet in width, and must include at least one area of a minimum of 50 feet in length and 50 feet in width. The minimum dimensions must be uninterrupted by walkways with the primary purpose of providing access to and between buildings, parking areas, or other site features.
4. **Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable surfacing. Slope shall not exceed 10 percent.
5. **Accessibility.**
- a. **Private Open Space.** The space shall be accessible to only the individual residential unit it serves and shall be accessible by a doorway to a habitable room or hallway.
- b. **Common Open Space.** The space shall be accessible to all dwelling units within the development.
6. **Dedication and maintenance of Public Open Space.**
- a. Lands to be preserved as public open space may be dedicated in fee to the County or other public agency or may remain in private ownership with dedication of only appropriate scenic and/or open space easements. For lands counted as public open space that remain in private ownership, the County shall require granting of an easement guaranteeing the public's right of access and use of such open space.
- b. The County may require the applicant or Homeowner's Association to maintain all public open spaces and related facilities for a specified period after occupancy of the project or may require payment of an in-lieu fee if the County maintains the public open space and related facilities. If the applicant or Homeowner's Association is to maintain public open spaces, prior to the approval of any permits for construction, a bond or other approved financial security shall be posted guaranteeing performance of maintenance obligations.

## **SECTION 11:**

### **35.24.040 Commercial Zones Development Standards**

- A. **General standards.** Development within the commercial zones shall be designed, constructed, and established in compliance with the requirements in Table 2-14 (Commercial Zones Development Standards) below, and all applicable standards in Article 35.3 through Article 35.7 of this Development Code.

- B. **Community Plan overlay requirements.** Section 35.28.210 (Community Plan Overlays) establishes additional requirements and standards that apply to development and uses located in an applicable community or area plan as specified in Section 35.28.210 (Community Plan Overlays).

**Table 2-14- Commercial Zones Development Standards**

Development Feature	Requirement by Zone		
	CN Neighborhood Commercial	C-1 Limited Commercial	C-2 Retail Commercial
<b>Minimum lot size</b>	<i>Minimum area for lots proposed in new subdivisions.</i>		
Area	None required; minimum lot size shall be determined by the review authority through the subdivision review process.	None required; minimum lot size shall be determined by the review authority through the subdivision review process, except 5,000 sf in Summerland and 7,000 sf elsewhere shall be required for a lot with only a residential use.	None required; minimum lot size shall be determined by the review authority through the subdivision review process.
<b>Residential density</b>	<i>Maximum number of dwelling units allowed.</i>		
Maximum density	Mixed-use development: <del>20-10</del> one dwelling units per gross acre	Residential-only development: One unit per existing lot Mixed-use development: <del>20-10</del> units per gross acre	Section 35.24.050.C.3 (Mixed Use development)
<b>Setbacks</b>	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Setbacks are measured from property line unless otherwise stated.</i>		

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Front - Primary	10 ft	0 ft	10 ft from edge of right-of-way; An open canopy, porch or similar structure may encroach into the setback, but not into a right-of-way.
Front - Secondary	Same as primary front.	Same as primary front	Same as primary front
Side	5 ft	10% of lot width, with no less than 5 ft or more than 10 ft required.	None; 3 ft minimum when provided.
Rear	10% of lot depth to a maximum requirement of 10 ft; 25 ft if abutting a residential zone. See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley.		
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft.	35 ft.	35 ft.: See Section 35.24.050.C.3 (Mixed use development) for mixed use development
<b>Landscaping</b>	See Chapter 35.34 (Landscaping Standards).		
<b>Parking</b>	See Chapter 35.36 (Parking and Loading Standards).		
<b>Signs</b>	See Chapter 35.38 (Sign Standards).		

**SECTION 12:**

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

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

**A. CN zone standards.**

1. **Enclosure of activities required.** All retail uses that supply commodities and service uses allowed by Table 2-12 (Allowed Land Uses and Permit Requirements for Commercial Zones) shall occur within a completely enclosed building, except for service stations and other uses that commonly include an outdoor component provided any use that occurs outside of a completely enclosed building is appropriately screened and such screening is specifically approved by the review authority.
2. **Storage and trash enclosures.** Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.
3. **Mixed-use development.** To ensure the overall purpose and intent of the commercial district is maintained, nonresidential uses shall be located along the street frontage. The nonresidential space shall have a minimum depth of 40 feet. Residential uses may be located on an upper story or behind a nonresidential use.

**B. C-1 zone standards.**

1. **Enclosure of activities required.**
  - a. **Retail and service uses.** All retail uses that supply commodities and service uses allowed by Table 2-12 (Allowed Land Uses and Permit Requirements for Commercial Zones) shall occur within a completely enclosed building except for plant nurseries and service stations, and other uses that commonly include an outdoor component provided any use that occurs outside of a completely enclosed building is appropriately screened and such screening is specifically approved by the review authority.
  - b. **Storage and trash enclosures.** Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.
2. **One-family dwellings.** A one-family dwelling may be established within the C-1 zone only on a lot with no commercial use. Where a one-family dwelling is allowed, any residential accessory use or structure shall comply with the requirements of Section 35.42.020 (Accessory Structures and Uses).
3. **Mixed-use development.** To ensure the overall purpose and intent of the commercial district is maintained, nonresidential uses shall be located along the street frontage. The nonresidential space shall have a minimum depth of 40 feet. Residential uses may be located on an upper story or behind a nonresidential use.

