

ATTACHMENT 9: ARTICLE II CZO ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 4, ZONING DISTRICTS, AND DIVISION 6, PARKING REGULATIONS, TO IMPLEMENT PROGRAM 1.16, DESIGN RESIDENTIAL (DR) ZONE MODIFICATIONS, OF THE 2015 – 2023 HOUSING ELEMENT UPDATE.

Case No. 16ORD-00000-00008

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

SECTION 1:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-74, DR – Design Residential, to read as follows:

Section 35-74. DR - Design Residential.

Section 35-74.1 Purpose and Intent.

It is the purpose of this district to provide areas for residential development in a wide range of densities, housing types, and design, and to create open space within new residential developments. The intent is to ensure comprehensively planned and well-designed single family and multiple residential developments.

Section 35-74.2 Preliminary Development Plan to be Included in Application for Rezoning.

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

Section 35-74.3 Processing.

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits) except that development of one single-family dwelling on a single lot shall not require a Development Plan. Such single-family dwellings shall be subject to the processing and development requirements of the R-1/E-1 zoning district.

Section 35-74.4 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 35-74.4, for use by on-site residents and/or employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels.
4. Golf courses.
5. Public parks, public playgrounds, and community centers.
6. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot.
7. The keeping of animals accessory to a residential use located on the same lot and subject to the provisions of Section 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 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.
9. Special Care Homes, subject to the provisions of Section 35-143.4.
10. 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 35-74.5 Uses Permitted With a Major Conditional Use Permit.

1. Dormitories, student housing facilities, residence halls, sororities, and fraternities located in an area where such facilities are to be used by students of a permitted educational institution.
2. Commercial kennels.

Section 35-74.6 Uses Permitted With a Minor Conditional Use Permit.

1. Dining commons, cafeterias, tobacco and magazine shops, book stores, bicycle rental and repair shops, and similar facilities accessory and incidental to developments permitted in paragraph 1. hereof, provided such uses are within the building and designed and used solely for the service and convenience of the residential development to which they are accessory and incidental.
2. Residential Child Care Center.
3. Private kennels.

Section 35-74.7 Lot Size/Density.

The maximum density for each lot zoned DR shall be specified by a number following the DR on the lot on the applicable Santa Barbara County Zoning Map and said number represents the number of dwelling units per gross acre permitted on such lot, as follows:

District Designation	Dwelling Units Per Gross Acre	Gross Land Area Per Dwelling Unit
DR-0.1	0.1	435,600 (10 acres)
DR-0.2	0.2	217,800 (5 acres)
DR-0.33	0.33	130,680 (3 acres)
DR-0.5	0.5	87,120 (2 acres)
DR-1	1.0	43,560 (1 acres)
DR-1.5	1.5	29,040 (square feet)
DR-1.8	1.8	24,200 (square feet)
DR-2	2.0	21,780 (square feet)
DR-2.5	2.5	17,424 (square feet)
DR-3	3.0	14,520 (square feet)
DR-3.3	3.3	13,200 (square feet)
DR-3.5	3.5	12,445 (square feet)
DR-4	4.0	10,890 (square feet)
DR-4.6	4.6	9,470 (square feet)
DR-5	5.0	8,712 (square feet)
DR-6	6.0	7,260 (square feet)
DR-7	7.0	6,222 (square feet)
DR-8	8.0	5,445 (square feet)
DR-9	9.0	4,840 (square feet)
DR-10	10.0	4,356 (square feet)
DR-12	12.0	3,630 (square feet)
DR-12.3	12.3	3,540 (square feet)
DR-14	14.0	3,111 (square feet)
DR-16	16.0	2,722 (square feet)
DR-20	20.0	2,178 (square feet)
DR-25	25.0	1,742 (square feet)
DR-30	30.0	1,452 (square feet)

Section 35-74.8 Setbacks for Buildings and Structures.

- 1. Front:** 20 feet from the right-of-way line and 50 feet from the centerline of any public street and 45 feet from the centerline of any private street.
- 2. Side and Rear:** One-half the height of the building or structure.

Section 35-74.9 Distance Between Buildings.

The minimum distance between buildings designed or used for human habitation and any other building on the same building site shall be five feet.

Section 35-74.10 Building Coverage.

Except for developments that are permitted in compliance with Section 35-74.14 (Affordable housing, senior housing, or special care housing developments), the minimum open space area shall be as follows:

Not to exceed 30 percent of the net area of the property shall be covered by buildings containing dwelling units.

Section 35-74.11 Height Limit.

