

**ATTACHMENT E-1: MONTECITO LAND USE AND DEVELOPMENT CODE
ORDINANCE AMENDMENT CHANGES SHOWN**

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE (MLUDC), CHAPTER 35, OF THE COUNTY CODE, BY AMENDING DIVISION 35.1, MONTECITO DEVELOPMENT CODE APPLICABILITY; DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES; DIVISION 35.3, MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS; DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES; DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES; DIVISION 35.9, MONTECITO LAND USE AND DEVELOPMENT CODE ADMINISTRATION; DIVISION 35.10, GLOSSARY; APPENDIX B, GUIDELINES FOR MINOR CHANGES TO LAND USE PERMITS; AND APPENDIX D, SUBSTANTIAL CONFORMITY DETERMINATION GUIDELINES, TO STREAMLINE AND MODERNIZE THE ORDINANCE AND TO IMPLEMENT AND MODIFY STANDARDS FOR HOUSING ACCOMMODATION.

Case No. 25ORD-00008

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

SECTION 1:

DIVISION 35.1, Montecito Development Code Applicability, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.400.040, Applicability of the Development Code, of Chapter 35.400, Purpose and Applicability of Development Code, is hereby amended to read as follows:

35.400.040 Applicability of the Development Code

This Development Code applies to all land uses, subdivisions, and development within the Montecito Community Plan Area, as follows.

- A. **New land uses or structures, changes to land uses or structures.** It shall be unlawful, and a violation of this Development Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the ~~requirements provisions of Section 35.420.020 (Prerequisites for Development and New Land Uses), and Chapter 35.491 (Nonconforming Uses, Structures, and Lots) this Development Code.~~ No Building Permit or Grading Permit shall be issued by the Department unless the proposed construction complies with all applicable provisions of this Development Code.
- B. **Subdivisions.** Any subdivision of land proposed within the County after the effective date of this Development Code shall be consistent with the minimum lot area and width requirements of Division 35.2 (Montecito Zones and Allowable Land Uses), unless a reduction is allowed in compliance with Section 35.472.180 (Variances), the County's Subdivision Regulations (County Code Chapter 21), and all other applicable requirements of this Development Code.
- C. **Continuation of an existing land use.** An existing land use is lawful and not in violation of this Development Code only when operated and maintained in compliance with all

applicable provisions of this Development Code, including Chapter 35.491 (Nonconforming Uses, Structures, and Lots). ~~However, the requirements of this Development Code are not retroactive in their effect on a land use that was lawfully established before the effective date of this Development Code or any applicable amendment, except as otherwise provided by Chapter 35.491 (Nonconforming Uses, Structures, and Lots).~~

- D. **Effect of Development Code changes on projects in progress.** A project that is under construction on the effective date of this Development Code or any Amendment, need not be changed to satisfy any new or different requirements of this Development Code, provided that construction, (i.e., the placing of construction materials in permanent position and fastened in a permanent manner) was lawfully begun prior to the effective date of this Development Code or any Amendment.
- E. **Incorporation of existing ordinances and development plans.** Previously adopted ordinances which added development and zone text provisions applicable to particular property in compliance with the following provisions of previously adopted zoning regulations are hereby incorporated by reference into this Section and shall have the same force and effect as if the provisions of those ordinances were specifically and fully set forth in this Section.
1. **Ordinances.**
 - a. Ordinance No. 453, Article 3.1.
 - b. ~~Preliminary~~ Development Plans incorporated into rezoning ordinances in compliance with Article II of Chapter 35 of the County Code.
 - c. ~~Preliminary~~ Development Plans incorporated into rezoning ordinances in compliance with Article IV of Chapter 35 of the County Code.
 2. **Development Plans, Precise Plans, and Plot Plans.**
 - a. Development Plans and Precise Plans previously adopted in compliance with Ordinance No. 453.
 - b. Development Plans previously adopted in compliance with Article IV of Chapter 35 of the County Code.
- F. **Conflicting requirements.**
1. **Development Code and County Code provisions.** If conflicts occur between requirements of this Development Code, or between this Development Code and the Santa Barbara County Code, or other regulations of the County, the most restrictive shall control unless specifically indicated otherwise.
 2. **Development Agreements or Specific Plans.** If conflicts occur between the requirements of this Development Code and standards adopted as part of any Development Agreement or applicable Specific Plan, the requirements of the Development Agreement or Specific Plan shall apply.

3. **Private agreements.** This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs) without affecting the applicability of any agreement or restriction. The County shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement, or a portion thereof.
- G. **State, County, Local Agency, and School District sites and facilities.** The provisions of this Development Code do not apply to the following governmental properties and activities.
 1. Development by the Federal Government on leased or federally owned land.
 2. Development by the County or any district of which the Board is the governing body.
 3. Development within any state university or college.
 4. Development by the State or an agency of the State acting in its sovereign (governmental) capacity.
 5. Certain facilities of local agencies as defined in Government Code Section 53090 et seq.
- H. **Other requirements may apply.** Nothing in this Development Code eliminates the need for obtaining any other permits required by the County, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State, or Federal agency.

SECTION 2:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Chapter 35.420, Development and Land Use Approval Requirements, is hereby amended to read as follows:

CHAPTER 35.420 DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS

35.420.010 Purpose

This Chapter describes the County's requirements for the approval of proposed development and new land uses. ~~The permit requirements established by this Development Code for specific land uses are in Chapter 35.421 through Chapter 35.428.~~

35.420.020 Prerequisites for Development and New Land Uses

Each land use and structure shall be established, constructed, reconstructed, altered, moved, or replaced in compliance with the following requirements.

- A. **Allowable use.** A proposed land use must be allowed by this Development Code in the zone applied to the site. ~~The basis for determining whether a use is allowable is in Section 35.420.030 (Allowable Development and Planning Permit Requirements).~~

- B. **Permit and approval requirements.** Any planning permit or other approval required by ~~Section 35.420.030 (Allowable Development and Planning Permit Requirements)~~ this Development Code shall be obtained before the issuance of any grading, building, or other construction permit, and before commencing any work pertaining to any development or use or using any land or structure, ~~unless such structure or use is listed in Section 35.420.040 (Exemptions from Planning Permit Requirements).~~
- C. **Development standards, conditions of approval, Comprehensive Plan and Montecito Community Plan requirements.** Each land use and structure shall comply with the development standards of this Chapter, ~~the requirements of Division 35.3 through Division 35.7, all other applicable requirements of this Development Code,~~ any applicable conditions imposed by a previously granted planning permit, the Comprehensive Plan and the Montecito Community Plan.
- D. **Legal lot.** The site of a proposed development or land use shall be one or more lots as defined in this Development Code.

35.420.030 Allowable Development and Planning Permit Requirements

- A. **Allowable land uses.** The land uses allowed by this Development Code in each zone and overlay zone are listed in Chapters 35.421 through 35.428, together with the type of planning permit required for each use. Each listed land use type is defined in Division 35.10 (Glossary).
1. **Uses not defined.** In cases where a specific land use or activity is not defined, the Director shall determine the defined land use type that the land use or activity is substantially similar in character and intensity to, and it shall be subject to the same processing requirements and standards. A land use or activity that is not defined and not found to be substantially similar to any defined use shall not be allowed. The decision of the Director in such instances may be appealed under Chapter 35.492 (Appeals). ~~Establishment of an allowable use. Any land use identified by Chapter 35.421 through Chapter 35.428 as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements of Subsection B (Permit requirements) below and compliance with all applicable requirements of this Development Code, unless the approval and/or issuance of a planning permit is not required in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements).~~
 2. **Use not listed.** Where a proposed ~~A~~ land use is not specifically enumerated in a zone, it may be allowed if the Director finds the use to be similar in character to uses that are already enumerated as permitted uses within that zone.
 - a. Where a proposed, but unlisted, use is determined to be similar to a listed permitted use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.

- b. A land use not listed and not determined to be substantially similar to the land uses listed in Chapter 35.422 through Chapter 35.428 or not shown in the table of allowable land uses and permit requirements for a particular zone is not allowed, except as otherwise provided in Subsection A.3 (Similar and compatible use may be allowed) below.
- c. The decision of the Director in such instances may be appealed under Chapter 35.492 (Appeals).
3. ~~Similar and compatible use may be allowed.~~ In the following zones the Montecito Commission may determine that a proposed use not listed in this Division is allowable in compliance with Section 35.472.170 (Use Determinations):
- a. ~~Applicable zones:~~
- (1) ~~CN (Neighborhood Commercial)~~
- (2) ~~PU (Public Utilities)~~
- (3) ~~REC (Recreation)~~
- b. ~~Applicable standards and permit requirements.~~ When the Montecito Commission determines that a proposed but unlisted use is similar to a listed allowable use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.
- ed. **Retail Cannabis Activities.** Retail cannabis activities are not allowed in any zone district and shall not be approved through a Use Determination (Section 35.472.170) found to be substantially similar to any land use otherwise allowed in the zone district.
- B. **Permit requirements.** Proposed development and land uses shall comply with the following permit requirements established in any part of the Development Code, in addition to the requirements of a Building Permit or other permit required by the County Code.
1. ~~General Land use table planning permit requirements.~~ The allowable land uses are established in the land use tables within Chapter 35.422 through Chapter 35.425 provide for land uses that are by letter designation as follows:
- a. Permitted subject to compliance with all applicable provisions of this Development Code, ~~subject to first obtaining a Land Use Permit (Section 35.472.110). These are and~~ shown as "P" uses in the tables. A Land Use Permit may be required pursuant to Section 35.472.110;
- b. Allowed subject to the approval of a Conditional Use Permit (Section 35.472.060), and shown as "CUP" uses in the tables;

- c. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Zoning Clearance (Section 35.472.190). These are shown as "ZC" uses in the tables;
 - d. Allowed as an exempt use as listed in Section 35.420.040 (Exemptions from Planning Permit Requirements) and shown as "E" uses in the tables;
 - e. Allowed subject to the type of County approval required by a specific provision of Chapter 35.442 (Standards for Specific Land Uses), and shown as "S" uses in the tables; and
 - f. Not allowed in particular zones and shown as "—" in the tables. ~~Use may be subject to a similar use determination in compliance with Subsection A.3 (Similar and compatible use may be allowed) above.~~
 - g. Where the last column in each table ("Specific Use Regulations") includes a Section number, the referenced Section may ~~affect whether the use requires a Land Use Permit, Development Plan, or Conditional Use Permit,~~ establish a different planning permit requirement for a specific use and/or may establish other requirements and standards applicable to the use.
- ~~A proposed land use type that is not listed in the tables is not allowed, except as provided by Subsection A.3 (Similar and compatible use may be allowed) above, or if allowed in compliance with Chapter 35.428 (Montecito Overlay Zones), or if allowed in compliance with Division 35.4 (Montecito Standards for Specific Land Uses).~~
2. **Design Review.** Development authorized in compliance with Subsection B.1 (~~General Land use table~~ planning permit requirements) above, may also require Design Review approval in compliance with Section 35.472.070 (Design Review).

35.420.040 Exemptions from Planning Permit Requirements

Unless specifically stated otherwise in another part of this Development Code, the following are exempt from all planning permit requirements of this Development Code, provided the use, activity, or structure is in compliance with the provisions of this Development Code, including the development and performance standards herein, and any permit or design review approval issued pursuant hereto. The temporary or transitory nature of a use does not exempt it from this requirement.~~The requirements of this Development Code that one or more planning permits (e.g., Land Use Permit, Conditional Use Permit, Development Plan) be obtained prior to proposed development or the establishment of a land use do not apply to the land uses, structures, and activities identified by this Section.~~

- A. **General requirements for exemption.** The land uses, structures, and activities identified by Subsection B (Exempt activities and structures) below, are exempt from the planning permit requirements of this Development Code only when:
 1. The use, activity, or structure is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable

- standards of this Development Code, the required provisions and conditions of any existing, approved permits for the subject lot and, where applicable, Chapter 35.491 (Nonconforming Uses, Structures, and Lots); and
2. Any permit or approval required by regulations other than this Development Code is obtained (e.g., a Building Permit and/or Grading Permit).
- B. **Exempt activities and structures.** The following are exempt from all planning permit requirements of this Development Code when in compliance with Subsection A (General requirements for exemption) above.
1. **Animal keeping.** Animal keeping when shown as an "E" in Section 35.442.040 (Animal Keeping).
 2. **Antennas.** Ground or roof mounted receive-only satellite dish or wireless television antenna less than one meter in diameter used solely by the occupants of the property on which the antenna is located for the noncommercial, private reception of communication signals, see Section 35.444.020 (Noncommercial Telecommunications Facilities).
 3. **Change of occupancy or use.** A change in occupancy or use of an existing structure that complies with all of the following:
 - a. The occupancy or use that exists prior to the change is a legal, permitted use of the structure.
 - b. The change is from a land use listed as a permitted use in the applicable land use tables within Chapter 35.422 through Chapter 35.425 to the same land use (e.g., from restaurant, café or coffee shop to a restaurant, café or coffee shop).
 - c. The new occupancy or use does result in an increase in the number of parking spaces required to be provided on-site.
 - d. The new occupancy or use is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Development Code, including any required provisions and conditions of any existing, approved permits for the subject lot.
 - e. Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit and/or Grading Permit).
 4. **Cultivated agricultural, orchards and vineyards.** Cultivated agriculture, orchards and vineyards when shown as an "E" in the Land Use Tables in Chapter 35.422 through Chapter 35.425.
 - ~~5. **Damaged or destroyed structure.** The replacement or restoration of a conforming structure damaged or destroyed by a disaster, as determined by the Director.~~
 - ~~a. The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use, shall be in~~

~~the same general footprint location, and shall not exceed the floor area, height, or bulk of the destroyed~~

~~structure by more than 10 percent, or 250 square feet, whichever is less. For the purposes of this Subsection B.5, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.~~

~~b. If the structure was damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) located on the lot on which the replaced or restored structure would be located, the replaced or restored structure may be relocated on the lot to meet applicable setbacks from top of bank and reduce flood hazards, as long as the structure otherwise complies with Subsection 5.a above and with applicable policies of the Comprehensive Plan.~~

~~c. Notwithstanding the height measurement methodology contained in Subsection 35.430.090.C, if the structure was damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on the lot on which the replaced or restored structure would be located, the replaced or restored structure may exceed the height of the destroyed or damaged structure (as measured from the post-event grade to peak roof height) by more than 10 percent if necessary to comply with the base flood elevation that exists for the lot after the debris flow or other event. In no case shall the height of the structure, as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents, and noncommercial antennas, exceed the equivalent height of the damaged or destroyed structure by more than 10 percent. The height of the structure, as measured from post-event grade, shall not exceed the height of the applicable zone.~~

~~(1) For the purposes of this Subsection 5.c, post-event grade is defined as the existing grade on the lot at the time of application submittal.~~

~~d. Except as provided in Subsection B.5.d.(1), below, if the Director determines that the exterior design or specifications are proposed to be changed, then the restored or replaced structure shall require Design Review in compliance with Section 35.472.070 (Design Review).~~

~~(1) If a structure has been damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on the lot on which the replaced or restored structure would be located, the restored or replaced structure, even if relocated on the lot or increased in height, shall not require Design Review unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director. If the structure is otherwise exempt from~~

~~requiring a planning permit but requires Design Review, the structure shall receive preliminary and final design review approval before an exemption is issued.~~

- ~~65.~~ **Demolition.** The demolition of a structure less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.
- ~~76.~~ **Electric Vehicle Charging Stations and Hydrogen Fueling Stations.** Electric vehicle charging stations and hydrogen-fueling stations that comply with Government Code Section 65850.7.
- ~~87.~~ **Fences, gates, gateposts, walls, retaining walls.** See Section 35.430.070 (Fences and Walls).
- ~~98.~~ **Final or Parcel Map recordation.** The recordation of a Final Map or Parcel Map following the approval of a Tentative Map including Vesting Tentative Maps.
- ~~109.~~ **Grading.** Grading activities that do not require the approval of a Development Plan by the requirements of the applicable zone and grading for which a permit is not required by County Code Chapter 14. The provisions of this Subsection shall not be construed to alter the requirements of County Code Chapter 14.
- ~~1110.~~ **Grazing.** Grazing when shown as an "E" in the Land Use Tables in Chapter 35.422 through Chapter 35.425 and the Animal Keeping Table (Table 4-1) in Section 35.442.040 (Animal Keeping).
- ~~1211.~~ **Interior alterations.** Interior alterations that do not increase the gross floor area within the structure, do not increase the required number of parking spaces, or do not result in a change in the permitted use of the structure.
- ~~1312.~~ **Irrigation lines.** The installation of irrigation lines that do not require a Grading Permit in compliance with County Code Chapter 14.
- ~~1413.~~ **Lot Line Adjustment recordation.** The recordation of documents required to complete a Lot Line Adjustment.
- ~~1514.~~ **Minor additions and accessory structures.**
- a. **Accessory structures.** One story detached accessory structures used as tool or storage sheds, playhouses, gazebos, pergolas, and similar structures, provided that the height does not exceed 12 feet, the floor area does not exceed 120 square feet, and the structure does not have plumbing or electrical facilities.
 - b. **Decks, platforms, walks, driveways.** Decks, platforms, walks, and driveways that are not required to have a Building Permit or Grading Permit, and that are not over 30 inches above finish grade, or located over a basement or story below.

- c. **Door, window features and skylights.** Doors, windows, and skylights, and window awnings that are supported by an exterior wall and project no more than 54 inches from an exterior wall of a building.
 - d. **Spa, hot tub, pond.** A spa, hot tub, fish pond, or other water feature that does not exceed a total area of 120 square feet, including related equipment, or does not contain more than 2,000 gallons of water.
- ~~16~~15. **Onsite wastewater treatment systems.**
 - a. Onsite wastewater treatment systems, not including alternative wastewater treatment systems, and the installation and performance testing of drywells for sewage disposal.
 - b. The modification, replacement or repair of all or any portion of an existing onsite wastewater treatment system, including alternative wastewater treatment systems, provided that the modification, replacement or repair occurs in substantially the same area as the existing system.
- ~~17~~16. **Propane tanks.** Propane tanks located in residential and agricultural zones.
- ~~18~~17. **Repair and maintenance.** Repair and maintenance activities that do not result in addition to, or enlargement or expansion of the object of the repair or maintenance activities.
- ~~19~~18. **Replacement in-kind of an existing and conforming structure.** The replacement in-kind of an existing permitted and conforming structure provided:
 - a. The reconstructed structure shall comply with all requirements of the applicable zone, shall be for the same use, shall be in the same footprint location, and shall not exceed the floor area, height, or bulk of the existing structure. For the purposes of this Subsection B.19, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
 - b. The exterior design or specifications is not proposed to be revised, or, if revisions are proposed, the revisions are determined to be minor by the Director.
 - c. The structure is less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.
- ~~20~~19. **Seismic retrofitting.** Seismic retrofits to existing structures that are limited to the addition of foundation bolts, hold-downs, lateral bracing at cripple walls and other structural elements required by County Ordinance 4062. The seismic retrofits shall not increase the gross square footage of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure.
- ~~21~~20. **Signs.** Signs in compliance with Section 35.438.030 (Exemptions).

- 2221. Solar energy systems.** The addition of solar energy systems to the roofs of existing structures and the installation of freestanding solar energy systems in compliance with Section 35.430.160 (Solar Energy Systems).
- 2322. Structures of limited value.** A structure with an aggregate value of less than \$2,000, as determined by the Director.
- 2423. Utility facilities.** Poles, wires, underground gas pipelines less than 12 inches in diameter, and similar installations erected, installed, or maintained by a public agency or public service or utility district or company, other than those facilities defined as natural gas telecommunications facilities in compliance with Section 35.444.030 (Telecommunications Facilities Appurtenant to Natural Gas Distribution Facilities).
- 2524. Water wells.**
- a. The testing and installation of a water well to serve one domestic, commercial, industrial, or recreational connection.
 - b. Except in zones requiring Development Plans, water wells for water systems for agricultural purposes.
- C. **Exempt accessory dwelling units and junior accessory dwelling units.** The development of an accessory dwelling unit or junior accessory dwelling unit is exempt from the planning permit requirements of this Development Code, including the requirements of Section 35.420.040.A (General requirements for exemption), above, Section 35.472.080 (Development Plans), and all sections of this Development Code requiring ~~Final~~ Development Plan approval, when in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units). Notwithstanding the foregoing, the gross floor area of any existing or proposed accessory dwelling unit or junior accessory dwelling unit shall be included in the gross floor area calculations for the purpose of processing a Development Plan.
- D. **Process.** Any determination made by the Director that a use, activity, or structure is exempt from the planning permit requirements of this Development Code in accordance with this Section is final and not subject to appeal.

35.420.050 Temporary Uses

Requirements for establishing a temporary use (e.g., seasonal sales lot, special event, temporary office trailer) are in Section 35.442.180 (Temporary Uses and Trailers).

SECTION 3:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.422.030, Resource Protection Zone Allowable Land Uses, of Chapter 35.422, Resource Protection Zone, is hereby amended to read as follows:

35.422.030 Resource Protection Zone Allowable Land Uses

- A. **General permit requirements.** Table 2-1 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) identifies the uses of land allowed by this Development Code in the Resource Management Zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-1 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) includes a Section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. **Development Plan approval required.** ~~Final Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required prior to the approval of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or the issuance of an Exemption in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances)~~ for all development, including grading, except for:
 1. Solar energy ~~energy~~ systems allowed in compliance with Section 35.430.160 (Solar Energy Systems).
- D. **Design Review required.** Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with Section 35.472.070 (Design Review).
- E. **Accessory Structures and Uses.** Accessory structures and uses that are customarily incidental to the primary use allowed by Table 2-1 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) are not allowed except as follows:
 1. **Accessory Dwelling Units.** Accessory dwelling units approved in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
 2. **Junior Accessory dwelling Units.** Junior accessory dwelling units allowed in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
 3. **Swimming Pools and Water Storage Tanks.** Swimming pools and water storage tanks shall be approved or conditionally approved as accessory structures in compliance with Section 35.472.080 (Development Plans).
 4. **Solar energy systems.** Solar energy systems allowed in compliance with Section 35.430.160 (Solar Energy Systems).

Table 2-1	E Allowed use, no permit required (Exempt)
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Allowed Land Uses and Permit Requirements for Resource Protection Zone	P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u> CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed	
	LAND USE (1)	PERMIT REQUIRED BY ZONE
		RMZ
Specific Use Regulations		
AGRICULTURAL, MINING & ENERGY FACILITIES		
Animal keeping	S	35.442.040
Aquaculture	CUP	
Cannabis - Cultivation and microbusiness	—	
Cultivated agriculture, orchard, vineyard, new	CUP	
Cultivated agriculture, orchard, vineyard, historic legal use	CUP	
Grazing	E	
Mining	CUP	35.472.140
RECREATION, EDUCATION & PUBLIC ASSEMBLY		
Education or research facility, limited	CUP	
Meeting facility, religious	CUP	
Rural recreation	CUP	
School	CUP	
Spa, Natural	CUP	35.442.170
RESIDENTIAL		

Accessory dwelling unit	S	35.442.015
Guesthouse	P	35.442.120
Home occupation	P	35.442.130
Dwelling, one-family	P	
Farmworker dwelling unit	P	35.442.105
Farmworker dwelling complex	CUP	35.442.105
Junior accessory dwelling unit	S	35.442.015
Residential accessory uses and structures	P	35.422.030.E
Special care home, 7 or more clients	CUP	35.442.070
Supportive housing	S	35.442.185
Transitional housing	S	35.442.185
SERVICES		
Large family day care home, serving adults	P	35.442.070
Large family day care home, serving children	E (32)	35.442.070
Small family day care home, serving adults	E	35.442.070
Small family day care home, serving children	E (32)	35.442.070
Day care center, accessory to non-dwelling	CUP (43)	35.442.070
Day care center, accessory to dwelling	CUP	35.442.070
Day care center, principal use	CUP (43)	35.442.070
Lodging - Homestay	—	
Lodging - Short-term rental	—	

Key to Zone Symbols

RMZ	Resource Management
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Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.422.030.C (Development Plan approval required).~~

~~(32)~~ A change of use to a large or small family day care home, serving children, is exempt from zoning permits. An application to construct a new structure to be used as a large or small family day care home, serving children, is subject to the same standards and permit requirements as a proposal to construct a residential structure in the same zone.

~~(43)~~ Day care centers serving up to and including fifty (50) children may be permitted with a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits).

Table 2-1 - Continued	E Allowed use, no permit required (Exempt)	
Allowed Land Uses and Permit Requirements for Resource Protection Zone	P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)	
	CUP Conditional Use Permit required	
	S Permit determined by Specific Use Regulations	
	— Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE	Specific Use Regulations
	RMZ	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE		
Cannabis - Distribution	—	
Electrical substation - Minor (32)	CUP	
Electrical substation - Major (32)	CUP	
Electrical transmission line (43)	CUP	

Private services and utilities	CUP	
Public works and utilities	CUP	
Telecommunications facility	S	35.444
WATER SUPPLY & WASTEWATER FACILITIES		
Onsite wastewater treatment system, individual, alternative	CUP	
Onsite wastewater treatment system, individual, conventional	E	
Onsite wastewater treatment system, individual, supplemental	E	
Reservoir	CUP	
Wastewater treatment facility, less than 200 connections	CUP	
Water or sewer system pump or lift station	CUP	
Water system with 1 connection	E	
Water system with 2 or more connections	CUP	
Water well, agricultural	E	

Key to Zone Symbols

RMZ	Resource Management
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Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.422.030.C (Development Plan approval required).~~

~~(3)~~ Shall comply with the requirements of the PU zone; see Table 2-11 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).

(43) Does not include electrical transmission lines outside the jurisdiction of the County.

SECTION 4:

DIVISION 35.2, Montecito Development Code Applicability, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.422.050, Resource Protection Zone Development Standards, of Chapter 35.422, Resource Protection Zone, is hereby amended to read as follows:

35.422.050 Resource Protection Zone Development Standards

- A. **Development Standards.** Development within the Resource Management Zone shall be designed, constructed, and established in compliance with the requirements in Table 2-3 (Resource Protection Zone Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code.

Table 2-3 - Resource Protection Zone Development Standards

Development Feature	Requirement by Zone
	RMZ - Resource Management
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>
Maximum density	One one-family dwelling per lot; plus one accessory dwelling unit or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
Setbacks	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions. <u>Setbacks are measured from property line unless otherwise stated.</u></i>
Front - Primary	50 ft from road centerline and 20 ft from edge of right-of-way.
Front - Secondary	Lot less than 100 ft wide – 20% of lot width, with no less than – 10 ft minimum Lot 100 ft wide or more than 20 ft required – Same as primary front setback.
Side and Rear	20 ft

Building separation	—10 ft
Height limit	<i>Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height limit exceptions.</i>
Maximum height	25 ft
Landscaping	See Chapter 35.434 (Landscaping Standards).
Parking	See Chapter 35.436 (Parking and Loading Standards).
Signs	See Chapter 35.438 (Sign Standards).

~~35.422.060 Resource Protection Zone Findings for Project Approval~~

~~The approval of a Conditional Use Permit in the Resource Protection Zone shall require that the review authority first make the findings in Subsection 35.472.060.E (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.438 (Sign Standards)).~~

SECTION 5:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Chapter 35.423, Residential Zones, is hereby amended to read as follows:

CHAPTER 35.423 RESIDENTIAL ZONES

35.423.010 Purpose

This Chapter lists the land uses that may be allowed within the residential zones established by Section 35.404.020 (Zoning Map and Zones) that are applied to property in Montecito, determines the type of planning permit required for each land use, and provides basic standards for site layout and building size.

35.423.020 Purposes of the Residential Zones

The purposes of the individual residential zones and the manner in which they are applied within the Montecito Community Plan area are as follows:

- A. **R-1/E-1 (One-Family Residential) zone.** The R-1 and E-1 zones are applied to areas appropriately located for family living at a reasonable range of population densities, consistent with sound standards of public health, safety, and welfare. This zone is intended to protect the residential characteristics of an area ~~and to promote a suitable environment for family life.~~

- B. **R-2 (Two-Family Residential) zone.** The R-2 zone is applied to areas appropriate for multiple residential development in the form of two-family dwellings (duplexes) and to maintain a residential character similar to that of one-family neighborhoods. This zone is intended to ensure the compatibility of duplex development with surrounding multiple and one-family dwellings and neighborhoods.
- C. **DR (Design Residential) zone.** The DR zone is applied to areas appropriate for one-family, two-family and multi-family dwellings. This zone is intended to ensure comprehensively planned and well-designed residential development, while allowing flexibility and encouraging innovation and diverse design, and encouraging clustering of structures to preserve significant natural, scenic, and cultural resources of a site requiring that substantial open space be maintained within new residential developments.
- D. **PRD (Planned Residential Development) zone.** The PRD zone ensures the comprehensively planned development of large acreage within designated Urban areas that are intended primarily for residential use. The intent of this zone is to:
1. Promote flexibility and innovative design of residential development, to provide desirable aesthetic and efficient use of space and to preserve significant natural, scenic, and cultural resources of a site;
 2. Encourage clustering of structures to preserve ~~a maximum amount of~~ open space;
 3. Allow for a diversity of housing types; and
 4. Provide recreational opportunities for use by both the residents of the site and the public.

35.423.030 Residential Zones Allowable Land Uses

- A. **General permit requirements.** Table 2-4 (Allowed Land Uses and Permit Requirements for the Residential Zones) identify the uses of land allowed by this Development Code in each residential zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in the tables includes a Section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, or Conditional Use Permit and/or may establish other requirements and standards applicable to the use.
- C. **Development Plan approval required.** Except as provided below, ~~Final~~ Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required ~~prior to the approval of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits)~~ as follows:
1. **R-1/E-1 and R-2 zones.** ~~Final~~ Development Plan approval is required for a structure that is not otherwise required by this Development Code to have discretionary permit approval, 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 same lot will total 20,000 square feet or more in gross floor area.
2. **DR zone.** ~~Final~~ Development Plan approval is required for all development, including grading, except for one, one-family dwelling and its accessory uses and structures on a single lot unless required in compliance with Subsection C.1 above.
 - a. Such one-family dwellings, including those subject to Subsection C.1 above, shall be developed in compliance with the development standards applicable to the R-1/E-1 zone provided in Section 35.423.050 (Residential Zones Development Standards).
 3. **PRD zone.** ~~Final~~ Development Plan approval is required for all development, including grading.
- D. **Design Review required.** Design Review may be also required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with Section 35.472.070 (Design Review).
- E. **Accessory structures and uses.** Each use allowed by Table 2-4 (Allowed Land Uses and Permit Requirements for Residential Zones) may include accessory structures and uses that are customarily incidental to the primary use, provided that the uses and structures are in compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in Chapter 35.442 (Standards for Specific Land Uses).:-
1. ~~Within the R 1/E 1, R 2 and DR zones, when accessory to dwellings, for the exclusive use of the residents of the site and their guests, and do not involve a commercial enterprise on the site; and~~
 2. ~~In compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in Chapter 35.442 (Standards for Specific Land Uses).~~

<p>Table 2-4</p> <p>Allowed Land Uses and Permit Requirements for Residential Zones</p>	<table> <tr> <td>E</td><td>Allowed use, no permit required (Exempt)</td></tr> <tr> <td>P</td><td>Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u></td></tr> <tr> <td>CUP</td><td>Conditional Use Permit required</td></tr> <tr> <td>S</td><td>Permit determined by Specific Use Regulations</td></tr> <tr> <td>—</td><td>Use Not Allowed</td></tr> </table>	E	Allowed use, no permit required (Exempt)	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u>	CUP	Conditional Use Permit required	S	Permit determined by Specific Use Regulations	—	Use Not Allowed
E	Allowed use, no permit required (Exempt)										
P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u>										
CUP	Conditional Use Permit required										
S	Permit determined by Specific Use Regulations										
—	Use Not Allowed										

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-2	DR	PRD	
AGRICULTURAL, MINING, & ENERGY FACILITIES					
Agricultural accessory structure	P	P	—	—	35.442.020
Animal keeping (except for equestrian facilities-see RECREATION below)	S	S	S	S	35.442.040
Cannabis - Cultivation, nursery, and microbusiness	—	—	—	—	
Cultivated agriculture, orchard, vineyard	E	E	—	—	
Greenhouse - commercial or noncommercial, 300 sf or less	P	P	P (32)	—	35.442.110
Greenhouse - commercial or noncommercial, greater than 300 sf to less than 800 sf	CUP	CUP	—	—	35.442.110
RECREATION, EDUCATION & PUBLIC ASSEMBLY					
Community center	P	P	P	—	
Conference center	—	—	—	—	
Country club, swim and tennis club	CUP	—	—	—	
Equestrian facilities	—	—	—	—	
Golf course	CUP	—	CUP	—	
Golf driving range	—	—	—	—	
Library	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	

Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	
Park, playgrounds - Commercial	—	—	—	—	
Park, playgrounds - Private	—	—	—	—	
Park, playground - Public	P	P	P	—	
Private residential recreation facility	—	—	P	P	
School	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	

Key to Zone Symbols

R-1/E-1	One-Family Residential	DR	Design Residential
R-2	Two-Family Residential	PRD	Planned Residential Development

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- ~~(2) Development Plan approval may also be required; see Subsection 35.423.030.C (Development Plan approval required).~~
- ~~(3)~~ (2) Non-commercial only.

Table 2-4- Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-2	DR	PRD	
RESIDENTIAL					
Accessory dwelling unit	S	S	S	S	35.442.015
Artist studio	P	—	—	—	35.442.120
Dwelling, one-family	P (3)	P (3)	P	P	35.442.140
Dwelling, two-family	—	P	P	P	
Dwelling, multiple	—	—	P	P	
Farmworker dwelling unit	P (3)	P (3)	P	P	35.442.105
Farmworker housing complex	CUP	CUP	P	—	35.442.105
Guesthouse	P	—	—	—	35.442.120
Home occupation	P	P	P	P	35.442.130
Junior accessory dwelling unit	S	S	S	S	35.442.015
Mobile home park	CUP	CUP	CUP	CUP	
Organizational house (fraternity, sorority, etc.) (42)	—	—	CUP	—	
Residential accessory use or structure	P	P	P	P	35.442.020
Residential project convenience facilities	—	—	P	P	
Special care home, 7 or more clients	CUP	CUP	CUP	CUP	35.442.070
Supportive housing	S	S	S	S	35.442.185
Transitional housing	S	S	S	S	35.442.185

SERVICES					
Large family day care home, serving adults	P	P	P	P	35.442.070
Large family day care home, serving children	E (53)	E (53)	E (53)	E (35)	35.442.070
Small family day care home, serving adults	E	E	E	E	35.442.070
Small family day care home, serving children	E (53)	E (53)	E (53)	E (53)	35.442.070
Day care center, principal use	CUP (64)	CUP (64)	CUP (64)	CUP (64)	35.442.070
Day care center, accessory to non-dwelling	CUP (64)	CUP (64)	P	P	35.442.070
Day care center, accessory to dwelling	CUP	CUP	CUP	CUP	35.442.070
Lodging - Homestay	P	P	P	P	35.442.135
Lodging - Short-term rental	—	—	—	—	
Medical services - Clinic	—	—	—	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	
Mortuary	—	—	—	—	
Mortuary, accessory to cemetery	—	—	—	—	

Key to Zone Symbols

R-1/E-1	One-Family Residential	DR	Design Residential
R-2	Two-Family Residential	PRD	Planned Residential Development

Notes:

(1) See Division 35,10 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.423.030.C (Development Plan approval required).~~

~~(3) One family dwelling may be a mobile home on a permanent foundation, see Section 35.442.140 (Mobile Homes on Foundations).~~

(42) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

(53) A change of use to a large or small family day care home, serving children, is exempt from zoning permits. An application to construct a new structure to be used as a large or small family day care home, serving children, is subject to the same standards and permit requirements as a proposal to construct a residential structure in the same zone.

(64) Day care centers serving up to and including fifty (50) children may be permitted with a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits).

