

Nonconforming Reconstruction Time Extension Ordinance Amendment Montecito Land Use and Development Code

Board of Supervisors
March 12, 2013



Background

- **Nonconforming structures:** Lawful structures that are inconsistent with the current zoning ordinance:
 - Built prior to zoning.
 - Due to amendments to the regulations.
- **Montecito LUDC:** A nonconforming structure damaged or destroyed by a natural disaster:
 - May be reconstructed; reconstruction must commence within 24 months.
 - The Director may grant one extension.
 - If reconstruction does not commence required time period, then reconstructed structure must comply with current regulations.

Background

- **November 13, 2008:** The Tea Fire damaged or destroyed approximately 168 structures within the Montecito Community Plan area and adjacent County unincorporated areas.
- **November 13, 2010:** Planning and Development Director granted several two-year time extensions to owners who, for various reasons, were not able to reconstruct within 24 months.

Background

- Even with the additional two years, some owners were not able commence reconstruction due to requirements to complete substantial offsite improvements prior to reconstruction.
- Under the Montecito LUDC, these nonconforming structures could only be rebuilt in compliance with current regulations.

Proposed Amendment

- This amendment would give the Director the discretion to grant a second time extension in situations where substantial offsite improvements are required.
 - Second extension is limited to 36 months.
 - Must apply either prior to or within 180 days following the expiration of initial time extension.
 - Neighbors are noticed.
 - Director's decision may be appealed to Montecito PC (and Board of Supervisors).

Recommendations

- Make the findings for approval (Attachment A).
- Determine that this ordinance is exempt from CEQA (Attachment B).
- Adopt an ordinance (Case No. 12ORD-00000-00016, Attachment C).