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

1. **Enclosure of activities required.**

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

2. **Storage and trash enclosures.** Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.

3. **Mixed use development.**

- a. ***Santa Ynez Valley Community Plan area.*** Mixed use development in the Santa Ynez Valley Community Plan area is subject to Section 35.28.210.E Santa Ynez Valley Community Plan area.
- b. ***Areas outside the Santa Ynez Valley Community Plan area.*** Mixed use development in areas outside the Santa Ynez Valley Community Plan area is subject to the following.
  - (1) Residential uses are allowed only as part of a mixed use development. There shall be a minimum of one nonresidential use on the same site as a residential use.
  - (2) Maximum residential density is ~~30~~20 units per gross acre.
  - (3) The total gross floor area of residential uses shall not exceed 50 percent of the total gross floor area of all uses on the site.
    - (a) This standard may be increased up to 75 percent through Development Plan approval where the review authority finds that the proposed development and existing land uses located in the vicinity of the project site provide an adequate amount of commercial uses to meet the overall purpose and intent of the area as a commercial district and the character of the surrounding area is such that additional residential square footage is appropriate.
  - (4) The height limit of any structure containing a residential use is 45 feet, except that within 50 feet of a residential zone with a density of less than 20 units/acre, the height limit is 35 feet.

**SECTION 13:**

**35.24.070 CM-LA Zone Additional Standards**

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

**D. Residential dwelling units in the CM-LA zone.**

1. Maximum residential density is ~~20~~10 units per gross acre.
2. Residential uses are prohibited on the ground floor of buildings that abut:
  - a. Bell Street; and/or
  - b. A secondary street on a lot with a Bell Street front line, unless the majority of the building façade abuts a through street as shown in Figure 2-1a.
3. Dwelling unit access from Bell Street is prohibited.

**SECTION 40:**

**35.34.050 Required Landscaping**

Landscaping shall be provided as required by any part of this Development Code and the following.

**B. Design Residential (DR) zone.**

1. ~~Required setback areas shall be landscaped~~All areas of the site not designated for a specific use shall be landscaped, including required setback areas.
2. A minimum of 15 percent of the site shall be landscaped.

**SECTION 99:**

**35.82.200 Variances**

**D. Processing.**

1. An application for a Variance shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).
  - a. **Land Use Permit required.** A Land Use Permit is required for any development proposal that includes a Variance but does not otherwise require Conditional Use Permit or Development Plan approval.
2. An application filed in compliance with this Section that is determined by the Director to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan shall be accompanied by an application to make the project consistent.

3. The Department may refuse to accept for processing any application the Director finds to be inconsistent with the Comprehensive Plan.
4. **Concurrent Processing.** The Variance ~~shall~~ may be processed concurrently with and acted upon at the same time as, the associated Land Use Permit, Conditional Use Permit, or Development Plan application.
5. Notice of the filing of a complete application shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).
6. The Zoning Administrator shall hold at least one noticed public hearing on the requested Variance and approve, conditionally approve, or deny the request.
7. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
8. The Zoning Administrator, in approving the Variance may require conditions as deemed reasonable and necessary to promote the purpose and intent of this Development Code and the public health, safety, and welfare.
9. The action of the Zoning Administrator is final subject to appeal in compliance with Chapter 35.102 (Appeals).

#### **SECTION 114:**

##### **35.102.040 Appeals to the Commission**

- A. **Decisions appealed to the Commission.** The following decisions may be appealed to the Commission provided the appeal complies with the requirements of Subsections 35.102.020.C through Subsection 35.102.020.E above.
  1. **Board of Architectural Review decisions.** The following decisions of the Board of Architectural Review may be appealed to the Commission:
    - a. Any decision of the Board of Architectural Review to grant or deny preliminary approval in compliance with Subsection 35.102.020.C.2.a (Appeals of preliminary decisions of the Board of Architectural Review).
    - b. Any decision of the Board of Architectural Review to grant or deny final approval in compliance with Subsection 35.102.020.C.2.b (Appeals of final decisions of the Board of Architectural Review).
  2. **Building Official decisions.** The following decisions of the Building Official may be appealed to the Commission.
    - a. The decision of the Building Official to require an applicant for a solar energy system to apply for a Solar Use Permit. The grounds for an appeal of a decision to require a Solar Use Permit are restricted to a demonstration that the solar energy

system would not have a specific, adverse impact upon the public health and safety.