<p>Table 2-4 - Continued</p> <p>Allowed Land Uses and Permit Requirements for Residential Zones</p>	<p>E Allowed use, no permit required (Exempt)</p> <p>P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)</p> <p>CUP Conditional Use Permit required</p> <p>S Permit determined by Specific Use Regulations</p> <p>— Use Not Allowed</p>				
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-2	DR	PRD	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE					
Cannabis - Distribution	—	—	—	—	
Drainage channel, watercourse, storm drain less than 20,000 sf	—	—	—	—	
Drainage channel, watercourse, storm drain 20,000 sf or more	—	—	—	—	

Electrical substation - Minor (3 <u>2</u>)	CUP	CUP	CUP	CUP	
Electrical substation - Major (3 <u>2</u>)	CUP	CUP	CUP	CUP	
Electrical transmission line (4 <u>3</u>)	CUP	CUP	CUP	CUP	
Flood control project less than 20,000 sf total area (5 <u>4</u>)	—	—	—	—	
Flood control project 20,000 sf or more total area (5 <u>4</u>)	—	—	—	—	
Public safety facility (6 <u>5</u>)	CUP	CUP	CUP	CUP	
Public works and utilities	CUP	CUP	CUP	CUP	
Road, street less than 20,000 sf total area (5 <u>4</u>)	—	—	—	—	
Road, street 20,000 sf or more total area (5 <u>4</u>)	—	—	—	—	
Sea wall, revetment, groin or other shoreline structure	—	—	—	—	
Telecommunications facility	S	S	S	S	35.444
Utility service line with 4 or fewer connections (5 <u>4</u>)	—	—	—	—	
Utility service line with 5 or more connections (5 <u>4</u>)	—	—	—	—	
WATER SUPPLY & WASTEWATER FACILITIES					
Onsite wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	
Onsite wastewater treatment system, individual, conventional	E	E	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	E	E	
Pipeline - Water, reclaimed water, wastewater	—	—	—	—	

Reservoir	CUP	CUP	CUP	CUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station	CUP	CUP	CUP	CUP	
Water system with 1 connection	E	E	E	E	
Water system with 2 or more connections	CUP	CUP	CUP	CUP	
Water well, agricultural	E	E	—	—	

Key to Zone Symbols

R-1/E-1	One-Family Residential	DR	Design Residential
R-2	Two-Family Residential	PRD	Planned Residential Development

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- ~~(2) Development Plan approval may also be required; see Subsection 35.423.030.C (Development Plan approval required).~~
- ~~(3)~~ Shall comply with the requirements of the PU zone; see Table 2-11 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- ~~(4)~~ Does not include electrical transmission lines outside the jurisdiction of the County.
- ~~(5)~~ Not applicable to facilities constructed by the County.
- ~~(6)~~ May include paramedic services associated with a fire station.

35.423.040 Residential Zones Lot Standards

A. Minimum lot size.

1. **Minimum area and width.** Each lot in a proposed subdivision shall comply with the minimum lot area and width requirements in Table 2-5 (Minimum Lot Size). Area requirements are gross or net as noted; minimum lot widths are gross or net, as noted.
2. **Minimum depth.** Minimum lot depth shall be determined by the review authority through the subdivision approval process.

~~B. Minimum building site area for residential use. Each primary dwelling and its allowed accessory structures shall be located on a lot with the minimum area and width shown in Table 2-5 (Minimum Lot Size); except that:~~

- ~~1. A dwelling and its accessory structures and uses may be located on a lot of less area, except for a fraction lot; and~~
- ~~2. A dwelling and its accessory structures and uses may be located on a lot of less width.~~

Table 2-5 - Minimum Lot Size

Zoning Map Symbol	Minimum Lot Area	Minimum Lot Width
7-R-1	7,000 square feet net	65 feet
20-R-1	20,000 square feet net	100 feet
1-E-1	1 acre gross	120 feet
2-E-1	2 acres gross	150 feet
3-E-1	3 acres gross	210 feet
5-E-1	5 acres gross	270 feet
10-E-1	10 acres gross	380 feet
7-R-2	7,000 square feet net	65 feet
DR (1)	Determined by Final Development Plan	
PRD	Determined by Final Development Plan	

Notes:

(1) The DR zoning map symbol is accompanied by a number that specifies the allowable number of units per gross acre, see Table 2-7 (DR Zone Maximum Density).

35.423.050 Residential Zones Development Standards

- A. **General development standards.** Development within the residential zones shall be designed, constructed, and established in compliance with the requirements in Table 2-6 (Residential Zone Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code.

Table 2-6 - Residential Zone Development Standards

Development Feature	Requirement by Zone	
	R-1/E-1 One-Family Residential	R-2 Two-Family Residential
Minimum lot size	<i>Minimum area and width for lots proposed in new subdivisions.</i>	
Area, width	See Subsection 35.423.040.A (Minimum lot size).	
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>	
Maximum density	One one-family dwelling per lot; plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).	One one-family dwelling or one two-family dwelling per lot; plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
Setbacks	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions. <u>Setbacks are measured from property line unless otherwise stated.</u></i>	
Front - Primary	50 ft from road centerline and 20 ft from the edge of the right-of-way.	
Front - Secondary	Lot less than 100 ft wide – 20% of lot width, with no less than – 10 ft minimum Lot 100 ft wide or more – Same as primary front setback, <u>than 20 ft required.</u>	

Side	<u>Lots less than 2 acres:</u> 10% of lot width, where minimum lot area requirement is: <u>with no less than</u>	10% of lot width, <u>with no less than 5 ft minimum, or more than 10 ft maximum</u> required.
	— 2 acres or less — 5 ft <u>or more than minimum,</u> 10 ft maximum required; <u>Lots 2 acres or more:</u> 10% of lot width, with no less than 10 ft or more than minimum, 20 ft maximum required.	
Rear	25 ft	
Accessory structures	See Section 35.442.020 (Accessory Structures and Uses)	
Building separation	10 ft between a dwelling or guesthouse and any other detached structure on the same site.	
Site coverage	Maximum percentage of net site area that may be covered by buildings.	
Maximum coverage	None	
Height limit	<i>Maximum allowable height of structures, except where a lesser height is required by design review or other provisions of this Development Code. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirement and height limit exceptions.</i>	
Maximum height	35 ft and 2 stories	25 ft
Exception	The height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.	
Landscaping	See Chapter 35.434 (Landscaping Standards).	
Parking	See Chapter 35.436 (Parking and Loading Standards).	

Signs	See Chapter 35.438 (Sign Standards).
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Table 2-6 - Residential Zone Development Standards - Continued

Development Feature	Requirement by Zone	
	DR Design Residential	PRD Planned Residential Development
Minimum lot size	<i>Minimum area and width for lots proposed in new subdivisions.</i>	
Area, width	None <u>Determined by Development Plan</u>	
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval. Required land area is expressed as gross area.</i>	
Maximum density	See Table 2-7 (DR Zone Maximum Density); plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).	As specified by the Comprehensive Plan; plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
Setbacks	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site <u>Setbacks are measured from property line unless otherwise stated.</u></i>	
Front - Primary	20 ft from <u>edge of</u> right-of-way.	<u>Same as DR Zone except as specifically determined by Development Plan approval</u> As determined by Final Development Plan.
Front - Secondary	20 ft from right-of-way.	
Side	10 ft, except where a larger setback is required by the Montecito Commission in the	

	review of a discretionary planning permit for light, air, or privacy.	
Rear	Same as side.	
Accessory Structures	See Section 35.442.020 (Accessory Structures and Uses).	
Building separation	10 ft between a habitable building and any other building on the same site.	
Site coverage	Maximum percentage of net site area that may be covered by buildings.	
Maximum coverage	30 %. (1)	30 %.
Height limit	Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations).	
Maximum height	35 ft. (1)	<u>Same as DR Zone except as specifically determined by Development Plan approval: 35 ft.</u>
Exception	The height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.	
Open space	Minimum percentage of gross site area to be maintained as common open space.	
Minimum open space	See Subsection 35.423.060.B (Open Space). (1)	See Subsection 35.423.070.E (Open Space).
Landscaping	See Chapter 35.434 (Landscaping Standards).	
Parking	See Chapter 35.436 (Parking and Loading Standards).	
Signs	See Chapter 35.438 (Sign Standards).	

Notes:

~~(1) See Subsection 35.423.060.D for site coverage, height limit, and open space standards for qualifying affordable housing, senior housing, or special care housing developments.~~

B. **Accessory storage of materials.** Storage accessory to the principal structure or use on the site on which the storage is located is subject to the following standards. A Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) is not required to establish accessory storage except when 1) this Subsection B requires a permit for a specific type of storage, or 2) the storage involves construction of a new structure or alteration of an existing structure that is not exempt from a ~~Land Use Permit~~planning permit in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements), or 3) the accessory storage is not in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Subsection 35.423.050.B shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

1. **Building materials and equipment used in a construction project.**

a. The following storage of building materials and equipment used in a construction project is allowed on residentially zoned lots. Storage of building materials and equipment include stockpiles of construction materials, tools, equipment, and building components assembly operations.

(1) **Same or adjacent lot.** The storage of building materials and equipment used in a construction project on the same lot on which the construction is occurring or on a lot adjacent to the lot on which the construction is occurring provided:

(a) There is a valid building permit or planning permit in effect for the construction project; and

(b) When storage is proposed on a lot adjacent to the lot on which the construction is occurring, the planning permit application for the construction project shall also include the adjacent lot and shall describe the storage proposed to occur on the adjacent lot.

(2) **Construction related to an approved ~~Final~~ Development Plan.** The storage of building materials and equipment used in a construction project where concurrent development is occurring on several lots at the same time in compliance with an approved ~~Final~~ Development Plan or other planning permit or building permit that allows construction activities to occur on several lots that are proximate to one another.

- b. The storage of building materials and equipment not allowed by Subsection B.1.a, above, or B.2, below, is considered a Contractor Equipment Storage Yard which is not allowed in residential zones.
2. **Outdoor storage of miscellaneous materials.** The storage of miscellaneous materials including articles, building materials not associated with the construction of a structure for which there is an valid planning or building permit), equipment, junk, motor vehicle parts, scrap or tools outside of a fully enclosed or fully screened structure is subject to the following requirements.
- a. **Area occupied by stored materials.**
 - (1) Stored materials shall be limited to the following maximum area, based upon the lot area of the lot.

Lot Area (gross)	Maximum Allowed Area of Storage
Less than 10,000 sq. ft.	300 sq. ft.
10,000 sq. ft. to less than 1 acre	500 sq. ft.
One acre or larger	1,000 sq. ft.

- (2) No more than 100 square feet of the maximum allowed area of storage shown in the table above may be devoted to the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale.
- b. **Maximum height of stored materials.** Five feet.
- c. **Screening required.** Except for stacked, cut firewood for on-site domestic use only, the outdoor storage of miscellaneous materials shall be enclosed within a six-foot high solid wood fence or masonry wall. The fence or wall shall be located in close proximity to the materials being stored so as to effectively screen the storage area.
- d. **Location of storage.** Storage of miscellaneous materials shall not be located within required front setback or side setback areas in compliance with Section 35.423.050 (Residential Zones Development Standards).
- e. **Modification of standards allowed with a Conditional Use Permit.** The storage of miscellaneous materials that does not comply with the standards contained in Subsection a. through d. of Subsection B.2, above, may be allowed in compliance with a Conditional Use Permit approved in compliance with Section 35.472.060 (Conditional Use Permits).

- f. **Noncompliance deemed a violation of this Development Code.** As of June 1, 2012, storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection B.2, above, or is not allowed by a Conditional Use Permit approved in compliance with Section 35.472.060 (Conditional Use Permits) as allowed by Subsection B.2.e, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35.498 (Enforcement and Penalties).
- C. **Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.** The assembling, disassembling, modifying, repairing, restoration, servicing, wrecking or otherwise working (hereinafter referred to as "work" within the meaning of this Subsection C) on a motor vehicle is allowed only in compliance with the following standards. This Subsection C. shall not apply to occasional minor maintenance such as changing belts, hoses, oil and spark plugs. Nothing in this Subsection C shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services) or Chapter 19 (Junk Yards and Dumps) or Chapter 23 (Motor Vehicles and Traffic) of the County Code.
 1. Work is restricted to vehicles that are registered with the California Department of Motor Vehicles to a person residing on the lot on which the work occurs. Residing on a lot does not include transient occupancies where the occupancy is for a period of less than 30 days.
 2. Vehicle dismantling shall not occur outside of a fully enclosed or fully screened structure and such vehicles shall not be kept, parked or stored outside of a fully enclosed or fully screened structure or on parking spaces required in compliance with Section 35.436.050 (Required Number of Spaces: Residential Uses).
 3. Any storage of vehicle parts located outside of a fully enclosed or fully screened structure shall be in compliance with Subsection B (Accessory storage of materials), above, and shall not be located on parking spaces required in compliance with Section 35.436.050 (Required Number of Spaces: Residential Uses).
 4. Work associated with the preparation for sale of vehicles or vehicle parts for sale is not allowed.
 5. **Modifications to standards allowed with a Conditional Use Permit.** Work that does not comply with the standards contained in Subsections C.1 through C.4, above, may be allowed in compliance with a Conditional Use Permit approved in compliance with Section 35.472.060 (Conditional Use Permits).
 6. **Noncompliance deemed a violation of this Development Code.** As of June 1, 2012, any motor vehicle assembly, dismantling, maintenance, repair, restoration, etc that does not comply with the standards contained in Subsections C.1 through C.4, above, or is not allowed by a Conditional Use Permit approved in compliance with Section 35.472.060 (Conditional Use Permits) as allowed by Subsection C.5, above, shall be

considered a violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35.498 (Enforcement and Penalties).

35.423.060 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 35.423.050 (Residential Zones Development Standards).

- A. **Maximum density.** The number of dwelling units on a lot shall not exceed the maximum specified by Table 2-7 (DR Zone Maximum Density) for each DR zoning designation shown in Table 2-7 (DR Zone Maximum Density).

Table 2-7 - DR Zone Maximum Density

Zoning Map Symbol	Dwelling Units per Gross Acre
DR-1.8	1.8
DR-4.6	4.6
DR-10	10
DR-12	12

- 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 area amount of open space.** A minimum of 200 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. ~~Except for developments that are permitted in compliance with Subsection D (Affordable housing, senior housing, or special care housing developments), below, a minimum of 40 percent of the net site area shall be reserved for the life of the project as common open space.~~

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.

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.

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.

2C. Title to open space area. 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-Director may prescribe to ensure the preservation and maintenance of common areas. The reasonable terms and conditions may include restricting the rights to develop the property to the uses described in the approved Final Development Plan for the project. The 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 these areas.

~~**C. Condominiums, stock cooperatives, community apartments.** The review authority may apply the following standards as conditions of approval of a condominium, stock cooperative, or community apartment project where allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses):~~

~~**1. Laundry facilities.** Each dwelling unit shall be provided separate laundry facilities. The Final Development Plan shall show sufficient space, utility connections, and vents to allow for the installation of a clothes washer and dryer in each unit or in a garage, not to encroach upon parking.~~

- a. ~~**Affordable housing projects.** For affordable housing overlay projects or housing developments that provide a minimum of 50 percent of the housing units at the required affordable income levels, the laundry facilities may be provided in a common area within the development. A minimum of one standard capacity size washer and dryer shall be provided for each four dwelling units contained within the same structure.~~
2. ~~**Open space.**~~
 - a. ~~**Common.** Common open space and recreation areas shall be designed to provide access for the handicapped.~~
 - b. ~~**Private.** Each dwelling unit shall include a private outdoor patio area in the form of ground level patios or upper story balconies. Private patios shall not be less than 20 percent of the gross floor area of the dwelling unit. If the required patio area is less than 200 square feet, then this requirement shall be satisfied by providing only one patio or balcony for the dwelling unit.~~
3. ~~**Storage space.** Each dwelling unit shall be provided with at least 180 cubic feet of weatherproofed, enclosed, lockable, and easily accessible storage space onsite in addition to the storage space of closets, cabinets, and pantries contained within the dwelling units.~~
4. ~~**Utility metering.** Individual metering for utilities shall be provided for each unit, unless the metering would conflict with an innovative energy efficient or resource conserving utility system designed for the project.~~
- D. ~~**Affordable housing, senior housing, or special care housing developments.** This subsection provides development standards for height limit, open space, parking, and site coverage 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 Subsection D (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 Subsection 35.423.060.D.1.a, above) for seniors (as defined in Subsection 35.423.060.D.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 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 Subsection 35.423.060.D.1.a, above), senior housing (as defined in Subsection 35.423.060.D.1.b, above), and/or affordable senior housing (as defined in Subsection 35.423.060.D.1.c, above).~~
- ~~e. **Special care housing.** For the purposes of this section, special care homes as defined in Chapter 35.500 (Definitions).~~
- ~~2. **Modified development standards for qualifying projects.** The following development standards regarding height limit, open space, parking, and site coverage shall apply to projects developed in compliance with Subsection D (Affordable housing, senior housing, or special care housing developments) instead of the respective standards listed in Table 2-6 (Residential Zones Development Standards), Subsection B (Open space), above, and Chapter 35.436 (Parking and Loading Standards). 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 (Government Code Section 65915 – 65918) and the Density Bonus Program (see Chapter 35.432, Density Bonus for Affordable Housing).~~
 - ~~a. **Height limit.** 40 feet.~~
 - ~~b. **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 space may also include the areas listed below in addition to the areas listed in the definition of Common Space in Chapter 35.500 (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 Chapter 35.500 (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 Subsection 35.423.060.B.2.~~

~~c. **Parking.** Parking requirements shall be as follows:~~

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

Special care home (1)	1 space/3 beds and; 1 space/3 employees
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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) For all developments incorporating the modified parking standards of this section, applicants shall submit a contingency parking plan. The contingency parking plan shall demonstrate that the proposed development can be modified to provide parking as required irrespective of Subsection 35.423.060.D. 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. **Maximum site coverage.** 40 percent of the net site area for structures containing residential uses.~~

~~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 Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (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.~~

35.423.070 PRD Zone Standards

Proposed development and new land uses within the PRD zone shall comply with the following standards, in addition to those in Section 35.423.050 (Residential Zones Development Standards).

- ~~A. **Specific Plans.** For areas requiring a Specific Plan in compliance with the Comprehensive Plan, a Specific Plan shall be filed and approved in compliance with Chapter 35.478 (Specific Plans) prior to the submittal of a Preliminary Development Plan. The Director may waive the requirement for the Preliminary Development Plan if the Director determines that the approved Specific Plan provides the same information as required for a Preliminary Development Plan. All Development Plans shall comply with the Specific Plan for the project area.~~
- A. **Minimum zone area.** Rezoning to apply the PRD zone shall require that the site shall be a minimum of one acre provided that this minimum land area is adequate to meet the requirements of the PRD zone.
- B. **Development Standards.** Except as specifically approved in the Development Plan, development shall comply with the development standards for the DR Zone in Section 35.423.060 (DR Zone Standards). Standards related to density in Section 35.423.060.A (Maximum Density) do not apply as the maximum allowed density in the PRD Zone is as specified in the Land Use Element.
- BC. **Requirements of the Comprehensive Plan.** Additional site specific requirements for property designated for Planned Development (PD) on the Land Use Element Maps may be set forth in the text of the Comprehensive Plan.
- ~~C. **Setback requirements.** Setbacks shall be proposed and approved on the Preliminary and Final Development Plans to protect and preserve property values of the site and adjacent properties, ensure compatibility of different uses, avoid nuisances, and advance the general~~

~~welfare within the PRD zone. In addition, siting of structures shall be based on the following factors: privacy, light and air, solar exposure, building configuration, and aesthetics.~~

- D. **Streets.** Streets may be public or private; provided that all private streets shall be constructed to County standards, and adequate provisions shall be made in the codes, covenants and restrictions to ensure the adequate maintenance of private streets. The standards for any onsite improvements (streets, walks, drainage, and utilities) may be modified for a planned residential development by the County upon recommendation from the Public Works Department. Street design shall relate to the function of the street and, particularly in hillside areas where no on-street parking is necessary or permitted, street widths may be reduced. Innovation in street and walkway design, the use of cul-de-sacs and loop streets, and reduction of grading for streets is encouraged. Vehicular access to individual lots or units shall generally be only from project streets.

~~E. **Open space.**~~

- ~~1. **Amount.** The County shall specify the required amount of public and/or common open space in a planned residential development at the time of approval of the Development Plan but in no case shall the total amount of public and/or common open space be less than 40 percent of the gross acreage. Determination of the appropriate amount of public and/or common open space shall be based on consideration of the following factors:~~

- ~~a. The need to protect for public use areas historically used by the public such as beaches and trails;~~
- ~~b. The avoidance of siting of structures in hazardous areas or on steep slopes;~~
- ~~c. The protection of environmentally sensitive habitat areas and archaeological sites; and~~
- ~~d. The protection of scenic areas of the site.~~

~~Lands to be preserved as 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.~~

- ~~2. **Maintenance of public open space.** The County may require the applicant or Homeowners' Association to maintain all public open spaces and related facilities for a specified period after occupancy of the planned residential development or may require payment of an in lieu fee if the County maintains the public open space and related facilities. If the applicant or Homeowners' 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 maintenance.~~

~~3. **Maintenance of common open space.** Common open space shall be deeded to the Homeowners' Association and held in undivided ownership by the owners of the planned residential development. Preservation and maintenance of all common open space and communal recreational facilities shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvements and running with the land as described in the approved Final Development Plan.~~

~~FE.~~ **Homeowners' Association.** At the time of submittal of a ~~Preliminary or Final~~ Development Plan, the applicant shall file a description of the proposed organization of the Homeowners' Association including conditions, covenants, and restrictions that will govern the Association. The description shall include the following provisions:

1. The Homeowners' Association shall be established before the homes are sold;
2. Membership shall be mandatory for each home buyer and any successive buyer;
3. The Association shall be responsible for liability insurance, property taxes, and maintenance of common open space and recreational and other common facilities;
4. Homeowners shall pay their pro rata share of all costs of the Association and the assessment levied by the Association can become a lien on the property; and
5. The Association shall be able to adjust the assessment to meet changed needs.

SECTION 6:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.424.030, Commercial Zones Allowable Land Uses, of Chapter 35.424, Commercial Zones, is hereby amended to read as follows:

35.424.030 Commercial Zones Allowable Land Uses

- A. **General permit requirements.** Table 2-8 (Allowed Land Uses and Permit Requirements for Commercial Zones) identifies the uses of land allowed by this Development Code in each commercial zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-8 (Allowed Land Uses and Permit Requirements for Commercial Zones) includes a Section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. **Development Plan approval required.** ~~Final~~ Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required ~~prior to the approval of a Land Use Permit~~ for all development, including grading, except that residential units that meet the

County's definition of affordable housing with the Housing Element of the Comprehensive Plan.

- D. **Design Review required.** Design Review is required prior to the approval of a planning permit for a structure, or an addition to or alteration of, an existing structure in compliance with Section 35.472.070 (Design Review).
- E. **Accessory uses and structures.** Each use allowed by Table 2-8 (Allowed Land Uses and Permit Requirements for Commercial Zones) may include accessory uses and structures that are customarily incidental to the ~~permitted primary use~~ provided that the accessory structures and uses are in compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in Chapter 35.442 (Standards for Specific Land Uses).

Table 2-8 Allowed Land Uses and Permit Requirements for Commercial Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u> CUP Conditional Use Permit required S Permit determined by Specific Use Regulations ZC Zoning Clearance — Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	CN	CV	
AGRICULTURAL, MINING & ENERGY FACILITIES			
Animal keeping	S	S	35.442.040
Cannabis - Cultivation, nursery, and microbusiness	—	—	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES			
Campground	—	—	
Conference center	—	—	
County club, swim and tennis club	—	—	

Equestrian facility	—	CUP	
Fairgrounds	—	—	
Golf course	—	P	
Golf driving range	—	P	
Library	P	CUP	
Meeting facility, public or private	CUP	CUP	
Meeting facility, religious	CUP	CUP	
Museum	CUP	CUP	
Park, playground - Public	—	P	
School	CUP	CUP	
Sports and outdoor recreation facility	CUP	CUP	
Studio - Art, dance, martial arts, music, etc.	P	—	
Theater - Performing arts, 100 person maximum capacity	CUP	—	
Trail	—	P	
RESIDENTIAL USES			
Accessory dwelling unit	S	S	35.442.015
Caretaker/Manager dwelling	—	CUP	35.442.060
Farmworker dwelling unit	CUP	—	35.442.105
Farmworker housing complex	—	—	35.442.105
Home occupation	P	P	35.442.130
Junior accessory dwelling unit	—	—	35.442.015

Low barrier navigation center	ZC	ZC	35.442.138
Mixed use project residential component - market rate	CUP	—	35.424.050
Mixed use project residential component - 1 unit (3)	P	P	35.424.050
Mixed use project residential component 2 to 4 units (3)	CUP	CUP	35.424.050
Special care home, 7 or more clients	CUP	CUP	35.442.070
Supportive housing	S	S	35.442.185
Transitional housing	S	S	35.442.185

Key to Zone Symbols

CN	Neighborhood Commercial
CV	Resort/Visitor Serving Commercial

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- ~~(2) Development Plan approval may also be required; see Subsection 35.424.030.C (Development Plan approval required).~~
- ~~(3) Must comply with standards of Subsection 35.424.050.A (Mixed use affordable residential unit standards) or Subsection 35.424.060.D (Mixed use affordable residential unit standards) as applicable to the specific zone.~~

Table 2-8 - Continued	E	Allowed use, no permit required (Exempt)
Allowed Land Uses and Permit Requirements for Commercial Zones	P	Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)
	CUP	Conditional Use Permit required
	S	Permit determined by

	Specific Use Regulations		
	ZC	Zoning Clearance	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	CN	CV	
RETAIL TRADE			
Cannabis - Non-Storefront Retailer	—	—	
Cannabis - Retail	—	—	
Drive-through facility	CUP	—	35.442.100
General retail	P	—	
Grocery and specialty food stores	P	—	
Health club, spa	P	P (32)	
Restaurant, café, coffee shop	P	P (32)	
Service station	P	—	35.442.050
Visitor serving commercial	—	P (32)	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL			
Bank, financial services	P	—	
Business support service	P	—	
Drive-through facility	CUP	—	35.442.100
Medical services - Clinic, urgent care	P	—	
Medical services - Doctor office	P	—	
Medical services - Extended care	CUP	CUP	
Medical services - Hospital	CUP	CUP	

Office - Business/service	P	—	
Office - Professional/administrative	P	—	
Public safety facility	P	—	
SERVICES - GENERAL			
Charitable or philanthropic organization	—	—	
Large family day care home, serving adults	P	P	35.442.070
Large family day care home, serving children	E (43)	E (43)	35.442.070
Small family day care home, serving adults	E	E	35.442.070
Small family day care home, serving children	E (43)	E (43)	35.442.070
Day care center, principal use	CUP (54)	CUP (54)	35.442.070
Day care center, accessory to non-dwelling	P	P	35.442.070
Day care center, accessory to dwelling	CUP	CUP	35.442.070
Drive-through, facility	CUP	—	35.442.070
Furniture repair accessory to furniture store or interior decorator	CUP	—	
Lodging - Homestay	—	—	
Lodging - Hotel or Motel	—	—	
Lodging - Resort hotel, guest ranch	—	P	35.424.060
Lodging - Short-term rental	—	P	35.442.160
Personal services	P	P (23)	
Vehicle services - Minor maintenance/repair	P	—	35.442.050

Key to Zone Symbols

CN	Neighborhood Commercial
CV	Resort/Visitor Serving Commercial

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.424.030.C (Development Plan approval required).~~

~~(3)~~ Use only allowed accessory and incidental to an approved resort or guest ranch.

~~(4)~~ A change of use to a large or small family day care home, serving children, is exempt from zoning permits. An application to construct a new structure to be used as a large or small family day care home, serving children, is subject to the same standards and permit requirements as a proposal to construct a residential structure in the same zone.

~~(5)~~ Day care centers serving up to and including fifty (50) children may be permitted with a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits).

Table 2-8 - Continued	E Allowed use, no permit required (Exempt)		
Allowed Land Uses and Permit Requirements for Commercial Zones	P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)		
	CUP Conditional Use Permit required		
	S Permit determined by Specific Use Regulations		
	ZC Zoning Clearance		
	— Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	CN	CV	
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE			
Cannabis - Distribution	—	—	
Drainage channel, water course, storm drain less than 20,000 sf	—	—	

Drainage channel, water course, storm drain 20,000 sf or more	—	—	
Electrical substation - Minor (32)	CUP	CUP	
Electrical substation - Major (32)	CUP	CUP	
Electrical transmission line (43)	CUP	CUP	
Flood control project less than 20,000 sf total area (64)	—	—	
Flood control project 20,000 sf or more total area (64)	—	—	
Public works and utilities	CUP	CUP	
Road, street less than 20,000 sf total area (64)	—	—	
Road, street 20,000 sf or more total area (64)	—	—	
Sea wall, revetment, groin, or other shoreline structure	—	—	
Telecommunications facility	S	S	
Utility service line with 4 or fewer connections (64)	—	—	
Utility service line with 5 or more connections (64)	—	—	
WATER SUPPLY & WASTEWATER FACILITIES			
Onsite wastewater treatment system, individual, alternative	CUP	CUP	
Onsite wastewater treatment system, individual, conventional	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	

Pipeline - Water, reclaimed water, wastewater	—	—	
Reservoir	CUP	CUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	
Water or sewer system pump or lift station	CUP	CUP	
Water system with 1 connection	E	E	
Water system with 2 or more connections	CUP	CUP	

Key to Zone Symbols

CN	Neighborhood Commercial
CV	Resort/Visitor Serving Commercial

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.424.030.C (Development Plan approval required).~~

~~(3)~~ Shall comply with the requirements of the PU zone; see Table 2-11 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).

~~(4)~~ Does not include electrical transmission lines outside the jurisdiction of the County.

~~(5)~~ Not applicable to facilities constructed by the County.

SECTION 7:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.424.040, Commercial Zones Development Standards, of Chapter 35.424, Commercial Zones, is hereby amended to read as follows:

35.424.040 Commercial Zones Development Standards

Development within the commercial zones shall be designed, constructed, and established in compliance with the requirements in Table 2-9 (Commercial Zones Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code.

Table 2-9 - Commercial Zones Development Standards

Development Feature	Requirement by Zone	
	CN Neighborhood Commercial	CV Resort/Visitor Serving Commercial
Minimum lot size	<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 approval process.	
Residential density	Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.	
Maximum density	See Table 2-8 (Allowed Land Uses and Permit Requirements for the Commercial Zones) – Residential Uses; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units). Mixed-use development: 20 dwelling units per gross acre	<u>Residential uses are limited to those identified as allowed in the C-V Zone in Table 2-8 - RESIDENTIAL USES</u>
Setbacks	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions. <u>Setbacks are measured from property line unless otherwise stated.</u></i>	
Front - Primary	50 ft from road centerline and 20 ft from right of way. 10 ft	50 ft from road centerline and 20 ft from <u>edge of right-of-way.</u>
Front - Secondary	Same as primary front.	Lot less than 100 ft wide – 20% of lot width, 10 ft minimum Lot 100 ft wide or more – Same as

		primary front setback. <u>Same as primary front.</u>
Side	5 ft	20 ft; 50 ft from a lot zoned residential.
Rear	10% of lot depth to a maximum requirement of 10 ft; 25 ft if abutting a residential zone.	20 ft; 50 ft from a lot zoned residential.
Building separation	Buildings contained dwellings shall be located a minimum of 10 feet from any other detached building on the same building site.	Buildings contained dwellings shall be located a minimum of 10 feet from any other detached building on the same building site.
Height limit	<i>Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	35 ft	35 ft and 2 stories.
Floor Area Ratio	<i>Maximum floor area ratio allowed.</i>	
Maximum FAR	0.25	0.10
Site coverage	<i>Maximum percentage of net site area that may be covered by structures.</i>	
Maximum coverage	30 % <u>No maximum</u>	30 %
Open space	<i>Minimum percentage of net site area to be maintained as common open space.</i>	
Minimum open space	No minimum.	40%
Landscaping	See Chapter 35.434 (Landscaping Standards).	
Parking	See Chapter 35.436 (Parking and Loading Standards).	
Signs	See Chapter 35.438 (Sign Standards).	

SECTION 8:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.424.050, CN Zone Standards, of Chapter 35.424, Commercial Zones, is hereby amended to read as follows:

35.424.050 CN Zone Standards

Proposed development and new land uses within the CN zone shall comply with the following standards, in addition to those in Section 35.424.040 (Commercial Zones Development Standards).

~~A. **Mixed use affordable residential unit standards.** Residential units allowed as part of a mixed use project in the CN zone shall be attached to the primary commercial structure, and shall comply with the following standards.~~

- ~~1. **Floor area limitations.** The maximum net floor area shall not exceed 800 square feet for a studio or one bedroom unit, and 1,000 square feet for a two bedroom unit.~~
- ~~2. **Limitation on rental.** The unit shall be rented only to a low or moderate income household at a level that meets the County's affordability criteria.~~
- ~~3. **Limitation on sale.** The residential unit shall not be sold or financed separately from the principal commercial structure.~~

~~B.A. **Mixed use market rate residential unit standards development.** To ensure the overall purpose and intent of the commercial district is maintained, nonresidential uses shall be located along the street frontage. Residential uses may be located on an upper story or behind a nonresidential use. One or more residential units accessory to a commercial use that do not comply with the affordability requirements of Subsection A (Mixed use affordable residential unit standards) above, shall comply with the following:~~

- ~~1. **Bedroom limitations.** The total number of bedrooms of the residential development shall not exceed two bedrooms per 1,000 square feet of total gross floor area of commercial development on the same lot.~~
- ~~2. **Floor area limitations.** The total gross floor area of the residential development shall not exceed the total gross floor area of the commercial uses.~~

~~C.B. **Restaurant, café or coffee shop.** A restaurant, café or coffee shop may include a bar or cocktail lounge only if accessory to the principal use.~~

~~D.C. **Site planning.**~~

1. **Enclosure of activities required.** Within the CN zone, the land use types identified by Table 2-8 (Allowed Land Uses and Permit Requirements for the Commercial Zones) shall occur within a completely enclosed building, except for service stations and outdoor

restaurants, cafes, and tearooms, or other appropriately screened outdoor uses specifically approved by the review authority.

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

SECTION 9:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Chapter 35.425, Special Purpose Zones, is hereby amended to read as follows:

CHAPTER 35.425 SPECIAL PURPOSE ZONES

35.425.010 Purpose

This Chapter lists the land uses that may be allowed within the Special Purpose zones established by Section 35.404.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

35.425.020 Purposes of the Special Purpose Zones

The purposes of the individual special purpose zones and the manner in which they are applied are as follows.

- A. **PU (Public Utilities) zone.** The PU zone is applied to areas appropriate for the siting of public works and utility facilities; however, the requirements of this zone do not apply to local agencies exempted by Section 35.420.040 (Exemptions from Planning Permit Requirements). The intent is to provide adequate design requirements to ensure that these facilities are compatible with surrounding land uses.
- B. **REC (Recreation) zone.** The REC zone is applied to provide public or private open space areas appropriate for various forms of outdoor recreation. The intent is to encourage outdoor recreational uses that will protect and enhance areas with the potential to accommodate both active and passive recreation because of their beauty and natural features. Proposed recreational uses should ~~complement~~ complement and be appropriate to the area because of the natural features.

35.425.030 Special Purpose Zones Allowable Land Uses

- A. **General permit requirements.** Table 2-10 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) identify the uses of land allowed by this Development Code in each special purpose zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column (Specific Use Regulations) in Table 2-10 (Allowed Land Uses and Permit Requirements for the Special

Purpose Zones) includes a Section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.

- C. **Development Plan approval required.** Development Plan approval in compliance with Section 35.472.080 is required ~~prior to the approval of a Land Use Permit~~ as follows:
1. **PU and REC zones.** ~~Final~~ Development Plan approval is required for all development, including grading.
- D. **Accessory uses and structures.** Each use allowed by Table 2-10 (Specific Use Regulations) may include accessory uses and structures that are customarily incidental to the primary use, provided that the accessory structures and uses are in compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in Chapter 35.442 (Standards for Specific Land Uses)~~within the REC zone, accessory structures and uses shall be limited to those required to support the recreational activities (e.g., parking areas, water and sanitary facilities, boat launching facilities, ranger stations and limited concession facilities).~~
- E. **Design Review required.** Design Review is required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure, in compliance with Section 35.472.070 (Design Review).

