

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 06/26/03
Department Name: County Counsel
Department No.: 0710
Agenda Date: 07-01-03
Placement: Departmental
Estimate Time: 30 Minutes
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Stephen Shane Stark, County Counsel
Mary Ann Slutzky, Deputy County Counsel

STAFF CONTACT: Mary Ann Slutzky (x-2950)

SUBJECT: Interim Ordinances pursuant to Government Code Section 65858 to Add Development Standards for Detached Residential Second Units for Article II, Coastal Zoning Ordinance, Article III, Inland Zoning Ordinance, and Article IV, Montecito Zoning Ordinance

- Recommendation(s):**
- A. Find that the ordinances are statutorily exempt from environmental review pursuant to CEQA Guidelines § 15282(i);
 - B. Adopt the attached Interim Ordinances and associated findings;

Executive Summary and Discussion: This matter involves AB1866, which requires that, as of July 1, 2003, upon application for a residential second unit, such application must be considered ministerially, without discretionary review or hearing. The County is currently developing amendments to the residential second unit regulations; these amendments will not be ready for adoption until September.

On June 23, 2003, County Counsel indicated it would return to the Board on July 1, 2003 with interim ordinances which impose additional development standards on applications for detached residential second units located in front yards. These development standards are necessary to protect the residential character of residential zone districts by providing restrictions on Residential Second Units in the front yard pending the adoption of the proposed amendments.

The interim ordinances may be adopted pursuant to Government Code § 65858. Government Code § 65858 requires a four-fifths vote of the Board for adoption. They are 45-day ordinances which expire on August 14, 2003. They may be extended, after proper notice pursuant to Government Code § 65090 and public hearing, for 10 months and 15 days and subsequently may be extended for one year. Any extension also requires a four-fifths vote for adoption.

Mandates and Service Levels: None.

Fiscal and Facilities Impacts: None.

Special Instructions:

Concurrence: N/A.

Attachments: (a) Interim Ordinance, Article II; (b) Interim Ordinance, Article III; (c) Interim Ordinance, Article IV

ORDINANCE NO. _____

AN INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF SANTA BARBARA, STATE OF CALIFORNIA,
AMENDING ARTICLE II CHAPTER 35 SECTION 35-142A.6 OF THE
SANTA BARBARA COUNTY CODE, COASTAL ZONING ORDINANCE TO ADD
DEVELOPMENT STANDARDS TO THE RESIDENTIAL SECOND UNIT
REGULATIONS.

FINDINGS:

WHEREAS, AB1866 requires that as of July 1, 2003 upon application for a residential second unit, such application shall be considered ministerially without discretionary review or hearing, and

WHEREAS, the County is developing amendments to its second unit regulations, and

WHEREAS, without the discretionary review which is currently required, approval of a detached residential second unit between the primary dwelling and the abutting street presents a current and immediate threat to the public welfare, and

WHEREAS, such approval without development standards would undermine the residential character of residential zone districts and would result in a threat to public welfare, and

WHEREAS, the existing development standards have discretionary provisions which are prohibited by AB1866;

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

SECTION 1. Chapter 35 Section 35-142A.6 of the Santa Barbara County Code, Article II, the Coastal Zoning Ordinance, is hereby amended to read as follows:

35-142A.6 Development Standards

The following standards shall apply to all Detached Residential Second Units.

1. Except as herein provided the Detached Residential Second Unit shall be consistent with the provisions of the applicable base zone district and the goals, policies and development standards of the Comprehensive Plan. Pursuant to Government Code § 65852.2(a)(4), the County finds that Detached Residential Second Units are consistent with the allowable density and with the Comprehensive Plan designation and zoning district provided the units are located on properties zoned R-1, E-1, EX-1, RR-5, RR-10, RR-15, RR-20, AG-I-5, AG-I-10 and AG-I-20.

2. The lot shall contain an existing single family dwelling at the time an application for a Detached Residential Second Unit is submitted, or the application for the second unit shall be in conjunction with the principal unit.
3. The owner of the lot shall reside on said lot, either in the principal structure or in the Detached Residential Second Unit. The owner-occupant shall sign a recorded agreement with the County of Santa Barbara requiring that the owner reside on the property. Upon resale of the property, the new owner shall reside on the property or the use of the Detached Residential Second Unit shall be discontinued and the second unit shall be removed or converted to a legal use.
4. The gross floor area of a Detached Residential Second Unit shall not exceed one thousand (1000) square feet.
5. Existing second units built and first occupied prior to December 16, 1993 of up to twelve hundred (1200) square feet may be approved as provided above in Sec. 35-142A.5.3.
6. The total gross floor area of all covered structures, including a Detached Residential Second Unit, shall not exceed forty percent (40%) of the gross lot area.
7. A Detached Residential Second Unit shall not exceed 16 feet in height. The second unit may be permitted as part of another detached structure, provided that the height of the second unit shall not exceed 16 feet and that the height of the entire structure shall not exceed 25 feet.
8. A Detached Residential Second Unit shall not be permitted on a lot in addition to a guest house, dwellings other than the primary dwelling determined to be non-conforming as to use, or farm employee housing. If a Detached Residential Second Unit exists or has current approval on a lot, a guest house or similar structure may not also be approved unless the Detached Residential Second Unit is removed.
9. A Detached Residential Second Unit shall contain its own kitchen and bathroom facilities.
10. As an advisory, the County Building & Safety Division will require that the Detached Residential Second Unit shall be equipped with approved smoke detectors conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in an area giving access to rooms used for sleeping purposes.
11. In addition to the required parking for the principal structure, a minimum of one off-street parking space shall be provided for each bedroom in the Detached Residential Second Unit; studio units shall provide one off-street space. The additional parking shall be provided as specified in the base zone

district and in DIVISION 6, PARKING REGULATION. The Manager may grant modifications to allow the additional parking required by these provisions to be located within the setbacks based on a finding that, because of the topography of the site and the location of the principal structure on the site, the setback requirements cannot be met. In no case shall the required number of additional parking spaces for new units be reduced, nor shall any modification be granted to allow parking within the front setback area.

12. The Zoning Administrator may grant a modification to reduce the off-street parking requirement by one space for existing units with two or more bedrooms, provided that such units were built and first occupied prior to December 16, 1993. It is the responsibility of the applicant to provide sufficient evidence to Planning & Development documenting the date on which the second unit was first occupied. See Section 35-142A.10 (Expiration) for the termination date of this ability to make modifications.
13. If the principal structure is currently serviced by a public sewer or water district or an existing mutual water company, not subject to moratorium for new connections, the Detached Residential Second Unit shall be serviced by the appropriate district or company. If the principal structure is currently serviced by a water district or an existing water company subject to a moratorium for new connection, or if the existing service is by a private well or private water company, and if the property is not located in an overdrafted water basin, the Detached Residential Second Unit may be served by a private well or private water company subject to Health Department review and approval. If the principal structure is currently serviced by a public sewer district subject to moratorium for new connections, or if the existing service is by a private septic system, the Detached Residential Second Unit may be served by a private septic system subject to Health Department review and approval. Where public sewer or water service is available, the Detached Residential Second Unit shall be required to be serviced by the appropriate district.
14. If public services are required, prior to approval of the Coastal Development Permit by the Director, the applicant of the Detached Residential Second Unit shall be required to provide documentation from the appropriate public service providers that water and sewer service will be provided.
15. Upon approval of a Detached Residential Second Unit on a lot, the lot shall not be further divided unless there is adequate land area to divide the lot consistent with the applicable Comprehensive Plan designation and zone district.
- ~~16. The development of a Detached Residential Second Unit shall avoid or minimize significant impacts to biological resources to the maximum extent feasible. The development of a Detached Residential Second Unit shall be consistent with all applicable policies and procedures of the Local Coastal Program, including, but not limited to, the following~~

- ~~a. Site development shall include adequate buffers from sensitive habitats; and,~~
- ~~b. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible.~~

- ~~17.16.~~ The Detached Residential Second Unit shall not be sold or financed separately from the principal structure.
- ~~18.17.~~ The Detached Residential Second Unit shall avoid prime soils and where there are no prime soils, be sited so as to minimize impacts to ongoing farm related activities.
- ~~19.18.~~ Where there are conflicts between the standards set forth in this Section and those set forth in the specific district regulations, the provisions of this Section shall prevail provided that coastal resources are not compromised.
- ~~20.19.~~ Prior to the issuance of zoning clearance for a Detached Residential Second Unit, the applicant shall pay to the County of Santa Barbara Parks Department a fee for the purpose of providing park and recreational facilities to serve the Detached Residential Second Unit. The amount of this fee shall be determined as specified in Board Resolution 88-328, or any subsequent amendment.
- ~~21.20.~~ The Zoning Administrator may add other conditions, consistent with general law and applicable State and County standards, as necessary to preserve the health, safety, welfare and character of the residential neighborhood provided that such conditions do not conflict with applicable policies and provisions of the Local Coastal Program.
21. A detached residential second unit shall not be located closer to an abutting street than the principal dwelling unless approved by the Board of Architectural Review in order to ensure that the unit will be compatible with the existing residential character of the neighborhood.
22. The exterior appearance and architectural style of the residential second unit shall reflect that of the principal dwelling, and shall use the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.

SECTION 2. Except as amended by this ordinance, Section 35-142A.6 of Article II of Chapter 35 of the Code of Santa Barbara County shall remain unchanged and in full force and effect.

SECTION 3. Urgency Clause. The Board of Supervisors declares that it is necessary for the public welfare, health or safety for this ordinance to go into effect immediately because of the urgent need to protect the integrity and character of residential neighborhoods pending the adoption of development standards to regulate residential second units. It shall be of no further force or effect 45 days from its date of adoption unless, after notice pursuant to Government Code §65090, the Board of Supervisors adopts an extension thereof.

SECTION 4. Publication and Effective Date. This ordinance shall take effect immediately under Government Code Section 65858. Before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Santa Barbara.

PASSED AND ADOPTED by the Board of Supervisors of Santa Barbara County, State of California, this ____ day of _____, 2003, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

ATTEST: MICHAEL F. BROWN
Clerk of the Board

COUNTY OF SANTA BARBARA

By _____
Deputy

By _____
Chair, Board of Supervisors

APPROVED AS TO FORM:
STEPHEN SHANE STARK
County Counsel

By _____

ORDINANCE NO. _____

AN INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF SANTA BARBARA, STATE OF CALIFORNIA,
AMENDING ARTICLE III CHAPTER 35 SECTION 35-291A.6 OF THE
SANTA BARBARA COUNTY CODE, INLAND ZONING ORDINANCE TO ADD
DEVELOPMENT STANDARDS TO THE RESIDENTIAL SECOND UNIT
REGULATIONS.

FINDINGS:

WHEREAS, AB1866 requires that as of July 1, 2003 upon application for a residential second unit, such application shall be considered ministerially without discretionary review or hearing, and

WHEREAS, the County is developing amendments to its second unit regulations, and

WHEREAS, without the discretionary review which is currently required, approval of a detached residential second unit between the primary dwelling and the abutting street presents a current and immediate threat to the public welfare, and

WHEREAS, such approval without development standards would undermine the residential character of residential zone districts and would result in a threat to public welfare, and

WHEREAS, the existing development standards have discretionary provisions which are prohibited by AB1866;

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

SECTION 1. Chapter 35 Section 35-291A.6 of the Santa Barbara County Code, Article III, the Inland Zoning Ordinance, is hereby amended to read as follows:

35-291A.6 Development Standards

The following standards shall apply to all Detached Residential Second Units.

1. Except as herein provided the Detached Residential Second Unit shall be consistent with the provisions of the applicable base zone district and the goals, policies and development standards of the Comprehensive Plan. Pursuant to Government Code § 65852.2(a)(C), the County finds that Detached Residential Second Units are consistent with the allowable density and with the Comprehensive Plan designation and zoning district provided the units are located on properties zoned R-1, E-1, EX-1, RR-5, RR-10, RR-15, RR-20, AG-I-5, AG-I-10 and AG-I-20.

2. The lot shall contain an existing single family dwelling at the time an application for a Detached Residential Second Unit is submitted, or the application for the second unit shall be in conjunction with the principal unit.
3. The owner of the lot shall reside on said lot, either in the principal structure or in the Detached Residential Second Unit. The owner-occupant shall sign a recorded agreement with the County of Santa Barbara requiring that the owner reside on the property. Upon resale of the property, the new owner shall reside on the property or the use of the Detached Residential Second Unit shall be discontinued and the second unit shall be removed or converted to a legal use.
4. The gross floor area of a Detached Residential Second Unit shall not exceed one thousand (1000) square feet.
5. Existing second units built and first occupied prior to December 16, 1993 of up to twelve hundred (1200) square feet may be approved as provided above in Sec. 35-291A.5.2 and Sec. 35-291A.5.3.
6. The total gross floor area of all covered structures, including a Detached Residential Second Unit, shall not exceed forty percent (40%) of the gross lot area.
7. A Detached Residential Second Unit shall not exceed 16 feet in height. The second unit may be permitted as part of another detached structure, provided that the height of the second unit shall not exceed 16 feet and that the height of the entire structure shall not exceed 25 feet.
8. A Detached Residential Second Unit shall not be permitted on a lot in addition to a guest house, dwellings other than the primary dwelling determined to be non-conforming as to use, or farm employee housing. If a Detached Residential Second Unit exists or has current approval on a lot, a guest house or similar structure may not also be approved unless the Detached Residential Second Unit is removed.
9. A Detached Residential Second Unit shall contain its own kitchen and bathroom facilities.
10. As an advisory, the County Building & Safety Division will require that the Detached Residential Second Unit shall be equipped with approved smoke detectors conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in an area giving access to rooms used for sleeping purposes.
11. In addition to the required parking for the principal structure, a minimum of one off-street parking space shall be provided for each bedroom in the Detached Residential Second Unit; studio units shall provide one off-street space. The additional parking shall be provided as specified in the base zone

district and in DIVISION 6, PARKING REGULATION. The Director may grant modifications to allow the additional parking required by these provisions to be located within the setbacks based on a finding that, because of the topography of the site and the location of the principal structure on the site, the setback requirements cannot be met. In no case shall the required number of additional parking spaces for new units be reduced, nor shall any modification be granted to allow parking within the front setback area.

12. The Zoning Administrator may grant a modification to reduce the off-street parking requirement by one space for existing units with two or more bedrooms, provided that such units were built and first occupied prior to December 16, 1993. It is the responsibility of the applicant to provide sufficient evidence to Planning and Development documenting the date on which the second unit was first occupied. See Sec. 35-291.9 (Expiration) for the termination date of this ability to make modifications.
13. If the principal structure is currently serviced by a public sewer or water district or an existing mutual water company, not subject to moratorium for new connections, the Detached Residential Second Unit shall be serviced by the appropriate district or company. If the principal structure is currently serviced by a water district or an existing water company subject to a moratorium for new connection, or if the existing service is by a private well or private water company, and if the property is not located in an overdrafted water basin, the Detached Residential Second Unit may be served by a private well or private water company subject to Health Department review and approval. If the principal structure is currently serviced by a public sewer district subject to moratorium for new connections, or if the existing service is by a private septic system, the Detached Residential Second Unit may be served by a private septic system subject to Health Department review and approval. Where public sewer or water service is available, the Detached Residential Second Unit shall be required to be serviced by the appropriate district.
14. If public services are required, prior to approval of the Coastal Development Permit by the Director, the applicant of the Detached Residential Second Unit shall be required to provide documentation from the appropriate public service providers that water and sewer service will be provided.
15. Upon approval of a Detached Residential Second Unit on a lot, the lot shall not be further divided unless there is adequate land area to divide the lot consistent with the applicable Comprehensive Plan designation and zone district.
- ~~16. The development of a Detached Residential Second Unit shall avoid or minimize significant impacts to biological resources to the maximum extent feasible as follows:~~
 - ~~a. Site development shall include buffers from sensitive habitats; and~~

~~b. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible.~~

4716. The Detached Residential Second Unit shall not be sold or financed separately from the principal structure.

~~18.~~17. The Detached Residential Second Unit shall avoid prime soils and where there are no prime soils, be sited so as to minimize impacts to ongoing farm related activities.

~~19.~~18. Where there are conflicts between the standards set forth in this Section and those set forth in the specific district regulations, the provisions of this Section shall prevail.

~~20.~~19. Prior to the issuance of zoning clearance for a Detached Residential Second Unit, the applicant shall pay to the County of Santa Barbara Parks Department a fee for the purpose of providing park and recreational facilities to serve the Detached Residential Second Unit. The amount of this fee shall be determined as specified in Board Resolution 88-328, or any subsequent amendment.

~~21. The Zoning Administrator may add other conditions, consistent with general law and applicable State and County standards, as necessary to preserve the health, safety, welfare and character of the residential neighborhood.~~

20. A detached residential second unit shall not be located closer to an abutting street than the principal dwelling unless approved by the Board of Architectural Review in order to ensure that the unit will be compatible with the existing residential character of the neighborhood.

21. The exterior appearance and architectural style of the residential second unit shall reflect that of the principal dwelling, and shall use the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.

SECTION 2. Except as amended by this ordinance, Section 35-291A.6 of Article III of Chapter 35 of the Code of Santa Barbara County shall remain unchanged and in full force and effect.

SECTION 3. Urgency Clause. The Board of Supervisors declares that it is necessary for the public welfare, health or safety for this ordinance to go into effect immediately because of the urgent need to protect the integrity and character of residential neighborhoods pending the adoption of development standards to regulate residential second units. It shall be of no further force or effect 45 days from its date of adoption

unless, after notice pursuant to Government Code §65090, the Board of Supervisors adopts an extension thereof.

SECTION 4. Publication and Effective Date. This ordinance shall take effect immediately under Government Code Section 65858. Before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Santa Barbara.

PASSED AND ADOPTED by the Board of Supervisors of Santa Barbara County, State of California, this _____ day of _____, 2003, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

ATTEST: MICHAEL F. BROWN
Clerk of the Board

COUNTY OF SANTA BARBARA

By _____
Deputy

By _____
Chair, Board of Supervisors

APPROVED AS TO FORM:
STEPHEN SHANE STARK
County Counsel

By _____

ORDINANCE NO. _____

AN INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF SANTA BARBARA, STATE OF CALIFORNIA,
AMENDING ARTICLE IV CHAPTER 35 SECTION 35-470A.6 OF THE
SANTA BARBARA COUNTY CODE, MONTECITO ZONING ORDINANCE TO
ADD DEVELOPMENT STANDARDS TO THE RESIDENTIAL SECOND UNIT
REGULATIONS.

FINDINGS:

WHEREAS, AB1866 requires that as of July 1, 2003 upon application for a residential second unit, such application shall be considered ministerially without discretionary review or hearing, and

WHEREAS, the County is developing amendments to its second unit regulations, and

WHEREAS, without the discretionary review which is currently required, approval of a detached residential second unit between the primary dwelling and the abutting street presents a current and immediate threat to the public welfare, and

WHEREAS, such approval without development standards would undermine the residential character of residential zone districts and would result in a threat to public welfare, and

WHEREAS, the existing development standards have discretionary provisions which are prohibited by AB1866;

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

SECTION 1. Chapter 35 Section 35-470A.6 of the Santa Barbara County Code, Article IV, the Montecito Zoning Ordinance, is hereby amended to read as follows:

35-470A.6 Development Standards

The standards shall apply to all Detached Residential Second Units.

1. Except as herein provided the Detached Residential Second Unit shall be consistent with the provisions of the applicable base zone district and the goals, policies and development standards of the Comprehensive Plan. Pursuant to Government Code § 65852.2(a)(C), the County finds that Detached Residential Second Units are consistent with the allowable density and with the Comprehensive Plan designation and zoning district provided the units are located on properties zoned 5-E-1 or 10-E-1.
2. The lot shall contain an existing single family dwelling at the time an application for a Detached Residential Second Unit is submitted, or the application for the second unit shall be in conjunction with the principal unit.

3. The owner of the lot shall reside on said lot, either in the principal structure or in the Detached Residential Second Unit. The owner-occupant shall sign a recorded agreement with the County of Santa Barbara requiring that the owner reside on the property. Upon resale of the property, the new owner shall reside on the property or the use of the Detached Residential Second Unit shall be discontinued and the second unit shall be removed or converted to a legal use.
4. The gross floor area of a Detached Residential Second Unit shall not exceed one thousand (1000) square feet.
5. Existing second units built and first occupied prior to December 16, 1993 of up to twelve hundred (1200) square feet may be approved as provided above in Sec. 35-470A.5.c.
6. The total gross floor area of all covered structures, including a Detached Residential Second Unit, shall not exceed forty percent (40%) of the gross lot area.
7. A Detached Residential Second Unit shall not exceed 16 feet in height. The second unit may be permitted as part of another detached structure, provided that the height of the second unit shall not exceed 16 feet and that the height of the entire structure shall not exceed 25 feet.
8. The Detached Residential Second Unit shall have a separate entrance.
9. A Detached Residential Second Unit shall not be permitted on a lot in addition to a guest house, dwellings other than the primary dwelling determined to be non-conforming as to use, or farm employee housing. If a Detached Residential Second Unit exists or has current approval on a lot, a guest house or similar structure may not also be approved unless the Detached Residential Second Unit is removed.
10. A Detached Residential Second Unit shall contain its own kitchen and bathroom facilities.
11. As an advisory, the County Building & Safety Division will require that the Detached Residential Second Unit shall be equipped with approved smoke detectors conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in an area giving access to rooms used for sleeping purposes.
12. In addition to the required parking for the principal structure, a minimum of one off-street parking space shall be provided for each bedroom in the Detached Residential Second Unit; studio units shall provide one off-street space. The additional parking shall be provided as specified in the base zone district and in DIVISION 6, PARKING REGULATION. The Director may

grant modifications to allow the additional parking required by these provisions to be located within the setbacks based on a finding that, because of the topography of the site and the location of the principal structure on the site, the setback requirements cannot be met. In no case shall the required number of additional parking spaces for new units be reduced, nor shall any modification be granted to allow parking within the front setback area.

13. The Zoning Administrator may grant a modification to reduce the off-street parking requirement by one space for existing units with two or more bedrooms, provided that such units were built and first occupied prior to December 16, 1993. It is the responsibility of the applicant to provide sufficient evidence to Planning & Development documenting the date on which the second unit was first occupied. See Section 35-470A.10 (Expiration) for the termination date of this ability to make modifications.
14. If the principal structure is currently serviced by a public sewer or water district or an existing mutual water company, not subject to moratorium for new connections, the Detached Residential Second Unit shall be serviced by the appropriate district or company. If the principal structure is currently serviced by a water district or an existing water company subject to a moratorium for new connection, or if the existing service is by a private well or private water company, and if the property is not located in an overdrafted water basin, the Detached Residential Second Unit may be served by a private well or private water company subject to Health Department review and approval. If the principal structure is currently serviced by a public sewer district subject to moratorium for new connections, or if the existing service is by a private septic system, the Detached Residential Second Unit may be served by a private septic system subject to Health Department review and approval. Where public sewer or water service is available, the Detached Residential Second Unit shall be required to be serviced by the appropriate district.
15. If public services are required, prior to approval of the Coastal Development permit by the Director, the applicant of the Detached Residential Second Unit shall be required to provide documentation from the appropriate public service providers that water and sewer service will be provided.
- ~~16. Upon approval of a Detached Residential Second Unit on a lot, the lot shall not be further divided unless there is adequate land area to divide the lot consistent with the applicable Comprehensive Plan designation and zone district.~~
1716. The development of a Detached Residential Second Unit shall avoid or minimize significant impacts to biological resources to the maximum extent feasible as follows:

- a. Site development shall include buffers from sensitive habitats; and
 - b. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible.
- ~~18.17.~~ The Detached Residential Second Unit shall not be sold or financed separately from the principal structure.
- ~~19.18.~~ Where there are conflicts between the standards set forth in this Section and those set forth in the specific district regulations, the provisions of this Section shall prevail.
- ~~20.19.~~ Prior to the issuance of zoning clearance for a Detached Residential Second Unit, the applicant shall pay to the County of Santa Barbara Parks Department a fee for the purpose of providing park and recreational facilities to serve the Detached Residential Second Unit. The amount of this fee shall be determined as specified in Board Resolution 88-328, or any subsequent amendment.
- ~~21.~~ ~~The Zoning Administrator may add other conditions, consistent with general law and applicable estate and County standards, as necessary to preserve the health, safety, welfare and character of the residential neighborhood.~~
20. A detached residential second unit shall not be located closer to an abutting street than the principal dwelling unless approved by the Board of Architectural Review in order to ensure that the unit will be compatible with the existing residential character of the neighborhood.
21. The exterior appearance and architectural style of the residential second unit shall reflect that of the principal dwelling, and shall use the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.

SECTION 2. Except as amended by this ordinance, Section 35-470A.6 of Article IV of Chapter 35 of the Code of Santa Barbara County shall remain unchanged and in full force and effect.

SECTION 3. Urgency Clause. The Board of Supervisors declares that it is necessary for the public welfare, health or safety for this ordinance to go into effect immediately because of the urgent need to protect the integrity and character of residential neighborhoods pending the adoption of development standards to regulate residential second units. It shall be of no further force or effect 45 days from its date of adoption unless, after notice pursuant to Government Code §65090, the Board of Supervisors adopts an extension thereof.

SECTION 4. Publication and Effective Date. This ordinance shall take effect immediately under Government Code Section 65858. Before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Santa Barbara.

PASSED AND ADOPTED by the Board of Supervisors of Santa Barbara County, State of California, this ____ day of _____, 2003, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

ATTEST: MICHAEL F. BROWN
Clerk of the Board

COUNTY OF SANTA BARBARA

By _____
Deputy

By _____
Chair, Board of Supervisors

APPROVED AS TO FORM:
STEPHEN SHANE STARK
County Counsel

By _____