Except for developments that are permitted in compliance with Section 35-74.14 (Affordable housing, senior housing, or special care housing developments), the height limit shall be as follows:

No building or structure shall exceed a height of 35 feet.

Section. 35-74.12 Parking.

In addition to the requirements of DIVISIONS 6 - PARKING REGULATIONS, the following regulations shall apply:

1. **Parking Area Setbacks.** Uncovered parking areas shall be located no closer than 15 feet to the street right-of-way line nor closer than five feet to any property line.
2. **Design.**
 - a. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
 - b. Uncovered parking areas shall be screened from the street and adjacent residences to a height of at least four feet with hedges, dense plantings, solid fences or walls.

Section 35-74.13 Open Space and Landscaping.

1. Except for developments that are permitted in compliance with Section 35-74.14 (Affordable housing, senior housing, or special care housing developments), not less than 40 percent of the net area of the property shall be devoted to common and/or public open space.
2. Any driveway or uncovered parking area shall be separated from property lines by a landscaped strip not less than five feet in width.
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 any other non-profit individual or entity on such reasonable terms and conditions as the Board of Supervisor may prescribe. Said reasonable terms and conditions may include restricting the rights to develop such property to those uses described in the approved Final Development Plan for the project area. Preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to said areas.

Section 35-74.14 Affordable housing, senior housing, or special care housing developments.

This Section provides development standards for building coverage, height limit, parking, and open space in order to provide incentives and greater flexibility for certain affordable housing, senior housing, or special care housing developments proposed on lots zoned DR consistent with Program 1.16 of the 2015-2023 Housing Element.

1. **Applicability.** This Section 35-74.14 (Affordable housing, senior housing, or special care housing developments) shall only apply to projects that comply with the types of development specified below:
 - a. **Affordable housing.** For the purposes of this section, affordable housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site) dedicated and restricted to housing affordable to low-income households, very low-income households, and/or extremely low-income households, as defined in Table 2.7, page 2-11 of the Santa Barbara County 2015-2023 Housing Element Update.

- b. Senior housing.** For the purposes of this section, senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to housing at least one senior person. For the purposes of this section, a senior person is defined as someone 55 years of age or older.
- c. Affordable senior housing.** For the purposes of this section, affordable senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to affordable housing (as defined in Section 35-74.14.1.a, above) for seniors (as defined in Section 35-74.14.1.b, above).
- d. Mixed affordable housing and senior housing.** For the purposes of this section, mixed affordable housing and senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site or and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to affordable housing (as defined in Section 35-74.14.1.a, above), senior housing (as defined in Section 35-74.14.1.b, above), and/or affordable senior housing (as defined in Section 35-74.14.1.c, above).
- e. Special care housing.** For the purposes of this section, special care homes as defined in Section 35-58 (Definitions).
- 2. Modified development standards for qualifying projects.** The following development standards regarding building coverage, height limit, parking, and open space shall apply to projects developed in compliance with Section 35-74.14 (Affordable housing, senior housing, or special care housing developments) instead of the respective standards listed in Section 35-74.10 (Building Coverage), Section 35-74.11 (Height Limit), and Section 35-74.13 (Open Space and Landscaping), above, and Division 6 (Parking Regulations). These modified development standards shall be considered the site development standards for calculating density bonuses and granting incentives or concessions in compliance with the California Density Bonus Law (Government Code Section 65915 – 65918) and the Density Bonus Program (see Chapter 35-144C, Density Bonus for Affordable Housing).
- a. Maximum building coverage.** 40 percent of the net site area for structures containing residential uses.
- b. Height limit.** 40 feet.
- c. Parking.** Parking requirements shall be as follows:

Residential Development	Parking Spaces Required
<u>Affordable housing – single bedroom or studio units</u>	<u>0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)</u>
<u>Affordable housing – 2 bedroom units</u>	<u>1 space/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)</u>
<u>Affordable housing – 3 bedroom, or more, units</u>	<u>1.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)</u>
<u>Affordable senior housing – single bedroom or studio units</u>	<u>0.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)</u>
<u>Affordable senior housing – 2 bedroom units</u>	<u>0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)</u>

Residential Development	Parking Spaces Required
<u>Affordable senior housing – 3 bedroom, or more, units</u>	<u>1.25 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)</u>
<u>Senior housing – single bedroom or studio unit</u>	<u>0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)</u>
<u>Senior housing – 2 bedroom units</u>	<u>1 space/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)</u>
<u>Special care home (1)</u>	<u>1 space/3 beds and; 1 space/3 employees</u>

Notes:

- (1) Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.

(1) Contingency parking plan.