- b. Any decision of the Building Official to approve, conditionally approved, or deny an application for a Solar Use Permit.
3. **Director decisions.** The following decisions of the Director may be appealed to the Commission:
- a. Any determination on the meaning or applicability of the provisions of this Development Code.
  - b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943.
  - c. Any decision of the Director to revoke an approved or issued permit.
  - d. Any decision of the Director to approve or deny an application for a Land Use Permit except as follows:
    - (1) Land Use Permits approved in compliance with Section 35.42.260 (Temporary Uses and Trailers) not including Subsection 35.42.260.G (Trailer Use).
  - e. Any decision of the Director to approve, conditionally approve, or deny an application for a Development Plan.
  - f. Any decision of the Director to approve, conditionally approve, or deny any other discretionary application where the Director is the designated review authority.
  - g. Any decision of the Director as to whether an unauthorized mobilehome park closure is underway.
  - h. Any other action, decision, or determination made by the Director as authorized by this Development Code where the Director is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.
- ~~4. **Zoning Administrator decisions.** The following decisions of the Zoning Administrator may be appealed to the Commission:~~
- ~~a. Any decision of the Zoning Administrator to approve, conditionally approve, or deny a discretionary application where the Zoning Administrator is the applicable review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.~~
  - ~~b. Any other action, decision, or determination made by the Zoning Administrator as authorized by this Development Code where the Zoning Administrator is the~~

~~review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.~~

**SECTION 115:**

**35.102.050 – Appeals to the Board**

- A. **Decisions appealed to the Board.** The following decisions of the Commission may be appealed to the Board provided the appeal complies with the requirements of Subsections 35.102.020.C through Subsection 35.102.020.E above.
1. Any final action on decision that are appealed to the Commission with Section 35.102.040 (Appeals to the Commission) above.
  1. Any final action on decisions of the Commission to approve, conditionally approve, or deny a discretionary application where the Commission is the designated review authority.
  2. Any other action, decision, or determination made by the Commission as authorized by this Development Code where the Commission is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.
- B. **Zoning Administrator decisions.** The following decisions of the Zoning Administrator may be appealed to the Board provided the appeal complies with the requirements of Subsections 35.102.020.C through Subsection 35.102.020.E above.
1. Any decision of the Zoning Administrator to approve, conditionally approve, or deny a discretionary application where the Zoning Administrator is the applicable review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.
  2. Any other action, decision, or determination made by the Zoning Administrator as authorized by this Development Code where the Zoning Administrator is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.
- BC. **Report to the Board.** The Department shall transmit to the Board copies of the permit application including all maps and data and a statement identifying the reasons for the decision by the decision maker before the hearing on an appeal.
- CD. **Scope of appeal hearings.** The hearings on the appeal shall be de novo.
- DE. **Action on appeal.** The Board shall affirm, reverse, or modify the decision of the decision maker. The decision of the Board shall be final.

**SECTION 128:**

**APPENDIX F  
SUBSTANTIAL CONFORMITY DETERMINATION GUIDELINES**

On occasion, an applicant requests slight deviations from an approved action in order to carry out a project. The County Development Code allows certain types of alterations from an approved project, following a determination of substantial conformity.

Procedure:

4. The Department compares the request with established criteria. Listed below are criteria developed to assist in determining whether proposed changes to approved projects are in substantial conformity with the approved plans.
  - a. Does not conflict with project conditions of approval and/or recorded map conditions.
  - b. Does not result in health or safety impacts.
  - c. That the project facilities, operating procedures, environmental impacts, safety impacts, and the project's compliance with policies are substantially the same as those considered in the previous permit issued by the Director.
  - d. That the proposed changes can be effectuated through existing permit conditions or standard conditions of approval.
  - e. Generally, the proposed changes do not result in an increase in square footage greater than 10 percent of the total square footage of the original approval or ~~1,000~~500 square feet, whichever is ~~less~~more, up to a maximum increase of 5,000 square feet, measured cumulatively from the original approval.
  - f. Is clearly exempt from environmental review or was evaluated in the environmental review document prepared for the project and there are no new significant impacts related to the project change.
  - g. Does not require the removal of specimen trees or impact areas defined in the project environmental document as sensitive habitat or designated as areas prohibiting structures or other development.
  - h. Is consistent with Comprehensive plan policies and Development Code requirements.
  - i. Does not result in more than 1500 cubic yards of net cut and/or fill, and avoids slopes of 30% or greater, unless these impacts were addressed in the environmental assessment for the project and mitigation measures were imposed to mitigate said impacts and the proposal would not compromise the mitigation measures imposed or result in additional environmental impacts.
  - j. Is located within the same general location as, and is topographically similar to, approved plans. The location shall not be moved more than 10 percent closer to a property line than the originally approved development.

- k. Does not result in an overall height which is greater than 10 percent above the approved height of the tallest structure. The project must remain consistent with height requirements of the zone.
- l. Receives Design Review approval for landscaping and structures, if necessary.
- m. Does not result in a significant intensification of use.
- n. Does not affect easements for trails, public access, or open space.