Table 2-10 Allowed Land Uses and Permit Requirements for Special Purpose Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code (2)</u> CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	REC	PU	
AGRICULTURAL, MINING & ENERGY FACILITIES			
Animal keeping (except equestrian facilities-see RECREATION below)	S	S	35.442.040

Cannabis - Cultivation, nursery, and microbusiness	—	—	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES			
County club, swim and tennis club	CUP	—	
Equestrian facility	CUP	—	
Golf course	P	—	
Library	CUP	CUP	
Meeting facility, public or private	CUP	CUP	
Meeting facility, religious	CUP	CUP	
Museum	CUP	CUP	
Park, playground - Public	P	—	
School	CUP	CUP	
Sports & outdoor recreation facilities	CUP	CUP	
Trail for bicycles, hiking, or riding	P	—	
Zoo	CUP	—	
RESIDENTIAL USES			
Accessory dwelling unit	—	—	35.442.015
Caretaker/Manager dwelling	CUP	—	35.442.060
Junior accessory dwelling unit	—	—	35.442.015
Supportive housing	S	—	35.442.185
Transitional housing	S	—	35.442.185
RETAIL TRADE			

Cannabis - Non-Storefront Retailer	—	—	
Cannabis - Retail	—	—	
Restaurant, café, coffee shop, accessory to allowed recreation use	CUP	—	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL			
Medical services - Extended care	CUP	CUP	
Medical services - Hospital	CUP	CUP	
Office - Accessory	P	P	
SERVICES - GENERAL			
Large family day care home, serving adults	P	—	35.442.070
Large family day care home, serving children	E (32)	E (32)	35.442.070
Small family day care home, serving adults	E	—	35.442.070
Small family day care home, serving children	E (32)	E (32)	35.442.070
Day care center, principal use	CUP (43)	CUP (43)	35.442.070
Day care center, accessory to non-dwelling	CUP (43)	CUP (43)	35.442.070
Day care center, accessory to dwelling	CUP	—	35.442.070
Lodging - Homestay	—	—	
Lodging - Short-term rental	—	—	

Key to Zone Symbols

REC	Recreation
PU	Public Utilities

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.425.030.C (Development Plan approval required).~~

~~(32)~~ A change of use to a large or small family day care home, serving children, is exempt from zoning permits. An application to construct a new structure to be used as a large or small family day care home, serving children, is subject to the same standards and permit requirements as a proposal to construct a residential structure in the same zone.

~~(43)~~ Day care centers serving up to and including fifty (50) children may be permitted with a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits).

Table 2-10 - Continued	E Allowed use, no permit required (Exempt)		
Allowed Land Uses and Permit Requirements for Special Purpose Zones	P Permitted use, Land Use Permit required, <u>except as specified elsewhere in this Development Code</u> (2)		
	CUP Conditional Use Permit required		
	S Permit determined by Specific Use Regulations		
	— Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	REC	PU	
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE			
Cannabis - Distribution	—	—	
Electrical substation - Minor (32)	CUP	P	
Electrical substation - Major (32)	CUP	P	
Electrical transmission line (43)	CUP	CUP	
Public works and utilities	CUP	CUP	
Telecommunications facility	S	S	35.444
WATER SUPPLY & WASTEWATER FACILITIES			

Onsite wastewater treatment system, individual, alternative	CUP	CUP	
Onsite wastewater treatment system, individual, conventional	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	
Pipeline - Water, reclaimed water, wastewater	—	—	
Reservoir	CUP	CUP	
Sewage treatment facility - Central plant	—	P	
Water or sewer system pump or lift station	CUP	CUP	
Water supply, treatment, storage facilities - Central plant	—	P	
Water system with 1 connection	E	E	
Water system with 2 or more connections	CUP	CUP	

Key to Zone Symbols

REC	Recreation
PU	Public Utilities

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

~~(2) Development Plan approval may also be required; see Subsection 35.425.030.C (Development Plan approval required).~~

~~(3)~~ Shall comply with the requirements of the PU zone; see Table 2-11 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).

~~(4)~~ Does not include electrical transmission lines outside the jurisdiction of the County.

35.425.040 Special Purpose Zones Development Standards

Development within the Special Purpose zones shall be designed, constructed, and established in compliance with the requirements in Table 2-11 (Special Purpose Zone Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code.

Table 2-11 - Special Purpose Zones Development Standards

Development Feature	Requirement by Zone	
	REC Recreation	PU Public Utilities
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>	
Area, width	1 acre	None
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>	
Maximum density	1 caretaker dwelling.	None allowed.
Setbacks	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions. <u>Setbacks are measured from property line unless otherwise stated.</u></i>	
Front - Primary	50 ft from road centerline and 20 ft from edge of right-of-way.	50 ft from road centerline and 20 ft from edge of right-of-way.
Front - Secondary	Lot less than 100 ft wide - 20% of lot width, with no less than - 10 ft minimum. Lot 100 ft wide or more - Same as primary front setback or more than 20 ft required	Same as primary front.
Side	10 ft; 25 ft from a lot zoned residential.	10 ft
Rear	10 ft; 25 ft from a lot zoned residential.	10 ft; 50 ft from a lot zoned residential.

Building separation	–None, except as required by Building Code.	
Height limit	<i>Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	25 ft	35 ft
Site coverage	<i>Maximum percentage of net site area that may be covered by structures.</i>	
Maximum coverage	20 %	None
Open space	<i>Minimum percentage of net site area to be maintained as common open space.</i>	
Minimum open space	No minimum.	
Landscaping	See Chapter 35.434 (Landscaping Standards).	
Parking	See Chapter 35.436 (Parking and Loading Standards).	
Signs	See Chapter 35.438 (Sign Standards).	

35.425.050 PU Zone Standards

Proposed development and new land uses within the PU zone shall comply with the following standards, in addition to those in Section 35.425.040 (Special Purpose Zones Development Standards).

- A. **Noise.** The volume of sound, measured during calm air conditions, inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not exceed 70 decibels at any point along the boundary of or outside of the lot upon which such use is located.
- B. **Odors, fumes, gasses, liquids, heat, glare, radiation.** No offensive odors or fumes, noxious gases or liquids, heat, glare, or radiation generated by or resulting from any use, other than motor vehicles or lighting fixtures, operated on any lot shall be detectable at any point along the boundary of or outside of the lot upon which such use is located.
- C. **Outdoor storage.** Open storage of equipment and materials shall be permitted only in areas screened from view of surrounding lots.

- D. **Public health, safety, and welfare.** All activities shall be conducted in such a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the neighborhood by reason of danger to life or property.
- E. **Smoke or dust.** Except for the heating of buildings there shall be no smoke or dust generated by or resulting from any use, other than motor vehicles located upon the lot.
- F. **Vibration.** The ground vibration inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not be perceptible without instruments at any point along the boundary of or outside of the lot upon which such use is located.

35.425.060 REC Zone Additional Standards

Proposed development and new land uses within the REC zone shall comply with the following standards, in addition to those in Section 35.425.040 (Special Purpose Zones Development Standards).

- A. **Minimum zone area.** Rezoning to apply the REC zone shall require that the site shall be a minimum of one acre provided that this minimum land area is adequate to meet the requirements of the REC zone.
- AB. **Limitation on lodging occupancy.** To ensure the recreational, rather than residential use of overnight accommodations, the maximum period for individual occupancy of overnight accommodations shall be 30 days.

SECTION 10:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection D, Permit and processing requirements, of Section 35.428.030, Affordable Housing (AH) Overlay Zone, of Chapter 35.428, Montecito Overlay Zones, is hereby amended to read as follows:

D. Permit and processing requirements.

1. **Final Development Plan required.** ~~Final Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required prior to the approval of a Land Use Permit for all development, including grading. Final Development Plan approval shall be subject to conditions and requirements determined by the review authority to be appropriate and necessary to ensure compliance with the purposes of the County's affordable housing program, the Housing Element and applicable provisions of the Comprehensive Plan.~~
2. **Fast track processing.** Each qualifying AH overlay zone project shall be subject to the fast track permit process outlined in the Housing Element Implementation Guidelines to ensure that each AH overlay zone project receives timely and preferential processing.

3. **Pre-application procedure.** Prior to submitting an application for an AH overlay zone project, the applicant should obtain pre-application and other preliminary consultations with the Department and other officials to obtain information and guidance before entering into binding commitments and incurring substantial expense in the preparation of plans, surveys and other data. These preliminary consultations shall relate to a specific development proposal that outlines the concept and characteristics of the project.

SECTION 11:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection E, Modifications to Development Code requirements, of Section 35.428.030, Affordable Housing (AH) Overlay Zone, of Chapter 35.428, Montecito Overlay Zones, is hereby amended to read as follows:

- E. **Modifications to Development Code requirements.** The approval of a ~~Final~~ Development Plan for a site located on property zoned with the AH overlay zone may include the following modifications to requirements of this Development Code, in addition to the density modifications provided by Subsection B.1 (Density bonus) above.
 1. **Zoning or improvement standards.** Facilities, improvements, and/or development or zoning standards normally required for residential development, other than those in this Section, may be modified by the Montecito Commission if deemed necessary to ensure dwelling unit affordability or to provide additional incentives. Examples of the modified facility requirements include the waiver or phasing of any required off-site improvements.
 2. **Fees.** If deemed appropriate by the Board, any or all fees normally imposed by the County on development projects may be waived, reduced, or deferred. In these cases, reduced fees shall be based upon the applicant supplying the Board with evidence and assurances that savings realized from the reductions will be passed on to future residents by way of reduced rent or purchase price for units.
 3. **Development Standards.** The following modifications may be approved for all qualified AH overlay zone projects in the DR (Design Residential) and PRD (Planned Residential Development) zones.
 - a. One side yard setback per lot may be reduced from the requirement of the applicable zone to a zero setback. The width of any setback thereby reduced shall be applied to the opposite side yard setback. In cases of corner lots, the side yard setback may be reduced to zero with no additional setback requirement for the opposite setback.
 - ~~b. The total amount of common and/or public open space may be reduced to 30 percent of the gross acreage.~~

SECTION 12:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection G, Affordable housing agreement, of Section 35.428.030, Affordable Housing (AH) Overlay Zone, of Chapter 35.428, Montecito Overlay Zones, is hereby amended to read as follows:

GF. Affordable housing agreement. Prior to issuance of a Land Use Permit (Section 35.472.110) or Zoning Clearance (Section 35.472.190) for an AH overlay zone project, each project shall record an affordable housing agreement and resale and rental restrictive covenant, or other equivalent document approved as to form by the County Counsel, which outlines:

1. The sales and/or rental prices for the various types of units to be established; and
2. Provisions for the sale, resale, renting and restrictions that will be applicable to the project, to ensure the continued availability of units for purchase or occupancy by target households, in compliance with the Housing Element.

SECTION 13:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, a new Subsection G, Applying an AH overlay zone, is added to Section 35.428.030, Affordable Housing (AH) Overlay Zone, of Chapter 35.428, Montecito Overlay Zones, as follows:

G. Applying an AH overlay zone.

1. **Limitation on rezones.** The AH overlay zone may be applied to property only in conjunction with the preparation and adoption of a Community Plan or together with a County initiated Amendment to the Comprehensive Plan.
2. **Designation of allowed number of units.** The approval of a rezoning to the AH overlay zone shall include designation of the maximum density allowed on the site by the overlay.
3. **Findings required for rezoning.** The approval of a rezoning to apply the AH overlay zone to property shall require that the Montecito Commission and Board first make all of the following findings in addition to those required in compliance with Section 35.494.060 (Findings Required for Approval of Amendments) above:
 - a. The site is located within an Urban area as designated on the Comprehensive Plan maps.
 - b. The site has a residential land use designation or would be appropriate for residential use if a Comprehensive Plan Amendment is being concurrently processed (e.g., underutilized commercial land surrounded by residential land or other compatible land use).

- c. The site has a primary zone that allows residential uses and requires a Development Plan for the use. This may also be achieved through a rezone.
- d. The site is served by a municipal sanitary district.
- e. The site is of adequate size and shape to allow the reasonable development of housing.
- f. The site is near major travel corridors or services.
- g. The site is within reasonable walking distance to transit lines, employment centers, schools, and commercial areas.
- h. Residential development can be sited to avoid major environmental hazards and/or constraints (e.g., airport noise and safety zones, archaeological resources, sensitive habitat areas, steep slopes and other geologic hazards, streams and creeks).
- i. Residential development of the site at the maximum density proposed is consistent with all applicable policies and provisions of the Comprehensive Plan.

SECTION 14:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.428.050, Flood Hazard (FA) Overlay Zone, of Chapter 35.428, Montecito Overlay Zones, is hereby amended to read as follows:

35.428.050 Flood Hazard (FA) Overlay Zone

- A. **Purpose and intent.** The Flood Hazard (FA) overlay zone is intended to promote public health, safety and welfare and to minimize public and private losses due to flood conditions in area within the 100-year flood plain by alerting by alerting property owners that County Code Chapter 15A (Floodplain Management) applies to their property, and avoiding the exposure of new development to flood hazards, minimizing the need for future flood control protective works and resulting alteration of stream and wetland environments. This overlay zone serves as a mechanism whereby members of the public and staff can easily identify areas of special flood hazard that are subject to County Code Chapter 15A (Floodplain Management).
- B. **Applicability.** The requirements of this Section apply to special flood hazard areas as defined in County Code Chapter 15A (Floodplain Management).
 - 1. **Additional standards.** Each land use shall comply with the requirements of the primary zone, and "development" as defined in County Code Chapter 15A shall also comply with the additional requirements in Chapter 15A.
 - 2. **Flood Hazard Overlay Map.** The Flood Hazard Overlay Map shall reflect the boundaries of special flood hazard areas as shown on the current Federal Emergency Management

Agency (FEMA) maps on file with the County Public Works Flood Control and Water Agency (referred to in this Section as the "Flood Control Agency").

3. **Relationship to primary zone.** Each land use and proposed development within the FA overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.
- C. **Development within floodway.** All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway, as determined by the County Public Works Department, unless off-setting improvements in accordance with Housing and Urban Development regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, providing creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation as specified in County Code Chapter 15A (Floodplain Management).
1. **Permitted development limitations.** Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, such as dams, stream channelizations, etc.

D. Permit and processing requirements.

1. **Referral and determination.** Prior to the approval of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) for all development subject to the FA Overlay Zone:
 - a. The applicant shall be referred to the Flood Control Agency for a determination as to whether the development is subject to the requirements of County Code Chapter 15A. If the Flood Control Agency determines that the proposed development is subject to Chapter 15A, then the development shall comply with the requirements of Chapter 15A.
 - b. The applicant shall obtain the appropriate clearance or receive a written exemption from the Flood Control Agency.

SECTION 15:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection C, Exceptions, of Section 35.430.025, Agricultural Buffers, of Chapter 35.430, Standards for All Development and Land Uses, is hereby amended to read as follows:

- C. **Exceptions.** This Section does not apply to the following:
1. One-family dwellings, accessory dwelling units, junior accessory dwelling units, and residential accessory structures.

2. Farmworker housing allowed in compliance with Section 35.442.105 (Farmworker Housing).
3. Non-agricultural, discretionary development approved prior to May 9, 2013.
4. Changes to a non-agricultural, discretionary project approved prior to May 9, 2013, provided that prior to an action by the review authority to approve an application in compliance with Subsection 35.474.040.C.1 or ~~D-C.2~~ the review authority shall first determine that the changes to the project proposed by the application do not result in any new or greater impacts to agriculture than those resulting from the already approved project.
 - a. If the review authority cannot make the determination required in compliance with Subsection C.4, above, then the project shall be subject to the provisions of this Section.
5. **Non-commercial agricultural uses.** An agricultural buffer is not required adjacent to a common lot line between the project site and an adjacent agriculturally zoned lot if the adjacent lot is used for non-commercial agriculture.
6. State and County roadway projects.
7. Lot line adjustments and modifications to lot line adjustments that:
 - a. Do not exceed a 10 percent increase or decrease in the area of the smallest existing lot; and
 - b. Do not result in an increase in the number of developable lots in compliance with Subsection 35.430.110.B.3.c.

SECTION 16:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.430.050, Density, of Chapter 35.430, Standards for All Development and Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 17:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.430.060, Design Compatibility Standards, of Chapter 35.430, Standards for All Development and Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 18:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.430.080, Flood Hazard Development Standards, of Chapter 35.430, Standards for All Development and Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 19:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection C, Height measurement, of Section 35.430.090, Height Measurement, Exceptions, and Limitations, of Chapter 35.430, Standards for All Development and Land Uses, is hereby amended to read as follows:

- C. **Height measurement.** The following methodology shall be used to determine the height of a structure. Additionally, Subsection D through Subsection E below, provide or reference additional specific height measurement criteria and exemptions for specific types of development.
1. **Height of structures.** The height of a structure shall be the vertical distance between the existing grade and the uppermost point of the structure directly above that grade except as provided in Subsection C.1.a below. The height of any structure shall not exceed the applicable height limit except as provided in Subsection D through Subsection E, below, see Figure 3-2 (Height Limit).

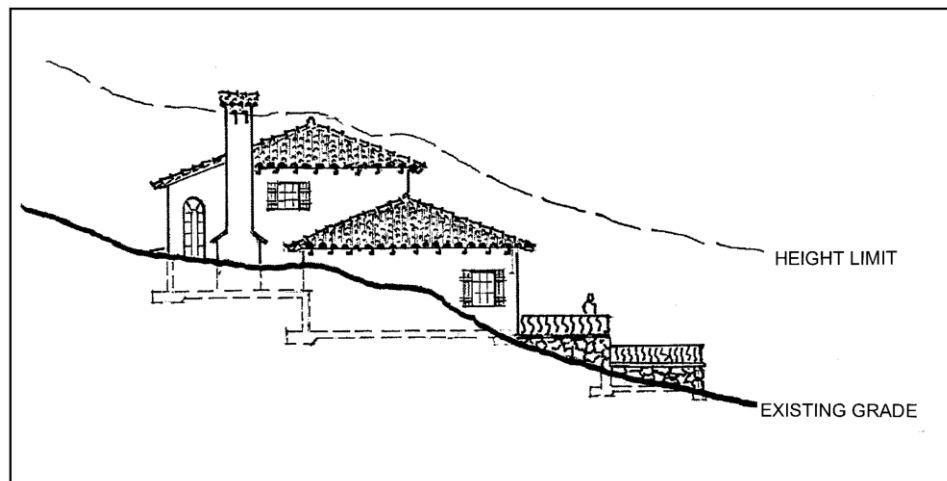


Figure 3-2 - Height Limit

- a. **Measurement from finished grade.**
- (1) **Located on fill.** For lots that are zoned R-1/E-1, R-2 or PRD, the height of a structure shall be the vertical distance between the finished grade and the

uppermost point of the structure directly above that grade for those portions of the structure located above an area of the site where the finished grade is 10 feet or more above the existing grade.

2. **Maximum height in ridgeline/hillside locations.** In addition to the height limit applicable to a structure as described in Subsection C.1 (Height of structures) above, a structure subject to Chapter 35.452 (Montecito Ridgeline and Hillside Development) or Section 35.428.070 (Montecito Hillside Overlay Zone) shall not exceed a maximum height of 28 feet as measured from the highest part of the structure, excluding chimneys, vents and noncommercial antennas, to the lowest point of the structure where an exterior wall intersects the finished grade or the existing grade, whichever is lower. In the case where the lowest point of the structure is cantilevered over the ground surface, then the calculated maximum height shall include the vertical distance below the lowest point of the structure to the finished grade or the existing grade, whichever is lower, see Figure 3-3 (Maximum Height).

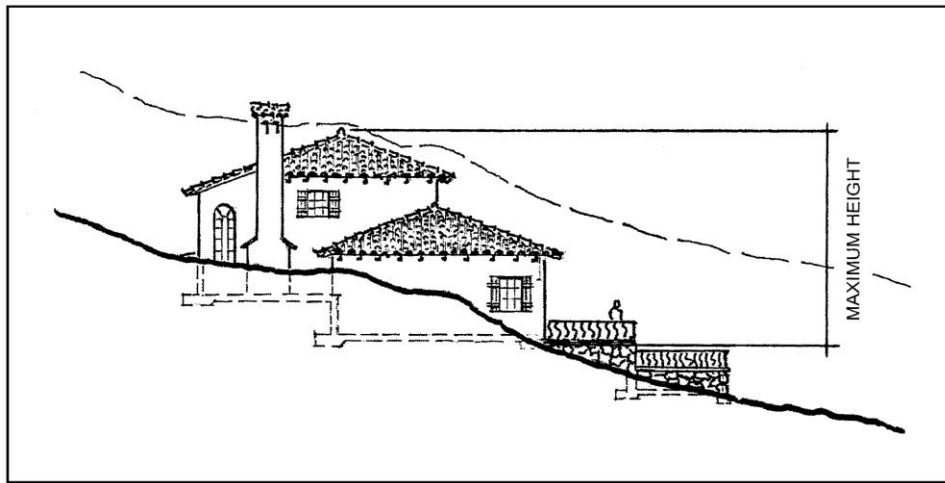


Figure 3-3 - Maximum Height

SECTION 20:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection E, Accessory dwelling units and junior accessory dwelling units, Subsection F, Fences and walls, Subsection G, Guesthouses, artist studios, and cabanas, and Subsection H, Telecommunication facilities, of Section 35.430.090, Height Measurement, Exceptions and Limitations, of Chapter 35.430, Standards for All Development and Land Uses, are hereby deleted and the rest of the section is renumbered to read as follows:

~~E. **Accessory dwelling units and junior accessory dwelling units.** See Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units) for height limits and exceptions for accessory dwelling units and junior accessory dwelling units.~~

- ~~F. **Fences and walls.** A fence or wall shall comply with the height limits established by Section 35.430.070 (Fences and Walls).~~
- ~~G. **Guesthouses, artist studios and cabañas.** See Section 35.442.120 (Guesthouses, Artist Studios, and Cabañas) for height limits and exceptions for guesthouses, artist studios, and cabañas.~~
- ~~H. **Telecommunication facilities.** See Chapter 35.444 (Telecommunications Facilities) height limits and exception for commercial and noncommercial telecommunication facilities~~
- E. Vision clearance.** Structures and landscaping on a corner lot shall not exceed the height limits provided by this Subsection within a required vision clearance area.
1. **Measurement of vision clearance area.** See Figure 3-4 (Vision Clearance Area).
 - a. **Straight corners.** The boundaries of a vision clearance area are defined by drawing lines from the point of intersection of a lot's street property lines at the corner to a point a minimum of 10 feet from the corner along the two property lines, and then connecting the two points with a straight line forming the hypotenuse of the triangle.
 - b. **Rounded corners.** In the case of rounded corners, the boundaries of a vision clearance area are defined by extending the street property lines from the tangents at the beginning and end of the curving corner to a point of intersection, then drawing lines from the point of intersection to a point a minimum of 10 feet from the point of intersection along the two property lines, and then connecting the two points with a straight line forming the hypotenuse of the triangle.
 2. **Height limits within vision clearance area.** No planting, fence, wall, or other structure shall exceed a height of two and one-half feet above the adjacent curb grade, or three feet above the adjacent surface of pavement, whichever is less, within a vision clearance area.

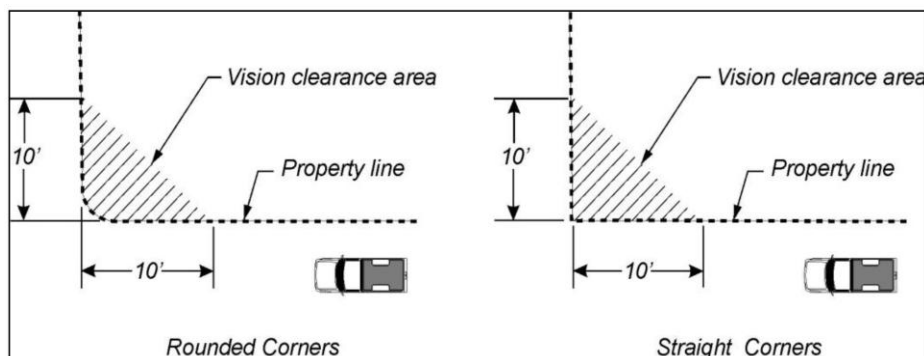


Figure 3-4 - Vision Clearance Area

SECTION 21:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.430.100, Infrastructure Services, Utilities and Related Facilities, of Chapter 35.430, Standards for All Development and Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 22:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.430.130, Performance Standards, of Chapter 35.430, Standards for All Development and Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 23:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection C, Measurement of setbacks, of Section 35.430.150, Setback Requirements and Exceptions, of Chapter 35.430, Standards for All Development and Land Uses, is hereby amended to read as follows:

- C. **Measurement of setbacks.** The setbacks required by Subsection B (Setback requirements) above shall be measured as follows.
 - 1. **Front setback.** A front setback shall be measured at right angles from the front line of the lot.
 - a. **Corner lot.** A corner lot shall have a front setback along each property line adjacent to a street. If the corner lot has a lot width of 100 feet or more, then each front setback shall be considered to be a primary front setback. If the corner lot has a lot width of less than 100 feet, then the front setback adjacent to the front line (see definition of Front Line) of the lot shall be considered the primary front setback and the front setback that is not adjacent to the front line shall be considered a secondary front setback. See Figure 3-5 (Corner Lot Setbacks) below.

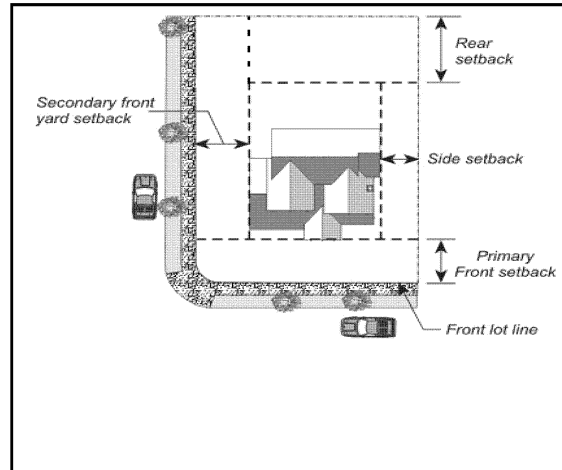


Figure 3-5 - Corner Lot Setbacks

- (1) **Corner lot 100 feet or greater in width.** There shall be a primary front setback along each street abutting the lot and all such setbacks shall conform to the front setback requirements of the applicable zone.
 - (2) **Corner lot less than 100 feet in width.** There shall be a primary front setback along the property line considered the front line of the lot. The secondary front 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 secondary front setback be less than 10 feet.
- b. **Through lot.** A through lot shall provide front setbacks as required by the applicable zone adjacent to each abutting street.
 - c. **Sloping lot setback.** Where the elevation of the ground at a point 50 feet from the centerline of any street is seven feet or more below or above the grade of the centerline, the front setback for a private detached garage (not carport) may be decreased by 40 percent and the front setback for a dwelling may be decreased by 20 percent, provided that the front face of the garage is no closer than 10 feet to the abutting street right-of-way.
2. **Side setbacks.** A required side setback shall be measured at right angles from the side property line, establishing a setback line parallel to the side property line which extends between the front and rear setbacks.
 - a. **Side setback adjacent to alley.** In computing the width of a side setback, if the setback abuts an alley, and the owner of the lot owns all or one-half of the underlying fee of the alley, up to one-half of the width of the alley may be included in the side yard.
 - b. **Through lot.** On a through lot, the side setbacks shall extend the full depth of the lot between the front setbacks.

~~c. **Side setback variations in R-1/E-1 and R-2 zones.** The required side setback for portions of a structure, including attached and detached accessory structures, may be varied subject to all of the following limitations. See Figure 3-6 (Variable Side Setback).~~

- ~~(1) No portion of the structure shall be less than five feet from the side lines of the lot.~~
- ~~(2) No portion of an exterior wall of a structure containing non-fixed windows or doors opening into rooms of a structure (except a garage or other non-habitable space) shall be located closer to the side lines of a lot than the required side setback prior to any variation allowed by Subsection b.(3) below.~~
- ~~(3) A portion of a structure may be located within the required side setback provided that the footprint area of the portion of the structure that intrudes into the required side setback, combined with the footprint area of any other existing portions of the structure that intrude 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 without any intervening obstruction. The compensating area used to vary a side setback shall be located adjacent to the side setback line that is being varied, outside of the required rear and front setback areas, and shall not be located farther from the portion of the structure intruding into the setback area than one-half of the lot depth.~~
- ~~(4) The compensating area used to vary a side setback shall not be used to vary a rear setback on the same lot.~~

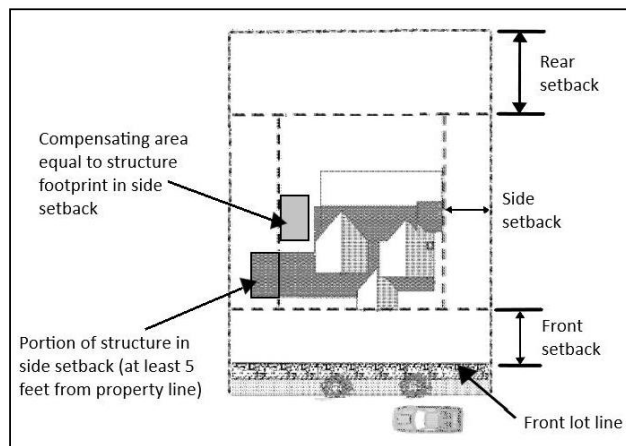


Figure 3-6 Variable Side Setback

3. **Rear setback.** The rear setback shall be measured at right angles from the rear property line, establishing a setback line parallel to the rear property line.

- a. **Corner lot.** The rear setback for a corner lot backing upon a key lot may be reduced to the size of the required side setback for the key lot or 10 feet, whichever is greater, provided that the total front, side, and rear setback area required by the applicable zone is not reduced. An accessory structure on a corner lot backing on a key lot shall be set back from the rear property line by a distance equal to the side setback requirements applicable to the key lot.
- b. **Rear setback adjacent to alley.** In computing the depth of a rear setback, if the setback abuts an alley, and the owner of the lot owns all or one-half of the underlying fee of the alley, up to one-half of the width of the alley may be included in the rear setback.
- c. **Rear setback on triangular lot.** Where a triangular lot has no rear lot line because its side lot lines converge to a point, an assumed line 10 feet long within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed to be the rear lot line for the purpose of measuring the required rear setback. See Figure 3-67 (Triangular Lot Rear Setback Measurement).

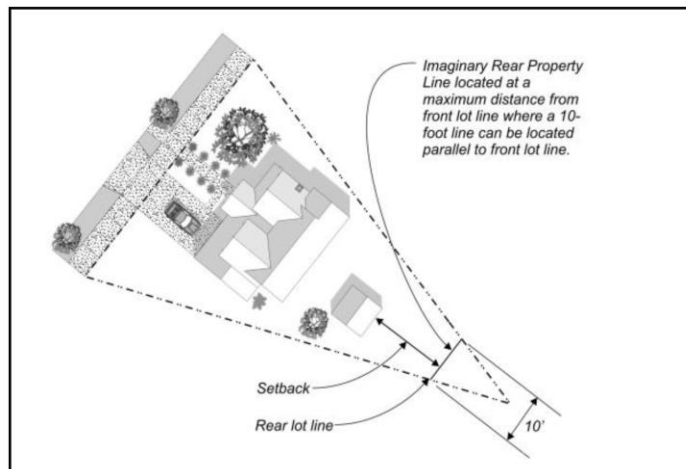


Figure 3-67 - Triangular Lot Rear Setback Measurement

- ~~d. **Rear setback variations in R-1/ E-1 and R-2 zones.** The required rear setback for portions of a structure, including attached and detached accessory structures, may be varied subject to all of the following limitations. See Figure 3-8 (Variable Rear Setback).~~
- ~~(1) No portion of a structure shall be closer than 15 feet to the rear line of the lot.~~
 - ~~(2) A portion of a structure may be located within the required rear setback provided that the footprint area of the portion of the structure that intrudes into the required rear setback, combined with the footprint area of any other existing portions of the structure that intrude into the required rear setback,~~

~~shall be compensated by an equal or greater area that is not covered by any footprint area located outside of and adjacent to the rear setback and the rear setback line without any intervening obstruction. The compensating area used to vary a rear setback shall be located outside the required side setback areas and shall not be located farther from the portion of the structure intruding into the setback area than one half of the lot width.~~

- ~~(3) The compensating area used to vary a rear setback shall not be used to vary a side setback on the same lot.~~

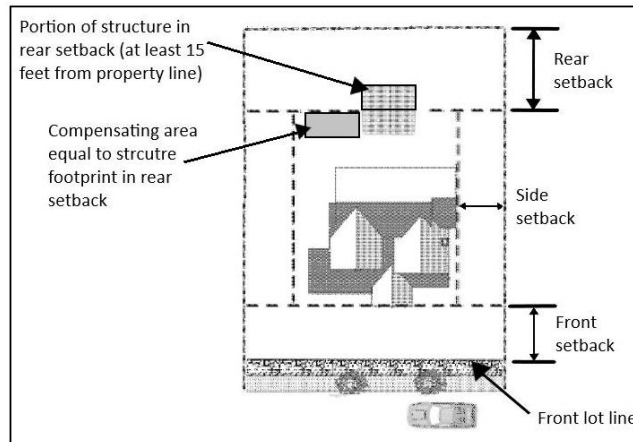


Figure 3-8 Variable Rear Setback

4. Interior and odd-shaped lots.

- a. **Interior lot.** The setback requirements of the applicable zone shall not apply, and any structure located on an interior lot shall have a setback of at least 10 feet from all property lines, and the total setback area shall equal the total area of all setbacks required by in the applicable zone. See Figure 3-79 (Interior Lot) below. Where no setback is required by the applicable zone, a setback of 10 feet shall not be required.
- b. **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.

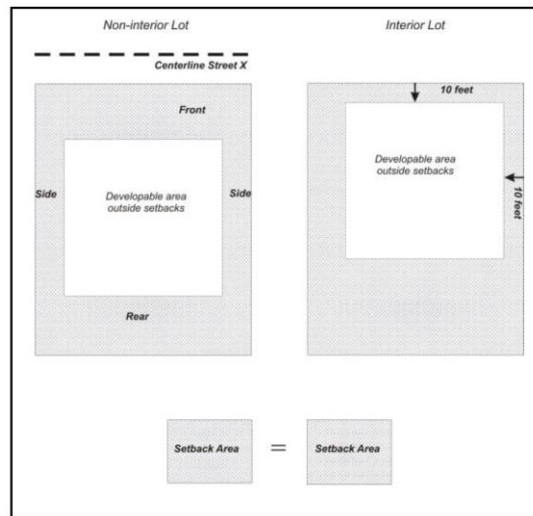


Figure 3-79 - Interior Lot

5. **Setback shown on Final Map or Parcel Map or ~~Final~~ Development Plan.** Where a setback line is called for or shown on a Final Map or Parcel Map or ~~Final~~ Development Plan, the required setback shall be that shown on the Final Map, Parcel Map, or ~~Final~~ Development Plan.
- D. **Limitations on the use of setbacks, allowable projections into setbacks.** Every part of a setback shall be unobstructed from the ground to the sky, except as otherwise provided in this Section.
 1. The ordinary projection of sills, belt courses, buttresses, cornices, chimneys, eaves, outdoor stairways, and ornamental features may extend into a required setback no more than three feet. Handrails on outdoor stairways may extend into the setback an additional six inches.
 2. Fire escapes, balconies, and unroofed and unenclosed porches or landings, may extend into a setback as provided below when constructed and placed in a manner that shall not obstruct light to or ventilation of structures or the ready use of the setbacks for ingress or egress:
 - a. The front or rear setback by four feet
 - b. A side setback by three feet.
 3. 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:
 - a. Less than 30 inches high, or

- b. 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 Subsection 35.430.090.I (Vision clearance).
- 4. 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 Environmentally Sensitive Habitat area.
- 5. 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 lots.

SECTION 24:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subparagraph d of Paragraph 2, Processing, of Subsection A, Solar Use Permit, of Section 35.430.160, Solar Energy Systems, of Chapter 35.430, Standards for All Development and Land Uses, is hereby amended to read as follows:

- d. Notice of ~~the approval or conditional approval of a~~ pending decision on a Solar Use Permit shall be given in compliance with ~~Section Chapter 35.496.050 (Land Use Permits~~ Noticing and Public Hearings).

SECTION 25:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.430.180, Storm Water Runoff Requirements, of Chapter 35.430, Standards for All Development and Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 26:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.430.190, Subdivisions, Lot Size, of Chapter 35.430, Standards for All Development and Land Uses, is hereby amended to read as follows:

35.430.190 Subdivisions, Lot Size

- A. **Minimum lot size.** Except as otherwise permitted in this Development Code, no lot held under separate ownership at the time of adoption of this Development Code shall be separated in ownership or reduced in size below the minimum lot width or area required by the applicable zone, or other applicable provisions of this Development Code, nor shall any

lot having a width or area less than that required by this Development Code be further reduced in any manner.

~~B. Area of lots.~~

- ~~1. **Lot reconfiguration.** Two or more legal lots with insufficient area to meet the minimum lot area requirements of the applicable zone may be combined or resubdivided provided:~~
 - ~~a. All other regulations of this Development Code and County Code Chapter 21 are complied with;~~
 - ~~b. The combined or resubdivided lots are as large or larger than the original lots; and~~
 - ~~c. The minimum area of each new lot is 7,000 square feet.~~

B. Measurement of lot area.

1. The lot area or building site area of a lot shall be as defined in Division 35.10 (Glossary), provided that:
 - a. In any zone in which portions of a street right-of-way are specifically excluded, the lot or building site area of a lot shall be exclusive of the portion of the lot within the street right-of-way.
 - b. For the purpose of computing the lot area or building site area of a lot in any zone, any portion of a driveway or easement less than 40 feet in width and reserved for access to a public street, the length of which portion is not adjacent to any front, side, or rear yard of said lot shall be excluded.
2. For the purpose of computing the lot area or building site area of any lot, the boundaries of the lot shall be the boundaries established by the latest recorded deed, subdivision map, etc., provided that the recorded document does not create or attempt to create a lot in violation of any applicable California or County law or ordinance.

B. Measurement of lot width. For the purpose of computing the width of a lot having side lines that are not parallel, the lot width shall be the average width of the lot. An easement or corridor connecting the major portion of an irregularly shaped lot to a street shall not be used for the purpose of computing lot width.

SECTION 27:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Chapter 35.434, Landscaping Standards, is hereby amended to read as follows:

CHAPTER 35.434 LANDSCAPING STANDARDS

35.434.010 Purpose

This Chapter establishes requirements for landscaping to enhance the appearance of development, provide shade, reduce heat and glare, control soil erosion, conserve water, screen potentially incompatible land uses, enhance the quality of neighborhoods, improve air quality, and improve pedestrian and vehicular traffic and safety.

35.434.020 Applicability

The provisions of this Chapter apply to new, existing, and future development and land uses.

35.434.030 Landscape Plans

A. **Landscape plans required.** Landscape plans shall be required as specifically identified in any part of this Development Code and as follows:

1. ~~in compliance with Section 35.434.050 through Section 35.434.090 below,~~ For all development in the following zones:
 - a. Neighborhood Commercial (CN) Zone
 - b. Resort/Visitor Serving Commercial (CV) Zone.
 - c. Public Utilities (PU) Zone.
 - d. Recreation (REC) Zone.
2. Where required as a condition of an approved project
3. For all new development, ~~and~~ where a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) is required.
4. For all new development ~~where~~ a Development Plan in compliance with Section 35.472.080 (Development Plans) is required.
5. Where required by the Montecito Board of Architectural Review.

B. Plan requirements.

1. A landscape design professional shall prepare landscape plans.
2. Landscape plans shall be in compliance with the Department handout, "Landscape Plan and Performance Security Procedures."

BC. Plan review.

- 1. Director.** For landscape plans that do not require review and approval by the Montecito Board of Architectural Review in compliance with Subsection ~~BC~~.2 (Montecito Board of Architectural Review) below, the Director shall review the landscape plan and shall approve, conditionally approve, or deny the plan.

2. Montecito Board of Architectural Review. The Montecito Board of Architectural Review shall approve, conditionally approve, or deny:

- a. Landscape plans required by the Montecito Board of Architectural Review.
- b. Landscape plans that require review and approval of the landscape plan by the Montecito Board of Architectural Review as a condition of approval of a planning permit.

ED. Duration. Landscaping shall be installed and permanently maintained in accordance with the approved landscape plan.

35.434.040 Landscape Agreement and Performance Security

- A. **Landscape agreement and performance security required.** Prior to the issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits), or a Zoning Clearance in compliance Section 35.472.190 (Zoning Clearances), the Department may require a signed and notarized landscape agreement and a performance security that guarantees the installation of plantings, walls, and fences, in compliance with the approved landscape plan, and provides for adequate maintenance for a designated time period shall be filed with the Department in compliance with Section 35.474.020 (Performance Guarantees) and Section 35.474.070 (Post Approval Inspections).
- B. **Performance security release.** When required, Performance securities shall be released upon approval by the Director for the installation, and the remaining performance security for landscaping maintenance shall be released at the end of the designated time period, provided the planting has been adequately maintained in compliance with Section 35.474.020 (Performance Guarantees) and Section 35.474.070 (Post Approval Inspections).

35.434.050 Reserved

35.434.060 Residential Zones Landscaping RequirementsRequired Landscaping

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

- A. **Design Residential (DR) zone.** ~~A landscape plan shall be approved for all development requiring a Development Plan within the DR zone. The landscape plan shall include, at a minimum, the following:~~
 1. ~~Uncovered parking areas shall be screened from the street and adjacent residences by hedges, dense plantings, shrubbery, solid fences or walls not less than four feet in height.~~Required setback areas shall be landscaped.
 2. ~~A landscape area with a minimum width of five feet shall be provided between all lot lines and any driveway or uncovered parking area except for areas provided for site access.~~

~~3. A landscape area with a minimum width of 10 feet shall be provided adjacent to the perimeter lot lines of a clustered residential development.~~

~~4. Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas) below.~~

B. Planned Residential Development (PRD) zone. ~~A landscape plan shall be approved for all development requiring a Development Plan within the PRD zone. The landscape plan shall include, at a minimum, the following:~~

1. An adequate buffer area comprised of fencing/walls, plant materials, or any combination thereof shall be provided adjacent to any portion of a lot line that abuts property zoned other than PRD to protect adjacent properties from impacts of noise or lighting and to provide separation between different uses. The buffer area shall be depicted on any ~~Preliminary or Final~~ Development Plan associated with the development project.

~~2. Uncovered parking areas shall be screened from the street and adjacent residences by hedges, dense plantings, shrubbery, solid fences, or walls not less than four feet in height.~~

~~3. Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas).~~

~~35.434.070 Commercial Zones Landscaping Requirements~~

AC. Neighborhood Commercial (CN) zone. ~~A landscape plan shall be approved for all development within the CN zone. The landscape plan shall include, at a minimum, those items listed below. The Montecito Commission may alter the landscaping requirements listed below where it finds that such alterations are warranted by topographic conditions.~~

1. A minimum of five percent of the net lot area shall be landscaped.

2. A landscape area with a minimum width of five feet and an ornamental wall not less than five feet in height extending to within 20 feet of the street right-of-way line of existing and proposed streets shall be provided adjacent to any portion of a lot that abuts a residential zone. The wall shall be reduced in height to three feet when located within a front setback area.

3. An ornamental masonry wall not less than three feet in height shall be provided along and located a minimum of three feet from any street right-of-way line that abuts the project site where the property on the opposite side of the street has a residential zone.

a. The area between the wall and the street right-of-way line shall be landscaped.

b. This requirement shall not apply to areas provided for site access.

~~4. Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas) below.~~

BD. ~~Resort/Visitor Serving Commercial (CV) zone. A landscape plan shall be approved for all development within the CV zone. The landscape plan shall include, at a minimum, the following:~~

1. An adequate buffer area with a minimum width of 10 feet comprised of fencing, walls, plant materials, or any combination thereof, shall be provided adjacent to any portion of a lot line that abuts a residential zone to protect adjacent properties from impacts of noise or lighting and to provide separation between residential and commercial uses. The buffer area shall be depicted on any ~~Preliminary or Final~~ Development Plan associated with the development project.
2. Cottage units shall be separated by landscaping to minimize the bulk and scale of development.
3. ~~Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas) below.~~

~~35.434.080 Special Purpose Zones Landscaping Requirements~~

AE. ~~Public Utilities (PU) zone. A landscape plan shall be approved for all development within the PU zone. The landscape plan shall include, at a minimum, the following:~~

1. A landscape area with a minimum width of five feet shall be provided adjacent to any street right-of-way line except for areas provided for site access.
2. A landscape area with a minimum width of five feet and a masonry wall not less than six feet in height shall be provided adjacent to any portion of a lot line that abuts a residential or commercial zone.
3. ~~Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas) below.~~

BF. ~~Recreation (REC) zone. A landscape plan shall be approved for all development within the REC zone. The landscape plan shall include, at a minimum, the following:~~

1. Landscaping, fencing, and/or walls adequate to properly screen the facilities (e.g., tennis courts, concession stands, restrooms, and other structures) shall be provided when the lot is adjacent to a residential zone.
2. ~~Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas) below.~~

35.434.090 Landscaping Requirements for Parking Areas

In addition to the applicable landscaping requirements contained within Section 35.434.050 through Section 35.434.080 above, parking areas shall be landscaped in compliance with the following requirements. For the purpose of landscaping and screening requirements within this Chapter, parking area includes the parking spaces and the maneuvering space necessary for their use.

- A. **Screening between residential and nonresidential uses.** Where nonresidential parking areas abut residentially zoned or developed property a wall or solid fence not less than five feet in height shall be constructed and maintained between the parking area and the adjoining residentially zoned or developed property.
- B. **Existing trees.** The design of the parking area should make the best use of this growth and shade provided by existing trees on the project site.
- C. **Screening requirements and authority.** Screening shall be provided adjacent to all lot lines consisting of a five-foot wide strip, planted with sufficient shrubbery to effectively screen the parking area, or a solid fence or wall not less than four feet in height. Fences or walls abutting streets shall be ornamental in texture, pattern, or shadow relief. Planting, fences, or walls abutting streets shall not exceed 30 inches in height for a distance of 25 feet on either side of entrances or exits to the property. This requirement for screening may be waived or modified by the review authority if the adjacent property already has provided a solid wall not less than four feet in height.
- D. **Additional requirements for uncovered parking areas exceeding 3,600 square feet.** When the total uncovered parking area on the project site (including adjoining lots over which the project has parking privileges) exceeds 3,600 square feet, the following shall be required, in addition to other provisions of this Section, as part of a landscape plan:
 - 1. Trees, shrubbery, and ground cover shall be provided at suitable intervals in order to break up the continuity of the parking area. Planting islands for these trees and shrubs shall be protected from automobile traffic by either asphalt or concrete curbs.
 - 2. Landscape islands shall be provided at the ends of all parking lanes.

SECTION 28:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Chapter 35.436, Parking and Loading Standards, is hereby amended to read as follows:

CHAPTER 35.436 PARKING AND LOADING STANDARDS

35.436.010 Purpose and Intent

The purpose of this Chapter is to ensure the provision and maintenance of safe, adequate, well-designed, off-street parking facilities in conjunction with a use or development. The intent is to reduce street congestion and traffic hazards and to promote an attractive environment through design and landscaping standards for parking areas. The standards in this Chapter shall be considered minimums, and more extensive parking provisions may be required by the Montecito Commission as a condition of project approval when the Montecito Commission is the original review authority.

35.436.020 Applicability

Every use, including a change or expansion of a use or structure, except as otherwise provided for in Chapter 35.491 (Nonconforming Uses, Structures, and Lots) shall have appropriately maintained off-street parking and loading areas in compliance with the provisions of this Chapter and any other part of this Development Code. A use shall not be commenced and structures shall not be occupied until the required improvements ~~required by this Chapter~~ are satisfactorily completed.

Allowances granted or requirements established per the Government Code pertaining to parking shall preempt and supersede any local standards that conflict with the allowances granted under or requirements established by State law.

35.436.030 Recalculation of Parking Spaces Upon Changes of Use and Additions

- A. **Change of use.** Upon the change of a use, the number of parking spaces to be provided shall be calculated according to the requirements of this Chapter for the new use. Previous parking modifications granted by the review authority shall be null and void.
- B. **Addition to use or structure.** For additions to existing developments, the increased or decreased parking requirement shall be based on the aggregate total of the floor area and/or number of employees of existing and proposed structures and uses on the property.

35.436.040 Required Number of Spaces: Agriculture Uses

Agricultural parking standards shall be in compliance with the provisions in this Section and Section 35.436.070 (Standards for All Zones and Uses) ~~and Section 35.436.080 (Standards for Agricultural Zone and Uses)~~ below.

Table 3-3- Agriculture Parking Standards

Agriculture, Resource & Open Space Uses	Parking Spaces Required
Commercial greenhouses, hothouses, or other plant protection structures	2 spaces per acre of land in such use

35.436.050 Required Number of Spaces: Residential Uses

Residential parking requirements shall be in compliance with the provisions in this Section, and in Section 35.436.070 (Standards for All Zones and Uses) and Section 35.436.090 (Standards for Residential Zones ~~and Uses~~) below.

Table 3-4- Residential Parking Standards

Residential	Parking Spaces Required
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One-family and two-family dwellings	2 covered spaces per dwelling unit and; 1 uncovered space per dwelling unit (1)
Multiple dwelling units - Single bedroom or studio dwelling unit (3)	1 space per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 2 bedrooms (3)	2 spaces per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 3 bedrooms or more (3)	2.5 spaces per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Accessory dwelling units	As determined by Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
Junior accessory dwelling units	No parking spaces required
Dormitories, boarding and lodging houses	1 space per 4 beds and; 1 space per 2 employees
Retirement and special care homes (not including senior housing (3) (4))	1 space per guest room 3 beds and; 1 space per 32 employees
Day care center (5)	1 space per 10 children/adults and; 1 drop-off/loading space
Guesthouse	1 space per guesthouse

Notes:

(1) A minimum of two covered or uncovered parking spaces shall be required for all additions, individually or combined with previous additions permitted subsequent to May 16, 1995 of less than 50 percent of the floor area of the principal dwelling as it existed as of May 16, 1995. One-family and two-family dwellings legally existing as of May 16, 1995 shall not be considered nonconforming solely because the parking required by this section is not provided.

(2) If located within a one-mile radius of the boundaries of a college or university, a minimum of 2 parking spaces shall be provided, one of which shall be covered.

(3) See ~~Subsection 35.423.060.D~~ below for parking requirements for qualifying affordable housing, senior housing, and ~~special-care~~ affordable senior housing developments.

- 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 the Housing Element.
- 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 above, for seniors, as defined above.

<u>Residential Development</u>	<u>Parking Spaces Required</u>
<u>Affordable housing - units with up to 2 bedrooms</u>	<u>0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)</u>
<u>Affordable housing - units with 3 or more bedrooms</u>	<u>1.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)</u>
<u>Affordable senior housing - units with up to 2 bedrooms</u>	<u>0.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)</u>
<u>Affordable senior housing - units with 3 or more bedrooms</u>	<u>1.25 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)</u>
<u>Senior housing - units with up to 2 bedrooms</u>	<u>0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)</u>
<u>Senior housing - units with 3 or more bedrooms</u>	<u>0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)</u>

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

(5) A reduction in required parking may be allowed: (1) with the submittal of a parking study that sets forth substantial evidence to support a reduction in the required parking (e.g., the daycare center involves clients that do not have access to automobiles, the daycare center is located in proximity to a major transit stop, and/or sufficient parking already exists on or near the project site); and (2) subject to a Minor Conditional Use Permit. If a Conditional Use Permit is otherwise required for the daycare center, a Minor Conditional Use Permit is not required and the decision-making authority shall consider the reduction in parking when considering the findings of approval for the Conditional Use Permit (Subsection 35.472.067.E).

35.436.060 Required Number of Spaces: Nonresidential Uses

Nonresidential parking requirements shall be in compliance with the provisions in this Section, and in Section 35.436.070 (Standards for All Zones and Uses) and Section 35.436.100 (Standards for Nonresidential Zones and Uses) below.

Table 3-5- Nonresidential Parking Standards

Recreation, Education & Public Assembly Uses	Parking Spaces Required
Day care center (accessory or principal use) (1)	1 space per 10 children/adults and; 1 drop-off/loading space
Library, museum, art gallery, or similar use	1 space per 2 employees and; 1 space per 300 square feet of gross floor area
Religious institutions, school auditoriums, college auditoriums, theaters, general auditoriums, stadiums, mortuaries, lodges, halls, and other places of general assembly	With fixed seats - 1 space per 4 fixed seats Without fixed seats - 1 space per 30 square feet of auditorium floor space
Racquetball and tennis facility	1.5 spaces per court
School - College	1 space per 5 students and; 1 space per 3 employees
School - Day school or Nursery school	1 space per 10 students and; 1 space per 2 employees

School - Elementary and Middle School	1.5 spaces per teaching station
School - High School	6 spaces per teaching station
Spas, health clubs, etc.	1 space per 200 square feet of spa area and; 1 space per 500 square feet of area related to the spa facilities
Spectator seating	1 space per 5 seats or 1 space per 35 square feet of seating area
Swimming pools, public	1 space per 200 square feet of pool area and; 1 space per 500 square feet of area related to the pool facilities
Retail Trade	Parking Spaces Required
Furniture and appliance stores, hardware stores	1 space per 1,000 square feet of gross floor area
Restaurants, cafes,, etc.	1 space per 300 square feet of space devoted to patrons and; 1 space per 2 employees
Retail business and general commercial	1 space per 500 square feet of gross floor area
Services & Offices - Business, Financial, Professional	Parking Spaces Required
Business and professional offices e.g., banks, lawyers' offices	1 space for each 300 square feet of gross floor area
Hotels/motels	1 space per guest room and; 1 space per 5 employees
Medical services - extended care	1 space per 3 beds and; 1 space per 3 employees

Medical services - hospitals	1 space per 2 beds and; 1 space per 3 employees
Medical services - medical clinics, medical and dental offices	1 space per 200 square feet of gross floor area
Short-Term Rental	1 space per bedroom

Notes:

(1) A reduction in required parking may be allowed: (1) with the submittal of a parking study that sets forth substantial evidence to support a reduction in the required parking (e.g., the daycare center involves clients that do not have access to automobiles, the daycare center is located in proximity to a major transit stop, and/or sufficient parking already exists on or near the project site); and (2) subject to a Minor Conditional Use Permit. If a Conditional Use Permit is otherwise required for the daycare center, a Minor Conditional Use Permit is not required and the decision-making authority shall consider the reduction in parking when considering the findings of approval for the Conditional Use Permit (Subsection 35.472.067.E).

35.436.070 Standards for All Zones and Uses

Off-street parking areas in all zones and for all uses shall be developed in ~~the~~ compliance with the standards in this Section, and as provided in Section 35.436.0980 through Section 35.436.100.

A. **Bicycle parking requirements.** For development (other than one-family dwellings or two-family dwellings) that is subject to the requirements of a Development Plan, the ~~Montecito Commission~~ review authority shall determine if there is a need to provide bicycle parking. If a need exists, the ~~Montecito Commission~~ review authority shall then determine the required number of bicycle parking spaces, bike racks, and locking devices that shall be provided.

B. **Construction and design.**

1. Parking areas shall be graded and drainage shall be provided so as to dispose of surface water without erosion, flooding, and other inconveniences or hazards.
2. Uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.
3. Parking spaces shall be marked and access lanes clearly defined. Bumpers and wheel stops shall be installed as necessary. Every stall designed to accommodate compact cars shall be clearly marked as a compact car stall, except as follows.

A. ~~Marking or striping.~~

(a) Agricultural developments not requiring Development Plan approval shall not be required to comply with design specifications for marking or striping, except for handicap parking spaces required under State and Federal law.

(b) Agricultural development projects requiring Development Plan approval may request that the review authority waive design specifications for marking or striping otherwise required in Subsection 35.436.070.B.3 above.

4. Except for residential uses within the 20-R-1 through 7-R-1, and 7-R-2 zones, parking areas shall be designed so that no vehicle shall be required to encroach into a street or sidewalk when backing out of a parking space.
5. The design of parking areas shall not require the moving of a car to gain access to a required parking space unless the applicable zone regulations specifically allow tandem parking.
6. Parking areas serving uses operating at night shall be adequately lighted. Lighting shall be directed away from adjoining residences.
7. The design of parking spaces and the maneuvering space in connection with the spaces shall be in compliance with the requirements of Table 3-6 (Parking Dimensions: One-Way Traffic) and Table 3-7 (Parking Dimensions: Two-Way Traffic), below, and as illustrated in Figure 3-8 through Figure 3-10, below.

a. **Compact spaces.** Thirty percent of the required parking for nonresidential uses may be provided as compact car spaces.

C. Driveways.

1. **Width, number, and location.** Unless otherwise provided in the specific, applicable zone, the width and number of driveways in relation to intersections, obstructions, other driveways, and property lines shall be in compliance with the engineering design standards adopted by the Board.
2. **Driveways to parking areas.** A driveway used for access to a parking area shall be a minimum of 10 feet wide in clear distance between any obstruction to vehicular traffic.
3. **Special requirements.** Upon recommendation of the Director or the Public Works Department, or upon their own initiative when considering a project, the Montecito Commission may place special requirements on an individual building site that will have the effect of reducing or increasing the number or width of driveways or prescribing their location on the building site when the Montecito Commission determines that special requirements either reduce or do not create traffic hazards or street parking problems. The imposition of these special requirements shall be final subject to appeal to the Board in compliance with Chapter 35.492 (Appeals).

D. Gross floor area measurement. For the purposes of this Chapter, gross floor area shall be the measure of the square footage for a project; however, stairways and open, unenclosed corridors shall be excluded.

- E. **Fractional space.** Where the standards result in a fractional space, any decimal fraction less than 0.5 shall be rounded down~~the next larger whole number shall be the number of spaces required.~~
- F. **Handicapped parking spaces.** Parking areas shall provide handicap parking spaces as required under State and Federal law.
- G. **Joint use of parking facilities for mixed use development.** In order to encourage efficient use of commercial parking space and good design practices, the total parking requirements for developments with two or more land uses on one site ~~conjunctive uses and mixed uses~~ shall be based on the number of spaces adequate to meet the various needs of the individual uses operating during the peak parking period.
- H. **Location.**
 - 1. Off-street parking spaces shall not be located in the required front or side setback area unless specifically allowed in the applicable zone regulations. Provisions shall be made for direct access from the street to each parking space. The access shall be adequate for standard size automobiles unless the parking area is restricted to compact cars.
 - 2. **Residential Parking Spaces.** Required residential parking spaces shall be provided on the same site that the dwelling is located. For dwelling units containing two or more bedrooms in multiple-family residential developments, spaces shall be located within 200 feet of the dwelling that the space serves.
 - 3. **Nonresidential Parking Spaces.** For nonresidential uses, the required parking spaces shall be provided within 500 feet of the principal structure, or site if there is no principal structure, as measured along streets excluding alleys.
- I. **Maintenance of minimum parking requirements.** The minimum number of parking spaces required in this Chapter shall be provided and continuously maintained.
- J. **Maintenance of parking areas and parking spaces.** A parking area or parking space provided for the purpose of complying with the provisions of this Chapter shall not be eliminated, reduced, or converted unless equivalent facilities approved by the review authority are provided elsewhere in compliance with this Chapter. The permit for the use for which the parking was provided shall immediately become void upon the failure to comply with the requirements of this Section.
- K. **Modifications of parking requirements.** Modifications to the parking requirement may be granted, in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units), Section 35.472.060 (Conditional Use Permits), Section 35.472.080 (Development Plans), Section 35.472.120 (Modifications), or Section 35.472.180 (Variances).
- L. **Parking requirement not listed.** Where the parking requirement for a use is not specifically provided in this Chapter, the parking requirement shall be determined by the Director based upon the requirement for the most comparable use specified in this Chapter.

M. **Size.** Parking space sizes shall comply with the following standards:

1. Residential parking spaces shall be a minimum of 8.5 feet wide by 16.5 feet long.
2. Nonresidential parking spaces:
 - a. Compact spaces shall be a minimum of 8 feet wide by 14.5 feet long.
 - b. Standard spaces shall be a minimum of 9 feet wide by 16.5 feet long.

N. **Off-street loading facilities.** Off-street loading facilities shall be in compliance with the following standards:

1. **Number of loading spaces.** For every newly constructed structure to be occupied by commercial uses requiring the receipt or distribution by vehicles of materials and merchandise (e.g., retail store, market, restaurant, hotel), one off-street loading space shall be provided for every 3,000 or more square feet gross floor area.
2. **Dimensions.** Each loading space shall not be less than 10 feet in width, 30 feet in length, and with an overhead clearance of 14 feet.
3. **Setback restrictions.** The space may not be located in any part of any required front or side setback.
4. **Safety.** The space shall be designed to ensure that it will not interfere with vehicular circulation, parking, or with pedestrian circulation.

35.436.080 Standards for Agricultural Zone and Uses~~Reserved~~

~~A. **Marking or striping.**~~

- ~~1. Agricultural developments not requiring Development Plan approval shall not be required to comply with design specifications for marking or striping, except for handicap parking spaces required under State and Federal law.~~
- ~~2. Agricultural development projects requiring Development Plan approval may request that the review authority waive certain design specifications for marking or striping otherwise required in Subsection 35.436.070.B.3 above.~~

~~B. **Screening Greenhouses.** Onsite parking areas for greenhouses, and other plant protection structures located shall be screened from the view of adjacent public streets in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas).~~

35.436.090 Standards for Residential Zones and Uses

~~A. **Location.** Required residential parking spaces shall be provided on the same site that the dwelling is located. For dwelling units containing two or more bedrooms in multiple-family residential developments, spaces shall be located within 200 feet of the dwelling that the space serves.~~

~~BA. **Overnight parking of commercial vehicles, R-1/E-1 and R-2 zones.** For one-family and two-family dwelling units located on property zoned either R-1/E-1 or R-2, not more than one~~

bus or non-passenger motor vehicle or trailer used in commerce may be parked overnight on a lot. The bus, motor vehicle, or trailer shall not exceed two axles, four tons, or eight feet in height. This restriction shall not apply to the emergency overnight parking of disabled motor vehicles or trailers and the occasional overnight parking of moving vans, pickup, or delivery or construction vehicles or trailers when occasional overnight parking is reasonably serving the residential use of a particular lot.

EB. Storage of oversized vehicles, R-1/E-1 and R-2 zones. On property zoned either R-1/E-1 or R-2 zone, no portion of an actual yard shall be used for a period of 48 or more consecutive hours for the storage of motor vehicles over seven feet in height, trailers, airplanes, boats, campers, or camper shells, unless screened from the abutting streets and adjacent properties by landscaping, fencing, or walls. Within this subsection, the term "yard" is defined as an open space that lies between any principal or accessory building and the nearest lot line.

EC. Tandem parking. Tandem parking shall be allowed on residentially zoned lots of 7,000 square feet or less.

ED. Design Residential (DR) zone.

- ~~1. **Construction and design.** Parking areas shall be arranged to prevent through traffic to other parking areas.~~
- ~~2. **Landscape/screening of parking areas.** Uncovered parking areas shall be screened in compliance with Subsection 35.434.060.A (Design Residential (DR) zone) and Section 35.434.090 (Landscaping Requirements for Parking Areas).~~
- ~~3. **Location.** Parking lots, carports, and garages designed and used for individual units within a development may be either adjacent to the units or centrally located to serve a group of units.~~
- 41. Setbacks.** Uncovered parking areas shall not be located closer than 15 feet to the street right-of-way line and, five feet to any other property line.

~~**F. Planned Residential Development (PRD) zone.**~~

- ~~1. **Construction and design.** Parking areas shall be arranged to prevent through traffic to other parking areas.~~
- ~~2. **Landscape/screening of parking areas.** Uncovered parking areas shall be screened and landscaped in compliance with Subsection 35.434.060.B (Planned Residential Development (PRD) zone) and Section 35.434.090 (Landscaping Requirements for Parking Areas).~~

EE. Exterior parking. The following standards apply to the keeping, parking, or storage (hereinafter referred to as "parked" or "parking" within the meaning of this Subsection **EG**) of operative and inoperative motor vehicles and recreational vehicles outside of a fully enclosed or fully screened structure. A Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) is not required to establish exterior parking except when 1)

this Subsection 35.436.090.~~EG~~ requires a permit, or 2) the parking involves construction of a new structure or alteration of an existing structure that is not exempt from a Land Use Permit in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements), or 3) the parking is not in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Subsection 35.436.090.~~EG~~ shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

1. **Current registration or certificate of non-operation required.** All motor vehicles and recreational vehicles parked on a lot outside of a fully enclosed or fully screened structure shall either:
 - a. Have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street; or,
 - b. Have a current, unexpired certificate of non-operation or planned non-operation on file with the California Department of Motor Vehicles.
2. **Limitation on number.**
 - a. Not including the number of vehicles for which parking spaces are required to be provided in compliance with Section 35.436.050 (Required Number of Spaces: Residential Uses), the exterior parking of operative motor vehicles and recreational vehicles is allowed provided that the number of such vehicles parked on a lot outside of a fully enclosed or fully screened structure does not exceed one per each bedroom located within the dwelling(s) on the lot.
 - (1) Parking allowed in compliance with this Subsection ~~EG~~.2.a may be located on driveways including portions of driveways located within a required front setback or side setback area provided:
 - (a) Any portion of a driveway on which parking occurs shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.
 - (b) The width of any portion of a driveway located in a front setback area driveway shall not exceed 50 percent of the adjacent street frontage for each front setback area.
 - (c) All parking located within a required front setback shall be located within one contiguous area for each street frontage.

- b. **Additional parking allowed.** In addition to exterior parking allowed in compliance with Subsection ~~GE~~.2.a, above, the exterior parking of operative and inoperative motor vehicles and recreational vehicles that are registered with the California Department of Motor Vehicles to a person(s) residing on the lot on which the parking occurs outside of a fully enclosed or fully screened structure is allowed in compliance with the following standards.

- (1) The number of vehicles and the area used for the parking of said vehicles shall be limited to the following maximum number and area based upon the lot area of the lot on which the vehicles are parked:

Lot Area (net)	Maximum Allowed Number of Vehicles	Maximum Allowed Parking Area
Less than 10,000 sq. ft.	1	140 sq. ft.
10,000 sq. ft. to less than 20,000 sq. ft.	2	420 sq. ft.
20,000 sq. ft. or larger	3	700 sq. ft.

- (2) Any area used for parking shall be located so that vehicles parked thereon are not visible from any public road or other area of public use (e.g., park, trail), or any adjoining lot.

- (a) Structures or other devices used to comply with this requirement shall not include awnings, fabric shelters, tents, vehicle covers and similar structures or other devices of a nonpermanent type of construction.

- (3) On lots having a net lot area of less than 20,000 square feet, vehicles shall not be parked in any area located between the front line of the lot and the principal dwelling.

3. **Additional standards for inoperative motor vehicles and recreational vehicles.** The parking of inoperative motor vehicles and recreational vehicles outside of a fully enclosed or fully screened structure shall also comply with the following standards in addition to the standards listed in Subsections ~~GE~~.1 and ~~GE~~.2, above:

- a. Vehicles shall not be parked on parking spaces required in compliance with Section 35.436.050 (Required Number of Spaces: Residential Uses).
- b. Any area use for parking shall be designed and installed to prevent the discharge of pollutants onto adjacent lots and adjacent streets.

- c. Vehicles that are parked for a period in excess of 14 consecutive days without being moved under their own motive power shall be drained of gasoline, oil and other flammable liquids.
- d. The parking of inoperative motor vehicles regulated under Subsection 35.423.050.C (Motor vehicle assemble, dismantling, maintenance, repair, restoration, etc.) shall also be in compliance with the requirements of that Subsection.
4. **Modifications to standards allowed with a Conditional Use Permit.** Parking of motor vehicles and recreational vehicles that does not comply with the standards contained in Subsections ~~GE~~.1 through ~~GE~~.3, above, may be allowed in compliance with a Conditional Use Permit approved in compliance with Section 35.472.060 (Conditional Use Permits).
5. **Noncompliance deemed a violation of this Development Code.** The parking of motor vehicles and recreational vehicles that does not comply with the standards contained in Subsections ~~GE~~.1 through ~~GE~~.3, above, or is not allowed by a Conditional Use Permit approved in compliance with Section 35.472.060 (Conditional Use Permits) as allowed by Subsection ~~GE~~.4, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35.498 (Enforcement and Penalties).

35.436.100 Standards for Nonresidential Zones and Uses

- A. ~~**Compact spaces.** Thirty percent of the required parking for nonresidential uses may be provided as compact car spaces.~~
- B. ~~**Location.** For nonresidential structures or uses, the required parking spaces shall be provided within 500 feet of the principal structure, or site if there is no principal structure, as measured along streets excluding alleys.~~
- C. ~~**Off street loading facilities.** Off street loading facilities shall be in compliance with the following standards:~~
 1. ~~**Number of loading spaces.** For every newly constructed structure to be occupied by commercial uses requiring the receipt or distribution by vehicles of materials and merchandise (e.g., retail store, market, restaurant, hotel), one off street loading space shall be provided for every 3,000 or more square feet gross floor area.~~
 2. ~~**Dimensions.** Each loading space shall not be less than 10 feet in width, 30 feet in length, and with an overhead clearance of 14 feet.~~
 3. ~~**Setback restrictions.** The space may not be located in any part of any required front or side setback.~~
 4. ~~**Safety.** The space shall be designed to ensure that it will not interfere with vehicular circulation, parking, or with pedestrian circulation.~~

DA. Neighborhood Commercial (CN) zone. Required parking spaces shall be provided as follows:

1. On the same lot or premises as the main structure;
2. In public or private parking lots permanently committed to parking within 500 feet of the lot or premises on which the main structure is located as measured along streets not alleys.

EB. Resort/Visitor Serving Commercial (CV) zone.

1. The Montecito Commission may require additional parking for projects that provide for public access to and use of recreational facilities or open space.
2. Parking areas shall be broken into small groupings of parking spaces and shall be fully landscaped.

**Table 3-6 - Parking Dimensions: One-Way Traffic
(All Dimensions in Feet)**

Angle	W1			W2			W3			W4		
	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width
30	24.0	25.0	25.0	36.0	38.5	38.5	33.5	36.0	36.0	31.0	33.0	33.0
35	24.5	26.0	26.0	37.5	40.5	40.5	35.5	38.0	38.0	33.0	35.5	35.5
40	25.5	26.5	26.5	39.0	42.0	42.0	37.0	40.0	40.0	35.0	37.5	37.5
45	26.0	27.5	27.5	40.5	43.5	43.5	38.5	41.5	41.5	36.5	39.0	39.0
50	26.5	28.0	28.0	41.5	45.0	45.0	39.5	43.0	43.0	38.0	41.0	41.0
55	27.0	29.0	28.5	42.5	46.5	46.0	40.5	44.5	44.0	39.0	42.5	42.0
60	28.0	31.5	30.0	43.5	49.5	48.0	42.0	47.5	46.5	41.0	46.0	45.0
65	30.0	34.0	33.0	46.0	52.0	51.0	44.5	51.0	48.5	43.5	49.5	48.0
70	32.0	36.5	35.0	48.0	54.5	53.0	47.0	53.5	52.0	46.0	52.5	51.0
75	34.0	38.5	37.5	50.0	56.5	55.5	49.0	56.0	54.5	48.5	55.0	54.0
80	36.0	41.0	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5

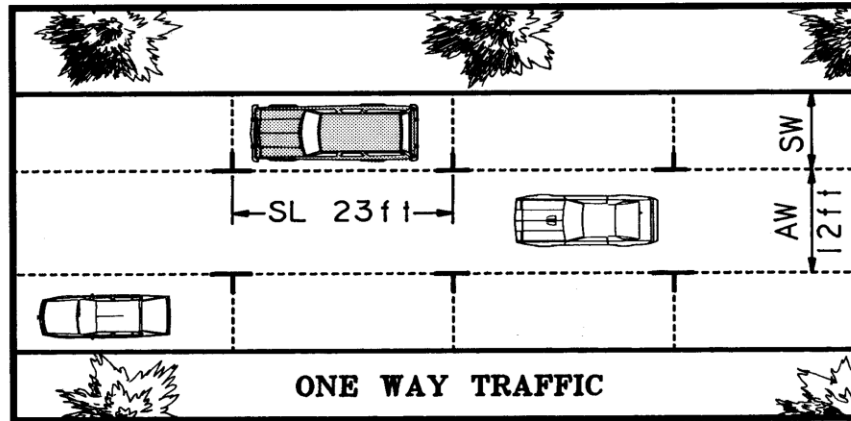
85	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5

Note: Specifications for any parking angle not specifically enumerated can be determined by interpolation from the above table.

**Table 3-7 - Parking Dimensions: Two-Way Traffic
(All Dimensions in Feet)**

Angle	W1			W2			W3			W4		
	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width
30	32.0	33.0	33.0	44.5	47.0	47.0	42.0	44.5	44.5	39.5	41.5	41.5
35	33.0	34.0	34.0	46.0	40.5	40.5	44.0	46.0	46.5	41.5	43.5	43.5
40	33.5	35.0	35.0	47.5	50.5	50.5	45.5	48.0	48.0	43.0	45.5	45.5
45	34.5	35.5	35.5	48.5	52.0	52.0	47.0	50.0	50.0	45.0	47.5	47.5
50	35.0	36.5	36.5	50.0	53.0	53.0	48.0	51.0	51.0	46.5	49.0	49.0
55	35.5	37.0	37.0	50.5	54.0	54.0	49.0	52.5	52.5	47.5	50.5	50.5
60	35.5	37.0	37.0	51.5	55.0	55.0	50.0	53.5	53.5	48.5	52.0	52.0
65	35.5	37.5	37.5	51.5	55.5	55.5	50.5	54.0	54.0	49.5	52.5	52.5
70	36.0	37.5	37.5	51.5	55.5	55.5	51.0	54.5	54.5	50.0	53.5	53.5
75	36.0	38.5	37.5	51.5	56.5	55.5	51.0	56.0	54.5	50.0	55.0	53.5
80	36.0	41.5	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5
85	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5

Note: Specifications for any parking angle not specifically enumerated can be determined by interpolation from the above table.



SL=STALL LENGTH SW=STALL WIDTH AW= AISLE WIDTH

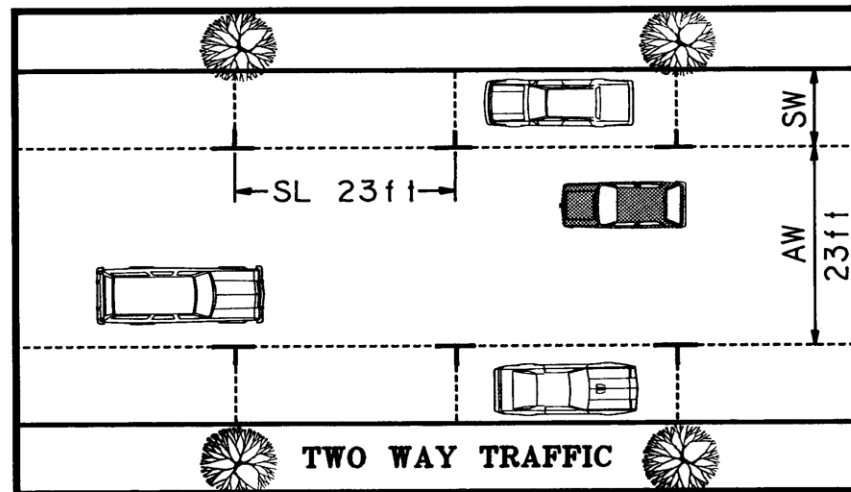


Figure 3-8 - Parallel Parking Diagram

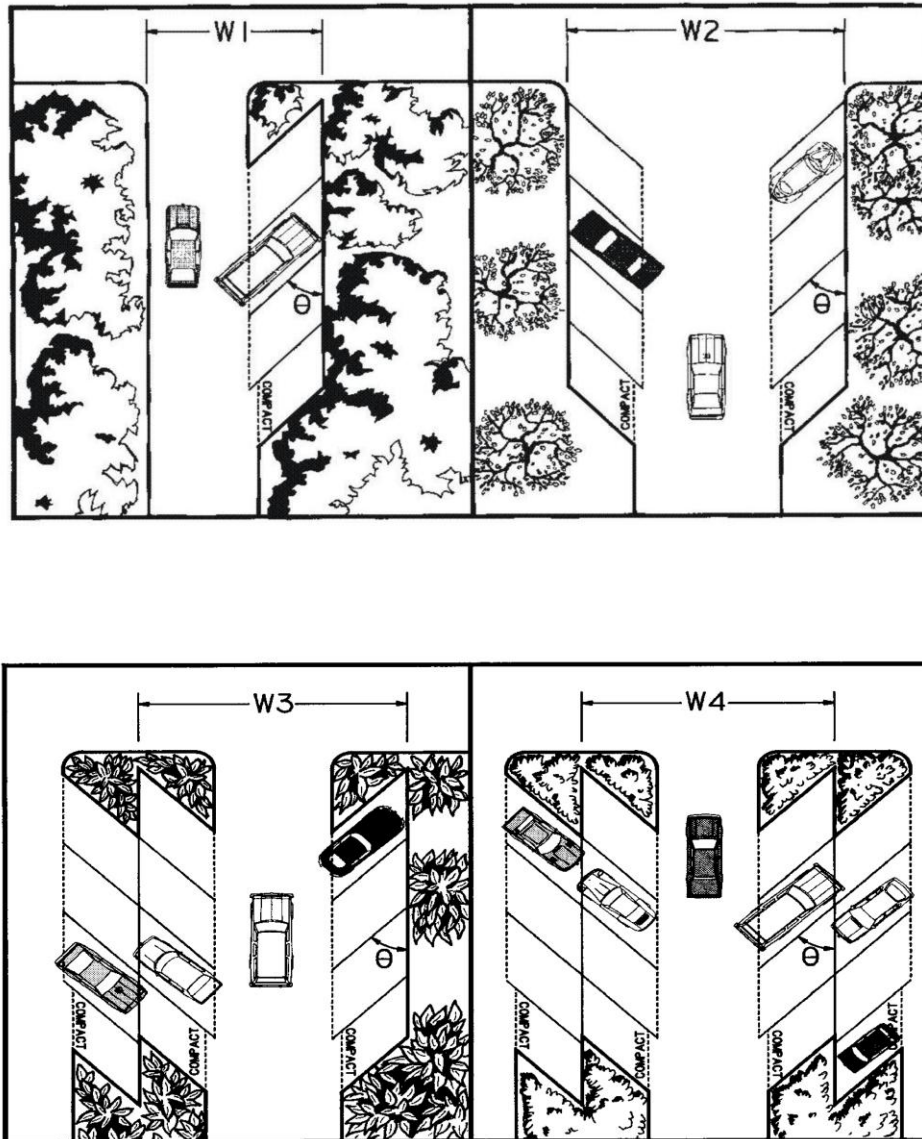


Figure 3-9 - Angle Parking One-Way Traffic Diagram

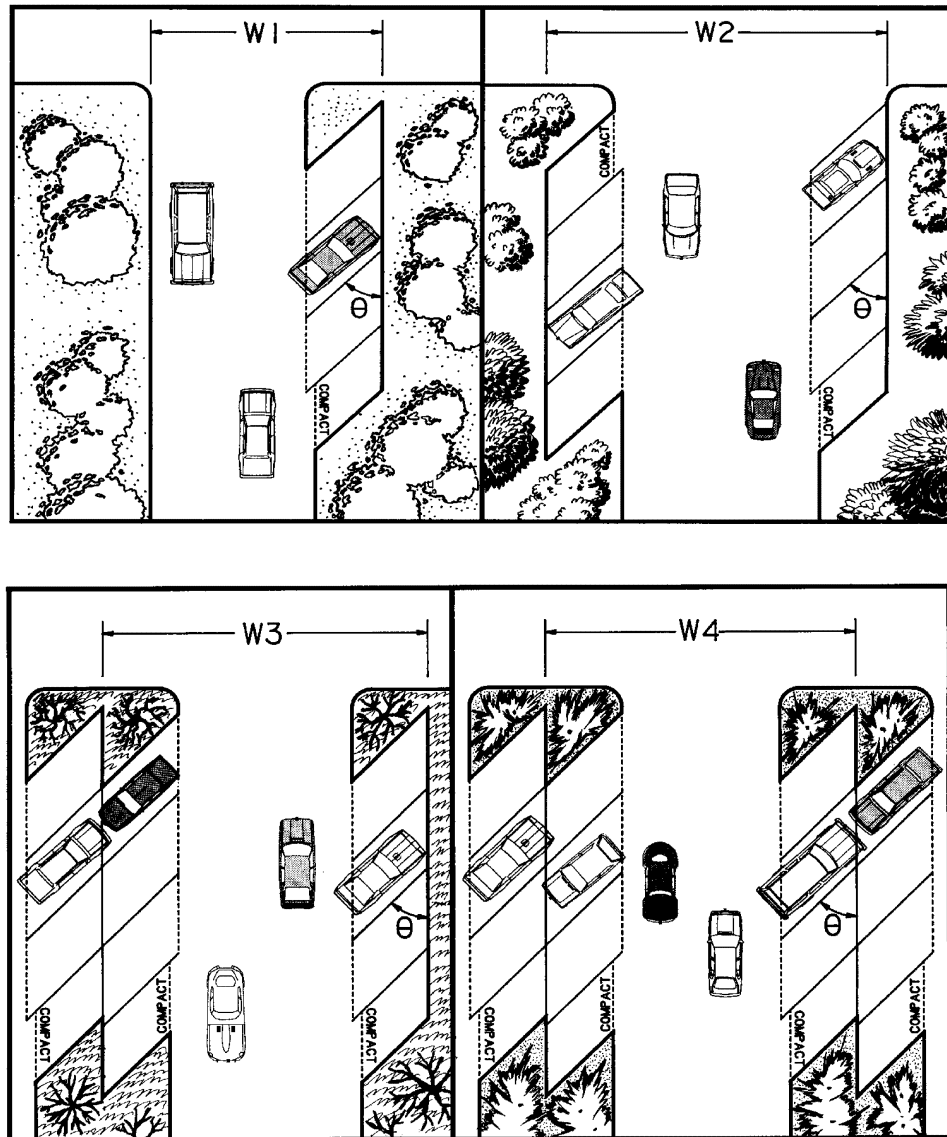


Figure 3-10 - Angle Parking Two-Way Traffic Diagram

SECTION 29:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection b, of Subsection 1, Household pets, of Subsection F, Specific Animal Keeping, of Section 35.442.040, Animal Keeping, of Chapter 35.442, Standards for Specific Land Uses, is hereby amended to read as follows:

- b. There shall be no more than three dogs permitted ~~on a single lot~~ per dwelling unit.

SECTION 30:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection c, of Subsection 2, Special standards and requirements for animal keeping in the R-1/E-1, R-2, and DR zones, of Subsection F, Specific Animal Keeping, of Section 35.442.040, Animal Keeping, of Chapter 35.442, Standards for Specific Land Uses, is hereby amended to read as follows:

- c. **Limitation on dogs.** No more than three dogs shall be allowed ~~on a lot per dwelling unit~~ unless a Conditional Use Permit approved in compliance with Section 35.472.060 (Conditional Use Permits) for either a commercial or non-commercial kennel is first obtained.

SECTION 31:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.442.060, Caretaker or Employer Housing, of Chapter 35.442, Standards for Specific Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 32:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection K, Use Restrictions, of Section 35.442.120, Guesthouses, Artist Studios, and Cabanas, of Chapter 35.442, Standards for Specific Land Uses, is hereby amended to read as follows:

K. Use restrictions.

1. A guesthouse shall be used on a temporary basis only by the occupants of the principal dwelling or their nonpaying guests or employees and is not intended to be rented, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. Temporary is defined as occupying the guesthouse for not more than 120 days in any 12-month period.
2. Artist studios and cabañas shall not be used as a guesthouse or as a dwelling and shall not be used for overnight accommodations.
3. Commercial sales or transactions shall not occur within an artist studio or on the lot containing the artist studio unless allowed ~~under a Land Use Permit (Section 35.472.110) as part of~~ for a home occupation issued in compliance with Section 35.442.130 (Home Occupations).
4. Guesthouses, artist studios, or cabañas may be determined to constitute a dwelling by the Director in compliance with Subsection 35.442.020.B.9 (Determination that accessory structure constitutes a dwelling).

SECTION 33:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection L, Notice to property owner, of Section 35.442.120, Guesthouses, Artist Studios, and Cabanas, of Chapter 35.442, Standards for Specific Land Uses, is hereby amended to read as follows:

- L. **Notice to property owner.** Before issuance of a ~~Land Use Permit in compliance with Section 35.472.110 (Land Use Permits)~~planning permit for a guesthouse, artist studio, or cabaña, a Notice to Property Owner that specifies at a minimum the allowable uses of the structure shall be recorded by the property owner.

SECTION 34:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection N, Artist studios, of Section 35.442.120, Guesthouses, Artist Studios, and Cabanas, of Chapter 35.442, Standards for Specific Land Uses, is hereby amended to read as follows:

- N. **Artist studios.** Issuance of a ~~Land Use Permit~~Zoning Clearance in compliance with Section 35.472.1490 (~~Land Use Permits~~Zoning Clearances) for a home occupation in compliance with Section 35.442.130 (Home Occupations) shall be required prior to or concurrent with the issuance of a Land Use Permit for an artist studio.

SECTION 35:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.442.130, Home Occupations, of Chapter 35.442, Standards for Specific Land Uses, is hereby amended to read as follows:

35.442.130 Home Occupations

- A. **~~Purpose and applicability.~~** This Section provides development and operational standards for home occupations ~~where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses).~~ The intent is to prevent any adverse effects on the residential enjoyment of surrounding residential properties.
- B. **Applicability.** The provisions of this Section shall apply to all home occupations, including which include Cottage Food Operations and In-home Retail Sales. Home occupations ~~may be~~ are permitted as an accessory use to ~~in~~ any legally established dwelling in any zone including nonconforming dwellings, subject to the standards of this Section.
- C. **Permit requirements.**
1. Before the commencement of a home occupation ~~within a dwelling or artist studio, a Land Use Permit~~ Zoning Clearance in compliance with Section 35.472.1910 (~~Land Use~~

~~Permits~~Zoning Clearances) shall be issued for the home occupation unless the occupation qualifies for an exemption as stated in Subsection E (Exceptions to permit requirements for home occupations) below.

~~2. Prior to the issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) for a home occupation within a dwelling or artist studio, a Notice to Property Owner certifying that the home occupation will be conducted in compliance with the development standards of Subsection D (Development standards), below, and any other conditions as may be made part of the Land Use Permit shall be recorded by the property owner.~~

D. **Development standards.** A home occupation shall comply with all of the following development standards:

1. **Home occupations other than cottage food operations.** A home occupation shall comply with all of the following development standards, except that if the home occupation qualifies as a cottage food operation then the development standards of Subsection D.2 (Cottage food operations) shall apply instead.

- a. Only one home occupation shall be allowed ~~on any one lot~~per dwelling unit. All home occupation activities shall be conducted completely within the enclosed living space of the residence or accessory structure. If any home occupation activities are conducted within a garage, the use shall not encroach within the required parking spaces for the residence. The vehicle door to the garage shall remain closed while the home occupation activity is being conducted.~~The home occupation shall be conducted either entirely within not more than one room of the dwelling, not including garages, or entirely within an artist studio. A home occupation may not be conducted outside of the dwelling or the artist studio.~~
- b. The home occupation shall not alter the residential character of the dwelling or the lot that contains the home occupation. There shall be no internal or external alterations to the dwelling that are not customarily found in residential structures, and the existence of the home occupation shall not be discernible from the exterior of the dwelling.
- c. The home occupation shall be conducted solely by the occupant(s) of a dwelling 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 lot that contains the home occupation. 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.
- d. No displays or signs naming or advertising the home occupation shall be permitted on or off the lot that contains the home occupation. All advertising for the home occupation (e.g., telephone directories, newspaper, internet, social media, or other ~~printed material~~media) 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.

- e. There shall be no more than five customers, patients, clients, students, or other persons served by the home occupation upon the lot that contains the home occupation at any one time except for in-home retail sales as allowed in compliance with Subsection E.1.a, below.
- f. A home occupation shall not use electrical or mechanical equipment that would create any visible or audible radio or television interference or create noise levels in excess of 65 dBA~~audible~~ beyond the boundaries of the 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.~~
- g. No smoke or odor shall be emitted that occurs as a result of the home occupation.
- h. There shall be no outdoor storage of materials related to the home occupation unless stored in compliance with Subsection 35.423.050.B (Accessory storage of materials).
- i. No vehicles or trailers, except those incidental to the residential use and those allowed under Subsection 35.436.090.B (Overnight parking of commercial vehicles), shall be kept on the lot that contains the home occupation.
- j. 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, the lot that contains the home occupation, or the neighborhood.
- k. Where a home occupation will be conducted within a ~~dwelling or artist studio~~structure that relies on a septic system, written clearance from the Public Health Department shall be required prior to approval of a ~~Land Use Permit~~Zoning Clearance in compliance with Section 35.472.~~110-190 (Land Use Permits~~Zoning Clearances).
- l. No hazardous materials other than those commonly found within a residence shall be used or stored on the site. Hazardous materials and equipment shall be limited to quantities that do not constitute a fire, health, or safety hazard.
- m. Business-related deliveries shall be limited to a maximum of two per week. United States Mail and commercial parcel carriers' deliveries shall be exempt from this limitation.
- n. 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 onsite or on the street frontage abutting the lot that contains the home occupation.

2. **Cottage food operations.** A cottage food operation shall comply with all of the following development standards.
 - a. **Allowed locations.**
 - (1) No more than one cottage food operation shall be allowed within any one dwelling unit.
 - (2) Only one cottage food operation may be allowed on a lot.
 - b. **Allowed location within the dwelling and the lot containing the cottage food operation.** All food preparation, packaging, sales, storage and handling of cottage food products and related ingredients, and equipment, shall be located within the registered or permitted area consisting of the dwelling's private kitchen and one or more attached rooms within the dwelling in which the cottage food operation is operated that are used exclusively for storage.
 - c. **Cottage food operators and cottage food employees.**
 - (1) The cottage food operation shall be conducted by the cottage food operator within the dwelling where the cottage food operator resides as their primary residence. Said dwelling shall be a legally established dwelling.
 - (2) Up to one full-time equivalent employee as defined by California Health and Safety Code Section 113758(b)(1) may participate in a cottage food operation in addition to those individuals residing within the dwelling as their primary residence.
 - d. **Parking.** All parking of vehicles and trailers associated with the cottage food operation on the lot on which the cottage food operation occurs shall be maintained in compliance with Chapter 35.436 (Parking and Loading Standards).
 - (1) Customers and non-resident cottage food employees shall not park their vehicles within or upon a parking space that is required to satisfy the parking requirement for the primary use of the lot.
 - (2) On R-1/E-1 and R-2 zoned lots, the overnight parking of commercial vehicles on the lot shall be in compliance with Subsection 35.436.090.B (Overnight parking of commercial vehicles).
 - e. **Sales.** Food items may only be sold, or offered for sale, from the dwelling to customers present at the dwelling between the hours of 9:30 a.m. to 3:30 p.m.
 - f. A cottage food operation shall not create vehicular or pedestrian traffic or other public nuisance 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 onsite or on the street frontage abutting the lot on which the home occupation occurs.
 - g. The cottage food operation shall at all times be conducted in compliance with:

- (1) The conditions and limitations of this Subsection D.2 and any other conditions and/or limitations that may be part of the ~~Land Use Permit~~Zoning Clearance issued to allow the cottage food operation.
 - (2) California Health and Safety Code Section 113758.
 - (3) All other applicable State and County laws, regulations and requirements.
 - h. The cottage food operation shall be registered or permitted by the County Public Health Department in compliance with Section 114365 of the California Health and Safety Code. Prior to the issuance of a ~~Land Use Permit~~Zoning Clearance for a cottage food operation the cottage food operator shall present proof of receipt of registration or permit for the cottage food operation from the County Public Health Department.
- E. **Exceptions to permit requirements for home occupations.** A ~~Land Use Permit~~Zoning Clearance shall not be required for home occupations that are in compliance with all of the following criteria:
1. The development standards of Subsection D.1 or D.2, above, as applicable to the specific home occupation except that:
 - a. Clients or customers shall not be served at the lot that contains the home occupation except for in-home retail sales provided that these sales do not exceed four times within a calendar year and that there are no more than 25 customers at each sales event at any one time.
 - b. Business advertisements, except for business cards and letterhead, shall not list the address of the ~~artist studio or dwelling in which the home occupation occurs~~.
 - c. With the exception of in-home retail sales allowed pursuant to subsection E.1.a above, Bbusiness transactions occurring on the lot that contains the home occupation shall occur by internet, telephone, facsimile, computer modem or other telecommunication medium, or written correspondence.
- F. **~~Violations of Prohibited home occupations regulations.~~**
- ~~1. It shall be unlawful for a person, firm, or corporation, to establish, cause, allow, or maintain a type of business, profession or other commercial occupation (collectively to be referred to as a "home occupation") within a dwelling before the issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) allowing the home occupation unless the home occupation does not require the issuance of a Land Use Permit in compliance with Subsection E (Exceptions to permit requirements for home occupations), above.~~
 - ~~2. The home occupation shall at all times be conducted in compliance with the conditions and limitations of Subsection D (Development standards), above, any other conditions and/or limitations that may be part of the Land Use Permit issued in compliance with Section 35.472.110 (Land Use Permits) to allow the home occupation, and it shall be~~

~~unlawful for a person to conduct a home occupation for which a Land Use Permit has been issued without complying with all conditions attached to the permit.~~

~~3. Failure to comply with conditions and limitations of the Land Use Permit shall be cause for revocation of the Land Use Permit in compliance with Section 35.474.060 (Revocations).~~

41. Occupations that cannot comply with all of the development standards listed in Subsection D (Development standards), above, shall not be permitted as home occupations. Examples of prohibited occupations include:

- a. Automotive repair or service.
- b. Painting of vehicles, trailers, boats or machinery.

SECTION 36:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection B, Permit requirement, of Section 35.442.135, Homestays, of Chapter 35.442, Standards for Specific Land Uses, is hereby amended to read as follows:

B. **Permit requirement.** Homestays may only be located ~~in residential zones~~ where allowed in Division 35.2 (Montecito Zones and Allowable Land Uses) and in compliance with the identified permit requirement identified in Division 35.2 (Montecito Zones and Allowable Land Uses). The required permit shall be obtained and all conditions of the permit shall be satisfied prior to the commencement of a Homestay. Regardless of the number of properties a property owner owns, in no case shall a property owner possess more than one homestay permit at any given time.

SECTION 37:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, a new Subsection 12, Transient Occupancy Tax (TOT), is added to Subsection D, Development Standards, of Section 35.442.135, Homestays, of Chapter 35.442, Standards for Specific Land Uses, as follows:

12. Transient Occupancy Tax (TOT). The owner/applicant shall maintain a TOT license and remain current on all required TOT reports and payments.

SECTION 38:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section

35.442.140, Mobile Homes on Permanent Foundations, of Chapter 35.442, Standards for Specific Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 39:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.442.140, Residential Project Convenience Facilities, of Chapter 35.442, Standards for Specific Land Uses, is hereby deleted in its entirety and reserved for future use.

SECTION 40:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection f of Subsection 12, Storage of trailers as accessory to a residential use, of Subsection G, Trailer Use, of Section 35.442.180, Temporary Uses and Trailers, of Chapter 35.442, Standards for Specific Land Uses, is hereby amended to read as follows:

- f. Any recreational vehicle that is parked outside of a fully enclosed or fully screened structure shall be in compliance with Subsection EG, Exterior parking, of Section 35.436.090, Standards for Residential Zones ~~and Uses~~.

SECTION 41:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 1 of Subsection F, Application and processing requirements, of Section 35.442.185, Transitional and Supportive Housing, of Chapter 35.442, Standards for Specific Land Uses, is hereby amended to read as follows:

1. If required based on the permit type, notice of the application and pending decision on a permit for transitional or supportive housing shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings). Transitional or supportive housing being permitted with a Zoning Clearance shall require a posted notice by the applicant subject to the same requirements in ~~35.496.050A~~ 35.496.050A.2.

SECTION 42:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection c, Standards for Tier 1 projects, hub sites, of Subsection 1, Tier 1 projects , of Subsection C, Processing, of Section 35.444.020, Noncommercial Telecommunications Facilities, of Chapter 35.444, Telecommunications Facilities, is hereby amended to read as follows:

- c. **Standards for Tier 1 projects, hub sites.** Wireless telecommunication facilities that comply with the following may be allowed:
 - (1) The facility qualifies as a hub site.
 - (2) No antennas are proposed except as follows:
 - (a) One Global Positioning System (GPS) may be allowed.
 - (3) The facility is located within a permitted building.
 - (4) Noticing standards for Tier 1 (c) hub site projects. A posted notice fulfilling the requirements of Sections 35.106496.020.A.2 and 35.106496.080 shall be required for a Zoning Clearance permit within 15 days of a complete application and remain posted until permit approval.

SECTION 43:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection e, Noticing standards for all Tier 2 projects, of Subsection 2, Tier 2 projects, of Subsection C, Processing, of Section 35.444.020, Noncommercial Telecommunications Facilities, of Chapter 35.444, Telecommunications Facilities, is hereby amended to read as follows:

- e. **Noticing standards for all Tier 2 projects.** A posted notice fulfilling the requirements of Sections 35.106496.020.A.2 and 35.106496.080 shall be required for a Zoning Clearance permit within 15 days of a complete application and remain posted until permit approval.

SECTION 44:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.470.020, Authority for Land Use and Zoning Decisions, of Chapter 35.470, Permit Application Filing and Processing, is hereby amended to read as follows:

35.470.020 Authority for Land Use and Zoning Decisions

- A. **Review Authority.** Table 7-1 (Review Authority) identifies the review authority responsible for reviewing and making decisions on each type of application required by this Development Code.
 - 1. Where the Director is the identified review authority, the Director may, at the request of the Applicant, refer any application for a project to the Montecito Planning Commission for decision where, in the Director's opinion, the public interest would be better served by a Montecito Planning Commission public hearing and action. The Director's decision to refer or not to refer an application to the Montecito Planning Commission is final and not subject to appeal.

B. Application subject to more than one review authority.

1. When an application is submitted that requires two or more discretionary applications/permit entitlements that relate to the same development project are submitted, and the individual applications/permits are under the separate jurisdiction of more than one review authority ~~in compliance with Table 7-1 (Review Authority) below~~, all applications/permits for the project shall be under the jurisdiction of the review authority with the highest jurisdiction in compliance with the following descending order:
 - a. Board;
 - b. Montecito Commission and;
 - c. Director
2. If the Board is the review authority for a project due to a companion discretionary application (e.g., Zoning Map Amendment) the Montecito Commission shall make an advisory recommendation to the Board on each project.
3. This Section shall not apply to applications for:
 - a. Design Review submitted in compliance with Section 35.472.070 (Design Review).
 - b. Emergency Permits submitted in compliance with Section 35.472.090 (Emergency Permits).
 - ~~c. Land Use Permits submitted in compliance with Section 35.472.110 (Land Use Permits).~~
 - ~~d.~~ Sign Certificates of Compliance required in compliance with Chapter 35.438 (Sign Standards).
 - ~~e.~~ Zoning Clearances submitted in compliance with Section 35.472.190 (Zoning Clearances), unless specifically provided for in this Development Code.

Table 7-1 - Review Authority

Type of Action	Role of Review Authority (1)		
	Director	Montecito Planning Commission	Board of Supervisors
Administrative and Legislative			
Development Code Amendment		Recommend	Decision

Ordinance Streamlining and Housing Accommodation Amendments

Case No. 25ORD-00008

Hearing Date: December 16, 2025

Attachment E-1 – Page 114

Comprehensive Plan Amendment		Recommend (2)	Decision
Interpretations	Decision	Appeal	Appeal
Reasonable Accommodation	See Chapter 35.437 (Reasonable Accommodation) for applicable Review Authority		
Specific Plans and Amendments		Recommend	Decision
Zoning Map Amendment		Recommend (3)	Decision
Planning Permits			
Conditional Use Permits		Decision	Appeal
Design Review	See Footnote (4) below		
Development Plan	See Subsection 35.472.080.B.3 (Review Authority)		Appeal
Emergency Permits	Decision		
Hardship Determinations		Decision	Appeal
Land Use Permit	Decision	Appeal	Appeal
Modification	<u>Decision</u>	Decision	Appeal
Overall Sign Plans		Decision	Appeal
Reclamation and Surface Mining (5)		Decision	Appeal
Road Namings/Renamings	See Chapter 35.460 (Road Naming and Address Numbering)		Appeal
Sign Certificates of Conformance	Decision	Appeal	Appeal
Sign Conditional Use Permits		Decision	Appeal

Sign Modifications		Decision	Appeal
Use Determinations		Decision	Appeal
Variance		Decision	Appeal
Zoning Clearance	Decision		

Notes:

- (1) "Recommend" identifies that the review authority makes a recommendation to a higher decision-making body; "Decision" identifies that the review authority makes the final decision on the matter; "Appeal" identifies that the review authority may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with Chapter 35.492 (Appeals).
- (2) In situations where the Comprehensive Plan Amendment would also have effect outside of the Montecito Community Plan Area, then the recommendation of the Montecito Planning Commission shall be to the County Planning Commission who shall make a recommendation to the Board.
- (3) The decision of the Montecito Commission to recommend denial of a Zoning Map Amendment is not transmitted to the Board absent the filing of an appeal or a written request for a hearing is filed with the Clerk of the Board within the five calendar days after the Montecito Commission files its recommendation with the Board.
- (4) The Montecito Board of Architectural Review shall make decisions on all Design Reviews; the decision of the Montecito Board of Architectural Review is appealable to the Montecito Commission; the decision of the Montecito Commission is appealable to the Board.
- (5) The Director shall be the review authority on amendments to Reclamation Plans that are required in order to incorporate an interim management plan that is required due to a surface mining operation becoming idle.

SECTION 45:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.472.020, Effective Dates of Permits, of Chapter 35.472, Permit Review and Decisions, is hereby amended to read as follows:

35.472.020 Effective Date of Permits

- A. **Effective Date of Permit.** A decision on a planning permit shall be effective on the date of action except as provided below.

1. **Decisions subject to appeal.** A decision on an application for any approval subject to ~~appeal~~~~The approval of a planning permit for a project~~ shall become effective on the eleventh day following the date of application approval by the appropriate review authority where an appeal of the review authority's action has not been filed in compliance with Chapter 35.492 (Appeals) unless otherwise indicated in the planning permit. The effective date shall extend to 5:00 p.m. on the following working day where the tenth day falls on a weekend, holiday, or other day the County offices are not open for business.
 2. If appealed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal.
- ~~B. **Extension of effective date.** The effective date shall extend to 5:00 p.m. on the following working day where the eleventh day falls on a weekend, holiday, or other day the County is not open for business.~~
- ~~CB. **No entitlement for development.** No entitlement for the use or development shall be granted before the effective date of the planning permit.~~
- C. **Lapse.** When a permit or approval has been exercised, it shall remain valid and in force unless the use or structure authorized by the permit or approval is removed from the site or remains vacant and unused for its authorized purpose, or is abandoned or discontinued for a period greater than 12 consecutive months, in which case the permit or approval may be revoked in accordance with Section 35.474.060 (Revocations). No use of land or structure, the permit for which has lapsed in compliance with this Section and has been revoked in accordance with Section 35.474.060 (Revocations), shall be reactivated, re-established, or used unless a new permit is first obtained.

SECTION 46:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.472.040, Permits to Run with the Land, of Chapter 35.472, Permit Review and Decisions, is hereby amended to read as follows:

35.472.040 Permits to Run with the Land

~~A Conditional Use Permit, Development Plan, Design Review, Land Use Permit, Modification, Sign Certificate of Conformance, Variance or Zoning Clearance approval or other planning permit approved in compliance with this Chapter~~Any permit or approval shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with this Chapter or as otherwise specified in the planning permit. All applicable conditions of approval shall continue to apply after a change in property ownership.

SECTION 47:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.472.060, Conditional Use Permits, of Chapter 35.472, Permit Review and Decisions, is hereby amended to read as follows:

35.472.060 Conditional Use Permits

- A. **Purpose and intent.** The purpose of this Section is to provide for uses that are essential or desirable but cannot be readily classified as allowed uses in individual zones by reason of their special character, uniqueness of size or scope, or possible effect on public facilities or surrounding uses. The intent of this Section is to provide for specific consideration of these uses.
- B. **Applicability.** The provisions of this Section shall apply to those uses ~~listed~~ identified within this Development Code as requiring a Conditional Use Permit.
- C. **Contents of application.** An application for a Conditional Use Permit shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
- D. **Processing.**
 - 1. After receipt of an application for a Conditional Use Permit, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 - 2. Notice of the filing of an complete application shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).
 - 3. The Department shall refer the application for a Conditional Use Permit to the Subdivision/Development Review Committee for review and recommendation to the Montecito Commission.
 - 4. The application shall be subject to Design Review in compliance with Section 35.472.070 (Design Review).
 - a. This requirement may be waived by the Director if no or only minor structural development is proposed that would not otherwise require Design Review.
 - 5. The Montecito Commission shall hold at least one public hearing on the requested Conditional Use Permit and approve, conditionally approve, or deny the request.
 - 6. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
 - 7. The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).
 - 8. Conditional Use Permits may be granted for a period of time and subject to conditions and limitations as may be required to protect the public health, peace, safety, and

general welfare of the community. The conditions may be more restrictive than those required in the specific zones.

~~9. 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, except for the following:~~

~~a. Commercial telecommunication facilities that are permitted by a Conditional Use Permit pursuant to Section 35.444.010 (Commercial Telecommunication Facilities) provided that any structure constructed or erected as part of the telecommunications facility shall only be used as part of the telecommunication facility and shall be removed pursuant to Subsection 35.444.010.E.4 (Project abandonment/site restoration).~~

E. Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.438 (Sign Standards). A Conditional Use Permit application shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings, as applicable.

1. Findings for all Conditional Use Permits:

- a. The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.
- b. Significant environmental impacts will be mitigated to the maximum extent feasible.
- c. Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
- d. There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.
- e. The proposed project will not be detrimental to the comfort, convenience, general welfare, health and safety of the neighborhood and will be compatible with the surrounding area.
- f. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan including the Montecito Community Plan.
- g. The proposed project will not potentially result in traffic levels higher than those anticipated for the lot by the Montecito Community Plan and its associated environmental documents; or if the project would result in higher traffic levels, the increase in traffic is not large enough to cause the affected roadways and/or intersections to exceed their designated acceptable capacity levels at buildout of the Montecito Community Plan or road improvements included as part of the project description are consistent with the provisions of the Montecito

Community Plan and are adequate to fully offset the identified potential increase in traffic.

- h. The proposed project will not adversely impact recreational facilities and uses.
- i. Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the rural and scenic character of the area.

2. Additional findings for sites zoned RMZ (Resource Management).

- a. The project will not require extensive alteration of the topography.
- b. The project will not cause erosion, sedimentation, runoff, siltation, or an identified significant adverse impact to downstream water courses or water bodies.
- c. The project will not cause any significant adverse effect on environmentally sensitive habitat areas, plant species, or biological resources.

F. Requirements prior to commencement of conditionally permitted uses and permit expiration.

- 1. For approved Conditional Use Permits issuance of a ~~Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a~~ Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit.

~~a. **Land Use Permit required.** The issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) shall be required if the approval of a Substantial Conformity Determination in compliance with Subsection 35.474.040.C (Substantial Conformity Determinations) is required as a result of changes to the project allowed by the Conditional Use Permit.~~

~~b. **Zoning Clearance required.** The issuance of a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required if the approval of a Substantial Conformity Determination in compliance with Subsection 35.474.040.C (Substantial Conformity Determinations) is not required as a result of changes to the project allowed by the Conditional Use Permit.~~

2. Time limits and extensions.

- a. **Conditional Use Permits without approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit does not include an approved phasing plan for development of the project authorized by the Conditional Use Permit, then a time limit shall be established within which the required ~~Land Use Permit or~~ Zoning Clearance shall be issued.

- (1) The time limit shall be a reasonable time based on the nature and size of the proposed development or use.

- (2) If a time limit is not specified, the time limit shall be ~~18 months~~four years from the effective date of the Conditional Use Permit.
 - (3). The ~~Montecito Commission~~Director may extend the time limit of an approved Conditional Use Permit application in compliance with Section 35.474.030 (Time Extensions).
 - (4) If the required time limit in which to obtain the required ~~Land Use Permit or~~ Zoning Clearance has expired and an application for an extension has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.
- b. **Conditional Use Permits with approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit includes a phasing plan for development of the project authorized by the Conditional Use Permit, then the required ~~Land Use Permit or~~ Zoning Clearance shall be issued within the time limit(s) established by the phasing plan.
- (1) The Director may extend the time limit of an approved phasing plan in compliance with Section 35.474.030 (Time Extensions)~~The time limit may be extended only by revising the phasing plan for development of the project authorized by the Conditional Use Permit in compliance with Subsection C (Substantial Conformity Determinations), Subsection D (Amendments) or Subsection E (Revisions) of Section 35.474.040 (Changes to an Approved Project).~~
 - (2) If the required time limit(s) in which to obtain the required ~~Land Use Permit or~~ Zoning Clearance for the first phase of the project authorized by the Conditional Use Permit has expired and an application ~~to revise the phasing plan~~for an extension has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.
 - (3) If the required time limit(s) in which to obtain the required ~~Land Use Permit or~~ Zoning Clearance for any subsequent phase of the project authorized by the Conditional Use Permit has expired and an application to ~~revise~~extend the phasing plan has not been submitted, then:
 - (a) The Conditional Use Permit shall be considered void and of no further effect as to that phase and any subsequent phase(s) of the project.
 - (b) The Conditional Use Permit is automatically revised to eliminate phases of project from the project authorized by the Conditional Use Permit that are considered void and of no further effect in compliance with Subsection 3.b.(3)(a), above.

~~(4) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits and Zoning Clearances shall be issued within 10 years of the effective date of the Conditional Use Permit.~~

~~(a) This 10 year period may be extended by the Montecito Commission provided an application for a Time Extension is submitted in compliance with Section 35.474.030 (Time Extensions).~~

~~3. **Conditional Use Permit void.** A Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by the Conditional Use Permit is discontinued for a period of more than 12 months. The time limit for discontinuance may be extended by the Montecito Commission in compliance with Section 35.474.030 (Time Extensions).~~

G. **Changes to approved permit.** Changes to an approved Conditional Use Permit shall be processed in compliance with Section 35.474.040 (Changes to an Approved Project).

H. **Conditions, restrictions, and modifications.**

1. At the time the Conditional Use Permit is approved, or subsequent amendments or revisions are approved, the review authority may modify the applicable distance between structures, landscaping, parking, screening requirements, setbacks, structure coverage, structure height limit, ~~or yard areas,~~ or other development standards when the Montecito Commission finds that the modifications are justified and consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines.
2. As a condition of approval of any Conditional Use Permit, or of any subsequent amendments or revisions, the Montecito Commission may impose any appropriate and reasonable conditions or require any redesign of the project as the review authority may deem necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public health, peace, safety and welfare, or to implement the purposes of this Development Code.
3. The review authority may require as a condition of approval of any Conditional Use Permit, or of any subsequent amendment or revision, the preservation of trees existing on the subject property.

I. **Permit revocation.** A Conditional Use Permit approval may be revoked or modified in compliance with Section 35.474.060 (Revocations).

J. **Post approval procedures.** The procedures and requirements in Chapter 35.474 (Post Approval Procedures) and those related to appeals in Division 35.9 (Land Use and Development Code Administration) shall apply following the decision on an application for a Conditional Use Permit.

SECTION 48:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.472.070, Design Review, of Chapter 35.472, Permit Review and Decisions, is hereby amended to read as follows:

35.472.070 Design Review

- A. **Purpose and intent.** The purpose and intent of Design Review is to encourage development that exemplifies the best professional design practices, to benefit surrounding property values, enhance the visual quality of the environment, and prevent poor quality of design.
- B. **Applicability.** Design Review action shall be required for any structure or sign requiring Design Review as specifically provided in this Development Code, except as provided in Subsection 35.472.070.C (Exceptions to Design Review Requirements).~~all of the following:~~
- ~~1. Any new structure or sign.~~
 - ~~2. Any addition to a structure or sign.~~
 - ~~3. Any use requiring architectural approval as specifically identified by the Montecito Commission or the Board.~~
 - ~~4. A structure that is subject to the Ridgeline and Hillside Development Guidelines.~~
 - ~~5. Communication facilities in compliance with Chapter 35.444 (Telecommunications Facilities).~~
 - ~~6. The Montecito Board of Architectural Review shall also render its advice on exterior architecture of structures and signs to the Director, Montecito Commission or Board when requested to do so.~~
- C. **Exceptions to Design Review requirements.** Design Review approval shall not be required for the following:
- 1. General.**
- ~~1a. Accessory dwelling units.~~
 - ~~2b. Junior accessory dwelling units.~~
 - ~~3. Decks.~~
 - ~~4. Fences, gates or walls six feet or less and gateposts of eight feet or less in height; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the Design Review of a new structure or a remodeling or an addition to a structure requiring Design Review in compliance with this Section.~~
 - ~~5. Hot tubs, spas, and swimming pools.~~

- ~~6~~c. Interior alterations.
 - ~~7~~d. Solar panels.
 - ~~8~~e. Other exterior alterations determined to be minor by the Director.
 - ~~9~~f. The replacement or restoration of structures that were damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) located on the lot on which the damaged or destroyed structures were located; unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director.
2. The following unless subject to a previous Design Review approval or associated with development otherwise requiring Design Review:
- a. Detached accessory structures with less than 500 square feet of gross floor area located behind another building or on the rear half of the lot.
 - b. Decks.
 - c. Fences, gates or walls six feet or less and gateposts of eight feet or less in height; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the Design Review of a new structure or a remodeling or an addition to a structure requiring Design Review in compliance with this Section.
 - d. Hot tubs, spas, and swimming pools.
- D. **Contents of application.** An application for Design Review shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
- E. **Processing.**
- 1. **Conceptual Review.** The Montecito Board of Architectural Review shall hold as least one noticed public hearing to review and comment on a project's concept or theme in the early stages of development. No formal action is taken; however, comments and discussion give the applicant general direction for future review.
 - a. A maximum of two Conceptual Review hearings may be held prior to submittal and acceptance of an application for a planning permit.
 - ~~12~~. Applications for Preliminary and Final review by the Montecito Board of Architectural Review shall be accepted only if the application is accompanied by a development application or if the Department is processing an existing development application for the proposed project.
 - ~~23~~. **Preliminary and Final Approval.** The Montecito Board of Architectural Review shall hold as least one noticed public hearing on an application for Preliminary or Final

approval and approve, conditionally approve or deny the request in compliance with Section 2-33.15 of Chapter 2, Article V of the County Code and this Section.

a. Where the accompanying development application requires a discretionary approval, the hearing for Preliminary or Final Approval shall be held after the decision has been made on the accompanying development application.

3. Notice of ~~the~~ hearings shall be given and the hearings shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
4. The action of the Montecito Board of Architectural Review is final subject to appeal in compliance with Chapter 35.492 (Appeals).

F. Findings required for approval.

1. **Findings required for all Design Review applications.** Design Review applications shall be approved or conditionally approved only if the Montecito Board of Architectural Review first makes all of the following findings:
 - a. Overall structure shapes, as well as parts of any structure (buildings, fences, screens, signs, towers, or walls) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the property.
 - b. Electrical and mechanical equipment will be well integrated into the total design concept.
 - c. There will be harmony of color, composition, and material on all sides of a structure.
 - d. There will be a limited number of materials on the exterior face of the structure.
 - e. There will be a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.
 - f. Site layout, orientation and location of structures and signs will be in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the site with consideration for public views of the hillsides and the ocean and the semi-rural character of the community as viewed from scenic view corridors as shown on Figure 37, Visual Resources Map in the Montecito Community Plan EIR (92-EIR-03).
 - g. Adequate landscaping will be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of plantings that are appropriate to the project and that adequate provisions have been made for the maintenance of all landscaping.

- h. Grading and development is designed to avoid visible scarring and will be in an appropriate and well designed relationship to the natural topography with regard to maintaining the natural appearance of the ridgelines and hillsides.
 - i. Signs including associated lighting are well designed and will be appropriate in size and location.
 - j. The proposed development will be consistent with any additional design standards and design guidelines, as applicable, expressly adopted by the Board for a specific local community, area or district ~~in compliance with Subsection G (Local design standards) below.~~
- G. **Local design standards.** Additional design standards may be developed as part of or independent of the Montecito Community Plan. Such standards serve to provide further guidance in the review of project beyond those standards or findings contained in this Section. The following procedures shall be followed in adopting the design standards:
 - 1. The Montecito Board of Architectural Review shall review proposed design standards at a draft stage. The Montecito Board of Architectural Review shall provide comments on the draft design standards as to their consistency with the standards and findings provided in this Section, as well as their overall utility and effectiveness. These comments shall be incorporated into the draft design standards by the Department.
 - 2. The Montecito Commission shall hold a hearing to review the proposed design standards and shall transmit its action to the Board in the form of a written recommendation.
 - 3. The Board shall hold a hearing to review the proposed design standards and shall approve or disapprove the proposed design standards.
 - a. This hearing may be held in conjunction with an overall Community Plan adoption.
 - b. The manner of adoption of the design standards (e.g., by ordinance or resolution) shall be at the discretion of the Board.
 - c. Adoption of design standards shall:
 - (1) Constitute a directive to the Montecito Board of Architectural Review to utilize the design standards in review of projects located in the Montecito Community Plan area; and
 - (2) Not constitute a grant of any formal authority to the Montecito Board of Architectural Review not otherwise granted by appropriate legal mechanism.
- ~~H. **Appeals.** The action of the Montecito Board of Architectural Review to grant or deny preliminary or final approval is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~
- ~~H.~~ **Expiration of Design Review approval.**

1. **If development permit exists.** All Design Review approvals shall expire on the date the associated development permit (e.g., Development Plan, Land Use Permit) including approved time extensions expires.
 2. **If no development permit exists.** Where no development permit exists, all Design Review approvals shall expire ~~two~~ four years from the effective date of final approval, except the Director may grant an extension of the approval for up to a maximum of 12 months if an active planning permit application is being processed by the Department.
- ~~H.~~ **~~Minor~~ Changes to Design Reviews.** Minor changes to an approved project shall be in compliance with Section 35.474.040 (Changes to an Approved Project).
1. The Director shall have the authority and discretion to consult with the Chair of the Montecito Board of Architectural Review to determine whether a design alteration constitutes a minor change.
- ~~K.~~ **Permit revocation.** A Design Review approval may be revoked or modified in compliance with Section 35.474.060 (Revocations).
- ~~L.~~ **Post approval procedures.** The procedures and requirements in Chapter 35.474 (Post Approval Procedures) and those related to appeals in Division 35.9 (Land Use and Development Code Administration) shall apply following the decision on an application for Design Review.

SECTION 49:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.472.080, Development Plans, of Chapter 35.472, Permit Review and Decisions, is hereby amended to read as follows:

35.472.080 Development Plans

- A. **Purpose and intent.** The purpose and intent of a Development Plan is to provide specific consideration for projects that are allowed uses within their respective zones which, because of the location, scale, or type of the development, require comprehensive review.
- B. **Applicability.** The provisions of this Section shall apply to all development and activities identified within this Development Code as requiring a Development Plan.
 1. **~~Final~~ Development Plan required.** Except as provided in subsection B.1.a, below, no permit shall be issued for any development, including grading, for any property subject to this Section until a ~~Final~~ Development Plan has been approved in compliance with this Section.
 - a. Low barrier navigation centers, as mentioned in Section 35.422.030 (Resource Protection Zone Allowable Land Uses) and Section 35.442.138 (Low Barrier Navigation Centers), shall be exempt from Development Plan requirements.

Notwithstanding the foregoing, the gross floor area of any existing or proposed low barrier navigation center shall be included in the gross floor area calculations for the purpose of processing a Development Plan.

2. **All portions of site to be included.** No portion of any property not included within the boundaries of the Development Plan shall be entitled to any development permits.
3. **Review authority.** The Montecito Commission is the review authority for all Development Plans except for the following or as specifically stated in another part of this Development Code:
 - a. The Director shall be the review authority for Development Plans for structures and additions of less than 1,000 square feet where Development Plan approval is required by virtue of a zone district requirement. When the Board of Supervisors, Montecito Commission, or Director has approved the Preliminary Development Plan, the Director shall be the review authority for the Final Development unless:
 - ~~(1) The conditions of approval of the Preliminary Development Plan do not specify a review authority for the Final Development Plan other than the Director; or~~
 - ~~(2) The Director determines that the Final Development Plan is not in substantial conformity with the approved Preliminary Development Plan.~~
 - ~~(a) If the Director determines that the Final Development Plan is not in substantial conformity with the approved Preliminary Development Plan, then the review authority for the Final Development Plan shall be the Montecito Commission.~~
 - b. The Director shall be the review authority for applications for ~~Final~~ Development Plans for projects that were legally permitted and developed without a ~~Final~~ Development Plan and are now nonconforming solely due to the absence of an approved ~~Final~~ Development Plan provided:
 - (1) Revisions to the existing development are not proposed as part of the application for the ~~Final~~ Development Plan except for minor alterations to the exterior of the structure that are determined to be exempt from Design Review by the Director in compliance with Section 35.472.070 (Design Review).
 - (2) If revisions to the existing development are proposed, then the application shall be processed as if it was an application for a new project and the jurisdiction shall be determined in compliance with this Subsection B.3 (Review authority).
 - c. The review authority for telecommunication facilities is identified in Table 4-10 (Allowable Zones and Permit Requirements for Commercial Telecommunication Facilities) in Section 35.444.010 and Table 4-11 (Allowable Zones and Permit

Requirements for Noncommercial Telecommunication Facilities) in Section 35.444.020.

C. **Contents of application.** An application for a Development Plan shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. **Processing.**

~~1. An applicant may file a Preliminary and then a Final Development Plan, or just a Final Development Plan.~~

~~a. Any application filed in compliance with this Section that is determined to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan including the Montecito Community Plan shall be accompanied by an application that, if approved, would make the project consistent. The Director may refuse to accept for processing any application the Director finds to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan including the Montecito Community Plan, unless accompanied by an application that would, if approved, make the project consistent.~~

21. After receipt of an application for a Development Plan, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

2. Notice of the filing of a complete application shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).

3. After receipt of an application for a Development Plan, the Department shall refer the Development Plan to the Subdivision/Development Review Committee ~~and the Montecito Board of Architectural Review~~ for review and recommendation to the review authority. ~~This requirement may be waived by the Director in the following situations:~~

~~a. An application for a Final Development Plan that is submitted subsequent to the approval of a Preliminary Development Plan where there is no change from the approved Preliminary Development Plan and the project received final approval from the Montecito Board of Architectural Review; or~~

~~b. An application for a Final Development where the Director is the review authority in compliance with Subsection B.3.b above.~~

4. **Development Plans under the jurisdiction of the Director.** A public hearing shall not be required if the Director is the review authority for the Development Plan.

a. Notice of the pending decision of the Director on a Development Plan shall be given ~~at least 10 days before the date of the Director's decision~~ in compliance with Chapter 35.496 (Noticing and Public Hearings).

b. The Director may approve, conditionally approve, or deny the Development Plan.

- c. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).
- 5. **Development Plans under the jurisdiction of the Montecito Commission.** A public hearing shall be required if the Montecito Commission is the review authority for the Development Plan.
 - a. The Montecito Commission shall hold at least one noticed public hearing on the requested Development Plan and approve, conditionally approve, or deny the request.
 - b. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
 - c. The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).
- ~~6. If a Development Plan application is considered in conjunction with a Zoning Map Amendment application or other application requiring legislative approval, the Montecito Commission may recommend approval, conditional approval, or denial to the Board.~~
- E. **Findings required for approval.** A Development Plan application shall be approved or conditionally approved only if the review authority first makes all of the following findings, as applicable:
 - 1. **Findings for all Preliminary or Final Development Plans.**
 - a. The site of the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and the level of development proposed.
 - b. Adverse impacts will be mitigated to the maximum extent feasible.
 - c. Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
 - d. There will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the proposed project.
 - e. The proposed project will not be detrimental to the comfort, convenience, general welfare, health and safety of the neighborhood and will not be incompatible with the surrounding area.
 - f. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan including the Montecito Community Plan.
 - g. The proposed project will not adversely impact recreational facilities and uses.

- h. Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the rural and scenic character of the area.
- i. The project will not conflict with any easements required for public access through, or public use of a portion of the subject property.

~~2. Additional finding for Final Development Plans.~~

- ~~a. **Substantial conformity.** The plan is in substantial conformity with any previously approved Preliminary Development Plan, except when the review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan.~~
- ~~(1) If the Final Development Plan is under the jurisdiction of the Director, and the Director cannot find that the Final Development Plan is in substantial conformity with the previously approved Preliminary Development Plan, the Director shall refer the Final Development Plan to the Montecito Commission for a decision on the Final Development Plan.~~

~~3. Additional findings required for Preliminary or Final Development Plans for sites zoned CV (Visitor Serving Commercial).~~

- ~~a. For development within Rural areas as designated on the Comprehensive Plan maps, the project will not result in a need for ancillary facilities on other rural lands (e.g., residences, stores). Such facilities, if necessary, shall be provided within designated urban areas.~~
- ~~b. For development surrounded by areas zoned residential, the proposed use will be compatible with the residential character of the area, and will also be compatible in terms of bulk, design, mass, and scale with the residential character of the surrounding neighborhoods.~~
- ~~c. Proposed improvements to resort visitor serving hotels are designed to be consistent with the existing historic "cottage type hotel" tradition from the early days of Montecito.~~

~~4. Additional findings required for Preliminary or Final Development Plans for sites zoned PRD (Planned Residential Development).~~

- ~~a. The density and type of the proposed development will comply with the PRD zone and applicable policies of the Comprehensive Plan including the Montecito Community Plan.~~
- ~~b. Adequate provisions are or will be made within the proposed covenants, conditions, and restrictions to permanently care for and maintain public and common open spaces and recreational areas and facilities.~~

- ~~c. The structures are clustered to the maximum extent feasible to provide the maximum amount of contiguous open space.~~
- 5. Additional findings required for Preliminary or Final Development Plans for sites zoned RMZ (Resource Management Zone).** A Preliminary or Final Development Plan application that includes a proposed swimming pool(s) and/or a water storage tank(s) shall be approved or conditionally approved only if the review authority first makes all of the following findings:
 - ~~a. The development of the swimming pool(s) and/or water storage tank(s) will require only minimal alteration of the topography.~~
 - ~~b. The development of the proposed swimming pool(s) and/or water storage tank(s) will not cause erosion, sedimentation, runoff, siltation, or an identified significant adverse impact on downstream water courses or water bodies.~~
 - ~~c. The development of the proposed swimming pool(s) and/or water storage tank(s) will not cause any significant adverse impact on environmentally sensitive habitat areas, plant species, or biological resources.~~
 - ~~d. The proposed swimming pool(s) and/or water storage tank(s) will be screened from public view.~~
- F. Requirements prior to commencement of development authorized by a Development Plan.** For approved Final Development Plans issuance of a ~~Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances)~~ shall be required prior to the commencement of the development and/or authorized use allowed by the Development Plan.
 - ~~1. Land Use Permit required.~~ The issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) shall be required if the approval of a Substantial Conformity Determination in compliance with Subsection 35.474.040.C (Substantial Conformity Determinations) is required as a result of changes to the project allowed by the Final Development Plan.
 - ~~2. Zoning Clearance required.~~ The issuance of a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required if the approval of a Substantial Conformity Determination in compliance with Subsection 35.474.040.C (Substantial Conformity Determinations) is not required as a result of changes to the project allowed by the Final Development Plans.
- G. Time limits and extensions.**
 - ~~1. Preliminary Development Plan.~~ Preliminary Development Plans shall expire two years after approval unless a time extension is approved in compliance with Section 35.474.030 (Time Extensions).
 - ~~2. Final Development Plans.~~

- a1. Final-Development Plans without approved phasing plans.** If at the time of approval of a ~~Final-Development Plan~~ the ~~Final-Development Plan~~ does not include an approved phasing plan for development of the project authorized by the ~~Final-Development Plan~~, then ~~the Final-Development Plan shall expire five years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Section 35.474.030 (Time Extensions)~~ a time limit shall be established within which the required Zoning Clearance shall be issued.
- a. The time limit shall be a reasonable time based on the nature and size of the proposed development or use.
 - b. If a time limit is not specified, the time limit shall be four years from the effective date of the Development Plan.
 - c. The Director may extend the time limit of an approved Development Plan application in compliance with Section 35.474.030 (Time Extensions).
 - d. If the required time limit in which to obtain the required Zoning Clearance has expired and an application for an extension has not been submitted, then the Development Plan shall be considered void and of no further effect.
- b2. Final-Development Plans with approved phasing plans.** If at the time of approval of a ~~Final-Development Plan~~ the ~~Final-Development Plan~~ includes a phasing plan for development of the project authorized by the ~~Final-Development Plan~~, then the required ~~Land Use Permit or Zoning Clearance~~ shall be issued within the time limit(s) established by the phasing plan.
- ~~(1)~~ a. The Director may extend the time limit of an approved phasing plan in compliance with Section 35.474.030 (Time Extensions). ~~The time limit may be extended only by revising the phasing plan for development of the project authorized by the Final Development Plan in compliance with Subsection C (Substantial Conformity Determinations), Subsection D (Amendments) or Subsection E (Revisions) of Section 35.474.040 (Changes to an Approved Project).~~
 - ~~(2)~~ b. If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for the first phase of the project authorized by the Final Development Plan has expired and an application to revise the phasing plan for an extension has not been submitted, then the Final-Development Plan shall be considered to have expired and of no further effect.
 - ~~(3)~~ c. If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for any subsequent phase of the project authorized by the Final Development Plan has expired and an application to revise-extend the phasing plan has not been submitted, then:
 - (a1) The Final-Development Plan shall be considered to have expired and of no further effect as to that phase and any subsequent phase(s) of the project.

~~(b2) The Final Development Plan is automatically revised to eliminate phases of project from the project authorized by the Final Development Plan that are considered to have expired and of not further effect in compliance with Subsection 2.(b)(31)(i), above.~~

3. Development Plans with approved maps. A Development Plan approved in conjunction with a map subject to Chapter 21 of the County Code shall be valid for four years from the effective date of the Development Plan or until one year from the date that the map is recorded, whichever is later. If the map expires, the Development Plan shall be considered to have expired and of no further effect.

~~(4) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits and Zoning Clearances shall be issued within 10 years of the effective date of the Final Development Plan.~~

~~(a) This 10 year period may be extended by the Montecito Commission provided an application for a Time Extension is submitted in compliance with Section 35.474.030 (Time Extensions).~~

~~(i) The extension of the 10 year period is not subject to Subsection 35.474.030.D.2 (Development Plans (Preliminary and Final)) that limits the extension of the approval of a Development Plan to 12 months.~~

H. Conditions, restrictions, and modifications.

1. At the time the ~~Preliminary or Final~~ Development Plan is approved, or subsequent amendments or revisions are approved, the review authority may modify the distance between structures, landscaping, parking, screening requirements, setbacks, structure coverage, structure height limit, ~~or yard areas,~~ or other development standards specified in the applicable zone and Chapter 35.436 (Parking and Loading Standards) when the review authority finds that the modification will be justified and consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines.
2. As a condition of approval of any ~~Preliminary or Final~~ Development Plan, the review authority may impose any appropriate conditions or require any redesign of the subject project as it may deem to be reasonable and necessary in order to protect the persons or property in the neighborhood, to preserve the natural resources or scenic quality of the area, to preserve the neighborhood character, to preserve or enhance the public health, peace, safety, and general welfare, or to implement the purposes of this Development Code.
3. The review authority may require as a condition of approval of any Development Plan, the preservation of trees existing on the subject property.

- I. **Post approval procedures.** The procedures and requirements in Chapter 35.474 (Post Approval Procedures) and those related to appeals in Division 35.9 (Montecito Land Use and Development Code Administration) shall apply following the decision on an application for a Development Plan.

SECTION 50:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.472.110, Land Use Permits, of Chapter 35.472, Permit Review and Decisions, is hereby amended to read as follows:

35.472.110 Land Use Permits

- A. **Purpose and intent.** This Section establishes procedures and findings for the approval, issuance of, and effective time periods for Land Use Permits. The intent of this Section is to ensure that development proposals are in conformity with the Comprehensive Plan including the Montecito Community Plan, this Development Code, and any conditions established by the County.
- B. **Applicability.** The provisions of this Section shall apply to the following, except as provided in Subsection B.5 (Exceptions to Land Use Permit Requirements):
 1. ~~a~~All development and uses identified within this Development Code as requiring a Land Use Permit.
 2. Buildings or structures erected, constructed, altered, repaired or moved, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, that are not otherwise required by this Development Code to have Conditional Use Permit or Development Plan approval.
 3. Any development proposal in conjunction with a Modification pursuant to Section 35.472.120 (Modifications), except an accessory dwelling unit or junior accessory dwelling unit.
 4. Any development proposal in conjunction with a Variance pursuant to Section 35.472.180 (Variances) where the development proposal does not require Conditional Use Permit or Development Plan approval.
 5. Exceptions to Land Use Permit Requirements. Land Use Permit approval is not required for the following:
 - a. Signs.
 - b. Accessory dwelling unit and junior accessory dwelling units.
 - c. Development, uses, and activities specifically identified in this Development Code as requiring a Zoning Clearance unless a Modification or Variance is requested.

- d. Development, uses, and activities that are identified in this Development Code as exempt from planning permits.
 - e. Development, uses, and activities specifically identified in this Development Code as requiring Conditional Use Permit or Development Plan approval.
- C. **Contents of application.** An application for a Land Use Permit shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
- D. **Processing.**
 - 1. The Director shall review each Land Use Permit application for compliance with the Comprehensive Plan including the Montecito Community Plan, this Development Code and other applicable conditions and regulations, and approve, conditionally approve or deny the request.
 - a. Each Land Use Permit shall include a specific written condition that requires all development to comply with the approved plans.
 - 2. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).
 - 3. No entitlement for development shall be granted prior to the effective date of the Land Use Permit. A Land Use Permit shall not be issued and deemed effective:
 - a. Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the review authority in compliance with Chapter 35.492 (Appeals).
 - b. Until all conditions of the Land Use Permit that are required to be satisfied prior to issuance of the Land Use Permit have been satisfied.
 - c. Until all necessary prior approvals have been obtained.
 - d. For applications for grading of roads and individual building pads, until the structure that will utilize the road and/or building pad has received final Design Review approval in compliance with Section 35.472.070 (Design Review).
 - ~~4. In the case of a development which requires a public hearing and final action by the Montecito Commission, or final action by the Director, the Director shall not approve any subsequently required Land Use Permit within the 10 calendar days immediately following the date that the review authority took final action, during which time an appeal of the action may be filed in compliance with Chapter 35.492 (Appeals).~~
 - 54. If a Land Use Permit is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Land Use Permit shall not be approved or conditionally approved while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zone and existing provisions of this Development Code and the amendment initiated by the Board ~~unless a Preliminary or Final Development Plan in compliance with Section 35.472.080 (Development Plans) was approved before the~~

~~adoption of the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.~~

~~65.~~ Notice of ~~the approval or conditional approval of~~ pending decision on a Land Use Permit shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).

E. **Findings required for approval.** A Land Use Permit application shall be approved or conditionally approved only if the Director first makes all of the following findings:

1. **Findings for all Land Use Permits:**

a. The proposed development conforms:

- (1) To the applicable provisions of the Comprehensive Plan including the Montecito Community Plan; and
- (2) With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).

b. The proposed development is located on a legally created lot.

c. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).

F. **Permit expiration.**

1. A Land Use Permit shall remain valid only as long as compliance with all applicable requirements of this Development Code and the permit continues.

~~2. The approval or conditional approval of a Land Use Permit shall be valid for 12 months unless a time extension is approved in compliance with Section 35.474.030 (Time Extensions) except that a Land Use Permit approved or conditionally approved and unissued as of December 1, 2011 shall be valid for 12 months following December 1, 2011 unless a time extension is approved in compliance with Section 35.474.030 (Time Extensions).~~

~~32.~~ A Land Use Permit shall expire ~~two~~ four years from the effective date of ~~issuance approval~~ if the ~~use and/or structure for which the permit was issued has not been established or commenced in compliance with the effective permit~~ Land Use Permit has not been exercised unless a time extension is approved in compliance with Section 35.474.030 (Time Extensions).

a. A Land Use Permit is exercised when the Land Use Permit is issued and a valid County grading, building, or construction permit has been issued for work related to the approval and substantial work authorized under the permit has

commenced. Where a building, grading, or construction permit is not required, the Land Use Permit shall be considered exercised when the use or development authorized by the approval has commenced.

- G. ~~Minor Changes to Land Use Permits.~~ Minor Changes to an approved or issued Land Use Permit shall be allowed in compliance with Section 35.474.040 (Changes to an Approved Project).
- H. **Permit revocation.** An issued Land Use Permit may be revoked in compliance with Section 35.474.060 (Revocations).
- I. **Post approval procedures.** The procedures and requirements in Chapter 35.474 (Post Approval Procedures) and those related to appeals in Division 35.9 (Montecito Land Use and Development Code Administration) shall apply following the decision on an application for a Land Use Permit.

SECTION 51:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.472.120, Modifications, of Chapter 35.472, Permit Review and Decisions, is hereby amended to read as follows:

35.472.120 Modifications

- A. **Purpose and intent.** The purpose and intent of this Section is to allow for minor modifications of certain zone standards where, because of integrity of design, practical difficulties, topography, tree or habitat protection, or other similar site conditions, minor adjustments to the regulations, requirements, or standards would result in better project design, land use planning, and resource protection.
- B. **Applicability.**
 - 1. **Allowed for permitted uses only.** The provisions of this Section shall apply to specific development proposals that are allowed in the zone in which the project is located which ~~are~~ do not otherwise ~~subject to require~~ Conditional Use Permit (Section 35.472.060) or Development Plan (Section 35.472.080) ~~requirements~~ approval.
 - 2. **Activities or uses not otherwise allowed.** In no case shall a Modification be granted to allow an activity which is not otherwise allowed in the zone in which the property is situated, nor shall a Modification be granted which alters the procedural or timing requirements of this Development Code.
 - 3. **Allowed Modifications.** Modifications may only be granted in conjunction with a specific development proposal and are limited to the following:

- a. **Maximum setback reduction of 20 percent.** The area of each front, side or rear setback area shall not be reduced by more than 20 percent of the minimum setback area required in compliance with the applicable zone regulations.
 - (1) If a portion of a front, side or rear setback area that is requested to be reduced is occupied by a nonconforming structure(s) at the time of application for the Modification, then the setback area occupied by the nonconforming structure(s) shall be added to the amount of setback area requested to be reduced in determining whether the requested reduction in front, side or rear setback area would exceed 20 percent of the minimum setback area required in compliance with the applicable zone regulations.
- b. **Setback reductions for structures, except unenclosed, attached entryways or porches.** No setback reduction for structures, except for unenclosed, attached entryways or porches (see Subsection 3.c (Front setback reductions for unenclosed, attached entryways or porches)) below, shall result in:
 - (1) **Front.** A front setback depth, as measured from the right-of-way or easement line of a street, of less than 16.5 feet.
 - (2) **Side.** A side setback width from property lines of less than three feet.
 - (3) **Rear.** A rear setback depth from property lines of less than 15 feet.
- c. **Front setback reductions for unenclosed, attached entryways or porches.** No front setback reduction for an unenclosed, attached entryway or porch shall result in a front setback depth, as measured from the right-of-way or easement line of a street or driveway, of less than 10 feet.
- d. **Reduction of parking spaces.** A reduction in the required number and/or a Modification in the design or location of parking spaces and loading zones may be allowed provided that in no case shall:
 - (1) The number of required bicycle parking spaces be reduced.
 - ~~(2) The number of spaces required for an accessory dwelling unit be reduced unless such reduction in the number of spaces is allowed in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).~~
 - ~~(23)~~ Any parking or screening requirement for a vehicle with more than two axles, a recreational vehicle or bus, a trailer, or other non-passenger vehicle be modified.
- ~~4. **Prohibited Modifications.** In no case shall a Modification be granted for a reduction in buffer, landscape, open space, or other requirements of this Development Code, except as identified above.~~

C. **Contents of Application.**

1. An application for a Modification shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
 - a. **Land Use Permit required.** A Land Use Permit is required for any development proposal that includes a Modification, except an accessory dwelling unit or junior accessory dwelling unit.
2. **Review Period Delay Request Form.** An application for a Modification for an accessory dwelling unit or junior accessory dwelling unit shall be submitted concurrently with a Review Period Delay Request Form which shall request that the County toll the accessory dwelling unit or junior accessory dwelling unit application review period until the County has taken final action on the application for the Modification for the accessory dwelling unit or junior accessory dwelling unit.

D. **Processing.**

1. **Concurrent Processing.** Where a Land Use Permit is required, the Modification shall be processed concurrently with and acted upon at the same time as, the Land Use Permit application.
- ~~12.~~ The Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
3. Notice of the filing of a complete application shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).
- ~~24.~~ The project shall be subject to the provisions of Section 35.472.070 (Design Review), unless waived by the Director in accordance with Subsection 35.472.070.C.8, ~~and shall be scheduled to be heard by the Montecito Board of Architectural Review for preliminary review and approval only, before the project is heard by the Montecito Commission.~~
5. The Director is the review authority for Modifications.
6. A public hearing shall not be required for a Modification,
7. Notice of pending decision on a Modification shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).
8. The Director may approve, conditionally approve, or deny the Modification.
9. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).
- ~~3.~~ ~~The Montecito Commission shall hold at least one noticed public hearing on the requested Modification, unless waived in compliance with Subsection D.7, below, and approve, conditionally approve, or deny the request.~~
- ~~4.~~ ~~Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).~~

- ~~5. The review authority, in approving the Modification, may require conditions as deemed reasonable and necessary to promote the purpose and intent of this Development Code and the public health, safety, and general welfare.~~
 - ~~6. The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~
 - ~~7. **Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements. If the requirement for a public hearing is waived, then the Director shall be the review authority for the Modification application. A listing of Modification applications for which the public hearing may be waived shall be provided on the Montecito Commission's hearing agendas.~~
 - ~~a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Chapter 35.496 (Noticing and Public Hearings).~~
 - ~~(1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Modification application.~~
 - ~~b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice is provided in compliance with Subsection D.7.a, above.~~
- E. **Findings required for approval.** An application for a Modification shall be approved or conditionally approved only if the ~~Montecito Commission~~Director first makes all of the following findings:
- ~~1. The project is consistent with the Comprehensive Plan, including the Montecito Community Plan.~~
 - ~~2. The project complies with the intent and purpose of the applicable zone including overlays and this Development Code.~~
 31. The Modification is minor in nature and will result in a better architectural or site design as approved by based on input from the Montecito Board of Architectural Review except when waived by the Director, and/or will result in greater resource protection than the project without the Modification.
 42. The project will be compatible with the neighborhood, and will not create an adverse impact to aesthetics, community character, or public views.
 53. Any Modification of parking or loading zone requirements will not adversely affect the demand for on-street parking in the immediate area.

- ~~64. The project~~Granting of the Modification will not be detrimental to existing ambient noise levels, physical access, light, solar exposure, or ventilation on or off the subject site.
- ~~75.~~ Any adverse environmental impacts associated with the Modification will be mitigated to a level of insignificance.

F. Expiration.

1. Modifications with Land Use Permits. A Modification with a Land Use Permit shall expire on the date the associated Land Use Permit, including time extensions, expires.
- ~~12.~~ Modifications without Land Use Permits~~Expiration in 12 months.~~ ~~Except as provided in Subsection F.1.a, below, a~~ A Modification without a Land Use Permit shall expire ~~12 months~~four years from the effective date if a ~~Land Use~~Building Permit has not been issued for the project for which the Modification was approved unless otherwise specified by conditions of project approval or unless a time extension has been approved in compliance with Section 35.474.030 (Time Extensions).
 - ~~a. Accessory dwelling units and junior accessory dwelling units.~~ A Modification for an accessory dwelling unit or junior accessory dwelling unit shall expire 12 months from the effective date if a Building Permit has not been issued for the accessory dwelling unit or junior accessory dwelling unit unless (1) otherwise specified by conditions of project approval, or (2) a time extension has been approved in compliance with Section 35.474.030 (Time Extensions).
- ~~2. Once granted a Land Use Permit.~~ Once the project for which the Modification was approved has been issued a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits), the Modification shall have the same expiration date as the issued Land Use Permit.

- G. Post approval procedures.** The procedures and requirements in Chapter 35.474 (Post Approval Procedures) and those related to appeals and revocation in Division 35.9 (Montecito Land Use and Development Code Administration), shall apply following the decision on an application for a Modification.

SECTION 52:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.472.170, Use Determinations, of Chapter 35.472, Permit Review and Decisions, is hereby deleted in its entirety and reserved for future use.

SECTION 53:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section

35.472.180, Variances, of Chapter 35.472, Permit Review and Decisions, is hereby amended to read as follows:

35.472.180 Variances

- A. **Purpose and intent.** The purpose and intent of this Section is to allow variances from the strict application of the provisions of this Development Code where, because of exceptional conditions (e.g., the location, shape, size, surroundings, or topography, or other extraordinary situation or condition of the subject property), the literal enforcement of this Development Code would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of this Development Code.
- B. **Applicability.**
1. The provisions of this Section shall apply to all zones.
 2. In no case shall a Variance be granted:
 - a. To allow a use or activity which is not otherwise allowed in the zone in which the property is located; or
 - b. From the procedures identified in this Development Code.
- C. **Contents of application.** An application for a Variance shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
- D. **Processing.**
1. An application for a Variance shall be submitted in compliance with Chapter 35.470 (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.
 - ~~12.~~ 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. **Concurrent Processing.** The Variance shall be processed concurrently with and acted upon at the same time as, the associated Land Use Permit, Conditional Use Permit, or Development Plan application.
 4. Notice of the filing of a complete application shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).
 - ~~25.~~ The Montecito Commission shall hold at least one noticed public hearing on the requested Variance and approve, conditionally approve, or deny the request.

- ~~36.~~ Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
- ~~47.~~ The Montecito Commission, 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.
- ~~58.~~ The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).
- ~~6.~~ ~~Prior to the issuance of any planning permit required to effectuate the approved Variance, the applicant shall agree in writing to comply with all conditions imposed by the review authority in the granting of the Variance.~~

E. Findings required for approval. A Variance application shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings:

1. Due to special circumstances applicable to the subject property, including location, shape, size, surroundings, or topography, the strict application of this Development Code deprives the subject property of privileges enjoyed by other property in the vicinity and under identical zone classification.
2. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which the property is situated.
3. The granting of the Variance will not be in conflict with the purpose and intent of this Development Code or the Comprehensive Plan, including the Montecito Community Plan.
4. The project meets all of the applicable development standards included within the Montecito Community Plan.
5. The project will not adversely impact recreational facilities and uses.

F. Expiration. A Variance shall expire on the date the associated Land Use Permit, Conditional Use Permit, or Development Plan, including time extensions, expires.

~~F~~G. Post approval procedures. The procedures and requirements in Chapter 35.474 (Post Approval Procedures), and those related to appeals and revocation in Division 35.9 (Montecito Land Use and Development Code Administration), shall apply following the decision on an application for a Variance.

SECTION 54:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.472.190, Zoning Clearances, of Chapter 35.472, Permit Review and Decisions, is hereby amended to read as follows:

35.472.190 Zoning Clearances

- A. **Purpose and intent.** This Section provides procedures and findings to allow for the approval of, and effective time periods for, Zoning Clearances which may be required in compliance with Subsection B (Applicability) below. The intent of this Section is to ensure that development conforms to the provisions of the Comprehensive Plan including the Montecito Community Plan, this Development Code, and any conditions or development standards established by the County.
- B. **Applicability.**
1. **Zoning Clearance required.** A Zoning Clearance shall be issued by the Director ~~where a Zoning Clearance is required in compliance with this Development Code~~ for the following, unless other requirements of this Development Code specify that the Zoning Clearance is not required or the activity is exempt from the approval of a planning permit in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements).
 - a. Uses or development specifically identified throughout this Development Code as requiring a Zoning Clearance.
 - b. Any use or development for which a Conditional Use Permit or Development Plan has been approved, including Substantial Conformity Determination, Amendment, or Revision approved pursuant to Section 35.84.040 (Changes to an Approved Project).
 - c. **Damaged or destroyed structure.** The replacement or restoration of a conforming structure damaged or destroyed by a disaster, as determined by the Director in consultation with the Flood Control District as applicable.
 - (1) The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use, shall be in the same general footprint location, and shall not exceed the floor area, height, or bulk of the destroyed structure by more than 10 percent, or 250 square feet, whichever is less. For the purposes of this subsection, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
 - (2) If the structure was damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) located on or affecting the lot on which the replaced or restored structure would be located, the replaced or restored structure may be relocated on the lot to meet applicable setbacks from top-of-bank and reduce flood hazards, as long as the structure otherwise complies with Subsection 1.c(1) above and with applicable policies of the Comprehensive Plan.

(3) Notwithstanding the height measurement methodology contained in Section 35.430.090.C, if the structure was damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on or affecting the lot on which the replaced or restored structure would be located, the replaced or restored structure may exceed the height of the destroyed or damaged structure (as measured from the post-event grade to peak roof height) by more than 10 percent if necessary to comply with the base flood elevation that exists for the lot after the debris flow or other event. In no case shall the height of the structure, as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents, and noncommercial antennas, exceed the equivalent height of the damaged or destroyed structure by more than 10 percent. The height of the structure, as measured from post-event grade, shall not exceed the height of the applicable zone.

(a) For the purposes of this subsection, post-event grade is defined as the existing grade on the lot at the time of application submittal.

(4) Except as provided in Subsection 1.c(4)(a) below, if the Director determines that the exterior design or specifications are proposed to be changed, then the restored or replaced structure shall require Design Review in compliance with Section 35.472.070 (Design Review).

(a) If a structure has been damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on the lot on which the replaced or restored structure would be located, the restored or replaced structure, even if relocated on the lot or increased in height, shall not require Design Review unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director. If the structure is otherwise exempt from requiring a planning permit but requires Design Review, the structure shall receive preliminary and final design review approval before an exemption is issued.

2. **Zoning Clearance approval.** The issuance of a Zoning Clearance certifies that the land use or development will satisfy all applicable provisions of this Development Code, including the conditions of approval of any existing approved permits for the subject property, including applicable discretionary projects (e.g., Conditional Use Permit, Final Maps, Development Plans, Parcel Maps). ~~In cases where a construction permit is required by Chapter 10 of the County Code, the Zoning Clearance is processed and issued as part of the construction permit application and approval process. Issuance of a Zoning Clearance may also enable the establishment of a land use or structure that~~

~~does not require a construction permit but is still subject to the standards of this Development Code.~~

- C. **Contents of application.** An application for a Zoning Clearance shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
- D. **Processing.**
1. **Review for compliance.** The Director shall review the Zoning Clearance application for compliance with the Comprehensive Plan including the Montecito Community Plan, this Development Code, and other applicable conditions or regulations, including any discretionary approvals applicable to the site and issue, conditionally issue or deny the request. A Zoning Clearance shall not be issued by the Director until:
 - a. All necessary prior approvals, including, but not limited to design review, development plan, conditional use permit approval, as applicable, have been obtained;
 - b. The Director has determined that the subject property, as it specifically pertains to the use or structure submitted for approval, is in compliance with all laws, regulations, and rules pertaining to zoning uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and if applicable, zoning violation enforcement and processing fees, as established from time to time by the Board, have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).
 2. **Decision not subject to appeal.** The action of the Director to issue, conditionally issue or deny a Zoning Clearance, ~~approve or deny a time extension to an issued Zoning Clearance, or approve or deny a minor change to an issued Zoning Clearance~~ is final and not subject to appeal.
 3. ~~**Design Review required.** A Zoning Clearance for any structure that requires Design Review shall not be issued until the structure receives final Design Review approval in compliance with Section 35.472.070 (Design Review).~~
 4. ~~**Development Plan required.** The approval of a Development Plan in compliance with Section 35.472.080 (Development Plans) shall be required before the issuance of any Zoning Clearance for a structure that is not otherwise required to have a discretionary permit and is 20,000 square feet or more of gross floor area or is an attached, or detached addition that, together with the existing structures on the lot will total 20,000 square feet or more of gross floor area.~~
 53. **Zoning Clearance subject to resolution of the Board.** If a Zoning Clearance is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Zoning Clearance shall not be issued or conditionally issued while the proceedings are pending on the amendment unless the

proposed uses or structures will conform to both the existing zoning and existing provisions of this Development Code and amendment initiated by the Board unless a Conditional Use Permit was approved in compliance with Section 35.472.060 or ~~Preliminary or Final~~ Development Plan was approved in compliance with Section 35.472.080 before the adoption of the Board's resolution and the proposed uses and structures are in conformance with the approved Conditional Use Permit or ~~Preliminary or Final~~ Development Plan.

E. Zoning Clearance expiration.

1. A Zoning Clearance shall remain valid only as long as compliance with all applicable provisions of this Development Code and the Zoning Clearance conditions continues.
2. Except as stipulated elsewhere in this Development Code or by California State Law, a Zoning Clearance shall expire ~~two~~ four years from the date of issuance if the ~~use or structure for which the Zoning Clearance was issued has not been established or commenced in compliance with the issued Zoning Clearance~~ has not been exercised unless a time extension is approved in compliance with Section 35.474.030 (Time Extensions).
 - a. A Zoning clearance is exercised when a valid County grading, building, or construction permit has been issued for work related to the approval and substantial work authorized under the permit has commenced. Where a building, grading, or construction permit is not required, the Zoning Clearance shall be considered exercised when the use or development authorized by the approval has commenced.

F. ~~Minor Changes to Zoning Clearances.~~ Minor Changes to an issued Zoning Clearance shall be allowed in compliance with Section 35.474.040 (Changes to an Approved Project).

G. **Zoning Clearance revocation.** A Zoning Clearance issuance may be revoked or modified in compliance with Section 35.474.060 (Revocations).

SECTION 55:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.474.010, Purpose and Intent, of Chapter 35.474, Post Approval Procedures, is hereby amended to read as follows:

35.474.010 Purpose and Intent

This Chapter establishes procedures for depositing and releasing performance securities, revising approved or issued permits required by this Development Code, and procedures for granting extensions of time, and revoking permits and approvals.

SECTION 56:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.474.030, Time Extensions, of Chapter 35.474, Post Approval Procedures, is hereby amended to read as follows:

35.474.030 Time Extensions

- A. **Purpose and intent.** The purpose of this Section is to provide the procedures and findings for approval of Time Extensions that may be allowed in compliance with this Development Code.
- B. **Applicability and filing.** The provisions of this Section shall apply to all applications for Time Extensions. The application shall be submitted prior to the expiration of the permit that is the subject of the Time Extension request. However, final action by the County on the application may occur following the date that the permit would otherwise expire.
- C. **Contents of application.** An application for a Time Extension shall be filed and processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).
- D. The Director may extend the expiration of a permit or approval issued under this Development Code one time for two years for good cause shown in compliance with this Section.
 - 1. **Permits with approved phasing plans.** The allowance for a time extension apply to each individual phase. Each phase requires a separate time extension application.
- E. An application for a time extension shall be filed with the Department at least 30 days before the expiration of the permit, approval, or phase that is the subject of the Time Extension request.
- F. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
- G. Prior to an action by the Director to approve or conditionally approve the application, the Director shall first determine that the requirements for the issuance of the original permit or approval are still met.
- H. The action of the Director is final and is not subject to appeal.
- ~~D. **Processing.**~~
 - 1. ~~**Conditional Use Permits.**~~
 - a. ~~**Extension of permit approval.** The Montecito Commission may extend the time limit in which the Land Use Permit or Zoning Clearance is required to be issued in compliance with Subsection 35.472.060.G.3 (Time limits and extensions) one time for good cause shown in compliance with the following:~~

- ~~(1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.~~
 - ~~(2) Notice of the application shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).~~
 - ~~(3) The Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.6 (Waiver of public hearing) below, and approve, conditionally approve, or deny the request.~~
 - ~~(4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).~~
 - ~~(5) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~
 - ~~(6) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.472.060.E (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.438 (Sign Standards)) or Subsection 35.472.060.F (Findings required for approval of Conditional Use Permit applications submitted in compliance with Chapter 35.438 (Sign Standards)) that were made in conjunction with the initial approval of the Conditional Use Permit can still be made.~~
- ~~b. **Discontinuance of use.** The Montecito Commission may extend the time limit that a Conditional Use Permit would become void and automatically revoked due to discontinuance of use in compliance with Subsection 35.472.060.G.3 (Conditional Use Permit void) one time for good cause shown in compliance with the following:~~
- ~~(1) After receipt of an application for a Time Extension, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.~~
 - ~~(2) Notice of the application shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).~~
 - ~~(3) The Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension and approve, conditionally approve or deny the request.~~
 - ~~(4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).~~

- ~~(5) The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~

~~2. Development Plans (Preliminary and Final).~~

- ~~a. Extension of permit approval. The review authority responsible for reviewing and making a decision on the Development Plan in compliance with Table 7-1 (Review Authority) of Chapter 35.470 (Permit Application Filing and Processing) may extend the expiration of the approved or conditionally approved Development Plan one time for 12 additional months for good cause shown in compliance with the following:~~

- ~~(1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.~~
- ~~(2) Except for applications for Time Extensions where the Director is the review authority, the Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.6, below, and approve, conditionally approve or deny the request.~~
- ~~(3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).~~
- ~~(4) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~
- ~~(5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.472.080.E (Findings required for approval) that were made in conjunction with the initial approval of the Development Plan can still be made.~~

- ~~b. Expiration. A Development Plan shall expire 12 months from the effective date of the extension or two years from the expiration date of the initial effective date of approval of the Development Plan, whichever occurs first.~~

~~3. Land Use Permits. The Director may extend the expiration of an approved or conditionally approved, and an issued, Land Use Permit one time for 12 additional months for good cause shown in compliance with the following:~~

- ~~a. Notice of the application shall be given in compliance with Section 35.496.075 (Time Extensions Under the Jurisdiction of the Director).~~
- ~~b. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.~~

- ~~c. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~
- ~~d. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Subsection 35.472.110.E (Findings required for approval) that were made in conjunction with the initial approval of the Land Use Permit can still be made.~~
- ~~4. **Modifications.** The Director may extend the approval of a Modification one time for 12 additional months for good cause shown in compliance with the following:~~
 - ~~a. After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.~~
 - ~~b. Notice of the application shall be given in compliance with Section 35.496.075 (Time Extensions Under the Jurisdiction of the Director).~~
 - ~~c. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.~~
 - ~~d. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~
 - ~~e. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Subsection 35.472.120.E (Findings required for approval) that were made in conjunction with the initial approval of the Modification can still be made.~~
- ~~5. **Zoning Clearances.** The Director may extend the expiration of an issued Zoning Clearance one time for 12 additional months for good cause shown in compliance with the following:~~
 - ~~a. An application for a time extension shall be filed with the Department at least 30 days before the expiration of the Zoning Clearance that is the subject of the Time Extension request.~~
 - ~~b. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.~~
 - ~~c. Prior to an action by the Director to approve or conditionally approve the application, the Director shall first determine that that the requirements for the issuance of a Zoning Clearance required in compliance with Subsection 35.472.190.D.1 (Review for compliance) are still met.~~
 - ~~d. The action of the Director is final and is not subject to appeal.~~
- ~~6. **Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:~~

- ~~a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Chapter 35.496 (Noticing and Public Hearings).~~
 - ~~(1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Time Extension application.~~
 - ~~b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection D.6.a, above, is mailed.~~
 - ~~c. If the requirement for a public hearing is waived, then the Director shall be the review authority for the Time Extension application.~~
 - ~~d. A listing of Time Extension applications for which a notice that the public hearing may be waived has been mailed shall be provided on the next available Montecito Commission's hearing agenda following the mailing of the notice.~~
- ~~7. Time extensions due to hardship related to COVID 19. In addition to the Time Extensions provided in Subsection D.1 through Subsection D.5, above, the Director may for good cause extend the expiration of a planning permit for one additional 24 month period in compliance with the following:~~
 - ~~a. The Director has determined that a Time Extension is necessary due to a hardship resulting from COVID 19 and/or the associated economic downturn.~~
 - ~~b. The application for the Time Extension is filed with the Department in compliance with the following:~~
 - ~~(1) The application shall be filed in compliance with Section 35.470.030 (Application Preparation and Filing).~~
 - ~~(2) The application shall be filed prior to the expiration of the planning permit that is the subject of the Time Extension request and before October 31, 2023 or when the COVID 19 provisions (Sections 35.474.030.D.7, 35.474.040.A.1, 35.474.040.F, 35.491.020.B.4, and 35.498.090.C) are terminated earlier by ordinance amendment.~~
 - ~~c. Notice of the application shall be given in compliance with Section 35.496.075 (Time Extensions Under the Jurisdiction of the Director).~~
 - ~~d. A Time Extension application shall be approved only if the Director first finds that applicable determination or findings for approval required in compliance with Chapter 35.472 (Permit Review and Decision) that were made in conjunction with the initial approval of the planning permit for which the Time Extension is requested can still be made.~~

~~e. The action of the Director is final and not subject to appeal.~~

- EJ. **Effect of expiration.** After the expiration of a planning permit no further work shall be done on the site until a new planning permit and any required Building Permit or other County permits are first obtained.

SECTION 57:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.474.040, Changes to an Approved Project, of Chapter 35.474, Post Approval Procedures, is hereby amended to read as follows:

35.474.040 Changes to an Approved Project

Development, ~~or a new~~ land use, or project design authorized through ~~a planning permit~~ approval granted in compliance with this Development Code shall be established only as approved by the review authority and in compliance with any conditions of approval, except where a change to the project is approved in the following manner. A change may be requested before, during, or after construction or establishment and operation of the approved ~~land use~~ project.

- A. **Contents of application.** An application for a change to an approved or issued planning permit or design review approval shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

~~1. Temporary suspension of compliance with the project description and/or conditions of approval to an approved project necessary to protect public health and effectively limit the spread of COVID-19 and/or to support economic recovery from the impacts of COVID-19, as detailed in Subsection F (Temporary suspension of compliance with the project description and/or conditions of approval to an approved project necessary to protect public health and/or to support economic recovery from the impacts of COVID-19), below, do not require submittal of an application, but do require submittal of a checklist and additional materials.~~

~~a. Prior to implementation of the temporary changes, the owner/applicant may, and is encouraged to, submit a completed checklist, revised site plan, photos, and description of proposal describing the temporary changes and how the requirements of Subsection 35.498.090.C.3 (Requirements) will be met.~~

~~b. Within 30 days of implementing temporary changes to an approved project, the owner/applicant shall submit a completed checklist, revised site plan, photos, and description of proposal describing the temporary changes and how the requirements of Subsection 35.49.090.C.3 (Requirements) have been met.~~

- B. **Minor Changes to Land Use Permits, Design Reviews, and Zoning Clearances.** Minor changes to an approved or issued Land Use Permit, Design Review approval, or issued Zoning

Clearance, may be allowed provided; the changes substantially conform to the approved or issued permit, review, or clearance. A request shall be processed in the following manner:

1. The Director may approve a minor change to an approved or issued Land Use Permit, Design Review approval, or issued Zoning Clearance, subject to all of the following:
 - a. The Director determines that the minor change substantially conforms to the approved plans and the originally approved or issued permit;
 - b. There is no change in the use or scope of the development;
 - c. The minor change does not result in a change to the Director's conclusions regarding the project's specific conformance to development standards and findings;
 - d. The Land Use Permit, Design Review, or Zoning Clearance has not expired; and
 - e. The minor change is exempt from Design Review in compliance with Section 35.472.070 (Design Review).
2. Where a minor change of an approved or issued Land Use Permit, Design Review approval, or issued Zoning Clearance is approved, the permit, review, or clearance shall have the same effective and expiration dates as the original permit, review, or clearance and no additional public notice shall be required.
3. Where it cannot be determined that the minor change materially conforms to an approved or issued Land Use Permit, Design Review approval, or issued Zoning Clearance in compliance with the above criteria, a new Land Use Permit, Design Review, or Zoning Clearance shall be required.
4. The determination to allow a minor change to an approved or issued Land Use Permit, Design Review approval, or issued Zoning Clearance is final and not subject to appeal.

C. Planning Permits Other Than Land Use Permits and Zoning Clearances. Changes to approved planning permits, other than Land Use Permits and Zoning Clearances, may be approved in the following manner.

- 1. Substantial Conformity Determinations.** The Director may approve a minor change to an approved ~~Conditional Use Permit or Final Development Plan~~ permit if the Director first determines that the change is in substantial conformity with the approved permit, in compliance with the County's Substantial Conformity Determination Guidelines (see Appendix D).
 - a. Contents of application.** An application for a Substantial Conformity Determination shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
 - b. Processing.** An application for a Substantial Conformity Determination shall be processed as follows:

~~a.~~**(1) Review authority.** The Director shall be the review authority for the application for the Substantial Conformity Determination.

~~b.~~**(2) Compliance with adopted plans.** The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan and applicable community and area plans, this Development Code and other applicable conditions and regulations, and approve, conditionally approve, or deny the Substantial Conformity Determination.

~~c.~~**(3) Notice and public hearing.** Notice of an application or pending decision on a Substantial Conformity Determination and a public hearing shall not be required before the Director takes action on an application for a Substantial Conformity Determination.

~~d.~~**(4) Action and appeal.** The action of the Director is final and not subject to appeal.

~~c3.~~ **Zoning Clearance required prior to commencement of development and/or use authorized by the Substantial Conformity Determination**~~Conditional Use Permits. A Land Use Permit approved in compliance with Section 35.472.110 (Land Use Permits) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination.~~ **Prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required.**

~~a.~~ ~~The Land Use Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Land Use Permit, that the Land Use Permit substantially conforms to the previously approved Conditional Use Permit.~~

~~b.~~ ~~The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~

d. Time Limits.

(1) If the Zoning Clearance or Land Use Permit required by the original permit has not been exercised, the Substantial Conformity Determination shall be subject to the same time limit as the original permit.

(2) If the Zoning Clearance or Land Use Permit required by the original permit has been exercised, a Zoning Clearance for the development and/or use authorized by the Substantial Conformity Determination shall be issued within four years of the date the Director took action on the application for the Substantial Conformity Determination.

(a) The Director may extend the time limit of an approved Substantial Conformity Determination in compliance with Section 35.474.030 (Time Extensions).

(b) If the required time limit in which to obtain the required Zoning Clearance has expired and an application for an extension has not been submitted, then the Substantial Conformity Determination shall be considered void and of no further effect.

~~4. **Final Development Plans.** A Land Use Permit approved in compliance with Section 35.472.110 (Land Use Permits) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination.~~

~~a. The Land Use Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Land Use Permit, that the Land Use Permit substantially conforms to the previously approved Final Development Plan.~~

~~b. The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~

~~D2. **Amendments.** Where a change to an approved Conditional Use Permit or Final Development permit is determined by the Director to not be in substantial conformity with the approved permit in compliance with Subsection C.1, above, the review authority may approve, conditionally approve or deny an application to add, alter, relocate, replace, or otherwise amend a Conditional Use Permit or Final Development Plan the permit in compliance with the following.~~

~~1a. **Area under review.** The area of the proposed new development that is the subject of the application for the Amendment:~~

~~a(1). Was analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or~~

~~b(2). Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be found exempt from environmental review in compliance with the California Environmental Quality Act.~~

~~2b. **Contents of application.** An application for an Amendment shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).~~

~~3c. **Processing.** An application for an Amendment shall be processed as follows:~~

~~a(1)~~ The Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

~~b(2)~~ The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the review authority. This requirement may be waived by the Director if determined to be unnecessary by the Director.

~~c(3)~~ Notice of pending decision on an Amendment shall be given in compliance with ~~Section 35.496.020~~ Chapter 35.496 (Notice of ~~ing and~~ Public Hearings ~~and Review Authority Action~~).

~~d(4)~~ **Review authority, action and appeal.**

~~(1a)~~ The Director shall be the review authority for the application for the Amendment.

~~(2b)~~ The Director shall review the application for the Amendment for compliance with the Comprehensive Plan and applicable community and area plans, this Development Code and other applicable conditions and regulations, and approve, conditionally approve, or deny the Amendment. A public hearing shall not be required before the Director takes action on an application for an Amendment.

~~(3c)~~ The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).

~~e(5)~~ **Findings.** The application for the Amendment shall be approved or conditionally approved only if the Director first makes all of the following findings:

~~(a)~~ The changes to the project that are the subject of the Amendment conform to the applicable provisions of the Comprehensive Plan including any applicable community or area plan.

~~(b)~~ The proposed development and/or use is located on a legally created lot.

~~(c)~~ The changes to the project that are the subject of the Amendment would not create a new environmental effect or the need for new mitigation measures.

~~(1)~~ That the findings required for approval of the Conditional Use Permit or Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit or Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.

- ~~(2) That the environmental impacts related to the development proposed by the applications for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit or Final Development Plan.~~

~~4d. Requirements—Zoning Clearance required prior to commencement of development and/or use authorized by an Amendment. Prior to the commencement of the development and/or use authorized by the Amendment, the issuance of a~~ A Zoning Clearance issued in compliance with Section 35.472.190 (Zoning Clearances) shall be required to allow the development and/or use authorized by the Amendment prior to the commencement of the development and/or use authorized by the Amendment.

e. Time Limits.

- (1) If the Zoning Clearance or Land Use Permit required by the original permit has not been exercised, the Amendment shall be subject to the same time limit as the original permit.
- (2) If the Zoning Clearance or Land Use Permit required by the original permit has been exercised, a Zoning Clearance for the development and/or use authorized by the Amendment shall be issued within four years of the effective date of the Amendment.
- (a) The Director may extend the time limit of an approved Amendment in compliance with Section 35.474.030 (Time Extensions).
- (b) If the required time limit in which to obtain the required Zoning Clearance has expired and an application for an extension has not been submitted, then the Amendment shall be considered void and of no further effect.

~~E3.~~ Revisions.

- ~~1a.~~ A revised Conditional Use Permit or Final Development Plan permit shall be required for changes to an approved permit where the findings identified in Subsection D—C.2 (Amendments) above cannot be made and substantial conformity cannot be determined.
- ~~2b.~~ A revised permit shall be processed in the same manner as a new Conditional Use Permit or Final Development Plan, in compliance with Section 35.472.060 (Conditional Use Permits) or Section 35.472.080 (Development Plans) permit.
- ~~3c.~~ The approval by the review authority of a revised Conditional Use Permit or Final Development Plan permit shall automatically supersede any the previously approved Conditional Use Permit or Final Development Plan permit upon the effective date of the revised permit.

~~F. **Temporary suspension of compliance with the project description and/or conditions of approval to an approved project necessary to protect public health and/or to support economic recovery from the impacts of COVID-19.** For the time period specified in Subsection 35.498.090.C.1 (Temporary time period), approval of a Minor Change, Substantial Conformity Determination, Amendment, or Revision is not required for temporary changes to an approved project related to the standards in Section 35.498.090.C.2, below, that are necessary to protect public health and effectively limit the spread of COVID-19, and/or to support economic recovery from the impacts of COVID-19, and that comply with the standards set forth in Section 35.498.090.C.3, below.~~

SECTION 58:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.474.060, Revocations, of Chapter 35.474, Post Approval Procedures, is hereby amended to read as follows:

35.474.060 Revocations

Any permit granted under this Development Code may be revoked or revised for cause if any of the conditions or terms of the permit are violated, if the permit was approved based on inaccurate information provided by the applicant, or if any law or ordinance is violated.~~This Section provides procedures for revocation or modification of issued Land Use Permits and Zoning Clearances and approved Conditional Use Permits. The review authority's action to revoke a permit or approval shall have the effect of terminating the permit and denying the privileges granted by the original approval.~~

~~A. **Revocation of Land Use Permits and Zoning Clearances.** Issuance of a Land Use Permit or Zoning Clearance is contingent upon compliance with all conditions imposed as part of the project approval and with all applicable provisions of this Development Code. If it is determined that development activity is occurring in violation of any or all such conditions or provisions, the Director may revoke the permit or clearance and all authorization for development.~~

~~1. **Notification.** Written notice of such Revocation shall be provided to the permittee.~~

~~2. **Appeal.** The action of the Director to revoke a Land Use Permit or Zoning Clearance is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~

~~B. **Conditional Use Permits.** If the Montecito Commission determines that the permittee is not in compliance with one or more of the conditions of an approved Conditional Use Permit, the Montecito Commission may revoke the Conditional Use Permit, or direct the permittee to apply for an Amendment or Revision, in compliance with Subsection 35.474.040.D (Amendments) or Subsection 35.474.040.E (Revisions) above.~~

~~1A. Procedures.~~

1. **Initiation of Proceeding.** Revocation proceedings shall be initiated by the Director.
2. **Review Authority.** The Director shall act as the review authority for Revocations based on consideration of the requirements in this Section, except as provided below.
 - a. The Director, with affirmative consent from the property owner, may refer any Revocation to the Montecito Planning Commission for consideration and decision when, in the Director's opinion, the public interest would be better served by having the Montecito Commission act as the review authority. The Director's decision to refer or not to refer a Revocation to the Montecito Planning Commission is final and not subject to appeal.

3. **Noticing and Public Hearings.**

- a. Director as Review Authority. Where the Director is the review authority for a Revocation, notice of the revocation or revisions of the permit or approval shall be provided to the permittee and property owner. ~~The Montecito Commission shall hold at least one noticed public hearing prior to revoking the Conditional Use Permit or to directing the applicant to apply for an Amendment or Revision in compliance with the provisions of this Development Code.~~
- b. Montecito Commission or Board of Supervisors as Review Authority. Where the Montecito Commission or Board of Supervisors is the review authority for a Revocation, the Montecito Commission or Board of Supervisors shall hold at least one noticed public hearing on the Revocation. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
- ~~c. The action of the Montecito Commission review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~
- ~~d. Where the applicant has been directed to apply for an Amendment or Revision in compliance with Section 35.474.040 (Changes to an Approved Project) above, the Montecito Commission shall be the review authority for the required Amendment or Revision.~~

B. **Required Findings.** The review authority may revoke or revise the permit if it makes any of the following findings:

1. That the approval was obtained by fraud or inaccurate information;
2. The use or structure authorized by the permit or approval is removed from the site or remains vacant and unused for its authorized purpose, or is abandoned or discontinued for a period greater than 12 consecutive months;
3. That the permit or approval granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;

4. That the use for which the approval was granted was or is so exercised as to be detrimental to the public health or safety;
5. That the circumstances under which the permit was granted have been changed by the owner or operator to such a degree that one or more of the findings contained in the permit is no longer valid and the public health, safety, and welfare merit revocation of the permit; or
6. That the conditions of approval are found to be inadequate to mitigate the impacts of the use allowed by the permit, and the public health, safety and welfare merit modification of the permit.

SECTION 59:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.478.040, Processing of Specific Plans, of Chapter 35.478, Specific Plans, is hereby amended to read as follows:

35.478.040 Processing of Specific Plans

- A. **Departmental processing of application.** After receipt of the permit application, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- B. **Referral to the Subdivision/Development Review Committee.** The Department shall refer the Specific Plan to the Subdivision/Development Review Committee for review and recommendation to the Montecito Commission.
- C. **Public hearing required.** The Montecito Commission shall hold at least one noticed public hearing on the Specific Plan. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
- D. **Transmittal of the Montecito Commission's recommendation to the Board.**
 1. The Montecito Commission's recommendation on the Specific Plan shall be transmitted to the Board by resolution of the Montecito Commission carried by the affirmative votes of not less than a majority of its total voting members. A draft ordinance adopting the Specific Plan shall accompany the resolution.
 2. The resolution shall be accompanied by a statement of the Montecito Commission's reasons for the recommendation.
- E. **Board public hearing required.** The Board shall hold at least one noticed public hearing before adopting the proposed Specific Plan. Notice of the time and place of the Board's hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

- ~~F. **Site development plan required.** A Specific Plan shall not be considered adopted until a site development plan, together with the required accompanying data, has been approved by an ordinance of the Board after consideration at a noticed public hearing following a recommendation by the Montecito Commission.~~
- GF. Zoning consistency with Specific Plan required.** At the time of adoption of the Specific Plan, the Board shall determine whether the existing zoning on the subject property is consistent with the Specific Plan. If the Board finds that it is inconsistent, then either the County or the proponent of the Specific Plan shall initiate a Zoning Map Amendment to bring the zoning of the subject property into conformance with the Specific Plan.
- HG. Referral of changes or additions to the Montecito Commission.** The Board shall not make any change or addition to any proposed Specific Plan recommended by the Montecito Commission until the proposed change or addition has been referred back to the Montecito Commission for a report and a copy of the report has been filed with the Board. Failure of the Montecito Commission to report back to the Board within 40 days after the referral, or a longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Montecito Commission to hold a public hearing on the proposed change or addition.
- ~~I. **Final Development Plan required.** No permits shall be issued for construction, erection, or occupancy of any structure, nor for grading, nor for any use of land which requires a Land Use Permit until a Final Development Plan, as required under the applicable zone, has been approved in compliance with Section 35.472.080 (Development Plans).~~
- JH. Action by the Board.** The adoption of the Specific Plan shall be by ordinance in compliance with Government Code Section 65453.
- KL. Amendments to Specific Plan.** Amendments to the Specific Plan shall be processed in the same manner as specified for adoption of an original Specific Plan in compliance with this Section.

SECTION 60:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, a new Section 35.491.015, Nonconforming Lots, is added to Chapter 35.491, Nonconforming Uses, Structures, and Lots as follows:

35.491.015 Nonconforming Lots

Any lot that is smaller than the minimum lot size required by this Development Code or does not meet the applicable dimensional requirements shall be considered a lawful nonconforming lot if it is shown on a duly recorded subdivision map or otherwise verified to be a legally created lot.

- A. A nonconforming lot may be used as a building site subject to compliance with all applicable requirements, unless a variance or other waiver, modification, or exception is approved as provided for in this Development Code.
- B. A nonconforming lot shall not be further reduced in area, width, or depth, unless such reduction is allowed pursuant to a provision of the County Code, required as part of a public improvement, or otherwise specifically allowed pursuant to State law.
- C. **Lot reconfiguration.** Two or more legal lots with insufficient area to meet the minimum lot area requirements of the applicable zone may be combined or resubdivided provided:
 - 1. All other regulations of this Development Code and County Code Chapter 21 are complied with;
 - 2. The combined or resubdivided lots are as large or larger than the original lots; and
 - 3. The minimum area of each new lot is 7,000 square feet.

SECTION 61:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection B, Expansion or extension, of Section 35.491.020, Nonconforming Uses of Land and Structures, of Chapter 35.491, Nonconforming Uses, Structures, and Lots, is hereby amended to read as follows:

B. Expansion or extension.

- 1. An existing nonconforming use may be extended throughout or relocated within an existing structure; provided, no structural alterations are made except those required by law or ordinance (e.g., Building Code regulations).
- 2. No existing nonconforming use shall be extended to occupy any land outside of the structure.
- 3. No existing nonconforming use of land outside structures, or not involving structures, shall be enlarged, extended, or increased to occupy a greater area of land than was occupied at the time the use became nonconforming, or moved to any portion of the lot not currently occupied by the nonconforming use.
- 4. ~~In order to protect public health and support the reopening of the Santa Barbara County in a manner that effectively limits the spread of COVID-19 by allowing for the use of outdoor areas to ensure that physical distancing and/or other public health requirements can be met and to provide other forms of relief to support economic recovery from the impacts of COVID-19, the following provisions apply for the temporary time period specified below and take precedence over subsections 1, 2, and 3 included above, if the below provisions are applicable to a particular nonconforming use.~~

- ~~a. **Temporary time period.** This provision shall take effect on June 16, 2020 and shall expire the earlier of October 31, 2023 or when the COVID-19 provisions (Sections 35.474.030.D.7, 35.474.040.A.1, 35.474.040.F, 35.491.020.B.4, and 35.498.090.C) are terminated by ordinance amendment.~~
- ~~b. **Development standards.** For nonconforming uses, this section authorizes the temporary expansion or extension of a nonconforming use related to the following standards provided the requirements of Subsection B.4.c, below, are met:~~
 - ~~i. **Setbacks.**~~
 - ~~ii. **Site coverage maximums.**~~
 - ~~iii. **Minimum open space.**~~
 - ~~iv. **Parking and loading standards.**~~
 - ~~v. **Signs.**~~
 - ~~vi. **The requirement that uses shall occur within a completely enclosed building.**~~
 - ~~vii. **Restrictions on uses in the right of way.**~~
 - ~~viii. **Other development standards as determined to be necessary by the Director for the protection of public health related to COVID-19 and/or to support economic recovery from the impacts of COVID-19.**~~
- ~~c. **Requirements.** To be eligible for this temporary expansion or extension, all of the following requirements must be met:~~
 - ~~i. **The temporary expansion or extension of aspects of the nonconforming use related to development standards listed in Subsection B.4.b, above, are necessary to ensure physical distancing, comply with other public health requirements put in place by federal, State, or local public health officials to limit the spread of COVID-19, and/or to support economic recovery from the impacts of COVID-19.**~~
 - ~~ii. **The owner/applicant of the legal nonconforming use must follow all applicable State and local directives regarding reopening of businesses or community entities during the COVID-19 pandemic response, including certification or attestation and COVID-19 protection plan. Public health restrictions related to COVID-19 are subject to rapid change and nothing in this Subsection B.4 is intended, nor shall it be construed, to allow nonconforming uses to operate in violation of any federal, State, or local public health orders, rules, or regulations.**~~
 - ~~iii. **Any State or local permit or approval required by regulations other than this Development Code is obtained (e.g., a business purposes encroachment permit, health permit, alcoholic beverage control license, fire department authorization).**~~

- ~~iv. The nonconforming use is non-residential.~~
- ~~v. The expansion or extension of the nonconforming use does not occur within environmentally sensitive habitat. No native vegetation or environmentally sensitive habitat would be removed to accommodate the use of outdoor areas.~~
- ~~vi. No permanent structures are proposed, constructed, or erected (temporary coverings, such as canopies or umbrellas, to shade occupants from the sun and/or weather are allowed).~~
- ~~d. Submittal of Checklist.~~
 - ~~i. Prior to implementation of the temporary expansion or extension, the owner/applicant may, and is encouraged to, submit a completed checklist, revised site plan, photos, and description of proposal describing the temporary expansion or extension and how the requirements of Subsection 35.491.020.B.4.c (Requirements) will be met.~~
 - ~~ii. Within 30 days of implementing a temporary expansion or extension, the owner/applicant shall submit a completed checklist, revised site plan, photos, and description of proposal describing the temporary expansion or extension and how the requirements of Subsection 35.491.020.B.4.c (Requirements) have been met.~~
- ~~e. Enforcement.~~
 - ~~i. If a completed checklist, revised site plan, photos, and description of proposal are not submitted pursuant to Subsection B.4.d, or upon submittal the Director determines, in the Director's sole discretion, that the requirements of Subsection B.4.c, above, are not satisfied, the Director may notify the owner/applicant that the suspension of compliance to protect public health and/or to support economic recovery from the impacts of COVID 19 are not applicable and the Director may initiate enforcement action. The Director's action is not subject to appeal.~~
 - ~~ii. If a completed checklist, revised site plan, photos, and description of proposal are submitted pursuant to Section B.4.d and the requirements of Subsection B.4.c, above, are met, as determined in the sole discretion of the Director, the temporary expansion and/or extension of the nonconforming use shall not constitute a violation subject to penalties, for the time period specified in Subsection B.4.a, above. The Director's action is not subject to appeal.~~

SECTION 62:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County

Code, Subsection 1, Enlargements or extensions allowed in limited circumstances, of Subsection A, Structural change, expansion, or extension, of Section 35.491.020, Nonconforming Uses of Land and Structures, of Chapter 35.491, Nonconforming Uses, Structures, and Lots, is hereby amended to read as follows:

1. Enlargements or extensions allowed in limited circumstances.

- a. Except as listed in Subsection A.1.b (Allowed structural alterations), below or otherwise provided in this Development Code, a nonconforming structure shall not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Development Code.
- b. **Allowed structural alterations.** The following structural alterations are allowed, provided the appropriate permits have been obtained.
 - (1) **Seismic retrofits allowed.** Seismic retrofits as defined in Division 35.10 (Glossary) and in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).
 - (2) **Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.
 - (3) **Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.
 - (4) **Conforming residential uses and residential accessory uses.** A nonconforming structure that is devoted to a conforming residential use or that is normally or historically accessory to the primary residential use may be structurally altered in a manner that is not otherwise allowed in compliance with Subsection A.1.a, above, provided that the alteration does not result in a structure that extends beyond the existing exterior, and, for structures that are 50 years old or greater, the Director determines that the alteration will not result in a detrimental effect on any potential historical significance of the structure.

- (5) **Accessory dwelling units and junior accessory dwelling units.** A nonconforming structure may be enlarged, extended, or structurally altered to convert the structure into an accessory dwelling unit or junior accessory dwelling unit provided that the accessory dwelling unit or junior accessory dwelling unit complies with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

~~c. **Permit required.** The issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) is required prior to the commencement of any structural alteration allowed in compliance with Subsections A.1.a and A.1.b, above, unless the alteration is determined to be exempt in compliance with Section 35.420.040 (Exemption from Planning Permit Requirements).~~

SECTION 63:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection A, Conformity of uses requiring a discretionary permit, of Section 35.491.080, Nonconforming Due to Lack of a Discretionary Permit, of Chapter 35.491, Nonconforming Uses, Structures, and Lots, is hereby amended to read as follows:

- A. **Conformity of uses requiring a discretionary permit.** A ~~use~~lawfully existing use that is nonconforming due to lack of~~without~~ the approval of a discretionary permit ~~that would be required by this Development Code~~, shall be deemed conforming provided the use is operated and maintained only to the extent that it previously existed (e.g., maintain the same site area boundaries, hours of operation, use, floor area).

SECTION 64:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection B, Timing and form of appeal, of Section 35.492.020, General Appeal Procedures, of Chapter 35.492, Appeals, is hereby amended to read as follows:

- B. **Timing and form of appeal.**

~~1. **Appeals of decisions of the Montecito Board of Architectural Review, Director, or Montecito Commission.**~~

~~1.a.~~ **Filing of the appeal.** An appeal, which shall be in writing, and accompanying fee, as authorized by this Development Code, ~~of a decision or determination of the Montecito Board of Architectural Review, Director, or Montecito Commission~~, shall be filed with the Department within the 10 calendar days following the date of the decision or

determination that is the subject of the appeal, ~~except as otherwise provided in this Development Code.~~

a. Where the tenth calendar day falls on a weekend, holiday, or other day the County offices are not open for business, an appeal may be filed before 5:00 p.m. on the following working day.

~~2.b.~~ **Form of appeal.** The appellant shall use the form provided by the Department in addition to any other supporting materials the appellant may wish to furnish in compliance with Subsection C (Requirements for contents of an appeal) below, explaining the reasons for the appeal. ~~An A completed appeal form, signed by all appellants,~~ shall be filed with the Director, who shall process the appeal in compliance with this Chapter, including scheduling the matter before the applicable review authority.

~~2. Computation of time for appeal.~~ The time within which the appeal shall be filed shall ~~commence on the day following the day on which the decision or determination was made. In the event the last day for filing an appeal falls on a non-business day of the County, the appeal may be timely filed on the next business day.~~

SECTION 65:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection C, Requirements for contents of an appeal, of Section 35.492.020, General Appeal Procedures, of Chapter 35.492, Appeals, is hereby amended to read as follows:

C. Requirements for contents of an appeal.

1. **General requirements.** The appellant shall specifically provide in the appeal all of the following:
 - a. The identity of the appellant and their interest in the decision;
 - b. The identity of the decision or determination appealed which may include the conditions of that decision or determination;
 - c. The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal. A clear, complete, and concise statement of the decision being appealed and reasons why the decision or determination is inconsistent with the provisions and purposes of this Development Code or other applicable law; and
 - d. If it is claimed that there was an error or abuse of discretion on the part of the review authority, or other officer or authorized employee, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence

relevant to the decision which could not have been presented at the time the decision was made, then these grounds shall be specifically stated.

2. **Additional requirements for certain appeals.** The following information is required to be submitted for the appeals listed below in addition to the information required to be submitted by Subsection C.1 (General requirements) above:

- a. **Appeals of preliminary approval decisions of the Montecito Board of Architectural Review.** A decision of the Montecito Board of Architectural Review to grant preliminary approval of a project that has received approval of the associated development application may not be appealed to the Commission unless the appellant can demonstrate that the project for which preliminary Design Review approval was granted does not substantially conform to the project that was granted approval under the associated development application. If the Director determines that the appeal does not raise a substantial issue that the project for which preliminary Design Review approval was granted does not substantially conform to the project that was approved under the associated development application, then the Director shall make that determination in writing, and the appeal shall not be processed. This decision of the Director is final and not subject to appeal.

- ~~a. **Appeals regarding a previously approved discretionary permit.** If the approval of a Land Use Permit required by a previously approved discretionary permit is appealed, the appellant shall identify:~~

- ~~(1) How the Land Use Permit is inconsistent with the previously approved discretionary permit; or~~
- ~~(2) How the discretionary permit's conditions of approval that are required to be completed before the approval of a Land Use Permit have not been completed; or~~
- ~~(3) How the approval is inconsistent with Chapter 35.496 (Noticing and Public Hearings).~~

- b. **Appeals of final decision of the Montecito Board of Architectural Review.** A decision of the Montecito Board of Architectural Review to grant final approval may not be appealed to the Montecito Commission unless the appellant can demonstrate that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval. If the Director determines that the appeal does not raise a substantial issue that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval, then the Director shall make that determination in writing, and the appeal shall not be processed. This decision of the Director is final and not subject to appeal.

SECTION 66:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.492.040, Appeals to the Montecito Commission, of Chapter 35.492, Appeals, is hereby amended to read as follows:

35.492.040 Appeals to the Montecito Commission

- A. **Decisions appealed to the Montecito Commission.** The following decisions may be appealed to the Montecito Commission provided the appeal complies with the requirements of Subsection 35.492.020.C through Subsection 35.492.020.E above.
1. **Montecito Board of Architectural Review decisions.** The following decisions of the Montecito Board of Architectural Review may be appealed to the Montecito Commission:
 - a. Any decision of the Montecito Board of Architectural Review to grant or deny preliminary approval in compliance with Subsection 35.492.020.C.2.a (Appeals of preliminary decisions of the Montecito Board of Architectural Review).
 - b. Any decision of the Montecito Board of Architectural Review to grant or deny final approval in compliance with Subsection 35.492.020.C.2.b (Appeals of final decision of the Montecito Board of Architectural Review) above.
 2. **Building Official decisions.** The following decisions of the Building Official may be appealed to the Montecito 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 approve, or deny an application for a Solar Use Permit.
 3. **Director decisions.** The following decisions of the Director may be appealed to the Montecito 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 ~~Land Use Permit~~ permit.

- d. Any decision of the Director to approve, conditionally approve or deny an application for a Land Use Permit.
 - ~~e. Any decision of the Director to revoke an issued Zoning Clearance.~~
 - ~~fe.~~ Any decision of the Director to approve, conditionally approve, or deny an application for a Development Plan.
 - ~~gf.~~ Any decision of the Director to approve, conditionally approve, or deny any other discretionary application where the Director is the designated review authority.
 - ~~hg.~~ 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.
- B. **Report to the Montecito Commission.** The Department shall transmit to the Montecito Commission copies of the permit application including all maps and data and a statement identifying the reasons for the decision by the ~~Montecito Board of Architectural Review, Building Official or Director~~ decision maker before the hearing on an appeal.
- C. **Scope of appeal hearings.** The hearings on the appeal shall be de novo.
- D. **Action on appeal.** The Montecito Commission shall affirm, reverse, or modify the decision of the ~~Montecito Board of Architectural Review or Director~~ decision maker.
- 1. **Decision on the appeal of Solar Use Permits.** The action of the Montecito Commission, and the action of any subsequent County review authority, shall not have the effect of denying the application to install the solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.
 - a. Any conditions imposed by the Montecito Commission on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

SECTION 67:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 2 of Subsection A, Decisions appealed to the Board, of Section 35.492.050, Appeals to the Board, of Chapter 35.492, Appeals, is hereby amended to read as follows:

35.492.050 Appeals to the Board

2. Any final action on decisions of the Montecito Commission to approve, conditionally approve, or deny ~~an application for a Conditional Use Permit, Development Plan, Lot Line Adjustment, Tentative Map, Variance, or other~~ a discretionary application where the Montecito Commission is the designated review authority.

SECTION 68:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection B, Contents of application, of Section 35.494.040, Processing of Amendment, of Chapter 35.494, Amendments, is hereby amended to read as follows:

- B. **Contents of application.** If initiated by a person other than the Board, Montecito Commission, or Director, an Amendment application shall be filed in compliance with Chapter 35.470 (Permit Application Filing and Processing).

1. In addition to any other application requirements, the application for a Zoning Map Amendment shall include information, data, or other evidence in support of the applicable findings required by Section 35.494.060.

~~a.1. Application shall include a Development Plan. Unless the Montecito Commission expressly waives the requirement, a~~ An application for a Zoning Map Amendment to rezone property ~~to any of the zones listed below~~ shall require the submittal of an application for either a Final or a Preliminary Development Plan in compliance with Section 35.472.080 (Development Plans) ~~and Section 35.494.080 (Rezoning Requirements for Specific Zones) below~~, unless the Director expressly waives the requirement.

- ~~a. DR (Design Residential).~~
- ~~b. PRD (Planned Residential Development).~~
- ~~c. CN (neighborhood Commercial).~~
- ~~d. CV (Resort/Visitor Serving Commercial).~~
- ~~e. PU (Public Utilities).~~
- ~~f. REC (Recreation).~~

SECTION 69:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.494.080, Rezone Requirements for Specific Zones, of Chapter 35.494, Amendments, is hereby deleted in its entirety and reserved for future use.

SECTION 70:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.496.020, Notice of Public Hearing and Review Authority Action, of Chapter 35.496, Notice and Public Hearings, is hereby amended to read as follows:

35.496.020 Notice of Public Hearing and Review Authority Action

A. **Minimum requirements.** ~~Except for decisions on applications for Reasonable Accommodation processed in compliance with Chapter 35.437 (Reasonable Accommodation) that are under the jurisdiction of the Director and are not processed in conjunction with a discretionary application, Design Review processed in compliance with Section 35.472.070 (Design Review), Emergency Permits processed in compliance with Section 35.472.090 (Emergency Permits), Land Use Permits processed in compliance with Section 35.472.110 (Land Use Permits), Zoning Clearances processed in compliance with Section 35.472.190 (Zoning Clearances), and Time Extensions that are under the jurisdiction of the Director~~Unless otherwise specified, whenever the provisions of this Development Code require public notice, notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all other applications that require a noticed public hearing or notice of review authority action and the following. Each notice shall comply with the following minimum requirements.

1. **By the Department.** Notice shall be given by the Department in compliance with the following:

a. **Newspaper publication.**

(1) **Notice of public hearing.** Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before the scheduled public hearing ~~or action~~ by the review authority, except as provided below.

(a) Design Review. Notice by newspaper publication is not required for public hearings by the review authority related to Design Review applications.

(b) Land Use Permits. Notice by newspaper publication is not required for public hearings by the review authority related to Land Use Permit applications.

b. **Mailed notice.**

(1) **Notice of filing of an-a complete application.** Notice of the filing of ~~an-a~~ complete application shall be mailed within the 15 calendar days following the Department's determination in compliance with Section 35.470.050 (Initial Application Review) that an application is complete for processing to:

- (a) Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.
 - (b) The applicant.
 - (c) The owner of the subject lot, if different from the applicant.
 - (d) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - (e) Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with Chapter 35.444 (Telecommunications Facilities).
 - (f) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
 - (g) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
- (2) **Notice of public hearing or review authority action/pending decision.**
Notice of public hearing or review authority action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.(1), above, except as follows for Land Use Permit applications and Modification applications that are subject to Design Review.
- (a) If a Land Use Permit or Modification application is subject to Design Review in compliance with Section 35.472.070 (Design Review), notice shall be made at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review including conceptual review.

- (3) **Optional notice to more than 1,000 owners of property.** If the number of owners to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide the notice required by Subsections A.1.a and A.1.b.(2), above, by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days before the scheduled hearing or action.
- ~~e. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).~~
- ~~ed. **Contents of notice.** The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.~~
- ~~ed. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.~~
2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:
 - a. **Posted notice.** The applicant shall post a notice of a public hearing or review authority action/pending decision in compliance with the following:
 - (1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - (2) The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications that are under the jurisdiction of the Montecito Planning Commission or Board of Supervisors, the notice shall be a minimum of two feet tall by three feet wide:
 - ~~(a) Applications for development that require the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).~~
 - ~~(b) Applications for development that require the approval of a Development Plan in compliance with Section 35.472.080 (Development Plans).~~
 - ~~(c) Applications for legislative actions under the jurisdiction of the Board as the designated review authority in compliance with Table 7-1 (Review Authority) of Chapter 35.470 (Permit Application Filing and Processing).~~
 - (3) Said notice shall be posted by the applicant:

- (a) At least 10 days before the scheduled public hearing or review authority action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.
 - (b) If the application is determined to be subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.
- (4) The notice shall be required to be continuously posted from the date required by Subsection A.2.a.(3) above until at least 10 days following an action of the review authority to approve, conditionally approve, or deny the application, including an action on an appeal of the decision of the review authority.
- (5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled initial public hearing or action by the review authority. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the review authority.

SECTION 71:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.496.050, Land Use Permits, of Chapter 35.496, Notice and Public Hearings, is hereby deleted in its entirety and reserved for future use.

SECTION 72:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.496.060, Design Review, of Chapter 35.496, Notice and Public Hearings, is hereby deleted in its entirety and reserved for future use.

SECTION 73:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.496.070, Emergency Permits, of Chapter 35.496, Notice and Public Hearings, is hereby amended to read as follows:

35.496.070 Emergency Permits

- A. **Minimum requirements.** Notice of the application for an Emergency Permit shall be given in compliance with the following:
1. The Department shall provide mailed notice of applications for Emergency Permits to all owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 2. The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
 3. The Department shall also conspicuously post a notice in ~~three~~one locations on the subject lot.
 4. The mailing or posting of notice is not required to precede the actual commencement of the emergency work.

SECTION 74:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.496.075, Time Extensions Under the Jurisdiction of the Director, of Chapter 35.496, Notice and Public Hearings, is hereby deleted in its entirety and reserved for future use.

SECTION 75:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.496.080, Contents of Notice, of Chapter 35.496, Notice and Public Hearings, is hereby amended to read as follows:

35.496.080 Contents of Notice

- A. ~~All Notices for all projects.~~ The following shall be included in all notices required to be provided by the Department in compliance with this Section ~~not including notices that are required to be posted by applicant.~~
1. The date of filing of the application and the name of the applicant.
 2. The Department case number assigned to the application.
 3. The name of the Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.
 4. A general description of the project and its location.
- B. **Notice for projects that require a public hearing or discretionary review authority action.**
~~The~~ In addition to the information required to be included in all notices pursuant to

Subsection A (All Notices), above, the following shall be included in all notices required to be provided by the Department for projects that require a public hearing or discretionary action by a review authority~~not including notices that are required to be posted by applicant.~~

~~1. All information required by Subsection A (Notice for all projects) above.~~

~~21.~~ The place, date, and general time of the hearing at which the project will be heard by the review authority, if the action requires a public hearing. If the project does not require a public hearing, then only the date of pending action of the review authority is required.

~~32.~~ A general description of the County procedures concerning the conduct of public hearings and actions, including the submission of public comments either in writing or orally before the hearing or decision, and requirements regarding the procedure to appeal the decision.

- C. **Notice for projects that do not require a public hearing or discretionary review authority action.** In addition to the information required to be included in all notices pursuant to Subsection A (All Notices) above, the~~The following shall be included in all notices required to be provided by the Department for projects that do not require a public hearing or discretionary action by a review authority~~~~not including notices that are required to be posted by applicant.~~

~~1. All information required by Subsection A (Notice for all projects) above.~~

~~21.~~ A general description of the County procedures concerning the review of the application, including:

- a. How to participate in the review of the application;
- b. How to receive notification of any pending ~~review in compliance with Section 35.472.070 (Design Review)~~ Design Review, if applicable, or action to approve, conditionally approve, or deny the application;
- c. How to submit comments either in writing or orally before review by the Montecito Board of Architectural Review, if applicable, or action to approve, conditionally approve, or deny the application; and
- d. Requirements regarding the procedure to appeal the decision of the Montecito Board of Architectural Review, or action by the Director to approve, conditionally approve, or deny the application.

~~32.~~ If applicable, the date of the pending action on the application and the date of expiration of the appeal period.

SECTION 76:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.498.010, Purpose and Intent, of Chapter 35.498, Enforcement and Penalties, is hereby amended to read as follows:

35.498.010 Purpose and Intent

This Chapter establishes provisions which are intended to ensure compliance with the requirements of this Development Code and any conditions of a ~~Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, Zoning Clearance or any other permit or~~ other approval, to promote the County's planning efforts, and for the protection of the public health, safety, and welfare of the County.

SECTION 77:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.498.090, Penalty for Violations of Conditions, of Chapter 35.498, Enforcement and Penalties, is hereby amended to read as follows:

35.498.090 Penalty for Violations of Conditions

- A. **Compliance with conditions required.** If any portion of a privilege authorized by a ~~Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, or any other permit approved~~ any permit or approval granted in compliance with this Development Code is utilized, the conditions of said permit shall immediately become effective and shall be strictly complied with.
- B. **Violation of conditions subject to penalty.** The violation of any valid condition imposed by the review authority in connection with the granting of any ~~Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, or any other permit approved~~ permit or approval in compliance with this Development Code, shall constitute a violation and shall be subject to the same penalties as defined in this Chapter.
- C. ~~**Temporary suspension of compliance in order to protect public health and/or to support economic recovery from the impacts of COVID-19.**~~ In order to protect public health and support the reopening of the Santa Barbara County in a manner that effectively limits the spread of COVID-19 by allowing for the use of outdoor areas to ensure that physical distancing and/or other public health requirements can be met and to provide other forms of relief to support economic recovery from the impacts of COVID-19, the following provisions apply for the temporary time period specified below.

- ~~1. **Temporary time period.** Subsections 35.474.030.D.7, 35.474.040.F, 35.491.020.B.4, and 35.498.090.C (ordinance amendments related to COVID-19) shall take effect on June 16, 2020 and shall expire the earlier of October 31, 2023 or when the COVID-19 provisions (Sections 35.474.030.D.7, 35.474.040.A.1, 35.474.040.F, 35.491.020.B.4, and 35.498.090.C) are terminated by ordinance amendment.~~
 - ~~a. The expiration date of these temporary amendments may be extended or revised by the Board of Supervisors by adoption of future ordinance amendments. Unless otherwise extended or amended by the Board, upon expiration this ordinance, shall be repealed and shall be of no further force or effect.~~
- ~~2. **Development standards.** For approved projects, this section authorizes the temporary suspension of compliance with the project description and/or conditions of approval related to the following standards provided the requirements of Subsection C.3, below, are met:~~
 - ~~a. Setbacks.~~
 - ~~b. Site coverage maximums.~~
 - ~~c. Minimum open space.~~
 - ~~d. Parking and loading standards.~~
 - ~~e. Signs.~~
 - ~~f. The requirement that uses shall occur within a completely enclosed building.~~
 - ~~g. Restrictions on uses in the right of way.~~
 - ~~h. Other development standards as determined to be necessary by the Director for the protection of public health related to COVID-19 and/or to support economic recovery from the impacts of COVID-19.~~
- ~~3. **Requirements.** To be eligible for the temporary suspension of compliance, all of the following requirements must be met:~~
 - ~~a. The temporary changes to an approved project that render the project unable to strictly comply with its project description, conditions of approval, and/or the development standards listed in Subsection C.2, above, are necessary to ensure physical distancing and/or comply with other public health requirements put in place by federal, State, or local public health officials to limit the spread of COVID-19, and/or support economic recovery from the impacts of COVID-19.~~
 - ~~b. The owner/applicant must follow all applicable State and local directives regarding reopening of businesses or community entities during the COVID-19 pandemic response, including certification or attestation and COVID-19 protection plan. Public health restrictions related to COVID-19 are subject to rapid change and nothing in this Subsection C is intended, nor shall it be construed, to allow~~

~~approved projects to operate in violation of any federal, State, or local public health orders, rules, or regulations.~~

- ~~c. The project otherwise complies with its project description, conditions of approval, applicable development standards, and Comprehensive Plan policies.~~
- ~~d. Any State or local permit or approval required by regulations other than this Development Code is obtained (e.g., a business purposes encroachment permit, health permit, alcoholic beverage control license, fire department authorization).~~
- ~~e. The approved project is non residential.~~
- ~~f. The use does not occur within environmentally sensitive habitat. No native vegetation or environmentally sensitive habitat would be removed to accommodate the use of outdoor areas.~~
- ~~g. No permanent structures are proposed, constructed, or erected (temporary coverings, such as canopies or umbrellas, to shade occupants from the sun and/or weather are allowed).~~

~~4. Enforcement.~~

- ~~a. If a completed checklist, revised site plan, photos, and description of proposal are not submitted pursuant to Subsection 35.474.040.A.1, or upon submittal the Director determines, in the Director's sole discretion, that the requirements of Subsection C.3, above, are not satisfied, the Director may notify the owner/applicant that the suspension of compliance to protect public health and/or support economic recovery from the impacts of COVID 19 are not applicable and the Director may initiate enforcement action. The Director's action is not subject to appeal.~~
- ~~b. If a completed checklist, revised site plan, photos, and description of proposal are submitted pursuant to Section 35.474.040.A.1 and the requirements of Subsection C.3, above, are met, as determined in the sole discretion of the Director, strict compliance to the applicable portions of the project description, conditions of approval, and/or the development standards listed in Subsection 2, above, is not required and the temporary changes to the project shall not constitute a violation subject to penalties, for the time period specified in Subsection C.1, above. The Director's action is not subject to appeal.~~

SECTION 78:

DIVISION 35.10, Glossary, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, is hereby amended change the definitions of “Dwelling, Multiple”, “Home Occupation”, “Public Open Space”, and “Common

Open Space”; add a definitions of “Specimen Tree”; and delete the definitions of “Determination, Use”, and “Modular Home” as follows:

~~Determination, Use.~~ ~~An action by the Montecito Commission determining and/or finding that a use not identified as a permitted use in a specific zone is similar in nature and/or character to the other permitted uses in that zone and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, traffic congestion, danger to life and property, or other similar causes, and is therefore also considered a permitted use.~~

Dwelling, Multiple. A building, group of buildings, or portion of a building, designed for and occupied exclusively by three or more families, and containing three or more dwellings. Includes duplexes (if multiple), triplexes, apartment houses, apartment hotels, condominiums, community apartment projects, flats, rowhouses, and townhouses in different arrangements, but does not include organizational houses, trailer courts or camps, motels, hotels or resort type hotels.

Home Occupation. A commercial activity conducted as accessory to a residential dwelling unit in compliance with Section 35.442.130 (Home Occupations)~~entirely within the dwelling portion of a dwelling by residents of the dwelling, or conducted entirely within an artist studio by a person residing in a dwelling on the same lot.~~

~~Modular Home.~~ ~~A dwelling unit constructed in whole or in part of prefabricated material or components to be assembled onsite and affixed to a permanent foundation, subject to the requirements of the Uniform Building Code.~~

Open Space.

1. **Public Open Space.** Outdoor areas, under either private or public land ownership, which are dedicated as being open to public use and provide for active or passive recreation.~~Public open space includes public parks, recreational support facilities (e.g., restrooms, stairways, picnic tables), public parking lots, beaches, access corridors such as bike paths, hiking, or equestrian trails, usable natural areas, and vista points that are accessible to members of the general public. Environmentally sensitive habitat areas and archaeological sites may be included in public open space. Water bodies such as streams, ponds, and lakes may be included in public open space only if available for active recreational purposes (e.g., swimming, boating, fishing) but in no case shall water bodies be credited for more than five percent of the total public open space requirement. Public open space shall not include areas which are unusable for recreational purposes (e.g., private or public streets, private parking lots, hazardous areas such as steep slopes and bluff faces).~~
2. **Common Open Space.** Common open space includes recreational areas and facilities for the use of the residents or guests of a development. These areas and facilities typically consist 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. include tennis courts, swimming pools, playgrounds, community gardens, landscaped areas for common use, or other open areas of the site needed for the protection of the habitat, archaeological, scenic, or other resources. Water bodies may be included but shall not be credited for more than five percent of the total common open space requirement. Common open space shall not include driveways, public or private streets, parking lots, private patios and yards, other developed areas or hard surfaced walkways.

3. **Private Open Space.** Private open space includes patios, decks, and yards for the private use of the residents of individual dwelling units.

Specimen Tree. Native trees and other trees having unusual scenic or aesthetic quality, serving as known raptor nesting or key roosting sites, having important historical value, are unique due to species type or location, or serving as an important biological resource.

SECTION 79:

APPENDIX B, Guidelines for Minor Changes to Land Use Permits, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows:

APPENDIX B

GUIDELINES FOR MINOR CHANGES TO LAND USE PERMITS, DESIGN REVIEWS, AND ZONING CLEARANCES

The following guidelines shall be used by the Director to determine if a minor change to an approved or issued Land Use Permit, Design Review, or Zoning Clearance can be allowed without requiring a new permit, review, or clearance.

1. The proposed change would otherwise be exempt from Design Review pursuant to Section 35.472.070 (Design Review) and would not be counter to design direction provided by the prior Design Review approval.
2. The change would not result in an increase in square footage greater than 10 percent of the total square footage of the original approval or 300 square feet, whichever is less, measured cumulatively from the original approval.~~The proposed change would otherwise be exempt from a Land Use Permit pursuant to Section 35.420.040 (Exemptions from Planning Permit Requirements).~~
3. Any increase in grading does not result in the change of approved topography or an increase greater than 10 percent of the total grading of the original approval.~~The project has not been the subject of substantial public controversy or interest and there is no reason to believe that the proposed change has the potential to create substantial controversy.~~
4. No more than 12 months have passed since final occupancy of the approved project.

45. The change does not increase the height of the roof ridgeline by more than 10 percent.
- ~~5. The change would not be counter to design direction provided by the Montecito Board of Architectural Review.~~
6. If the site is one acre or less, the footprint of the structure may not be moved more than five percent closer to the property line. If the site is more than one acre, the footprint of the structure may not be moved more than 10 percent closer to the property line.
7. The change does not result in the removal of a specimen trees.
- ~~8. The change does not affect easements for trails, public access, or open space.~~
98. The change does not increase the required number of parking spaces.

If the proposed "minor" change does not conform to the guidelines identified above, the applicant should apply for a new planning permit, review, or clearance.

SECTION 80:

APPENDIX D, Substantial Conformity Determination Guidelines, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows:

APPENDIX D SUBSTANTIAL CONFORMITY DETERMINATION GUIDELINES

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

Procedure:

1. Applicant obtains an application for a Substantial Conformity Determination at the Department and pays applicable fees which may vary depending on the complexity of the request.
2. The Department reviews the project description that was considered at the time of project approval.
3. The Department considers key issues:
~~Has the project been the subject of substantial public controversy, or is there reason to believe the change is likely to create substantial public controversy?~~
a. Will the deviation result in a change to the project that would alter the scope and intent of the project the review authority acted on?
~~Would the deviation alter the public's perception of the project?~~

b. Would the deviation result in environmental effects not analyzed or discussed at the time of project approval and/or result in the need for additional mitigation measures? Or, if the project was not subject to CEQA, would the deviation potentially result in an environmental effect or need for mitigation measures?

If the answer to any of these basic questions is "yes", the Director cannot make a determination of substantial conformity.

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 ~~proposed~~ can be effectuated through existing permit conditions or standard conditions of approval.
 - ~~e. That the impacts and changes do not alter the findings that the benefits of the project outweigh the significant unavoidable environmental effects made in connection with the original approval.~~
 - ~~f. Does~~ Generally, the proposed changes do not result in an increase of in square footage greater than 10 percent of the total square footage of the original approval or 1,000 sq. ft. or more than 10 percent of building coverage of new structures over total project approvals square feet, whichever is less, measured cumulatively from the original approval.
 - ~~g.~~ 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.
 - ~~h.~~ 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.
 - ~~i.~~ Is consistent with Comprehensive plan policies and Montecito Land Use and Development Code requirements.
 - ~~j.~~ Does not result in more than 1,500 cubic yards of net cut and/or fill, and avoids slopes of 30 percent 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.

- ~~kj.~~ 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.
 - ~~kl.~~ 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.
 - ~~ml.~~ Receives Design Review approval for landscaping and structures, if necessary.
 - ~~nm.~~ Does not result in a significant intensification of use; ~~e.g., no new employees, no increases in traffic, if these were important to the previous environmental/policy analysis.~~
 - ~~on.~~ Does not affect easements for trails, public access, or open space.
5. Depending on the degree of complexity for a substantial conformity determination request, the Department takes action as follows:
- a. If a Substantial Conformity Determination request is minor, ~~e.g., no additional conditions are required, is not controversial, does not alter the intent of the decision-makers action,~~ the Director issues the Land Use Permit Zoning Clearance.
 - b. The Department prepares a letter outlining the changes to be made and why they are being approved. The letter must be reviewed and signed by the Director.
6. If a Substantial Conformity Determination cannot be made regarding changes to a project, the applicant may:
- a. Withdraw the request and continue with the project as approved; or
 - b. ~~Submit an application for a Substantial Conformity Determination to the review authority for the original permit to which the Substantial Conformity Determination is requested, or a~~ Apply for an Amendment or Revision of the original permit.
7. Substantial Conformity Determinations are made by the review authority for the original permit if the conditions of that permit so require.

SECTION 81:

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

SECTION 82:

Except as amended by this ordinance, Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 83:

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that nay one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 84:

If legislation is enacted which would supersede or preempt any section or subsection of this ordinance then the Board of Supervisors deems that section or subsection null and void and this ordinance shall remain in full force and effect without said section or subsection.

SECTION 85:

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 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 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 _____, 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

LAURA CAPPS, 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:

RACHEL VAN MULLEM
COUNTY COUNSEL

By _____
Deputy County Counsel