- (a) A contingency parking plan shall be submitted with all applications proposing to utilize these modified parking standards. The contingency parking plan shall demonstrate that the proposed development can be modified to provide parking as required irrespective of Section 35-74.14. Space required for the contingency parking plan shall not count toward the open space requirement for the proposed development.
- (b) Applicants shall evaluate parking post-occupancy and shall submit annual post-occupancy parking evaluations to the County during the first three years of occupancy. The County may require the submittal of additional annual parking evaluations if the units are not fully occupied within three years. The evaluations shall compare actual parking demand to existing parking supply and address the occupancy rate of the development. If the County determines that the number of existing parking spaces is less than actual parking demand, the applicant shall implement the contingency parking plan and construct additional parking spaces.

- d. Open Space.** A minimum of 30 percent of the net site area shall be reserved for the life of the project as common open space and/or public open space.

- (1) Calculation of common open space.** Common open space may also include the areas listed below in addition to the areas listed in the definition of common open space in Section 35-58 (Definitions). Hard surfaced sidewalks located outside of common open space shall not qualify as common open space.

- (a) Community patios.
- (b) Deck or patios associated with swimming pools located within common open space areas.
- (c) Detention basins that function as common open space.
- (d) Hard surfaced sidewalks when located within common open space areas.

- (2) Calculation of public open space.** Public open space may also include the areas listed below in addition to the areas listed in the definition of Public Open Space in Section 35-58 (Definitions).

- (a) Detention basins that function as public open space.

(3) Title to open space area. Title to the common open space, common recreational facilities, common parking areas and private streets shall be held in accordance with Section 35-74.13.3, above.

3. Requirement to record an affordable housing agreement and resale and rental restrictive covenant for affordable housing and senior housing projects. Prior to issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) for an affordable housing project or senior housing project, each project shall record, as applicable:

a. Affordable housing projects. An affordable housing agreement and resale and rental restrictive covenant, or other equivalent document approved as to form by the County Counsel, which outlines the following: the sales and/or rental prices for the various types of units to be established; and provisions for the sale, resale, renting and restrictions that will be applicable to the project, to ensure the continued availability for a minimum of 45 years, restarting for up to 90 years upon resale of a unit, of units for purchase or occupancy by target households. In addition, the running of the covenant, or other equivalent document approved as to form by the County Counsel, shall be tolled during any period of violation of said document's terms.

b. Senior housing projects. A senior housing agreement and resale and rental restrictive covenant, or other equivalent document approved as to form by the County Counsel, which outlines the provisions for the sale, resale, renting and restrictions that will be applicable to the project, to ensure the continued availability, for a minimum of 45 years, restarting for up to 90 years upon resale of a unit, of units for purchase or occupancy by seniors. In addition, the running of the covenant, or other equivalent document approved as to form by the County Counsel, shall be tolled during any period of violation of said document's terms.

SECTION 2:

DIVISION 6, Parking Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-108, Required Number of Spaces: Residential, to read as follows:

Section 35-108. Required Number of Spaces: Residential.

Parking spaces to be permanently maintained on the same building site on which the dwelling(s) in located, except as provided in Section 35-76, Medium Density Student Residential, and Section 35-77, High Density Student Residential:

- 1. Single family and two family dwellings:** Two spaces per dwelling unit.
- 2. Multiple Dwelling Units:**
 - a. Single bedroom or studio dwelling unit:** One covered space per dwelling unit.
 - b. Two bedroom dwelling:** One covered space plus 0.5 spaces covered or uncovered per dwelling unit. Such spaces shall be located within 200 feet from the building served by such spaces.
 - c. Three or more bedroom dwellings:** One covered space plus one space covered or uncovered per dwelling unit, located as required in b), above.
 - d.** Developments located within a radius of one mile of the boundaries of a college or university shall provide a minimum of two parking spaces per dwelling unit, of which one shall be covered.

- e. **Visitor parking:** One space per five dwelling units.
 - f. See Section 35-74.14 for parking requirements for qualifying affordable housing and/or senior housing developments.
3. **Guest houses:** One space per guest house.
 4. **Mobile homes in mobile home parks:** One covered space per site and one space for every three sites for guest parking.
 5. **Fraternalities, sororities, dormitories, and boarding and lodging houses:** One space per four bed spaces and one space per two employees.
 6. **Retirement and special care homes:** Not including senior housing. One space per guest and one space per two employees. See Section 35-74.14 for parking requirements for qualifying special care housing developments.

SECTION 3:

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 4:

Except as amended by this Ordinance, Division 4, Zoning Districts, and Division 6, Parking Regulations, Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; 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 _____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

PETER ADAM, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel