

## ATTACHMENT D: COASTAL ZONING ORDINANCE

### ORDINANCE AMENDMENT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ARTICLE II, COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 1, IN GENERAL; DIVISION 2, DEFINITIONS; DIVISION 4, ZONING DISTRICTS; DIVISION 5, OVERLAY DISTRICTS; DIVISION 6, PARKING REGULATIONS; DIVISION 7, GENERAL REGULATIONS; DIVISION 9, OIL AND GAS FACILITIES; DIVISION 10, NONCONFORMING STRUCTURES AND USES; DIVISION 11, PERMIT PROCEDURES; DIVISION 12, ADMINISTRATION; DIVISION 15, TORO CANYON PLAN (TCP) OVERLAY DISTRICT; DIVISION 16, MONTECITO COMMUNITY PLAN OVERLAY DISTRICT; DIVISION 17, GAVIOTA COAST PLAN (GAV) OVERLAY; APPENDIX B, SUBSTANTIAL CONFORMITY DETERMINATION GUIDELINES; AND APPENDIX D, GUIDELINES FOR MINOR CHANGES TO LAND USE AND COASTAL DEVELOPMENT PERMITS, TO STREAMLINE AND MODERNIZE THE ORDINANCE AND TO IMPLEMENT AND MODIFY STANDARDS FOR HOUSING ACCOMMODATION.

Case No. 25ORD-00007

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

#### **SECTION 1:**

DIVISION 1, In General, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-57B, Effective Date of Permits, is hereby amended to read as follows:

#### **Section 35-57B. Effective Date of Permits.**

1. **Development not appealable to the Coastal Commission.** The approval of a planning permit for a project that is not appealable to the Coastal Commission shall be deemed effective on the date of action except as provided below.
  - a. **Decisions subject to local appeal.** A decision on an application for any approval subject to appeal to a local decision-maker pursuant to Section 35-182 (Appeals) shall be deemed effective on the eleventh day following the date of application approval by the appropriate decision-maker where an appeal of the decision-maker's action has not been filed in compliance with Section 35-182 (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. If appealed, the planning permit shall not be deemed effective until final action by the final decision-maker on the appeal.
2. **Development appealable to the Coastal Commission.** The approval of a planning permit for a project that is appealable to the Coastal Commission shall become effective upon the expiration of the Coastal Commission's 10 working-day appeal period unless an appeal is filed with the Coastal Commission in accordance with Section 13111 of Title 14 of the California Administrative Code.

- a. The Coastal Commission's 10 working-day appeal period begins the next working day following the receipt by the Coastal Commission of adequate notice of the County's final action unless otherwise indicated in the planning permit.
3. **No entitlement for development.** No entitlement for the use or development shall be granted before the effective date of the planning permit.
4. **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 35-179H (Revocation). 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 35-179H (Revocation), shall be reactivated, re-established, or used unless a new permit is first obtained.

## **SECTION 2:**

DIVISION 1, In General, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-57C, Authority for Land Use and Zoning Decisions, is hereby amended to read as follows:

### **Section 35-57C. Authority for Land Use and Zoning Decisions.**

#### **A. Decision-maker.**

1. Table 1-1 (Decision-maker Authority) below, identifies the decision-maker responsible for reviewing and making decisions on each type of application required by this Article.
2. Any reference to the Board of Architectural Review shall refer to the Design Review body with jurisdiction in compliance with Section 35-184 (Board of Architectural Review).
3. 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 Planning Commission for decision where, in the Director's opinion, the public interest would be better served by a Planning Commission public hearing and action. The Director's decision to refer or not to refer an application to the Planning Commission is final and not subject to appeal.

#### **B. Applications subject to more than one decision-maker.**

1. When two or more discretionary applications are submitted that relate to the same development project and the individual applications are under the separate jurisdiction of more than one decision-maker, all applications for the project shall be under the jurisdiction of the decision-maker with the highest jurisdiction in compliance with the following descending order:

- a. Board;
  - b. Commission;
  - c. Zoning Administrator; and
  - d. Director.
2. If the Board is the decision-maker for a project due to a companion discretionary application (e.g., Coastal Land Use Plan amendment, Ordinance amendment, Rezone) the Commission shall make an advisory recommendation to the Board on each application.
3. This Section shall not apply to applications for:
  - a. Coastal Development Permits that do not require a public hearing in compliance with Section 35-169 (Coastal Development Permits).
  - b. Design Review submitted in compliance with Section 35-184 (Board of Architectural Review).
  - c. Emergency Permits submitted in compliance with Section 35-171 (Emergency Permits).
  - d. Sign Certificates of Conformance required in compliance with Section 35-179G (Sign Certificate of Conformance).
  - e. Zoning Clearances submitted in compliance with Section 35-179A (Zoning Clearance), unless specifically provided for in this Article.

**Table 1-1- Decision-maker Authority**

Type of Action	Role of Decision-maker (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
<b>Administrative and Legislative</b>				
Interpretations	Decision		Appeal	Appeal
Local Coastal Program Amendments			Recommend (2)	Decision
Reasonable Accommodation	See Section 35-144Q (Reasonable Accommodation)			
Specific Plans and Amendments			Recommend	Decision

Type of Action	Role of Decision-maker (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
<b>Planning Permits</b>				
Coastal Development Permits (Section 35-169.4.1) (3)	Decision		Appeal	Appeal
Coastal Development Permits (Section 35-169.4.2)		Decision	Appeal	Appeal
Coastal Development Permits (Section 35-169.4.3)	See Footnote (4) below			
Conditional Certificate of Compliance		Decision	Appeal	Appeal
Conditional Use Permits, Major			Decision	Appeal
Conditional Use Permits, Minor	See Section 35-172 (Conditional Use Permits)		Appeal	Appeal
Design Review	See Footnote (5) below			
Development Plans	See Section 35-174.2 (Applicability)			
Emergency Permits	Decision			
Hardship Determinations		Decision	Appeal	Appeal
Limited Exception Determinations			Decision	Appeal
Lot Line Adjustments	See Section 21-6. (Discretionary Decision-Maker Jurisdiction and Designation of Responsibility)			
Modifications	Decision		Appeal	Appeal

Type of Action	Role of Decision-maker (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Oil and Gas Exploration and Production Plans			Decision	Appeal
Oil/Gas Land Uses - Abandonment and Removal Procedures	Decision		Appeal	Appeal
Reclamation and Surface Mining Permits			Decision	Appeal
Road Namings and Renamings	See Section 35-144N (Road Naming and Address Numbering)		Appeal	Appeal
Sign Certificates of Conformance	Decision			
Tentative Maps	See Section 21-6. (Discretionary Decision-Maker Jurisdiction and Designation of Responsibility)			
Variances		Decision	Appeal	Appeal
Zoning Clearances	Decision			

**Notes:**

- (1) "Recommend" identifies that the decision-maker makes a recommendation to a higher decision-making body; "Decision" identifies that the decision-maker makes the final decision on the matter; "Appeal" identifies that the decision-maker may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with Section 35-182 (Appeals).
- (2) The decision of the Commission to recommend denial of a Rezone is not transmitted to the Board absent the filing of an appeal or request for hearing by an interested party.
- (3) This includes Coastal Development Permits where a hearing has been waived by the Director in compliance with Section 35-169.4.2.

(4) The decision-maker on a Development Plan processed concurrently and in conjunction with the Coastal Development Permit shall also be the decision-maker on the Coastal Development Permit. A decision of the Director or Zoning Administrator may be appealed to the Commission; the decision of the Commission may be appealed to the Board.

(5) The Board of Architectural Review with jurisdiction in compliance with Section 35-184 (Board of Architectural Review) shall make decisions on Design Reviews within the County; the decision of the Board of Architectural Review may be appealed to the Commission; the decision of the Commission may be appealed to the Board.

C. **Applications subject to review by the Coastal Commission.** In addition to the decision-makers identified in Table 1-1 , above, final decisions by the County on the following are within the jurisdiction of the California Coastal Commission.

1. Amendments to the certified Local Coastal Program.
2. Permit decisions that may be appealed to the Coastal Commission in compliance with Section 35-182.6 (Appeals to the Coastal Commission).

### **SECTION 3:**

DIVISION 2, Definitions, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the definitions of “Dwelling, Multiple”, “Home Occupation”, “Public Open Space”, “Common Open Space”, and “Seismic Retrofit”; add a definition of “Specimen Tree”; and delete the definition of “Determination, Use” to read as follows:

**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 including duplexes (if multiple), triplexes, apartment houses, apartment hotels, condominiums, flats, rowhouses, and townhouses in different arrangements but not including fraternities, sororities, 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 35-121 (Home Occupations).

#### **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.

**(2)Common Open Space:** Common open space shall include but not be limited to recreational areas and facilities for the use of the prospective residents or guests of a development such as tennis courts, swimming pools, playgrounds, community gardens, landscaped areas for common use, or other open areas as are appropriate to enhance the outdoor environment of the development and may be used by all occupants of the development.

**(3)Private Open Space:** Private open space shall include but not be limited to patios, decks, and yards for the private use of the residents of individual dwelling units.

**Seismic Retrofit:** An alteration to the structural elements of a building or structure specifically and exclusively for the purposes of resisting earthquake forces.

**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 4:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-68.3, Permitted Uses, of Section 35-68, AG-I – Agriculture I, is hereby amended to read as follows:

#### **Section 35-68.3 Permitted Uses.**

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this Section 35-68.
2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich; or three goats, hogs, or other livestock not specifically enumerated herein, shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept. In no case shall more than three hogs be kept on any such lot.
3. Private kennels, and small animals and poultry raising limited to reasonable family use on a non-commercial basis.
4. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales).
5. Greenhouses, hothouses, other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a Development Plan shall be submitted, processed, and approved as provided in Section 35-174 (Development Plans). For any greenhouse or related development, packing and shipping facility, and shade and hoop structure in the Carpinteria Valley additional regulations of the Carpinteria Agricultural (CA) Overlay District (Section 35-102F) shall apply.
6. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a permanent foundation system, pursuant to Health & Safety Code Section 18551.
7. Accessory dwelling units and one junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

8. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot.
9. Home occupations, subject to the provisions of Section 35-121 (General regulations) and accessory to a residential use of the same lot.
10. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities).
11. Transitional and Supportive Housing, subject to the provisions of Section 35-144V (Transitional and Supportive Housing).
12. Agricultural employee dwellings, including mobile homes, manufactured homes, and park trailers, providing housing for one to nine employees in compliance with Section 35-144R (Agricultural Employee Dwellings).
13. Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.
14. Cannabis, Distribution, subject to the provisions of Section 35-144U.
15. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.
16. Uses, buildings and structures accessory and customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).

#### **SECTION 5:**

**DIVISION 4, Zoning Districts**, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 1, Front, of Section 35-68.7, Setbacks for Buildings and Structures, of Section 35-68, AG-I – Agriculture I, is hereby amended to read as follows:

1. **Front:** 20 feet from the right-of-way line of any street.

#### **SECTION 6:**

**DIVISION 4, Zoning Districts**, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-69.3, Permitted Uses, of Section 35-69, AG-II – Agriculture II, is hereby amended to read as follows:

##### **Section 35-69.3 Permitted Uses.**

1. All types of agriculture and farming, including commercial raising of animals, subject to the limitations hereinafter provided in this Section 35-69.
2. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales).
3. Commercial boarding of animals.
4. Private and/or commercial kennels.



5. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a permanent foundation system, pursuant to Health & Safety Code Section 18551.
6. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
7. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use located on the same lot.
8. Greenhouses, hothouses, or other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a development plan shall be submitted, processed, and approved as provided in Section 35-174 (Development Plans).
9. On-shore oil development, including exploratory and production wells, pipelines, storage tanks, processing facilities for on-shore oil and gas, and truck terminals subject to the requirements set forth in DIVISION 9, OIL & GAS FACILITIES.
10. Excavation or quarrying of building or construction materials, including diatomaceous earth, subject to the provisions of Section 35-177 (Reclamation Plans).
11. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use located on the same lot.
12. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities).
13. Transitional and Supportive Housing, subject to the provisions of Section 35-144V (Transitional and Supportive Housing).
14. Agricultural employee dwellings, including mobile homes, manufactured homes, and park trailers, providing housing for one to 24 employees in compliance with Section 35-144R (Agricultural Employee Dwellings).
15. Uses, buildings and structures accessory and customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).
16. Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.
17. Cannabis, Distribution, subject to the provisions of Section 35-144U.
18. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.

**SECTION 7:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-69.6, Height Limit and Setback Regulations, of Section 35-69, AG-II – Agriculture II, is hereby amended to read as follows:

**Section 35-69.6 Height Limit and Setback Regulations.**

None, except that no building or structure shall be located within 20 feet of the right-of-way line of any street.

**SECTION 8:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-70.3, Permitted Uses, of Section 35-70, RR – Rural Residential, is hereby amended to read as follows:

**Section 35-70.3 Permitted Uses.**

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this Section 35-70.
2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich, or other livestock not specifically enumerated herein; or three goats, hogs; shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept. In no event shall more than three hogs be kept on any such lot.
3. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales).
4. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a permanent foundation system, pursuant to Health & Safety Code Section 18551.
5. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
6. One guest house or artist studio per legal lot, subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot.
7. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot.
8. Greenhouses, hothouses, or other plant protection structures not exceeding 300 square feet if used for commercial purposes.
9. The keeping of animals and poultry subject to the R-1/E-1 provisions of Section 35-71.12, Subsections 3. through 9., only (Animals).

10. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities).
11. Transitional and Supportive Housing, subject to the provisions of Section 35-144V (Transitional and Supportive Housing).
12. Uses, buildings and structures which are customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).

#### **SECTION 9:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-70.4, Uses Permitted With a Major Conditional Use Permit, of Section 35-70, RR – Rural Residential, is hereby amended to read as follows:

##### **Section 35-70.4 Uses Permitted With a Major Conditional Use Permit.**

1. Greenhouses, hothouses, other plant protection structures used for commercial purposes in excess of 300 square feet and related development, i.e., packing sheds, parking, driveways, subject to the limitations provided in the AG-I District.
2. Commercial raising of animals, boarding of animals, and commercial riding stables.
3. Onshore oil development including exploratory and production wells, pipelines, storage tanks, processing facilities for onshore oil and gas, and truck terminals, subject to the requirements set forth in DIVISION 9, OIL AND GAS FACILITIES.
4. Piers and staging areas for oil and gas-related development, subject to the provisions in DIVISION 9, OIL AND GAS FACILITIES.
5. Aquaculture, subject to the provisions of Section 35-136 (General Regulations).
6. Commercial kennels.

#### **SECTION 10:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-70.7, Setbacks for Buildings and Structures, of Section 35-70, RR – Rural Residential, is hereby amended to read as follows:

##### **Section 35-70.7 Setbacks for Buildings and Structures**

1. **Front:** 20 feet from the right-of-way line of any street or easement line of any easement serving or having the potential to serve five or more parcels.
2. **Side and Rear:** 20 feet from the lot lines of the lot on which the building or structure is located.

3. Lots that contain one gross acre or less shall be subject to the setback regulations of the R-1/E-1 Single-Family Residential District.

**SECTION 11:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-71.3, Permitted Uses, of Section 35-71, R-1/E-1 – Single-Family Residential, is hereby amended to read as follows:

**Section 35-71.3 Permitted Uses**

1. One single-family dwelling per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a permanent foundation system, pursuant to Health & Safety Code Section 18551.
2. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
3. One guest house or artist studio, subject to the provisions in Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot.
4. Home occupations subject to the provisions of Section 35-121. (General Regulations) and accessory to a residential use of the same lot.
5. Orchards, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.
6. Greenhouses, hothouses, and other plant protection structures subject to all of the following:
  - a. The structure is accessory to either a residential or agricultural use of the same lot.
  - b. The structure shall not exceed a gross floor area of 300 square feet if used for commercial purposes.
  - c. The structure is used only for the propagation and cultivation of plants.
  - d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.
7. The keeping of animals and poultry accessory to the primary residential use located on the same lot and subject to the provisions of Section 35-71.12.
8. Public parks, public playgrounds, and community centers operated by a public agency.
9. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities).
10. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).

11. Uses, buildings, and structures accessory and customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).
12. Day care center, accessory to non-dwelling use serving up to and including 50 children, subject to the provisions of Section 35-143 (Community Care Facilities).

#### **SECTION 12:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-71.5, Uses Permitted With a Minor Conditional Use Permit, of Section 35-71, R-1/E-1 – Single-Family Residential, is hereby amended to read as follows:

##### **Section 35-71.5 Uses Permitted With a Minor Conditional Use Permit.**

1. Greenhouses, hothouses, and other plant protection structures used for commercial purposes in excess of 300 square feet but in no case shall such structures exceed an area of 800 square feet.
2. The commercial raising of worms.
3. Day care center, serving children, accessory use to dwelling, subject to the provisions of Section 35-143 (Community Care Facilities).
4. Private Kennels.

#### **SECTION 13:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-71.7, Setbacks for Buildings and Structures, of Section 35-71, R-1/E-1 – Single-Family Residential, is hereby amended to read as follows:

##### **Section 35-71.7 Setbacks for Buildings and Structures.**

1. **Front:** 20 feet from the right-of-way line of any street or easement line of any easement serving or having the potential to serve five or more lots.
2. **Side:** On each side of the lot, 10 percent of the width of the lot except:
  - a. For lots less than two acres, in no case shall the required side setback be less than five feet nor more than 10 feet.
  - b. For lots two acres or more, in no case shall the required side setback be less than 10 feet nor more than 20 feet.

3. **Rear:** 25 feet or 15 feet if the rear yard abuts a permanently dedicated open space or a street to which access has been denied as part of an approved subdivision or other approved development permit.

#### **SECTION 14:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-71.8, Permitted Variations of Setbacks for Buildings, of Section 35-71, R-1/E-1 – Single-Family Residential, is hereby deleted in its entirety and reserved for future use.

#### **SECTION 15:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-71.9, Distance Required Between Buildings on the Same Building Site, of Section 35-71, R-1/E-1 – Single-Family Residential, is hereby deleted in its entirety and reserved for future use.

#### **SECTION 16:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-71.12, Animals, of Section 35-71, R-1/E-1 – Single-Family Residential, is hereby amended to read as follows:

##### **Section 35-71.12 Animals.**

1. Animal keeping allowed pursuant to this section shall be accessory to a residential use of a dwelling located on the lot on which the animal keeping occurs.
2. Not to exceed one horse, mule, goat, cow, hog, or other similar size animal shall be permitted for each 20,000 square feet of gross area on each lot provided that not more than three swine or five such other animals shall be permitted on any lot. In no case shall said animals be kept for commercial purposes. However, on lots not located within the Montecito Planning Area, one small hooved animal (e.g., goat, pig, sheep, etc.), excluding cattle and horses, may be kept on a lot as a current and certified (or otherwise documented) 4-H, Future Farmers of America or similar organization official project may be allowed provided the following standards are adhered to:
  - a. The lot shall have a minimum net lot area of 10,000 square feet.
  - b. On any lot less than one acre (gross) in size, project animals shall be confined to a stable, barn or other animal enclosure (e.g., paddock, coral, pen or fenced area) that is located no closer than 40 feet to any dwelling on another lot.

3. No stable, barn or other enclosure for large animals (e.g., paddock, corral) shall be located on a single lot having a gross area of less than 20,000 square feet. No portion of a stable, barn or other enclosure for large animals shall be located closer than:
  - a. 40 feet to any dwelling located on another lot.
  - b. 35 feet to any right-of-way.
  - c. 15 feet from the rear property line(s).
  - d. 10 feet from the side property lines.
  - e. 10 feet from the property lines of an interior lot.
4. There shall not be more than three dogs permitted per dwelling unit.
5. Small non-hoofed animals (e.g., chickens, birds, ducks, rabbits, bees, etc.) shall be permitted provided that:
  - a. Such small animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
  - b. The keeping of such small animals is not injurious to the health, safety, or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the County Public Health Department.
  - c. Enclosures for such small animals shall be no closer than 25 feet to any dwelling located on another lot.
  - d. No rooster or peacock shall be kept or raised in a residential zoning district except on a lot of one acre (gross) or more where all adjoining lots are of equivalent size or larger. This shall not apply to lots located within the Montecito Planning Area.
6. **Odor and vector control.** All animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Sites shall be maintained in a neat and sanitary manner.
7. **Storage and disposal of manure.** Persons keeping livestock in enclosed corrals or barns, rather than open pastures, shall remove and store or dispose of manure to prevent unsanitary conditions and breeding of flies. Manure shall not be allowed to accumulate so as to cause a hazard to the health, welfare or safety of humans and animals, or contamination of surface or subsurface water quality.
8. **Erosion and sedimentation control.** In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel. In the event such sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement in compliance with Section 35-185 (Enforcement).

9. **Drainage.** Where livestock are kept in enclosed corrals or barns, provision shall be made for proper drainage and control of runoff to prevent stagnant, standing water, or the flow of contaminated water in surface or subsurface water supplies.

#### **SECTION 17:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-72.3, Permitted Uses, of Section 35-72, R-2 – Two Family Residential, is hereby amended to read as follows:

#### **Section 35-72.3 Permitted Uses**

1. One single family dwelling or one two family dwelling, i.e., duplex, per legal lot.
2. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
3. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities).
4. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).
5. Home occupations subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot.
6. Orchards, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.
7. Greenhouses, hothouses, and other plant protection structures subject to all of the following:
  - a. The structure is accessory to either a residential or agricultural use of the same lot.
  - b. The structure shall not exceed a gross floor area of 300 square feet if used for commercial purposes.
  - c. The structure is used only for the propagation and cultivation of plants.
  - d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.
8. The keeping of animals and poultry accessory to a residential use located on the same lot and subject to the provisions of Section 35-71.12 (R-1/E-1, Animals).
9. Public parks, public playgrounds, and community centers operated by public agencies.
10. Uses, buildings, and structures accessory and customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).



11. Day care center, accessory to non-dwelling use serving up to and including 50 children, subject to the provisions of Section 35-143 (Community Care Facilities).

#### **SECTION 18:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-72.5, Uses Permitted With a Minor Conditional Use Permit, of Section 35-72, R-2 – Two Family Residential, is hereby amended to read as follows:

##### **Section 35-72.5 Uses Permitted With a Minor Conditional Use Permit.**

1. Greenhouses, hot houses, and other plant protection structures used for commercial purposes in excess of 300 square feet but in no case shall such structures exceed an area of 800 square feet.
2. The commercial raising of worms.
3. Day care center, serving children, accessory use to a dwelling, subject to the provisions of Section 35-143 (Community Care Facilities).
4. Private kennels.

#### **SECTION 19:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-72.7, Setbacks for Buildings and Structures, of Section 35-72, R-2 – Two Family Residential, is hereby amended to read as follows:

##### **Section 35-72.7 Setbacks for Buildings and Structures.**

1. **Front:** 20 feet from the right-of-way line of any street or easement line of any easement serving or having the potential to serve five or more lots.
2. **Side:** On each side of the lot, 10 percent of the width of the lot but in no case shall the required side be less than five feet nor more than 10 feet.
3. **Rear:** 25 feet. 15 feet if the rear yard abuts a permanently dedicated open space or a street to which access has been denied as part of an approved subdivision or other approved development permit.

#### **SECTION 20:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-72.8, Permitted Variations of Setbacks for Buildings, of Section 35-72, R-2 – Two Family Residential, is hereby deleted in its entirety and reserved for future use.

**SECTION 21:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-72.9, Distance Required Between Buildings on the Same Building Site, of Section 35-72, R-2 – Two Family Residential, is hereby deleted in its entirety and reserved for future use.

**SECTION 22:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-73.3, Permitted Uses, of Section 35-73, EX-1 – One-Family Exclusive Residential, is hereby amended to read as follows:

**Section 35-73.3 Permitted Uses.**

1. One single-family dwelling per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a permanent foundation system, pursuant to Health & Safety Code Section 18551. Except as provided herein, trailers in any condition shall not be used for any purpose.
2. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
3. One guest house or artist studio, subject to the provisions in Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot.
4. Golf courses and facilities incidental and subordinate to such use (e.g., restaurant, pro shop) but not including commercial driving tees, ranges, putting courses or miniature golf courses.
5. Parks, playgrounds, and community facilities operated by a non-profit homeowners association.
6. Orchards, truck and flower gardens, and the raising of field crops.
7. Greenhouses, hothouses, and other plant protection subject to all of the following:
  - a. The structure is accessory to either a residential or agricultural use of the same lot.
  - b. The structure shall not exceed a gross floor area of 300 square feet if used for commercial purposes.
  - c. The structure is used only for the propagation and cultivation of plants.
  - d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.
8. The keeping of animals and poultry subject to the provisions of Section 35-71.12 and accessory to the primary residential use of the same lot.
9. Home occupations subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot.

10. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities).
11. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).
12. Uses, buildings, and structures accessory and customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).

### **SECTION 23:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 2, Minor Conditional Use Permits, of Section 35-73.4, Permitted Uses, of Section 35-73, EX-1 – One-Family Exclusive Residential, is hereby amended to read as follows:

2. Minor Conditional Use Permits.
  - a. Greenhouses, hothouses, and other plant protection structures used for commercial purposes in excess of 300 square feet but in no case shall such structures exceed an area of 800 square feet, provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith.
  - b. Private Kennels.

### **SECTION 24:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 2, Side, of Section 35-73.6, Setbacks for Buildings and Structures, of Section 35-73, EX-1 – One-Family Exclusive Residential, is hereby amended to read as follows:

2. **Side:** 15 percent of lot width, with no less than 10 ft or more than 25 ft required.

### **SECTION 25:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-73.7, Distance Required Between Buildings on the Same Building Site, of Section 35-73, EX-1 – One-Family Exclusive Residential, is hereby deleted in its entirety and reserved for future use.

**SECTION 26:**

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

**Section 35-74. DR - Design Residential.**

**Section 35-74.1 Purpose and Intent.**

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

**Section 35-74.2 Reserved.**

**Section 35-74.3 Processing.**

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

**Section 35-74.4 Permitted Uses.**

1. Single family, duplex, triplex, and multi-family dwelling units, including developments commonly known as row houses, town houses, condominiums, cluster, and community apartment projects.
2. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
3. Parking lots, carports, and garages designed and used for individual units within the district and either adjacent to such units or centrally located to serve a group of units.
4. Day care center, accessory to a non-dwelling use serving up to and including 50 children, subject to the provisions of Section 35-143 (Community Care Facilities).
5. Golf courses.
6. Public parks, public playgrounds, and community centers.
7. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot.
8. The keeping of animals accessory to a residential use located on the same lot and subject to the provisions of Section 35-419.12 (R-1/E-1, Animals).

9. Greenhouses, hothouses, and other plant protection structures subject to all of the following:
  - a. The structure is accessory to either a residential or agricultural use of the same lot.
  - b. The structure shall not exceed a gross floor area of 300 square feet if used for commercial purposes.
  - c. The structure is used only for the propagation and cultivation of plants.
  - d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.
10. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities).
11. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).
12. Uses, buildings, and structures accessory and customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).

**Section 35-74.5 Uses Permitted With a Major Conditional Use Permit.**

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

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

1. Dining commons, cafeterias, tobacco and magazine shops, book stores, bicycle rental and repair shops, and similar facilities accessory and incidental to developments permitted in paragraph 1. of Section 35-74.4 Permitted Uses, provided such uses are within the building and designed and used solely for the service and convenience of the residential development to which they are accessory and incidental.
2. Day care center, serving children, accessory use to a dwelling, subject to the provisions of Section 35-143 (Community Care Facilities).
3. Private kennels.

**Section 35-74.7 Lot Size/Density.**

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

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

DR-12	12.0	3,630 (square feet)
DR-12.3	12.3	3,540 (square feet)
DR-14	14.0	3,111 (square feet)
DR-16	16.0	2,722 (square feet)
DR-20	20.0	2,178 (square feet)
DR-25	25.0	1,742 (square feet)
DR-30	30.0	1,452 (square feet)

**Section 35-74.8 Setbacks for Buildings and Structures.**

**1. Front:**

- a. Maximum Zone Density of Less than 20 Dwelling Units per Gross Acre (i.e. DR-0.1-DR-16): 20 feet from the right-of-way or easement line of any easement serving or having the potential to serve five or more lots .
- b. Maximum Zone Density of 20 Dwelling Units per Gross Acre or More (i.e. DR-20-DR-30): 10 feet from the right-of-way or easement line of any easement serving or having the potential to serve five or more lots.

**2. Side and Rear:** 10 feet.

**Section 35-74.9 Reserved.**

**Section 35-74.10 Reserved.**

**Section 35-74.11 Height Limit.**

1. Maximum Zone Density of Less than 20 Dwelling Units per Gross Acre (i.e. DR-0.1-DR-16): No building or structure shall exceed a height of 35 feet.
2. Maximum Zone Density of 20 Dwelling Units per Gross Acre or More (i.e. DR-20-DR-30): No building or structure shall exceed a height of 45 feet.

**Section. 35-74.12 Parking.**

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

1. **Parking Area Setbacks.** Uncovered parking areas shall be located no closer than 15 feet to the street right-of-way line nor closer than five feet to any property line.

**2. Design.**

- a. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
- b. Uncovered parking areas shall be screened from the street and adjacent residences to a height of at least four feet with hedges, dense plantings, solid fences or walls.

**Section 35-74.13 Open Space.**

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

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

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

**2. Configuration.**

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

**3. Minimum Dimensions.**

- a. Private Open Space.



- (1) Ground Level. Private open space located on the ground level (e.g., yards, decks, patios) shall be a minimum of eight feet in length and eight feet in width.
  - (2) Above Ground Level. Private open space located above ground level (e.g., balconies) shall be a minimum of six feet in length and six feet in width.
- b. Common Open Space. Common open space areas shall be a minimum of 15 feet in length and 15 feet in width.
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.

#### **Section 35-74.14 Landscaping.**

Any driveway or uncovered parking area shall be separated from property lines by a landscaped strip not less than five feet in width.

#### **Section 35-74.15 Title to Common Areas.**

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 other individual or entity on such reasonable terms and conditions as the 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 those uses described in the approved 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.

#### **SECTION 27:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-75, PRD – Planned Residential Development, is hereby amended to read as follows:

## **Section 35-75. PRD - Planned Residential Development.**

### **Section 35-75.1 Purpose and Intent.**

It is the purpose of this district to ensure comprehensively planned development of large acreages within designated urban areas that are intended primarily for residential use. The intent of this district 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 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.

### **Section 35-75.2 Reserved.**

### **Section 35-75.3 Findings Required for Rezoning.**

No property shall be rezoned to the PRD unless the Board of Supervisors shall first make the following findings:

1. That the property is of the type and character which is appropriate for a Planned Residential Development in accordance with the specific purpose and intent as set forth in Section 35-75.1.
2. That the property is within a designated urban area as shown on the Coastal Land Use Plan Maps.
3. That the property contains not less than 20 acres, all of which shall be included in the Development Plan.
4. That the overall estimated population density which will result upon full development of the property under the Planned Residential Development District in accordance with the Development Plan is appropriate for such area and will not have a detrimental effect upon surrounding areas nor exceed the capacity of service and utility facilities in such surrounding areas.
5. That the proposed development as shown on the Development Plan is in conformance with the applicable policies of the Coastal Land Use Plan and Coastal Zoning Ordinance.

### **Section 35-75.4 Processing.**

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

In addition to the other information required under Section 35-174.3 (Development Plans), the following information must be filed with a Development Plan application.

1. Relationship of project to surrounding land uses.
2. A copy of the proposed Covenants, Conditions, and Restriction's (CC&R's) including provisions for maintenance of open space, facilities, and services in the project site.

**Section 35-75.5 Reserved.**

**Section 35-75.6 Findings Required for Approval of Development Plans.**

In addition to the findings for Development Plans set forth in Section 35-174.7 (Development Plans), no Development Plan shall be approved for property zoned or to be rezoned to PRD unless all the following findings are made:

1. That the density and type of the proposed development is in conformance with the PRD District and applicable Coastal Land Use Plan policies.
2. That adequate provisions have been made within the proposed CC&Rs to establish permanent care and maintenance of public and common open spaces and recreational areas and facilities.
3. That the buildings and structures are clustered to the maximum extent feasible to provide the maximum amount of contiguous open space.

**Section 35-75.7 Permitted Uses.**

1. Residential units, either attached or detached, including single family dwellings, duplexes, row houses, town houses, apartments, and condominiums.
2. Accessory dwelling units and junior accessory dwelling units when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
3. Recreational facilities, including but not limited to tennis courts, swimming pools, playgrounds, and parks for the private use of the residents of the development, provided such facilities are not operated for remuneration.
4. Where required by the Coastal Land Use Plan, resort visitor-serving facilities.
5. Home Occupations, subject to the provisions of Section 35-121 (General Regulations).
6. Day care center, accessory to a non-dwelling use serving up to and including 50 children, subject to the provisions of Section 35-143 (Community Care Facilities).
7. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities).
8. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).
9. The keeping of household pets accessory to a residential use of a dwelling located on the lot on which the animal keeping occurs provided that:

- a. There shall not be more than three dogs permitted per dwelling unit.
  - b. Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
  - c. The keeping of such animals is not injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Animal Services Division of the County Public Health Department.
  - d. Enclosures for such small animals shall be no closer than 25 feet to any dwelling located on another lot.
  - e. No rooster or peacock shall be kept or raised on the lot.
10. Uses, buildings, and structures accessory and customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).

**Section 35-75.8 Uses Permitted With a Major Conditional Use Permit.**

The following uses may be permitted in developments of 200 dwelling units or more, subject to the issuance of a Major Conditional Use Permit as provided in Section 35-172 (Conditional Use Permits).

1. Commercial recreational facilities provided that such facilities are compatible with residential use, i.e., racquet ball courts, swim or tennis clubs, etc.
2. Visitor-serving commercial facilities, i.e., a motel or restaurant, provided that the County shall proportionally reduce residential density otherwise permitted to accommodate facilities that provide overnight lodging.
3. Convenience establishments of a commercial and service nature serving such day to day needs of residents in the immediate area as food, drugs, gasoline, and other incidentals. Such convenience establishments shall be an integral part of the development, providing services related to the needs of the residents, and collectively occupying no more than two acres. These convenience establishments shall not by reason of their location, construction, manner or timing of operations, signs, lighting, parking arrangements, or other characteristics have adverse effects on residential uses within or adjoining the development or create traffic congestion or hazards to vehicular or pedestrian traffic.

**Section 35-75.9 Requirements of Coastal Land Use Plan.**

Additional site specific requirements for property designated for Planned Development, PD, on Coastal Land Use Plan Maps are set forth in the text of the Coastal Land Use Plan.

**Section 35-75.10 Lot Size/Density.**

No minimum lot size. The maximum density for each property zoned PRD is specified in the Coastal Land Use Plan. The total number of dwelling units shall not exceed the density specified.

**Section 35-75.11 Setbacks.**

Required setbacks shall be as follows except as specifically determined by Development Plan approval in order 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 District:

1. PRD area density less than 20 dwelling units per gross area: Same as DR-16 Zone.
2. PRD area density of 20 dwelling units per gross acre or more: Same as DR-20 Zone.

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

**Section 35-75.12 Reserved.**

**Section 35-75.13 Height Limit.**

No building or structure shall exceed the following heights except as specifically determined by Development Plan approval:

1. PRD area density less than 20 dwelling units per gross area: Same as DR-16 Zone.
2. PRD area density of 20 dwelling units per gross acre or more: Same as DR-20 Zone.

**Section 35-75.14 Parking.**

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

1. **Design.**
  - a. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
  - b. Uncovered parking areas shall be screened from the street and adjacent residences to a height of at least four feet with hedges, dense plantings, solid fences or walls.

**Section 35-75.15 Streets.**

Streets may be public or private; however, all private streets shall be required to be constructed to County standards and adequate provisions shall be made in the CC&R's to ensure maintenance of private streets. The standards for any on-site improvements (streets, walks, drainage, and utilities) may be modified for a planned residential development by the County upon recommendation from the Transportation or Planning and Development Departments. 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, 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.

#### **Section 35-75.16 Open Space.**

1. Open space shall be provided in accordance with the following except as specifically determined by Development Plan approval:
  - a. PRD area density less than 20 dwelling units per gross area: Same as DR-16 Zone.
  - b. PRD area density of 20 dwelling units per gross acre or more: Same as DR-20 Zone.
2. **Maintenance of Public Open Space.** The County may require the applicant to maintain any public areas and facilities required for or created by the development 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 applicant is to maintain public open spaces, prior to the issuance of any permits for construction, a bond or other approved security shall be posted guaranteeing such maintenance.
3. **Title to Common Areas.** 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 other individual or entity on such reasonable terms and conditions as the Director may prescribe to ensure the preservation and maintenance of common areas. The reasonable terms and conditions may include restricting the rights to develop such the property to those uses described in the approved 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.

#### **Section 35-75.17 Landscaping.**

Landscaping shall be installed and maintained in accordance with the approved Development Plan.

Along each side or rear yard of the PRD District abutting property zoned other than PRD an adequate buffer consisting of fencing, walls, plant materials, or any combination thereof shall be installed and maintained to protect adjacent properties from impacts of noise or lighting and to provide separation between different uses. Such buffer shall be depicted on the Development Plan.

#### **Section 35-75.18 Homeowners' Association.**

At the time of submittal of the 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 Association shall be established before the homes are sold.

2. Membership in the Association 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.
5. The Association shall be able to adjust the assessment to meet changed needs.

**SECTION 28:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-76.2, Preliminary Development Plan to be Included in Application for Rezoning, of Section 35-76, SR-M – Medium Density Student Residential, is hereby deleted in its entirety and reserved for future use.

**SECTION 29:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-76.3, Processing, of Section 35-76, SR-M – Medium Density Student Residential, is hereby amended to read as follows:

**Section 35-76.3 Processing.**

No permits for development including grading shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits) with the exclusion of single-family and duplex dwelling units.

**SECTION 30:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-76.4, Permitted Uses, of Section 35-76, SR-M – Medium Density Student Residential, is hereby amended to read as follows:

**Section 35-76.4 Permitted Uses.**

1. One single family dwelling unit, one two-family dwelling or multi-unit dwellings.
2. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
3. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).

4. Parking lots, carports, and garages designed and used for individual units within the development and either adjacent to such units or centrally located to serve a group of units. The required parking may be located on lots within 500 feet of the lot containing the development requiring such parking, subject to conditions which will insure permanent maintenance of such parking spaces so long as the development exists.
5. Accessory uses, buildings, and structures which are incidental, and subordinate to, permitted uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations)..
6. Public parks, public playgrounds, and community centers.
7. Home occupations, subject to the provisions of Section 35-121 (General Regulations).
8. Orchard, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.
9. Greenhouses, hothouses, and other plant protection structures not exceeding 300 square feet, used only for the propagation and cultivation of plants, provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith.
10. Day care center, accessory to a non-dwelling use serving up to and including 50 children, subject to the provisions of Section 35-143 (Community Care Facilities).

**SECTION 31:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 1, Front, of Section 35-76.8, Setbacks for Buildings and Structures, of Section 35-76, SR-M – Medium Density Student Residential, is hereby amended to read as follows:

1. **Front:** 20 feet from the right-of-way line of the street. For purposes of this paragraph, the right-of-way line shall be determined by the Public Works Department.

**SECTION 32:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-76.9, Distance Between Buildings on the Same Building Site, of Section 35-76, SR-M – Medium Density Student Residential, is hereby deleted in its entirety and reserved for future use.

**SECTION 33:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 2 of Section 35-76.13, Landscaping, of Section 35-76, SR-M – Medium Density Student Residential, is hereby amended to read as follows:



2. Landscaping shall be installed and permanently maintained in accordance with the approved Development Plan or Coastal Development Permit.

**SECTION 34:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-77.2, Preliminary Development Plan to be Included in Application for Rezoning, of Section 35-77, SR-H – High Density Student Residential, is hereby deleted in its entirety and reserved for future use.

**SECTION 35:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-77.3, Processing, of Section 35-77, SR-H – High Density Student Residential, is hereby amended to read as follows:

**Section 35-77.3 Processing.**

No permits for development including grading shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits) with the exclusion of single-family and duplex dwelling units.

**SECTION 36:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-77.4, Permitted Uses, of Section 35-77, SR-H – High Density Student Residential, is hereby amended to read as follows:

**Section 35-77.4 Permitted Uses.**

1. One single family dwelling unit, one two-family dwelling or multi unit dwellings.
2. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
3. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).
4. Dormitories, student housing facilities, residence halls, sororities and fraternities located in an area where such facilities are to be used by students of an educational institution.
5. Parking lots, carports, and garages designed and used for individual units within the development and either adjacent to such units or centrally located to serve a group of units. The required parking may be located on lots within 500 feet of the lot containing the development requiring such parking, subject to conditions which will insure permanent maintenance of such parking spaces so long as the development exists.

6. Accessory uses, buildings, and structures which are incidental, and subordinate to, permitted uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).
7. Public parks, public playgrounds, and community centers.
8. Home occupations, subject to the provisions of Section 35-121 (General Regulations).
9. Orchard, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.
10. Greenhouses, hothouses, and other plant protection structures not exceeding 300 square feet, used only for the propagation and cultivation of plants, provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith.
11. Day care center, accessory to a non-dwelling use serving up to and including 50 children, subject to the provisions of Section 35-143 (Community Care Facilities).
12. Emergency Shelter.

**SECTION 37:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection a of Subsection 5 of Section 35-77.6, Lot Size/Density, of Section 35-77, SR-H – High Density Student Residential, is hereby amended to read as follows:

- a. No permits for development, including grading, shall be issued except in conformance with a Development Plan approved in compliance with Section 35-174 (Development Plans).

**SECTION 38:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 1, Front, of Section 35-77.8, Setbacks for Buildings and Structures, of Section 35-77, SR-H – High Density Student Residential, is hereby amended to read as follows:

1. **Front:** 20 feet from the right-of-way line of the street. For purposes of this paragraph, the right-of-way line shall be determined by the Public Works Department.

**SECTION 39:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-77.9, Distance Between Buildings on the Same Building Site, of Section 35-77, SR-H – High Density Student Residential, is hereby deleted in its entirety and reserved for future use.

**SECTION 40:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-77.10, Building Coverage, of Section 35-77, SR-H – High Density Student Residential, is hereby deleted in its entirety and reserved for future use.

**SECTION 41:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 2 of Section 35-77.14, Open Space and Landscaping, of Section 35-77, SR-H – High Density Student Residential, is hereby amended to read as follows:

2. Landscaping shall be installed and permanently maintained in accordance with the approved Development Plan or Coastal Development Permit.

**SECTION 42:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-77A.2, Processing, of Section 35-77A, C-1 – Limited Commercial, is hereby amended to read as follows:

**Section 35-77A.2 Processing.**

1. No permits for development including grading shall be issued except in conformance with Section 35-169 (Coastal Development Permits).
2. Prior to the issuance of any Coastal Development Permit for buildings and structures which exceed 5,000 square feet in gross floor area and all additions which when added to existing development total 5,000 square feet in gross floor area or more, a Development Plan shall be approved as provided in Section 35-174 (Development Plans).
3. All new structures and alterations to existing structures shall be subject to design review in compliance with Section 35-184 (Board of Architectural Review).

**SECTION 43:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-77A.3, Permitted Uses, of Section 35-77A, C-1 – Limited Commercial, is hereby amended to read as follows:

**Section 35-77A.3 Permitted Uses.**

1. Retail stores, shops or establishments supplying commodities for travelers, as well as residents in the surrounding neighborhood, provided that such enterprises are conducted entirely within an enclosed building, such as bakeries, ice cream shops, grocery and liquor stores, hardware and appliance stores, clothing and shoe stores, sporting goods stores, pet shops, prescription pharmacies, florist shops, automobile accessory stores, garden supply

stores and other similar uses, but not including uses which are incompatible with their adjoining residential uses due to noise, glare, odor and hazardous material concerns, such as amusement enterprises, miniature golf courses, automobile and machinery sales or service establishments, music recording studios, pool supply stores or car washes.

2. Service uses conducted entirely indoors such as laundry, laundromats, dry-cleaning substations, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, radio and repair shops, physical fitness studios, and other similar uses.
3. Restaurants and cafes, including outdoor restaurant, cafe or tea room.
4. Financial institutions such as banks, excluding corporate offices, and savings and loan offices and general business offices which would serve the neighborhoods, such as real estate offices and general practitioners' offices, but not including trade or business schools.
5. Retail Plant nurseries.
6. Community non-profit recycling facility.
7. Day care center, principal use serving up to and including 50 children, subject to the provisions of Section 35-143 (Community Care Facilities).
8. One Single Family Residence, on a lot where there is no commercial use, subject to the regulations set out in Section 35-77A.6, Minimum Lot Size, and Section 35-71 (R-1/E-1).
9. Residential uses up to 20 units per acre where nonresidential uses are located along the street frontage and residential uses are located on an upper story or behind a nonresidential use..
10. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
11. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).
12. Low barrier navigation centers, subject to the provisions of Section 35-144I, and Government Code Section 65662.
13. Overnight visitor-serving accommodations such as bed-and-breakfasts, lodges and hostels.
14. Cannabis, Retail, subject to the provisions of Section 35-144U.
15. Cannabis, Testing, subject to the provisions of Section 35-144U.
16. Accessory uses, buildings and structures which are customarily incidental to any of the above uses, provided, that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).

**SECTION 44:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 1, Front, of Section 35-77A.7, Setbacks, of Section 35-77A, C-1 – Limited Commercial, is hereby amended to read as follows:

1. **Front:** 15 feet from right-of-way. Open canopies, porches, and similar unenclosed structures may extend to within five feet of the public right-of-way.

**SECTION 45:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-77A.8, Distance Required Between Buildings on the Same Building Site, of Section 35-77A, C-1 – Limited Commercial, is hereby deleted in its entirety and reserved for future use.

**SECTION 46:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-77A.11, Landscaping, of Section 35-77A, C-1 – Limited Commercial, is hereby amended to read as follows:

**Section 35-77A.11 Landscaping.**

1. Along each side abutting a residential district, there shall be provided a minimum five foot wide landscape area. In addition, a minimum of 15 feet in width from the street right-of-way shall be landscaped except for areas provided for site access or areas where structures exist.
2. For developments not requiring a Development Plan, a landscape plan shall be approved by the Planning and Development Department and installation and maintenance guaranteed by performance securities.
3. All parking areas shall be landscaped as required under DIVISION 6, PARKING REGULATIONS.

**SECTION 47:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-78.2, Processing, of Section 35-78, C-2 – Retail Commercial, is hereby amended to read as follows:

**Section 35-78.2 Processing.**

1. No permits for development including grading shall be issued except in conformance with Section 35-169 (Coastal Development Permits).
2. Prior to the issuance of any Coastal Development Permit for buildings and structures which total 5,000 or more square feet in gross floor area and all additions which when added to

existing development total 5,000 square feet in gross floor area or more or where on-site buildings and structures and outdoor areas designated for sales or storage total 20,000 square feet in size, a Development Plan shall be approved as provided in Section 35-174 (Development Plans).

3. All new structures and alterations to existing structures shall be subject to design review in compliance with Section 35-184 (Board of Architectural Review).

#### **SECTION 48:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-78.3, Permitted Uses, of Section 35-78, C-2 – Retail Commercial, is hereby amended to read as follows:

#### **Section 35-78.3 Permitted Uses.**

1. Amusement enterprises if conducted wholly within a completely enclosed building, such as video arcades and pool halls.
2. Automobile service station, provided no gasoline is stored above ground.
3. New and used automobile and machinery sales, leases and rentals.
4. Automobile and machinery repair and service if conducted wholly within a completely enclosed building or within an area enclosed by a solid wall, hedge, or fence not less than six feet in height approved as to design by the Director, but not including automobile or machinery wrecking establishments or junk yards.
5. Retail stores, shops, or establishments supplying commodities for residents of the community, provided such enterprises are conducted within a completely enclosed building, such as bakeries, ice cream shops, grocery, and liquor stores, furniture, hardware, and appliance stores, department stores, sporting goods stores, pet shops, florist shops, automobile accessory stores, and the like.
6. Repair and service uses such as laundry and dry cleaning establishments, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, copy shops, radio and TV repair shops, etc.
7. Restaurants, bars, cocktail lounges, and microbreweries that are secondary and accessory to a restaurant, bar, or lounge.
8. Financial institutions such as banks and savings and loan offices, professional, administrative and general business offices.
9. Business, professional, and trade schools.
10. Hotels and motels.
11. Automobile parking lot.

12. Golf course, miniature or practice range.
13. Nursery.
14. Outdoor restaurant, cafe, or tea room.
15. Music recording studio.
16. Indoor theater.
17. Community non-profit recycling facility.
18. Residential uses existing at the time of adoption of this Article shall be considered permitted uses rather than legal nonconforming uses.
19. Spas or health clubs.
20. Day care center, principal use serving up to and including 50 children, subject to the provisions of Section 35-143 (Community Care Facilities).
21. Low barrier navigation centers, subject to the provisions of Section 35-144I, and Government Code Section 65662.
22. Cannabis, Retail, subject to the provisions of Section 35-144U.
23. Cannabis, Testing, subject to the provisions of Section 35-144U.
24. Accessory uses, buildings, and structures, which are customarily incidental to any of the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).
25. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

**SECTION 49:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-78.5, Uses Permitted With a Minor Conditional Use Permit, of Section 35-78, C-2 – Retail Commercial, is hereby amended to read as follows:

**Section 35-78.5 Uses Permitted With a Minor Conditional Use Permit.**

1. Small animal hospitals, provided all animals are kept within a completely enclosed building designed to reduce odor and the level of noise from such animals to the extent that adjacent properties will not be adversely affected by reason of such odor or noise.
2. Automobile and machinery repair and service conducted partially or wholly outdoors.
3. Boat sales yard and boat repair and services, but not including painting or junk yards for boats.
4. Cabinet shop.

5. Cleaning and dyeing establishment.
6. Electrical shop.
7. Frozen food locker as part of a retail store.
8. Furniture repair and upholstery.
9. Handicraft-type industries subject to the provisions of Section 35-172.11 (Conditional Use Permits).
10. Lumber and building materials sales yard.
11. Mechanical car wash.
12. Plumbing, heating, and ventilating shop.
13. Pump sales and service.
14. Outdoor sale of pool supplies, patio furniture, and spas.
15. Sales of fresh fruit, vegetables, and flowers from a motor vehicle or stand not affixed to the ground.
16. Sales or storage lot for trailers, including trailers used for carrying property, and recreational vehicles.
17. Sign painting shop.
18. Trailer rentals, including trailers used for carrying property, and truck rentals.
19. Welding and small tool machine shop.
20. Residences at a maximum 30 units per gross acre as part of a mixed use development where there is a minimum of one nonresidential use on the same site. The total gross floor area of residential uses shall not exceed 50 percent of the total gross floor area of all uses on the site. This standard may be increased up to 75 percent through Development Plan approval where the review authority finds that the proposed development and existing land uses located in the vicinity of the project site provide an adequate amount of commercial uses to meet the overall purpose and intent of the area as a commercial district and the character of the surrounding area is such that additional residential square footage is appropriate.
21. Transitional and Supportive Housing, subject to the provisions of Section 35-144V (Transitional and Supportive Housing).
22. Certified Farmer's Market.
23. Emergency Shelter.
24. Single Room Occupancy Facility.
25. Day care center, principal use, serving children, subject to provisions of Section 35-143 (Community Care Facilities).



**SECTION 50:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-78.7, Setbacks for Buildings and Structures, of Section 35-78, C-2 – Retail Commercial, is hereby amended to read as follows:

**Section 35-78.7 Setbacks for Buildings and Structures.**

1. **Front:**
  - a. 10 feet from the right-of-way line of any public street.
  - b. Open canopies, porches, roofed or unroofed, and similar accessory structures may encroach into the front setback area, provided that in no event shall such structures encroach upon a public street right-of-way.
2. **Side:** None, except when side yards are provided, they shall be a minimum of three feet.
3. **Rear:** 10 percent of the depth of said lot, but in no case shall the rear yard setback be required to exceed 10 feet, except that for any lot having a rear boundary abutting the rear boundary of a lot zoned residential, the required rear yard setback shall be not less than 25 feet.

**SECTION 51:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-78.8, Distance Between Buildings, of Section 35-78, C-2 – Retail Commercial, is hereby deleted in its entirety and reserved for future use.

**SECTION 52:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-78.9, Height Limit, of Section 35-78, C-2 – Retail Commercial, is hereby amended to read as follows:

**Section 35-78.9 Height Limit.**

No building or structure shall exceed a height of 35 feet, except as provided below.

1. The height limit of any structure containing a residential use is 45 feet, except that within 50 feet of a residential zone with a density of less than 20 units/acre, the height limit is 35 feet

**SECTION 53:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-80.2, Processing, of Section 35-80, CH – Highway Commercial, is hereby amended to read as follows:

**Section 35-80.2 Processing.**

1. No permits for development including grading shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).
2. A Development Plan shall not be required for the following, provided all other requirements of the CH District are complied with:
  - a. Any extension or addition of uses, buildings, or structures on property developed as of February 1, 1963.
  - b. Legal lots containing less than 20,000 square feet of net land area created on or before February 1, 1963.

**SECTION 54:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-80.3, Permitted Uses, of Section 35-80, CH – Highway Commercial, is hereby amended to read as follows:

**Section 35-80.3 Permitted Uses.**

1. Motels and hotels.
2. Restaurants.
3. Automobile service stations and garages, but not including junk yards or the storage or wrecking of used cars or machinery.
4. Dwellings occupied by the owner or their employees, and their families, where such persons manage or operate the principal use of the property, including persons acting as caretakers, whose work makes it essential that they reside on the property.
5. Bus terminals and train stations.
6. Such agricultural uses as are permitted on any abutting parcel zoned in an agriculture or residential district.
7. Mini-mart/convenience stores of less than 3000 square feet of floor area.
8. Day care center, principal use serving up to and including 50 children, subject to the provisions of Section 35-143 (Community Care Facilities).
9. Low barrier navigation centers, subject to the provisions of Section 35-144I, and Government Code Section 65662.
10. Accessory uses, buildings, or structures customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).

11. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

**SECTION 55:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-80.5, Uses Permitted With a Minor Conditional Use Permit, of Section 35-80, CH – Highway Commercial, is hereby amended to read as follows:

**Section 35-80.5 Uses Permitted With a Minor Conditional Use Permit.**

1. Commercial driving tees, putting ranges, and golf courses.
2. Truck service station (defined as a place of business primarily engaged in providing service station facilities for cargo vehicles.).
3. Mechanical car washes, except where the property abuts a residential district, subject to the construction of masonry walls, fencing, installation of landscaping, and other methods of reducing noise effects on abutting property, and subject to such controls over access, parking, and landscaping as will make such use compatible with adjacent uses.
4. Transitional and Supportive Housing, subject to the provisions of Section 35-144V (Transitional and Supportive Housing).
5. Day care center, principal use, serving children, subject to provisions of Section 35-143 (Community Care Facilities).

**SECTION 56:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 4 of Section 35-80.10, Landscaping/Screening, of Section 35-80, CH – Highway Commercial, is hereby amended to read as follows:

4. Said landscaping shall be installed and maintained in accordance with the approved Development Plan.

**SECTION 57:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-81.2, Preliminary Development Plan to be Included in Application for Rezoning, of Section 35-81, C-V – Resort/Visitor Serving Commercial, is hereby deleted in its entirety and reserved for future use.

**SECTION 58:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-81.3, Processing, of Section 35-81, C-V – Resort/Visitor Serving Commercial, is hereby amended to read as follows:

**Section 35-81.3 Processing.**

No permits for development including grading shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits). Additional requirements, identified in Division 16 (Montecito Community Plan Overlay District), exist for those parcels identified with the MON overlay zone.

**SECTION 59:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-81.4, Findings Required for Approval of Development Plans, of Section 35-81, C-V – Resort/Visitor Serving Commercial, is hereby amended to read as follows:

**Section 35-81.4 Findings Required for Approval of Development Plans.**

In addition to the findings for Development Plans set forth in Section 35-174.7 (Development Plans), no Development Plan shall be approved for property zoned or to be rezoned to Resort/Visitor Serving Commercial unless the Planning Commission also makes the following findings:

1. For development in rural areas as designated on the Coastal Land Use Plan Maps, the project will not result in a need for ancillary facilities on nearby land, i.e., residences, stores, etc.
2. For developments surrounded by areas zoned residential, the proposed use is compatible with the residential character of the area.
3. Additional requirements, identified in Division 16 (Montecito Community Plan Overlay District), exist for those parcels identified with the MON overlay zone.

**SECTION 60:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-81.5, Permitted Uses, of Section 35-81, C-V – Resort/Visitor Serving Commercial, is hereby amended to read as follows:

**Section 35-81.5 Permitted Uses.**

1. Resort, guest ranch, hotel, motel, country club, convention and conference center.

2. Light commercial uses (i.e., barber and beauty shops, gift shops, restaurants, etc.) normally associated with the needs of visitors, provided such commercial activities are so designed and limited as to be incidental and directly oriented to the needs of visitors and do not substantially change the character of the resort/visitor-serving facility.
3. Recreational facilities, including but not limited to piers, boat docks, golf courses, parks, playgrounds, riding and hiking trails, tennis courts, swimming pools, beach clubs.
4. Day care center, principal use serving up to and including 50 children, subject to the provisions of Section 35-143 (Community Care Facilities).
5. Low barrier navigation centers, subject to the provisions of Section 35-144I, and Government Code Section 65662.
6. Accessory uses, buildings, and structures which are customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).
7. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

#### **SECTION 61:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-81.8, Setbacks for Buildings and Structures, of Section 35-81, C-V – Resort/Visitor Serving Commercial, is hereby amended to read as follows:

##### **Section 35-81.8 Setbacks for Buildings and Structures.**

1. **Front:** 20 feet from the right-of-way line of any street.
2. **Side and Rear:** 20 feet.
3. In addition, no building or structure shall be located within 50 feet of a lot zoned residential.

#### **SECTION 62:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-81.12, Landscaping, of Section 35-81, C-V – Resort/Visitor Serving Commercial, is hereby amended to read as follows:

##### **Section 35-81.12 Landscaping.**

Landscaping shall be installed and maintained in accordance with the approved Development Plan. Along each side or rear yard abutting a residential district, an adequate buffer consisting of fencing, walls, plant materials, or any combination thereof shall be installed and maintained to protect adjacent residents from impacts of noise or lighting and to provide separation between residential and commercial uses. Such buffer shall be included in the Development Plan.

Additional requirements, identified in Division 16 (Montecito Community Plan Overlay District), exist for those parcels identified with the MON overlay zone.

**SECTION 63:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-83.2, Preliminary Development Plan to be Included in Application for Rezoning, of Section 35-83, PI – Professional and Institutional, is hereby deleted in its entirety and reserved for future use.

**SECTION 64:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-83.3, Processing, of Section 35-83, PI – Professional and Institutional, is hereby amended to read as follows:

**Section 35-83.3 Processing.**

No permits for development including grading shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).

**SECTION 65:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-83.4, Permitted Uses, of Section 35-83, PI – Professional and Institutional, is hereby amended to read as follows:

**Section 35-83.4 Permitted Uses.**

1. Professional offices, studios, and office buildings.
2. Hospitals, sanitariums, medical clinics, special care homes, and similar buildings, when used for the treatment of human ailments, subject to the approval as to need of the Santa Barbara Subarea Advisory Counsel of the Health Systems Agency, Ventura-Santa Barbara.
3. Eleemosynary and philanthropic institutions for human beings.
4. Churches, libraries, museums, and schools, including business schools, but not including dance halls nor trade schools using heavy equipment.
5. Community, civic center, and governmental buildings and structures.
6. Clubs, golf courses, and country clubs.
7. Cemetery, crematory, or mausoleums.
8. Off-street parking facilities accessory and incidental to an adjacent commercial use.

9. Retail stores, shops, or establishments supplying commodities or services intended to meet the day to day needs of employees in the vicinity including but not limited to drug stores, convenience markets, barber shops, shoe repair, dry cleaners, restaurants, and coffee shops. Cumulative development of these uses shall not exceed 20 percent of the total gross floor area on the lot.
10. Athletic clubs.
11. Banks and savings and loans offices.
12. Day care center, principal use serving up to and including 50 children, subject to the provisions of Section 35-143 (Community Care Facilities).
13. Low barrier navigation centers, subject to the provisions of Section 35-144I, and Government Code Section 65662.
14. Cannabis, Testing, subject to the provisions of Section 35-144U.
15. Uses, buildings and structures accessory and customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).
16. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

#### **SECTION 66:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-83.6, Uses Permitted with a Minor Conditional Use Permit, of Section 35-83, PI – Professional and Institutional, is hereby amended to read as follows:

#### **Section 35-83.6 Uses Permitted with a Minor Conditional Use Permit.**

1. Residences, provided the residential use is secondary to a permitted or conditionally permitted (i.e., Conditional Use Permit) commercial use on the same lot.
  - a. Maximum residential density is one unit per 1,000 square feet of gross floor area of commercial development on the same lot.
  - b. The total gross floor area of residential uses shall not exceed 50 percent of the total gross floor area of all uses on the site.
2. Transitional and Supportive Housing, subject to the provisions of Section 35-144V (Transitional and Supportive Housing).
3. Day care center, principal use, serving children, subject to provisions of Section 35-143 (Community Care Facilities).
4. Certified Farmer's Market.

**SECTION 67:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-83.8, Setbacks for Buildings and Structures, of Section 35-83, PI – Professional and Institutional, is hereby amended to read as follows:

**Section 35-83.8 Setbacks for Buildings and Structures.**

1. **Front:** 15 feet from the right-of-way line of any public street, provided, however, that no portion of a building or structure designed for housing automobiles which opens directly onto a public street shall be located closer than 20 feet to said right-of-way line.
2. **Side and Rear:** 15 feet.

**SECTION 68:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-83.9, Distance Between Buildings, of Section 35-83, PI – Professional and Institutional, is hereby deleted in its entirety and reserved for future use.

**SECTION 69:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-83.13, Landscaping, of Section 35-83, PI – Professional and Institutional, is hereby amended to read as follows:

**Section 35-83.13 Landscaping.**

Not less than 10 percent of the net area of the property shall be devoted to landscaping. Landscaping shall be installed and maintained in accordance with the approved Development Plan.

**SECTION 70:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-84.2, Preliminary Development Plan to be Included in Application for Rezoning, of Section 35-84, M-RP – Industrial Research Park, is hereby deleted in its entirety and reserved for future use.

**SECTION 71:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-84.3, Processing, of Section 35-84, M-RP – Industrial Research Park, is hereby amended to read as follows:



**Section 35-84.3 Processing.**

No permits for development including grading shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).

**SECTION 72:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-84.4, Permitted Uses, of Section 35-84, M-RP – Industrial Research Park, is hereby amended to read as follows:

**Section 35-84.4 Permitted Uses.**

1. Manufacturing and assembly of business machines including electronic data processing equipment, accounting machines, calculators, typewriters, and related equipment.
2. Manufacture of ceramic products, such as pottery, figurines and small glazed tile, utilizing only previously pulverized clay, provided that kilns are fired only by electricity or gas.
3. Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, perfumes, perfumed toilet soap (not including refining or rendering of fats or oils), and toiletries.
4. Manufacture, design, and production of handicraft articles, musical instruments, toys, jewelry, and novelties.
5. Assembly of electrical appliances, electronic instruments, and devices, and radio, phonograph, and television sets, including the manufacture of small parts only, such as coils, condensers, transformers, and crystal holders.
6. Printing, embossing, engraving, etching, lithographic, and bookbinding plants.
7. Experimental photo or motion picture film, research, and testing laboratories.
8. Scientific instrument and equipment manufacture or precision machine shops.
9. Manufacture of optical goods.
10. Packaging business.
11. Administrative offices required in conjunction with the uses permitted in this district and executive headquarters of business firms that are compatible with uses permitted in this district.
12. Storage warehouse and wholesale distributing.
13. Research, development, and testing laboratories and facilities.
14. Aquaculture subject to the provisions of Section 35-136 (General Regulations).

15. Retail stores, shops, or establishments supplying commodities or services intended to meet the day to day needs of employees in the vicinity including but not limited to drug stores, convenience markets, barber shops, shoe repair, dry cleaners, banks, restaurants, and coffee shops. Cumulative development of these uses shall not exceed 20 percent of the total gross floor area on the lot.
16. Light recreational uses and facilities such as tennis courts, gymnasium, racquetball courts which are operated only for the use of the employees in the industrial research park.
17. Day care center, principal use serving up to and including 50 children, subject to the provisions of Section 35-143 (Community Care Facilities).
18. Emergency Shelter.
19. Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.
20. Cannabis, Distribution, subject to the provisions of Section 35-144U.
21. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.
22. Cannabis, Testing, subject to the provisions of Section 35-144U.
23. Accessory uses, buildings, and structures, which are customarily incidental to any of the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).

### **SECTION 73:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 1, Front, of Section 35-84.9, Setbacks for Buildings and Structures, of Section 35-84, M-RP – Industrial Research Park, is hereby amended to read as follows:

1. **Front:**
  - a. 50 feet from the right-of-way line of any street.
  - b. From secondary interior streets of an industrial research park, 20 feet from the right-of-way line of the street.

### **SECTION 74:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-84.13, Landscaping, of Section 35-84, M-RP – Industrial Research Park, is hereby amended to read as follows:

**Section 35-84.13 Landscaping.**

Not less than 30 percent of the net area of the property shall be landscaped. All landscaping shall be in conformance with the approved Development Plan. In addition, where any portion of a lot abuts a lot in a residential district, the first 20 feet of the rear setback or the first five feet of the side setback shall be landscaped and a masonry wall not less than six feet in height shall be provided.

**SECTION 75:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-87.3, Permitted Uses, of Section 35-87, M-CD – Coastal Dependent Industry, is hereby amended to read as follows:

**Section 35-87.3 Permitted Uses.**

1. Onshore oil and gas development including exploratory and production wells, pipelines, storage tanks, processing facilities for onshore oil and gas, and truck terminals that are determined to require a site on or adjacent to the sea to be able to function at all. Such uses are subject to the regulations in DIVISION 9 - OIL AND GAS FACILITIES.
2. Onshore facilities that are determined to be necessary for the exploration, development, production, processing and/or transportation of offshore oil and gas resources and that require a site on or adjacent to the sea to be able to function at all. Such uses are subject to the regulations in DIVISION 9 - OIL AND GAS FACILITIES.
3. Onshore components of marine terminals that are determined to be required for waterborne shipments of crude oil or petroleum products and that require a site on or adjacent to the sea to be able to function at all. Such uses are subject to the regulations of DIVISION 9 - OIL AND GAS FACILITIES.
4. Piers and staging areas that require a site on or adjacent to the sea to be able to function at all. Such uses are subject to the regulations of DIVISION 9 - OIL AND GAS FACILITIES.
5. Aquaculture, subject to the regulations of Section 35-136 (General Regulations).
6. Accessory uses, buildings, and structures, which are customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).

**SECTION 76:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 1, Front, of Section 35-87.6, Setbacks for Buildings and Structures, of Section 35-87, M-CD – Coastal Dependent Industry, is hereby amended to read as follows:

**Section 35-87.6 Setbacks for Buildings and Structures.**

1. **Front:** 20 feet from the right-of-way line.

**SECTION 77:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-88.2, Preliminary Development Plan to be Included in Application for Rezoning, of Section 35-88, PU – Public Works Utilities and Private Service Facilities, is hereby deleted in its entirety and reserved for future use.

**SECTION 78:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-88.3, Processing, of Section 35-88, PU – Public Works Utilities and Private Service Facilities, is hereby amended to read as follows:

**Section 35-88.3 Processing.**

No permits for development including grading shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).

**SECTION 79:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-88.4, Permitted Uses, of Section 35-88, PU – Public Works Utilities and Private Service Facilities, is hereby amended to read as follows:

**Section 35-88.4 Permitted Uses.**

1. Central plant facilities for domestic, commercial, industrial or recreational water production including onsite water wells, treatment and storage, including but not limited to, water systems, water treatment plants, including seawater desalination facilities, water package plants or other similar facilities, proposed to serve 200 or more connections.
2. Central plant facilities for sewage treatment, including but not limited to, wastewater treatment plants, wastewater package plants, reclamation facilities or other similar facilities, proposed to serve 200 or more connections.
3. Operating bases and service centers for public utilities.
4. Major electrical transmission substations.
5. Underground gas storage and related facilities, e.g., compressor stations, gas wells and pipelines, owned and operated by a public utility and subject to the provisions of Section 35-88.11.

6. All types of agriculture and farming as permitted in and subject to the limitations of the AG-II District.
7. Accessory uses, buildings, and structures which are customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).

#### **SECTION 80:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 1, Front, of Section 35-88.7, Setbacks for Buildings and Structures, of Section 35-88, PU – Public Works Utilities and Private Service Facilities, is hereby amended to read as follows:

1. **Front:** 20 feet to the right-of-way line of the street.

#### **SECTION 81:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-89.2, Preliminary Development Plan to be Included in Application for Rezoning, of Section 35-89, REC – Recreation District, is hereby deleted in its entirety and reserved for future use.

#### **SECTION 82:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-89.4, Processing, of Section 35-89, REC – Recreation District, is hereby amended to read as follows:

##### **Section 35-89.4 Processing.**

No permits for development including grading shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).

#### **SECTION 83:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-89.5, Permitted Uses, of Section 35-89, REC – Recreation District, is hereby amended to read as follows:

##### **Section 35-89.5 Permitted Uses.**

1. Outdoor public and/or private recreational uses, e.g., parks, campgrounds, recreational vehicle accommodations, and riding, hiking, biking, and walking trails.

2. Golf courses.
3. Structures and facilities required to support the recreational activities, e.g., parking areas, corrals and stabling areas, water and sanitary facilities, boat launching facilities, ranger stations, and limited concession facilities.

**SECTION 84:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-89.14, Landscaping, of Section 35-89, REC – Recreation District, is hereby amended to read as follows:

**Section 35-89.14 Landscaping.**

1. Landscaping shall be installed and maintained in accordance with the approved Development Plan.
2. Where a lot is adjacent to a lot(s) zoned for residential use, landscaping, fences, and/or walls to screen facilities such as tennis courts, concession stands, restrooms, and other structures shall be provided.

**SECTION 85:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-90.3, Permitted Uses, of Section 35-90, RES – Resource Management, is hereby amended to read as follows:

**Section 35-90.3 Permitted Uses.**

1. One single family dwelling per legal lot.
2. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
3. One guest house subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot.
4. Transitional and Supportive Housing, subject to the provisions of Section 35-144V (Transitional and Supportive Housing).
5. The non-commercial keeping of animals and poultry accessory to the primary residential use located on the same lot.
6. Agricultural grazing.
7. Uses, buildings and structures accessory and customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).

**SECTION 86:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-90.8, Setbacks for Buildings and Structures, of Section 35-90, RES – Resource Management, is hereby amended to read as follows:

**Section 35-90.8 Setbacks for Buildings and Structures.**

20 feet from the lot lines of the lot on which the building or structure is located.

**SECTION 87:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-91.2, Preliminary Development Plan to be Included in Application for Rezoning, of Section 35-91, MHP – Mobile Home Park, is hereby deleted in its entirety and reserved for future use.

**SECTION 88:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-91.3, Processing, of Section 35-91, MHP – Mobile Home Park, is hereby amended to read as follows:

**Section 35-91.3 Processing.**

No permits for development including grading shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits) and with Chapter 2, Mobile Home Parks Act, of Division 1, Title 25, of the California Code of Regulations.

**SECTION 89:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-91.4, Permitted Uses, of Section 35-91, MHP – Mobile Home Park, is hereby amended to read as follows:

**Section 35-91.4 Permitted Uses.**

1. Mobile Home Park.
2. Recreational facilities for the use of the residents of the park.
3. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
4. Accessory uses, structures, and buildings which are customarily incidental and subordinate to the uses permitted in this district.

5. Transitional and Supportive Housing, subject to the provisions of Section 35-144V (Transitional and Supportive Housing).

#### **SECTION 90:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-92.3, Permitted Uses, of Section 35-92, M-CR – Coastal Related Industry, is hereby amended to read as follows:

##### **Section 35-92.3 Permitted Uses.**

1. Onshore oil and gas development including exploratory and production wells, pipelines, storage tanks, processing facilities for onshore oil and gas, and truck terminals, subject to the regulations in DIVISION 9 - OIL AND GAS FACILITIES.
2. Onshore facilities, including exploratory and producing wells, that are necessary for the exploration, development, production, processing and/or transportation of offshore oil and gas resources, subject to the regulation in DIVISION 9 - OIL AND GAS FACILITIES.
3. Onshore components of marine terminals required for waterborne shipments of crude oil or petroleum products, subject to the regulations of DIVISION 9 - OIL AND GAS FACILITIES.
4. Staging areas and supply bases, subject to the regulations of DIVISION 9 - OIL AND GAS FACILITIES.
5. Aquaculture, subject to the regulations of Section 35-136 (General Regulations).
6. Accessory uses, buildings, and structures, which are customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).

#### **SECTION 91:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 1, Front, of Section 35-92.6, Setbacks for Buildings and Structures, of Section 35-92, M-CR – Coastal Related Industry, is hereby amended to read as follows:

1. **Front:** 20 feet from the right-of-way line.

#### **SECTION 92:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-93.2, Processing and Applicability, of Section 35-93, TC – Transportation Corridor, is hereby amended to read as follows:



**Section 35-93.2 Processing and Applicability.**

1. No permits for new development, including grading or excavation, shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans) and with Section 35-169 (Coastal Development Permits).
2. Transportation-related development or structures necessary for the operation of railroads or highways in existence at the time of adoption of this ordinance shall not be deemed legal non-conforming uses. The purpose of this provision is to permit new development without requiring a Development Plan for existing public works or public utilities that will not be affected by the new development and to allow for repair of such existing facilities.
3. Safety, signalization, barriers, and grade crossing devices installed for the purpose of improving the safe operation of railroads or highways shall be exempt from the permit requirements of this District.

**SECTION 93:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-93.3, Permitted Uses, of Section 35-93, TC – Transportation Corridor, is hereby amended to read as follows:

**Section 35-93.3 Permitted Uses.**

1. Railroad main, branch, and spur lines, as defined in Division 2 of this Article.
2. Railroad sidings and turn-outs, used for the purpose of allowing safe passage of trains, switching of rail cars, or parking of trains.
3. Accessory equipment and structures that are attendant to railway and roadway uses, such as bridges, underpasses, overpasses, tunnels and signalization.
4. Freeways, highways, streets, and roads, including shoulders, turnouts, and interchanges.
5. Rail and bus stops, including accessory facilities and structures for the purposes of loading and unloading passengers.
6. Permanent inspection stations operated by governmental agencies.
7. Roadside rest areas operated by governmental agencies.
8. Permanent storage yards and structures for road or rail maintenance.
9. Parking, including park and ride facilities.
10. Permanent loading and shipping facilities.
11. Railroad stations and terminals.
12. Railroad switching and maintenance yards.

13. Bikeways and recreational trails, and minor development that is ancillary to bikeways and trails such as picnic tables, garbage cans, and drinking fountains located along the route.

**SECTION 94:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-93.10, Landscaping/Screening, of Section 35-93, TC – Transportation Corridor, is hereby amended to read as follows:

**Section 35-93.10 Landscaping/Screening.**

1. Landscaping shall be installed and maintained in accordance with the approved Development Plan, subject to the restriction that landscaping requirements shall not conflict with the safety and visibility requirements of Transportation Corridor uses. Uses permitted with a Major Conditional Use Permit shall also require an approved Landscape Plan equivalent to that required for a Development Plan. Applicant shall demonstrate that adequate provisions have been made for the permanent care and maintenance of plantations installed under these provisions.
2. Drought-tolerant native species shall be utilized in Transportation Corridor landscape plans to the maximum extent feasible.
3. To the maximum extent feasible, all development, including expansions of U.S. Highway 101, shall incorporate provisions for landscaping to preserve the scenic and visual amenities which exist along the affected transportation corridor, or to replace such landscaping with comparable scenic and visual amenities. To the extent feasible, the existing historic landscaping scheme shall be preserved and maintained.

**SECTION 95:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-93A.3, Permitted Uses, of Section 35-93A, MT-TORO – Mountainous Area – Toro Canyon Planning Area, is hereby amended to read as follows:

**Section 35-93A.3 Permitted Uses.**

1. One single-family dwelling per legal lot.
2. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
3. One guest house subject to the provisions of Section 35-120 (General Regulations).
4. The non-commercial keeping of animals and poultry.
5. Cultivated agriculture, vineyard, or orchard when there is evidence of permitted or legal non-conforming use within the previous ten-year period.
6. Home occupations, subject to the provisions of Section 35-121 (General Regulations).

7. Accessory uses, buildings and structures that are customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).
8. Transitional and Supportive Housing, subject to the provisions of Section 35-144V (Transitional and Supportive Housing).

**SECTION 96:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-93A.4, Uses Permitted with a Major Conditional Use Permit, of Section 35-93A, MT-TORO – Mountainous Area – Toro Canyon Planning Area, is hereby amended to read as follows:

**Section 35-93A.4 Uses Permitted with a Major Conditional Use Permit.**

1. Low intensity recreational uses such as summer camps, public riding stables, and hunting clubs.
2. Campgrounds with minimum facilities not including accommodations for recreational vehicles.
3. Limited facilities or developments for educational purposes or scientific research, e.g., water quality monitoring stations, access roads, storage facilities, etc.
4. Resource dependent uses such as mining and quarrying.
5. Onshore oil development, including exploratory and production wells, pipelines, separation facilities, and their accessory uses, subject to the requirements set forth in DIVISION 8, ENERGY FACILITIES.
6. Accessory uses, buildings and structures which are customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).

**SECTION 97:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-93A.5, Uses Permitted with a Minor Conditional Use Permit, of Section 35-93A, MT-TORO – Mountainous Area – Toro Canyon Planning Area, is hereby amended to read as follows:

**Section 35-93A.5 Uses Permitted with a Minor Conditional Use Permit.**

1. Artist's studio.

2. New cultivated agriculture, vineyard or orchard use, when there is not evidence showing that it is a permitted or legal non-conforming use within the previous ten-year period.
3. Accessory uses, buildings and structures which are customarily incidental to the above uses, provided that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).

**SECTION 98:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-93A.9, Setbacks for Buildings and Structures, of Section 35-93A, MT-TORO – Mountainous Area – Toro Canyon Planning Area, is hereby amended to read as follows:

**Section 35-93A.9 Setbacks for Buildings and Structures.**

20 feet from the lot lines of the lot of which the building or structure is located.

**SECTION 99:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-93A.11, Minimum Distance Required Between Buildings on the Same Building Site, of Section 35-93A, MT-TORO – Mountainous Area – Toro Canyon Planning Area, is hereby deleted in its entirety and reserved for future use.

**SECTION 100:**

DIVISION 5, Overlay Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-95.3, Permit and Processing Requirements, of Section 35-95, FA – Flood Hazard Area Overlay District, is hereby amended to read as follows:

**Section 35-95.3 Permit and Processing Requirements.**

1. **Referral and determination.** Prior to the approval of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) for all development subject to the FA Overlay Zone:
  - a. The applicant shall be referred to the Flood Control District Agency for a determination as to whether the development is subject to the requirements of County Code Chapter 15A. If the Flood Control District 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 101:**

DIVISION 5, Overlay Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-97.19, Development Standards for Stream Habitats, of Section 35-97, ESH – Environmentally Sensitive Habitat Area Overlay District, is hereby amended to read as follows:

#### **Section 35-97.19 Development Standards for Stream Habitats.**

1. The minimum buffer strip for streams in rural areas, as defined by the Coastal Land Use Plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the California Department of Fish and Game and California Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:
  - a. Soil type and stability of stream corridors.
  - b. How surface water filters into the ground.
  - c. Slope of land on either side of the stream.
  - d. Location of the 100-year flood plain boundary.

Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the re-establishment of riparian vegetation to its prior extent to the greatest degree possible.
2. No development shall be located within the stream corridor except: public trails, dams for necessary water supply projects; flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible.
3. Dams or other structures that would prevent upstream migration of anadromous fish shall not be allowed in streams targeted by the California Department of Fish and Game unless other measures are used to allow fish to bypass obstacles. These streams include: San

Antonio Creek (Los Alamos area), Santa Ynez River, Jalama Creek, Santa Anita Creek, Gaviota Creek, and Tecolote Creek.

4. All development, including dredging, filling, and grading within stream corridors shall be limited to activities necessary for the construction of uses specified in paragraph 2 of this Section, above. When such activities require removal of riparian plant species, re-vegetation with local native plants shall be required except where undesirable for flood control purposes. Minor clearing of vegetation for hiking, biking, and equestrian trails shall be permitted.
5. All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.
6. Other than projects that are currently approved and/or funded, no further concrete channelization or other major alterations of streams in the Coastal Zone shall be permitted unless consistent with the provisions of Public Resources Code Section 30236 of the Coastal Act.

#### **SECTION 102:**

DIVISION 5, Overlay Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-98, D – Design Control

#### **Section 35-98. D - Design Control Overlay District.**

##### **Section 35-98.1 Purpose and Intent.**

The purpose of this district is to designate areas where, because of visual resources and/or unique neighborhood characteristics, plans for new or altered structures are subject to design review in compliance with Section 35-184 (Board of Architectural Review). The intent is to ensure well designed developments and to protect scenic qualities, property values, and neighborhood character.

##### **Section 35-98.2 Applicability.**

Each land use and proposed development within the D Overlay District shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the primary zone, the most restrictive shall control.

1. Setbacks, Height Limit, and Other District Requirements. All new structures and alterations to existing structures shall comply with the regulations of the base zone, except that when the base zone allows modifications of such regulations by the decision-maker, the Board of Architectural Review may recommend in compliance with Section 35-184 (Board of Architectural Review) the modification of setbacks, height limits, and other requirements to protect visual resources.

### **Section 35-98.3 Permit and Processing Requirements.**

All new structures and alterations to existing structures shall be subject to design review in compliance with Section 35-184 (Board of Architectural Review) except as provided below:

1. **Eastern Goleta Valley Plan area.** In order to ensure that such land use and proposed development is consistent with the Eastern Goleta Valley Design Guidelines for residential development, plans for the following shall be submitted for Design Review in compliance with Section 35-184 (Board of Architectural Review):
  - a. New one-family and two-family dwellings.
  - b. Demolished and reconstructed one-family and two-family dwellings when 50 percent or more of the existing gross floor area is demolished.
  - c. Second and third floor additions to existing one-family and two-family dwellings not including the addition of lofts within an existing structure where there is no change in the outward appearance of the structure.
  - d. Any addition of more than 1,000 square feet of the gross floor area or 50 percent or more of the gross floor area of the principal one-family or two-family dwelling that existed on the lot as of December 14, 2017, whichever is less.
  - e. Any structural alterations to one-family and two-family dwellings that are substantially visible from the street frontage.

### **SECTION 103:**

DIVISION 5, Overlay Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-101.3, Preliminary Development Plan to be Included in Application for Rezoning, of Section 35-101, ARC-CI – Agriculture - Residential Cluster - Channel Islands Overlay District, is hereby deleted in its entirety and reserved for future use.

### **SECTION 104:**

DIVISION 5, Overlay Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-101.4, Processing, of Section 35-101, ARC-CI – Agriculture - Residential Cluster - Channel Islands Overlay District, is hereby amended to read as follows:

#### **Section 35-101.4. Processing.**

No permits for development including grading shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).

**SECTION 105:**

DIVISION 5, Overlay Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-101.6, Findings Required for Approval of Development Plans, of Section 35-101, ARC-CI – Agriculture - Residential Cluster - Channel Islands Overlay District, is hereby amended to read as follows:

**Section 35-101.6 Findings Required for Approval of Development Plans.**

In addition to the findings for development plans set forth in Section 35-174.7 (Development Plans), no Development Plan shall be approved for property zoned or to be rezoned to Agriculture-Residential Cluster-Channel Islands Overlay District, unless the County also makes the following findings:

1. The proposed development will be compatible with the long-term preservation of the agricultural operation.
2. Water resources and all necessary services are adequate to serve the proposed development, including residential, public recreation, and commercial visitor-serving uses, and the existing agricultural operation.
3. The proposed development has been sited and designed so as to: (a) avoid and buffer all prime agricultural areas of the site; (b) minimize to the maximum extent feasible the need for construction of new roads by clustering new development close to existing roads; (c) avoid placement of roads or structures on any environmentally sensitive habitat areas; (d) minimize impacts of non-agricultural structures on public views from beaches, public trails and roads, and public recreational areas; and (e) minimize risks to life and property due to geologic, flood, and fire hazard. (Minor agricultural development, i.e., fences, irrigation systems, shall be excluded from the findings under this paragraph 3.
4. The residential development has been clustered to the maximum extent feasible so as not to interfere with agricultural production but shall also be consistent with the goal of maintaining the rural character of the area.
5. The conditions, covenants, and restrictions governing the Homeowner's Association and/or individual lots are adequate to insure permanent maintenance of the lands to remain in agriculture and/or open space.

**SECTION 106:**

DIVISION 5, Overlay Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-102C.4, Processing, of Section 35-102C, AH – Affordable Housing, is hereby amended to read as follows:



**Section 35-102C.4 Processing.**

- a. No permits for development of an AH Overlay project, including grading, shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).
- b. In order to ensure that all AH-Overlay projects receive timely and preferential processing, qualifying AH Overlay projects shall be subject to the fast track permit process. AH Overlay projects may be eligible for administrative incentives such as deferred fees and for other development incentives provided for in the coastal zoning ordinance.

**SECTION 107:**

DIVISION 5, Overlay Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-102D.3, Preliminary Development Plan to be included in Application for Rezoning, of Section 35-102D, Hazardous Waste Management Facility, is hereby deleted in its entirety and reserved for future use.

**SECTION 108:**

DIVISION 5, Overlay Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-102D.4, Processing, of Section 35-102D, Hazardous Waste Management Facility, is hereby amended to read as follows:

**Section 35-102D.4 Processing.**

No permits for development, including grading, shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).

**SECTION 109:**

DIVISION 5, Overlay Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 1, Design review required, of Subsection D, Permit and processing requirements, of Section 35-102G, CVC - Critical Viewshed Corridor Overlay District, is hereby amended to read as follows:

1. **Design review required.** Except for development that is exempt from the requirements of this overlay zone in compliance with Subsection B (Applicability), above, all structural development proposed on a lot located within the CVC overlay district shall require Design Review in compliance with Section 35-184 (Board of Architectural Review) prior to the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances).

**SECTION 110:**

DIVISION 6, Parking Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-107, Required Number of Spaces: General, is hereby amended to read as follows:

**Section 35-107. Required Number of Spaces: General.**

1. The minimum number of parking spaces as required in the specific applicable zone district or specified in this DIVISION shall be provided and continuously maintained in conjunction with any use or development.
2. For all development (other than single-family residential) which is subject to the requirements of a development plan, the review authority shall determine if there is a need to provide for bicycle parking. If such a need exists, the Planning Commission shall then determine the required number of parking spaces, bike racks, and locking devices that shall be provided.
3. For additions to existing developments, the increased parking requirement shall be based on the aggregate total of the floor area and/or number of employees of all existing and proposed buildings or structures on the property.
4. For the purposes of this section, gross floor area shall be the measure of square footage for a project; however, stairways and open, unenclosed corridors shall be excluded.
5. Where the standards result in a fraction of one-half or greater (0.5 or greater), the next larger whole number shall be the number of spaces required. In order to encourage efficient use of commercial parking space and good design practices, the total parking requirement for mixed uses or Conjunctive 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.
6. Where the parking requirement for a use is not specifically defined in the applicable zone district or this DIVISION, the parking requirement shall be determined by the Director based upon the requirement for the most comparable use specified herein.
7. Modifications to the parking requirements may be granted, pursuant to Section 35-142 (Accessory Dwelling Units), Section 35-144C.4 (Density Bonus for Affordable Housing Projects), Section 35-172.12 (Conditional Use Permits), Section 35-173 (Variances), Section 35-174.8 (Development Plans), or Section 35-179 (Modifications).

**SECTION 111:**

DIVISION 6, Parking Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, the title of Section 35-117A, Additional Standards for Residential Zones and Uses, is hereby amended to read as follows:

## **Section 35-117A. Additional Standards for Residential Zones.**

### **SECTION 112:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-121, Home Occupations, is hereby amended to read as follows:

#### **Section 35-121. Home Occupations.**

##### **Section 35-121.1 Purpose and Intent.**

The purpose of this section is to provide permit regulations and processing requirements for home occupations. The intent is to prevent any adverse effects on the residential enjoyment of surrounding residential properties.

##### **Section 35-121.2 Applicability.**

The provisions of this section shall apply to all home occupations, including Cottage Food Operations and In-home Retail Sales. Home occupations are permitted as an accessory use to any legally established dwelling in any zoning district including nonconforming dwellings, subject to the standards of this Section.

##### **Section 35-121.3 Processing.**

1. Before the commencement of a home occupation, a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or, where the Coastal Commission approves the Coastal Development Permit, a Zoning Clearance in compliance with Section 35-179A (Zoning Clearance) shall be issued for the home occupation unless the occupation qualifies for an exemption as stated in Section 35-121.5 (Exceptions to Permit Requirements for Home Occupations) below.
2. Prior to the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) for a home occupation, a Notice to Property Owner certifying that the home occupation will be conducted in compliance with the development standards of Section 35-121.4 (Development standards), below, and any other conditions as may be made part of the Coastal Development Permit shall be recorded by the property owner.

##### **Section 35-121.4 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 2 (Cottage food operations), below, shall apply instead.
  - a. Only one home occupation shall be allowed 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.

- 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 such structures, and the existence of the home occupation shall not be discernible from the exterior of the dwelling unit.
- 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, including but not limited to telephone directories, newspaper, internet, social media or other 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 said 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 Section 35-121.5.1.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 65dBA beyond the boundaries of the lot 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 35-144K (Accessory storage of materials).
- i. No vehicles or trailers except those incidental to the residential use and those allowed under Section 35-71.11 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 structure that relies on a septic system, written clearance from the Santa Barbara County Public Health Department will be required prior to approval.

- l. No hazardous materials other than those commonly found within a residence shall be used or stored on the site. Such 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 are exempted 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 on-site 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.
    - 1) No portion of the cottage food operation including sales and storage shall occur within any parking area required in compliance with Division 6 (Parking Regulations).
  - 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) 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 Division 6 (Parking Regulations).

- 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 residentially-zoned lots, the overnight parking of commercial vehicles on the lot shall be in compliance with Section 35-71.11 (Parking).
- e. **Sales.**
- 1) Within the Montecito Community Plan area, 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.
  - 2) Outside of the Montecito Community Plan area, food items may only be sold, or offered for sale, from the dwelling to customers present at the dwelling between the hours of 9:00 a.m. to 6:00 p.m.
- f. All waste containers shall be in compliance with Section 17-8 (Containers) of Chapter 17 (Solid Waste Services) of the County Code.
- g. 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.
- h. The cottage food operation shall at all times be conducted in compliance with:
- 1) The conditions and limitations of this Subsection 2 (Cottage food operations) and any other conditions and/or limitations that may be part of the Coastal Development Permit or 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.
- i. 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 Coastal Development Permit or 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.

**Section 35-121.5. Exception to Permit Requirement for Home Occupation.**

A Coastal Development Permit or Zoning Clearance shall not be required for home occupations that are in compliance with all of the following criteria:

1. The development standards of Section 35-121.4.1 or Section 35-121.4.2, 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 home occupation.
  - c. With the exception of in-home retail sales allowed pursuant to subsection E.1.a above, business 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.

**Section 35-121.6. Prohibited Home Occupations.**

1. Occupations that cannot comply with all of the development standards listed in Section 35-121.4 (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 113:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 1 of Section 35-125, General Setback Regulations, is hereby amended to read as follows:

1. Where a setback line is called for or shown on a recorded final or parcel map or on a Development Plan the required setback shall be the setback line shown on the final or parcel map or Development Plan.

**SECTION 114:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 3, Interior Lots, of Section 35-126, Through, Corner, Interior, and Odd Shaped Lots, is hereby amended to read as follows:

**Section 35-126. Through, Corner, Interior, and Odd Shaped Lots.**

- 3.Interior Lots.** The setback regulations of the applicable zone district shall not apply to an interior lot but any structure located upon such lot shall have a setback of at least 10 feet from all property lines, except as provided below, and the total setback area shall equal the total area of all setbacks required in the applicable zone district.

- a. EX-1 zone. The interior lot setback for the EX-1 zone district shall be 25 feet.

**SECTION 115:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, S Section 35-141, Mobile Homes on Foundation, is hereby deleted in its entirety and reserved for future use.

**SECTION 116:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 2, No Hearing Required, of Section 35-142.4 Application and Processing Requirements, of Section 35-142. Accessory Dwelling Units and Junior Accessory Dwelling Units, is hereby amended to read as follows:

2. **No Hearing Required.** An application for a Coastal Development Permit for an accessory dwelling unit or junior accessory dwelling unit shall be considered ministerially and without a hearing.

**SECTION 117:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 1, Planning permit applications, of Subsection B, Formal planning permit application, of Section 35-144C.9, Processing, of Section 35-144C, Density Bonus for Affordable Housing Projects, is hereby amended to read as follows:

1. **Planning permit applications.** Applicants for density bonuses, incentives or concessions, waivers or reductions of development standards, and/or parking ratios pursuant to this Section and State Density Bonus Law, shall complete and file the Density Bonus Program Supplemental Application and an application form(s) for the standard permit(s) (e.g., Coastal Development Permit, Development Plan, and/or Conditional Use Permit) required for the project by this Article, which includes the following information: site information, number of units, requested density bonus units, proposed number of affordable units, requested incentives, financial information, and site plan.

**SECTION 118:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-144D.3, Modified Development Standards, of Section 35-144D, Affordable Housing Development Regulations, is hereby amended to read as follows:



### **Section 35-144D.3 Modified Development Standards.**

The following modified standards may apply to qualified AH-Overlay projects in the Design Residential and Planned Residential Development zone districts and qualified density bonus projects, provided that projects so modified shall be found consistent with all applicable policies and provision of the Local Coastal Program.

1. One side yard setback per lot may be reduced from the standard requirement 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.

### **SECTION 119:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-144E.2, Applicability, of Section 35-144E, Hazardous Waste Generators, is hereby amended to read as follows:

#### **Section 35-144E.2 Applicability.**

The provisions of this Section apply to any activity for which a Coastal Development Permit is required that is undertaken by a person or business who is or will be a generator of hazardous waste.

### **SECTION 120:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-144J, Animal Keeping, is hereby amended to read as follows:

#### **Section 35-144J. Animal Keeping.**

1. **Purpose and Intent.** This Section identifies zones that allow the keeping of household pets in addition to those zones where animal keeping is presently included. The intent of this Section is to ensure that the keeping of household pets does not create an adverse impact on adjacent properties (e.g., dust, fumes, insect infestations, odor and noise), by providing standards for the keeping of household pets.
2. **Applicability.** This Section applies to the SR-M - Medium Density Student Residential (Section 35-76), SR-H - High Density Student Residential (Section 35-77), C-1 - Limited Commercial (Section 35-77A), C-2 - Retail Commercial (Section 35-78), C-V - Resort/Visitor Serving Commercial (Section 35-81), PI - Professional and Institutional (Section 35-83), REC - Recreation (Section 35-89), MHP - Mobile Home Park (Section 35-91), and M-CR - Coastal Related Industry (Section 35-92).
3. **Standards.** Household pets shall be kept in compliance with the following standards:

- a. The keeping of household pets shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs.
  - b. There shall be no more than three dogs permitted per dwelling unit.
  - c. Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
  - d. The keeping of such animals shall not be injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
  - e. Enclosures for such animals shall be located no closer than 25 feet to any dwelling located on another lot.
  - f. No rooster or peacock shall be kept or raised on the lot.
4. **Accessory structures.** Buildings, and structures accessory and customarily incidental to the keeping of household pets may be allowed in compliance with the standards of the applicable zone and this Article.

**SECTION 121:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 1, Building materials and equipment used in a construction project, of Subsection C, Standards for accessory storage of materials, of Section 35-144K, Accessory Storage of Materials, is hereby amended to read as follows:

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 component 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 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 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 C.1.a, above, or C.2, below, is considered a Contractor Equipment Storage Yard which is not allowed in residential zones.

#### **SECTION 122:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection a, Relocation assistance for mobilehome owners whose homes can be relocated, of Subsection 1, Relocation or sale, of Section 35-144M.7, Conditions of Approval, of Section 35-144M, Mobilehome Park Closure, is hereby amended to read as follows:

- a. **Relocation assistance for mobilehome owners whose homes can be relocated.** The applicant shall comply with all of the following requirements as applicable for each mobilehome owner who is also a permanent resident.
  - 1) The applicant shall pay all costs related to moving the mobilehome, fixtures, and accessories to a comparable mobilehome park within 25 miles of the existing location. If no spaces within 25 miles are available, the mobilehome may also be moved to a mobilehome owner-approved receiving site as requested by the mobilehome owner at a cost to the applicant that does not exceed the costs of moving the mobilehome to a site within 25 miles. Fixtures and accessories include: decks, porches, stairs, access ramps, skirting, awnings, carports, garages and storage sheds. Relocation shall include all disassembly and moving costs, mobilehome set-up costs, utility hook-up fees, moving of mobilehome owner's possessions, any move-in deposit, any permitting fees (e.g., mobilehome permit, coastal development permit) and the reasonable housing expenses of displaced mobilehome residents for a period not exceeding 30 days (from the date of actual displacement until the date of occupancy at the new site) except where the County determines that extenuating circumstances prolong the moving period. The comparable mobilehome park, or mobilehome owner-approved receiving site, and the relocated mobilehome shall conform to all applicable federal, State, and County regulations. The mobilehome park or receiving site shall be available and willing to receive the mobilehome. The mobilehome park shall be a facility that is licensed and inspected by the California Department of Housing and Community Development.

- 2) The applicant shall provide displaced mobilehome owners, which qualify as permanent residents, with payment of a lump sum equal to the difference of rent between the old and new mobilehome park spaces for a period of 12 months, if the new rent exceeds the old rent.

### **SECTION 123:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 7, Buffer recordation, of Subsection D, Agricultural buffer requirements, of Section 35-144O, Agricultural Buffers, is hereby amended to read as follows:

**7. Buffer recordation.**

- a. **Notice to Property Owner required.** Prior to the approval of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) following the approval of a discretionary planning permit, a Notice to Property Owner shall be required to be recorded by the property owner that will provide notification to all future owners and successors of the restrictions of this Section. Said Notice shall include:
  - (1) An exhibit showing the location of the agricultural buffer by metes and bounds description or surveyor's description.
  - (2) The uses that are allowed within the agricultural buffer in compliance with Section 35-144O.E (Allowable uses within agricultural buffers).
  - (3) The Landscape, Lighting and Irrigation Plan in compliance with Section 35-144O.F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirements).
  - (4) The Maintenance Plan in compliance with Section 35-144O.G (Agricultural buffer maintenance requirements).
- b. The requirement to record said Notice in compliance with this Subsection D.7 shall be included as a condition of approval of an application for a discretionary planning permit subject to this Section.

### **SECTION 124:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection a, of Subsection 1, Decision-maker and processing procedures, of Subsection E, Processing, of Section 35-144Q, Reasonable Accommodation, is hereby amended to read as follows:

- a. If the project for which the application for reasonable accommodation is requested requires ministerial approval in compliance with this Article, then the Director shall be the decision-maker for the application for reasonable accommodation and the related application, and the application for reasonable accommodation shall be submitted and reviewed concurrently with the related ministerial application.
  - 1) Notice of the application for Reasonable Accommodation and pending decision by the Director shall be given in compliance with Chapter 35-181 (Noticing).
  - 2) The Director shall review the application for reasonable accommodation for compliance with the Coastal Land Use Plan, the Comprehensive Plan including any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing is not required.
  - 3) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
  - 4) The Director may take action on the application for reasonable accommodation prior to taking an action on any companion application.

#### **SECTION 125:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection F, Findings Required for Approval, of Section 35-144Q, Reasonable Accommodation, is hereby amended to read as follows:

- F. **Findings Required for Approval.** An application for reasonable accommodation shall be approved or conditionally approved only if the decision-maker, in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts), first makes all of the following findings:
1. The project that is the subject of the request for reasonable accommodation:
    - a. Conforms to the applicable provisions of the Coastal Land Use Plan and the Comprehensive Plan including any applicable community or area plan.
    - b. Conforms to the applicable provisions of this Article and other applicable zoning conditions and regulations that apply to the subject project, except as modified by the accommodation.
  2. The project that is the subject of the request for reasonable accommodation will be occupied as the primary residence by an individual with a disability under the Acts.
  3. The accommodation is necessary to make specific housing available to an individual with a disability protected under the Acts.

4. The accommodation will not impose an undue financial or administrative burden on the County and the community.
5. The accommodation will not require a fundamental alteration of the regulations or procedures of this Article.
6. The accommodation will not waive a requirement for a Coastal Development Permit, Zoning Clearance, Building Permit or Encroachment Permit, or result in approved uses otherwise not allowed by this Article.
7. The requested accommodation will not adversely impact coastal resources and any other adverse impact that results from the accommodation is minimized to the extent feasible.
8. The accommodation is limited to the minimum necessary to accommodate the needs of the individual with a disability and reasonable alternatives are not available that will provide an equivalent level of benefit without requiring a modification or exception to regulations or procedures of this Article.
9. The project that is the subject of the request for reasonable accommodation:
  - a. Will not be detrimental to the general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding areas.
  - b. Will not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on.
  - c. Will not require extensive alteration of the topography with the exception of only those design modifications which are necessary to provide the accommodation.
  - d. If located in a Rural area as designated on the Coastal Land Use Plan maps, will be compatible with and subordinate to the rural and scenic character of the area with the exception of only those design modifications which are necessary to provide the accommodation.

**SECTION 126:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection B, Allowed zones and permit requirements, of Section 35-144R, Agricultural Employee Dwellings, is hereby amended to read as follows:

- B. **Allowed zones and permit requirements.** Additional dwellings, including mobilehomes, manufactured homes, and park trailers complying with the California Code of Regulations, Title 25, Division 1, Housing and Community Development, that provide housing for agricultural employees may be allowed in compliance with the following table. The table provides for land uses that are allowed subject to compliance with all applicable provisions of this Article and subject to first obtaining a Coastal Development Permit in compliance

with Section 35-169 (Coastal Development Permits) or a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) as applicable. Permitted uses are shown in the table as either "PP," which denotes a Principal Permitted Use, or "P," which denotes a non-Principal Permitted Use. An action by the decision-maker to approve or conditionally approve a permit application for a non-Principal Permitted Use may be appealed to the Coastal Commission in compliance with Section 35-182.6 (Appeals to the Coastal Commission). Uses allowed subject to the approval of a Major Conditional Use Permit or a Minor Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits) are shown as "CUP" uses or "MCUP" uses in the table, respectively. An application for a Coastal Development Permit shall be processed concurrently and in conjunction with the application for the Major or Minor Conditional Use Permit, and the Coastal Development Permit for the conditionally permitted use may be appealed to the Coastal Commission in compliance with Section 35-182.6 (Appeals to the Coastal Commission).

Permit Requirements and Development Standards for Agricultural Employee Dwellings		P Permitted use, Coastal Development Permit <sup>1</sup> PP Principal Permitted Use; Coastal Development Permit <sup>1</sup> MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required	
Zone	Permit requirement	Number of employees	Employment/Location
AG-I	pp <sup>2,3,4</sup>	1-4	Employed full-time in agriculture on the farm or ranch upon which the dwelling is located.

	p <sup>2,3,4</sup>	5-9	Employed full-time in agriculture, the majority (51 percent or more) of which occurs on the farm or ranch upon which the dwelling is located.
	MCUP	10-19	Employed full-time in agriculture, the majority (51 percent or more) of which occurs on the farm or ranch upon which the dwelling is located.
	CUP	20 or more	No restriction on location of employment.
AG-II	pp <sup>2,3,4</sup>	1-4	Employed full-time in agriculture on the farm or ranch upon which the dwelling is located.
	p <sup>2,3,4</sup>	5-24	Employed full-time in agriculture, the majority (51 percent or more) of which occurs on the farm or ranch upon which the dwelling is located.
	CUP	25 or more	No restriction on location of employment.
M-CD	See Section 35-87.		
M-CR	See Section 35-92.		
All other zones where single-family dwellings are allowed pursuant to Division 4, Zoning Districts	MCUP	1-4	Employed full-time in agriculture on the farm or ranch upon which the dwelling(s) is located.



- 1 Development Plan approval may be required pursuant to Division 4, Zoning Districts.
- 2 Projects with a water system with 2 to less than 200 connections will also require a MCUP and may be subject to environmental review. (See Section 35-147.2.)
- 3 Projects within a Special Problems Area with an onsite wastewater treatment system, including a dry well, will also require a MCUP and may be subject to environmental review. (See Section 35-147.2.)
- 4 Projects with an individual alternative onsite wastewater treatment system will also require a MCUP and may be subject to environmental review. (See Section 35-147.2.)

**SECTION 127:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection a, of Subsection 3, Submittal of documentation of need and employment status of occupants subsequent to issuance of permit for the agricultural employee dwelling, of Subsection C, Standards that apply to agricultural employee dwellings in all zones except AG-I and AG-II, of Section 35-144R, Agricultural Employee Dwellings, is hereby amended to read as follows:

- a. If the identity of the occupant of the agricultural employee dwelling is not known at the time of issuance of the Zoning Clearance for the agricultural employee dwelling, then proof of full-time employment in agriculture of the employee residing in the agricultural employee dwelling shall be provided within 30 days following occupancy of the agricultural employee dwelling by the employee.

**SECTION 128:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection a, of Subsection 4, Permit Requirements for commercial cannabis activities, of Subsection B, Allowed uses and permit requirements, of Section 35-144U, Cannabis Regulations, is hereby amended to read as follows:

- a. Allowed subject to compliance with all applicable provisions of this Article and subject to first obtaining a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) as applicable. Permitted uses are shown in the table as either "PP," which denotes a Principal Permitted Use or "P," which denotes a non-Principal Permitted Use. An action by the decision-maker to approve or conditionally approve a permit application for a non-Principal Permitted Use may be appealed to the Coastal Commission in compliance with Section 35-182.6 (Appeals to the Coastal Commission).

**SECTION 129:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection I, Revocation, of Section 35-144U, Cannabis Regulations, is hereby amended to read as follows:

- I. **Revocation.** Any entitlement to allow commercial cannabis activities may be revoked in compliance with Section 35-179H (Revocation).

**SECTION 130:**

DIVISION 9, Oil and Gas Facilities, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-150.1, Voter Approval, is hereby deleted in its entirety.

**SECTION 131:**

DIVISION 9, Oil and Gas Facilities, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-151, Definitions, is hereby amended to read as follows:

**Section 35-151. Definitions.**

Unless otherwise defined within this Article, the definitions of oil and gas related terms shall be those set forth in Section 25-4 of Chapter 25 of the Santa Barbara County Code (Petroleum Code).

**SECTION 132:**

DIVISION 9, Oil and Gas Facilities, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection a of Subsection 4, Development Standards, of Section 35-152, Onshore Exploratory Oil and Gas Drilling, is hereby amended to read as follows:

- a. In addition to the well spacing and setback requirements of Section 25-21 of the County Code (Petroleum Code), no exploratory oil or gas well or related facilities shall be permitted within 300 feet of either the mean high tide line or an occupied residence.

**SECTION 133:**

DIVISION 9, Oil and Gas Facilities, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection a of Subsection 4, Development Standards, of Section 35-153, Onshore Oil and Gas Production, is hereby amended to read as follows:

- a. In addition to the well spacing and setback requirements of Section 25-21 of the County Code (Petroleum Code), no oil and gas production well or related facilities shall be permitted within 300 feet of either the mean high tide line, or an occupied residence.

**SECTION 134:**

DIVISION 9, Oil and Gas Facilities, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 3, Processing, of Section 35-154, Onshore Processing Facilities Necessary or Related to Offshore Oil and Gas Development, is hereby amended to read as follows:

3. **Processing.** No permits for development including grading shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits). In addition to the other information required under Section 35-174 (Development Plans), the following information must be filed with a Development Plan application.
  - a. An updated emergency response plan to deal with potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. These emergency response plans shall be approved by the County's Office of Emergency Management, a division within the Fire Department.
  - b. A phasing plan for the staging of development which includes the estimated timetable for project construction, operation, completion, and abandonment, as well as location and amount of land reserved for future expansion.

**SECTION 135:**

DIVISION 9, Oil and Gas Facilities, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 4A, Findings Required for Approval of Development Plans Outside the South Coast Consolidation Planning Area, of Section 35-154, Onshore Processing Facilities Necessary or Related to Offshore Oil and Gas Development, is hereby amended to read as follows:

- 4A. **Findings Required for Approval of Development Plans Outside the South Coast Consolidation Planning Area.** In addition to the findings for Development Plans set forth in Section 35-174.7 (Development Plans), no Development Plan is to be approved for a project in an area outside the South Coast Consolidation Planning Area unless the Planning Commission also makes all of the following findings:
  - a. Consolidation or collocation on or adjacent to an existing processing facility to accommodate the proposed production is not feasible or is more environmentally damaging.
  - b. There are no feasible alternative locations for the proposed processing facility that are less environmentally damaging.
  - c. Where consolidation or collocation on or adjacent to an existing processing facility is not proposed, for coastal areas east of the City of Santa Barbara, there are no existing processing facilities within three miles of the proposed site.

- d. The proposed facility is compatible with the present and permitted recreational and residential development and the scenic resources of the surrounding area.

**SECTION 136:**

DIVISION 9, Oil and Gas Facilities, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 4B, Findings Required for Approval of Development Plans for Facilities in the South Coast Consolidation Planning Area, of Section 35-154, Onshore Processing Facilities Necessary or Related to Offshore Oil and Gas Development, is hereby amended to read as follows:

**4B. Findings Required for Approval of Development Plans for Facilities in the South Coast Consolidation Planning Area.** In addition to the findings for Development Plans set forth in Section 35-174.7 (Development Plans), no Development Plan for processing facilities shall be approved unless the Planning Commission also makes one or more of the following findings:

- a. Existing and approved processing capacity at the County-designated consolidation sites is insufficient to accommodate proposed new production for a period of time that would render development of the proposed offshore reservoir(s) infeasible. This finding shall take into account feasible delays in development of the offshore reservoir(s) to maximize use of existing and approved processing capacity, and feasible expansion of existing processing facilities to provide sufficient capacity.
- b. The specific properties of oil or gas for a particular reservoir - considering available information on the physical and chemical characteristics of the stock, including but not limited to API gravity, sulfur and water content, viscosity, and pour point - would render development of the resource technically infeasible unless specialized units can be built. Such finding shall consider partial dehydration as a specialized unit if it is required to adapt a resource to the technical requirements of a processing facility. Modifications or additions to existing facilities shall be favored over construction of redundant processing capacity insofar as such modifications or additions render the resource characteristics and the technical processing requirements of a facility compatible with one another.
- c. Commingling the production in existing or already-approved facilities at designated consolidated sites is environmentally unacceptable.

Additionally, no Development Plan for expansion or construction of processing facilities shall be approved unless the Planning Commission makes the following findings to restrict industrialization of the area:

- d. The expansion of existing facilities or construction of new facilities are to be located at a consolidated oil and gas processing site as designated in the Coastal Plan of the County's Comprehensive Plan.

- e. The proposed facilities will use, to the maximum extent feasible, existing ancillary facilities at the consolidated site.

**SECTION 137:**

DIVISION 9, Oil and Gas Facilities, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 3, Processing, of Section 35-155, Onshore Supply Base and Piers and Staging Areas Necessary or Related to Offshore Oil and Gas Development, is hereby amended to read as follows:

3. **Processing.** No permits for development including grading shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits). Supply bases shall also be subject to an approved Specific Plan as provided in Section 35-175 (Specific Plans). In addition to the other information required under Section 35-175 (Specific Plans), the following information must be filed with a Supply Base Specific Plan application.
  - a. Purpose and need for the project, including a description of the service area;
  - b. Applicable Local Coastal Program goals and policies and project compatibility, including mitigation measures and provisions for resource protection;
  - c. Consistency with and relationship to local, state, and federal regulations and coordination with government agencies;
  - d. Circulation plan and transportation analysis;
  - e. Open space and coastal access plan;
  - f. Phasing plan, including abandonment;
  - g. Description of public services/utilities, including mitigation of identified constraints;
  - h. Socioeconomic data, including proposed employment and generation of expenditures;
  - i. Description of facilities screening from public viewing places and buffering from adjacent land uses;
  - j. Description of safety features;
  - k. Air quality data, including emissions inventory and offsets;
  - l. Identification of site constraints due to biological, geological, and cultural resources and similar factors;
  - m. Identification of recreation resources and mitigation of potential impacts;
  - n. Description of proposed operating policies which assure the facilities will be open to all potential users on fair and equitable terms.

**SECTION 138:**

DIVISION 9, Oil and Gas Facilities, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 4, Findings Required for Approval of Development Plans, of Section 35-155, Onshore Supply Base and Piers and Staging Areas Necessary or Related to Offshore Oil and Gas Development, is hereby amended to read as follows:

4. **Findings Required for Approval of Development Plans.** In addition to the findings for Development Plans set forth in Section 35-174.7 (Development Plans), no Development Plan shall be approved unless the Planning Commission also makes all of the following findings:
  - a. There are no feasible alternative locations for the proposed pier or staging area that are less environmentally damaging.
  - b. The proposed facility is compatible with the present and permitted recreational and residential development and the scenic resources of the surrounding area.
  - c. Consolidation at an existing facility is not feasible or is more environmentally damaging.
  - d. For Supply Base Specific Plan Applications:
    - 1) There is a proven need for the project.
    - 2) The project provides a net environmental advantage as determined during the environmental review process.

**SECTION 139:**

DIVISION 9, Oil and Gas Facilities, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 3, Processing, of Section 35-156, Marine Terminals, is hereby amended to read as follows:

3. **Processing.** No permits for development including grading shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits). In addition to the other information required under Section 35-174.3 (Development Plans), the following information must be filed with a Development Plan application:
  - a. An updated emergency response plan that addresses the potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. The emergency response plan shall be approved by the County's Office of Emergency Management, a division within the Fire Department.
  - b. A phasing plan for the staging of development which includes the estimated timetable for project construction, operation, completion, and abandonment, as well as location and amount of land reserved for future expansion.

**SECTION 140:**

DIVISION 9, Oil and Gas Facilities, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 4, Findings, of Section 35-156, Marine Terminals, is hereby amended to read as follows:

- 4. Findings** Required for Approval of Development Plans. In addition to the findings for Development Plans set forth in Section 35-174.7 (Development Plans), no Development Plan shall be approved unless the Planning Commission also makes all of the following findings:
- a. There are no feasible alternative locations for the proposed marine terminal that are less environmentally damaging.
  - b. Expansion of an existing marine terminal onto adjacent lands is not feasible or is more environmentally damaging.
  - c. The proposed facility is compatible with the present and permitted recreational, educational, and residential development and the scenic resources of the surrounding area.

**SECTION 141:**

DIVISION 9, Oil and Gas Facilities, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 3, Processing, of Section 35-157, Oil and Gas Pipelines, is hereby amended to read as follows:

- 3. Processing.** No permits for development including grading shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits). In addition to the other information required under Section 35-174.3 (Development Plans), the following information must be filed with a Development Plan application:
- a. An updated emergency response plan that addresses the potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. The emergency response plan shall be approved by the County's Office of Emergency Management, a division within the Fire Department.
  - b. A survey of the pipeline corridor to identify the potential impacts on coastal resources. The survey shall be conducted by a consultant approved by the County, the Department of Fish and Game and the applicant.
  - c. If it is determined by the survey that any portion of the pipeline corridor to be disturbed will not re-vegetate naturally or in sufficient time to avoid other damage (e.g., erosion), a re-vegetation or restoration plan shall be prepared. The plan shall also include provisions for restoration of any habitats which will be disturbed by construction or operational procedures.

**SECTION 142:**

DIVISION 9, Oil and Gas Facilities, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 4, Findings, of Section 35-157, Oil and Gas Pipelines, is hereby amended to read as follows:

4. **Findings Required for Approval of Development Plans.** In addition to the findings for Development Plans set forth in Section 35-174.7 (Development Plans), no Development Plan which proposes new pipeline construction outside of industry facilities shall be approved unless the Planning Commission also makes the following findings:
- a. Use of available or planned common carrier and multiple-user pipelines is not feasible; and
  - b. Pipelines will be constructed, operated, and maintained as common carrier or multiple-user pipelines unless the Planning Commission determines it is not feasible. Applicants have taken into account the reasonable, foreseeable needs of other potential shippers in the design of their common carrier and multiple-user pipelines. Multiple-user pipelines provide equitable access to all shippers with physically compatible stock on a nondiscriminatory basis; and
  - c. New pipelines are routed in approved corridors that have undergone comprehensive environmental review unless the Planning Commission determines that such corridors are not available, safe, technically feasible, or the environmentally preferred route for the proposed new pipeline; and
  - d. When a new pipeline route is proposed, it is environmentally preferable to all feasible alternative routes; and
  - e. When a new pipeline is proposed, the project's environmental review has analyzed the cumulative impacts that might result from locating additional pipelines in that corridor in a future; and
  - f. Concurrent or "shadow" construction has been coordinated with other pipeline projects that are expected to be located in the same corridor where practical.

**SECTION 143:**

DIVISION 9, Oil and Gas Facilities, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 3, Processing, of Section 35-159, Consolidated Pipeline Terminals, is hereby amended to read as follows:

3. **Processing.** No permits for development, including grading, shall be issued except in conformance with an approved Development Plan, as provided in Section 35-174 (Development Plans) and with Section 35-169 (Coastal Development Permits). In addition to the other information required under Section 35-174.3. (Development Plans), the following information must be filed with a Development Plan application:



- a. Updated emergency response plans that address the potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. The emergency response plans shall be approved by the County's Office of Emergency Management, a division within the Fire Department.
- b. An estimated timetable for project construction, operation, and abandonment, including all phases of planned development.

**SECTION 144:**

DIVISION 9, Oil and Gas Facilities, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 4, Findings, of Section 35-159, Consolidated Pipeline Terminals, is hereby amended to read as follows:

4. **Findings Required for Approval of Development Plans.** In addition to the findings for Development Plans set forth in Section 35-174.7. (Development Plans), no Development Plan shall be approved unless the Planning Commission also makes all of the following findings:
  - a. The new or modified facilities are to be located at a County-designated consolidated pipeline terminal.
  - b. The new or modified facilities will use, to the maximum extent feasible, existing ancillary facilities at the consolidated site.
  - c. Avoidance of significant adverse impacts or application of feasible mitigation measures renders the new or modified facility fully compliant with the policies of the Coastal Act and Local Coastal Program.

**SECTION 145:**

DIVISION 10, Nonconforming Structures and Uses, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 1, Structural Change, of Section 35-161, Nonconforming Uses of Land, Buildings, and Structures, is hereby amended to read as follows:

1. **Structural Change.** Except as otherwise provided in this Article, no existing building or structure devoted to a nonconforming use under this Article shall be enlarged, extended, reconstructed, moved, or structurally altered unless such use is changed to a use permitted in the district in which it is located. No building or structure accessory to a nonconforming use under this Article shall be erected, enlarged, or extended unless such building or structure is also accessory to a conforming use.
  - a. **Exceptions:** Existing structures devoted to a nonconforming use may be enlarged, extended, reconstructed, moved, and/or structurally altered, subject to the following criteria:

- 1) The structure has been declared to be a historical landmark pursuant to a resolution of the Board of Supervisors may be structurally altered provided that the County Historical Landmarks Advisory Commission has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term and has reviewed and approved the proposed structural alterations.
- 2) The structure is threatened due to coastal erosion, as determined by the County Building Official, and is located on property zoned either SR-M or SR-H. Any structural alteration or relocation (1) shall comply with all setback and height requirements of the zone district in which such structure is located, (2) shall not result in the removal of required parking spaces, and (3) shall not result in an increase in the number of bedrooms within the building unless such increase is consistent with the provisions of the SR-M or SR-H zoning district.
- 3) Seismic retrofits as defined in Section 35-58 in compliance with Section 35-51B (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).

#### **SECTION 146:**

DIVISION 10, Nonconforming Structures and Uses, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 2, Extension or Expansion, of Section 35-161, Nonconforming Uses of Land, Buildings, and Structures, is hereby amended to read as follows:

2. **Extension or Expansion.** A nonconforming use may be extended throughout an existing building provided no structural alterations except those required by law or ordinance (i.e., building code regulations) are made therein. No nonconforming use shall be extended to occupy any land outside such building. No existing nonconforming use of land outside buildings, or involving no buildings, shall be enlarged, increased, or extended 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 occupied by such nonconforming use at such time.

#### **SECTION 147:**

DIVISION 10, Nonconforming Structures and Uses, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection a, Enlargements or extensions allowed in limited circumstances, of Subsection 1, Structural change, enlargement, or extension, of Section 35-162, Nonconforming Buildings and Structures, is hereby amended to read as follows:

- a. **Enlargements or extensions allowed in limited circumstances.**

- 1) Except as listed below or otherwise provided in this Article, 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 Article.
- 2) **Allowed structural alterations.**
  - a) **Seismic retrofits allowed.** Seismic retrofits as defined in Section 35-58 (Definitions) and in compliance with Section 35-51B (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).
  - b) **Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.
  - c) **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. However, such a structure shall not be enlarged, extended, reconstructed, relocated, and/or structurally altered if the nonconforming structure is inconsistent with any coastal resource protection policies of the LCP (regardless of historic status).
  - d) **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 1.a.1), 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. However, such a structural alterations to a nonconforming structure shall be prohibited if the nonconforming structure and/or the structural alterations are inconsistent with any coastal resource protection policies of the LCP.
- 3) **Permit required.** The issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) is required prior to the commencement of any structural alteration allowed in compliance with Subsections 1.a.1) or 1.a.2), above, unless the alteration is determined to be exempt in compliance with Section 35-169.2 (Applicability).

**SECTION 148:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-169, Coastal Development Permits, is hereby amended to read as follows:

**Section 35-169. Coastal Development Permits.**

**Section 35-169.1 Purpose and Intent.**

This Section establishes procedures and findings for the approval, issuance and effective time periods for Coastal Development Permits that are required by this Article. The intent of this section is to ensure that development is in conformity with the provisions of this Article, the Comprehensive Plan including the Coastal Land Use Plan and any applicable Community Plan and any permit conditions established by the County, and to provide public hearing opportunities for development that is defined as appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).

**Section 35-169.2 Applicability.**

1. Before using any land or structure, or commencing any work pertaining to any development or use in the Coastal Zone of the County, wherein permits are required under the provisions of this Article, a Coastal Development Permit shall be issued unless other regulations of this Article, including Section 35-51B (Exemptions from Planning Permit Requirements), specifically indicate that such activity is exempt. Activities which are exempt from the issuance of a Coastal Development Permit shall comply with all applicable regulations of this Article including use, setback, and height, as well as all required provisions and conditions of any existing approved permits for the subject property.
2. Except as provided in Subsection 2.a (Development Plan not required for accessory dwelling units or junior accessory dwelling units), the approval of a development plan as provided in Section 35-174 (Development Plans) shall be required prior to the approval of any Coastal Development Permit for a structure that is not otherwise required to have a discretionary permit 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 lot will total 20,000 square feet or more of gross floor area.
  - a. **Development Plan not required for accessory dwelling units or junior accessory dwelling units.** If Development Plan approval would be required in compliance with Section 35-169.2.2, and the application for development includes an accessory dwelling unit or junior accessory dwelling unit, then only the approval of a Coastal Development Permit in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units) is required for the proposed accessory dwelling unit or junior accessory dwelling unit.

### **Section 35-169.3 Contents of Application.**

An application for a Coastal Development Permit shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).

1. An application for a Coastal Development Permit that includes a phasing plan in compliance with Section 35-169.6.1.b (Coastal Development Permits with approved phasing plans) shall include all components of the development included in the application for the Coastal Development Permit, including all phases of development that may be authorized by the Coastal Development Permit.

### **Section 35-169.4 Processing.**

1. **Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a discretionary permit.** This Section provides the processing requirements for applications for Coastal Development Permits that are not subject to Section 35-169.4.2 or Section 35-169.4.3 below.
  - a. After receipt of the Coastal Development Permit application, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
  - b. The Director shall review the Coastal Development Permit application for compliance with the Comprehensive Plan including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable regulations, and approve, conditionally approve, or deny the Coastal Development Permit.
  - c. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals) except that the action of the Director on Coastal Development Permits for the following types of development is final and not subject to appeal.
    - 1) Accessory dwelling unit or junior accessory dwelling unit development.
    - 2) Freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system is accessory and incidental to.
    - 3) Housing or other development projects that qualify for by-right approval pursuant to State law.
    - 4) Other development as specifically stated otherwise in another part of this Ordinance.
  - d. No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved, or conditionally approved, in compliance with this Section shall not be issued or deemed effective:

- 1) Prior to the expiration of any applicable appeal period or, if appealed, prior to final action on the appeal.
    - 2) Until the applicant has signed the Coastal Development Permit.
    - 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
    - 4) Until all other necessary prior approvals have been obtained.
  - e. If a Coastal Development Permit is requested for property subject to a resolution of the Board initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board or (2) the effective date of a Development Plan approved in compliance with Section 35-174 (Development Plans) is prior to the adoption of the Board's resolution and the proposed uses and structures are in conformance with the approved Development Plan.
  - f. On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
  - g. Prior to approval or conditional approval of a Coastal Development Permit, notice of the pending decision shall be given in compliance with Sections 35-181 (Noticing).
  - h. Except for projects located in the jurisdictional area of the North Board of Architectural Review where time limits for review of the project by the North Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Section 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval from the Board of Architectural Review.
2. **Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in compliance with Section 35-169.4.3.** This Section provides the processing requirements for applications for Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and that is not subject to Section 35-169.4.3.
- a. After receipt of the Coastal Development Permit application, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
  - b. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).

c. **Decision-maker, hearing requirements and notice requirements.**

- 1) **Applications for certain solar energy facilities and accessory dwelling units and junior accessory dwelling units, low barrier navigation centers, and by-right supportive housing projects.** Applications for freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system is accessory and incidental to, accessory dwelling units, and junior accessory dwelling units, low barrier navigation centers and by-right supportive housing projects shall be processed in compliance with the following:
  - a) Notice of the submittal of a complete application and pending decision of the Director shall be given in compliance with Section 35-181 (Noticing).
  - b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.
  - c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with Section 35-182 (Appeals).
- 2) **All other applications.** Applications for development other than such development specified in Subsection 2.c.1) (Applications for certain solar energy facilities and accessory dwelling units and junior accessory dwelling units, low barrier navigation centers, and by-right supportive housing projects), above, shall be processed in compliance with the following:
  - a) The decision-maker shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations.
  - b) The Zoning Administrator shall hold at least one noticed public hearing unless waived in compliance with Subsection 2.d (Waiver of public hearing), below, on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.
  - c) Notice of the submittal of a complete application and of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
  - d) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).

- d. **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 decision-maker for the Coastal Development Permit. A listing of Coastal Development Permit applications for which a notice that the public hearing may be waived has been mailed shall be provided on the next available Zoning Administrator's hearing agenda following the mailing of the notice.
- 1) The project qualifies as "minor development" which for the purposes of this Section means a development which the Director determines satisfies all of the following requirements:
    - a) The development is consistent with the County's Local Coastal Program (as defined in Public Resources Code Section 30108.6) of the County of Santa Barbara.
    - b) The development does not require any discretionary approvals other than a Coastal Development Permit.
    - c) The development would have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
  - 2) 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 Section 35-181 (Noticing).
    - a) 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 Coastal Development Permit application to the County and the Coastal Commission.
  - 3) 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 Section 35-169.4.2.d.2), above, is mailed.
- e. No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved or conditionally approved in compliance with this Section 35-169.4.2 shall not be issued or deemed effective:
- 1) Prior to the expiration of any applicable appeal period or, if appealed, prior to final action on the appeal .
  - 2) Until the applicant has signed the Coastal Development Permit.



- 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
  - 4) Until all other necessary prior approvals have been obtained.
  - 5) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).
- f. If a Coastal Development Permit is requested for property subject to a resolution of the Board initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board or (2) the effective date of a Development Plan approved in compliance with Section 35-174 (Development Plans) is prior to the adoption of the Board's resolution and the proposed uses and structures are in conformance with the approved Development Plan.
  - g. On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
  - h. Except for projects located in the jurisdictional area of the North Board of Architectural Review where time limits for review of the project by the North Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Section 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval from the Board of Architectural Review.
3. **Coastal Development Permits processed in conjunction with a discretionary permit application.** This Section provides the processing requirements for applications for Coastal Development Permits for development that also require a discretionary permit as specified in Subsection 3.a, below.
- a. An application for a Coastal Development Permit processed in compliance with this Section 35-169.4.3 shall be processed concurrently and in conjunction with any associated application for the following.
    - 1) **Conditional Certificates of Compliance.** An application for a Conditional Certificate of Compliance that is required to be recorded prior to the sale, lease or financing of a parcel of land that was not created in compliance with the laws and ordinances in effect at the time of the creation of the parcel.

- 2) **Conditional Use Permits.** An application for a Major Conditional Use Permit or a Minor Conditional Use Permit processed in compliance with Section 35-172 (Conditional Use Permits).
  - 3) **Demolition and Reclamation Permits.** An application for a Demolition and Reclamation Permit processed in compliance with Section 35-170 (Abandonment of Certain Oil/Gas Land Uses).
  - 4) **Development Plans.** An application for a Development Plan processed in compliance with Section 35-174 (Development Plans).
  - 5) **Lot Line Adjustment.** An application for a Lot Line Adjustment to adjust the lot lines between no more than four adjacent lots, where the land taken from one lot is added to an adjacent lot and where a greater number of lots than existed is not thereby increased.
  - 6) **Modifications.** An application for a Modification processed in compliance with Section 35-179 (Modifications).
  - 7) **Oil and Gas Exploration or Production Plans.** An application for an Oil and Gas Exploration or Production Plan processed in compliance with Section 35-176 (Oil and Gas Exploration and Production Plans).
  - 8) **Tentative Map.** An application for a Tentative Map including a Vesting Tentative Map, the approval of which is required prior to the recordation of a Final Map or Parcel Map, as applicable, that subdivides improved or unimproved land for the purpose of sale, lease or financing.
  - 9) **Variance.** An application for a Variance processed in compliance with Section 35-173 (Variances).
- b. The decision-maker for the associated application described in Subsection 3.a, above, shall be the decision-maker for the Coastal Development Permit except as provided below:
- 1) If an application for a Coastal Development Permit processed concurrently and in conjunction with an application for a Modification or an application for a Development Plan under the jurisdiction of the Director in compliance with Section 35-174 (Development Plans) is for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then the Zoning Administrator shall be the decision-maker for both the Coastal Development Permit and the Development Plan or Modification.
- c. Notice of the submittal of a complete application shall be given in compliance with Section 35-181 (Noticing).
- d. After receipt of the Coastal Development Permit application, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.

- e. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).
- f. The decision-maker shall review the Coastal Development Permit application for compliance with the Comprehensive Plan, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations.
- g. **Public hearing requirement.**
  - 1) **Development that is not appealable to the Coastal Commission.** For development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) the decision-maker shall approve, conditionally approve, or deny the requested Coastal Development Permit. A public hearing is not required unless required in compliance with the processing requirements of the associated application described in Section 35-169.4.3.a.
  - 2) **Development that is appealable to the Coastal Commission.** For development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) the decision-maker shall hold at least one noticed public hearing on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.
- h. Notice of the time and place of the public hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
- i. The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
  - 1) In compliance with Public Resources Code Section 30603, the approval or conditional approval of a Coastal Development Permit for appealable development, including a Coastal Development Permit approved or conditionally approved in conjunction with a Conditional Use Permit (i.e., any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map) is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
    - a) An action by the decision-maker to deny a Coastal Development Permit for a major public works project or major energy facility is also appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- j. No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved in compliance with this Section 35-169.4.3 shall not be issued or deemed effective:
  - 1) Prior to the expiration of any applicable appeal period or, if appealed, prior to final action on the appeal.
  - 2) Until the applicant has signed the Coastal Development Permit.

- 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
- 4) Until all other necessary prior approvals have been obtained.
- 5) For projects that are appealable to the Coastal Commission, within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in accordance with Section 35-182 (Appeals).
- k. If a Coastal Development Permit is requested for property subject to a resolution of the Board initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board or (2) the effective date of a Development Plan approved in compliance with Section 35-174 (Development Plans) is prior to the adoption of the Board's resolution and the proposed uses and structures are in conformance with the approved Development Plan.
- l. On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
- m. Except for projects located in the jurisdictional area of the North Board of Architectural Review where time limits for review of the project by the North Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Section 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval from the Board of Architectural Review.

**Section 35-169.5 Findings Required for Approval of a Coastal Development Permit.**

1. A Coastal Development Permit application for development that is not appealable to the Coastal Commission shall be approved or conditionally approved only if the decision-maker first makes all of the following findings:
  - a. The proposed development conforms:
    - 1) To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;
    - 2) With the applicable provisions of this Article or the project falls within the limited exceptions allowed under Section 35-161 (Nonconforming Use of Land, Buildings and Structures).
  - b. The proposed development is located on a legally created lot.

- c. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees 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 Division 10 (Nonconforming Structures and Uses).
2. A Coastal Development Permit application for development that is appealable to the Coastal Commission shall be approved or conditionally approved only if the decision-maker first makes all of the following findings:
  - a. Those findings specified in Section 35-169.5.1, above.
  - b. The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.
  - c. The development is compatible with the established physical scale of the area.
  - d. The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

#### **Section 35-169.6 Permit Expiration and Extension.**

##### **1. Approved or conditionally approved Coastal Development Permits.**

- a. **Coastal Development Permits without approved phasing plans.** If at the time of approval of a Coastal Development Permit the Coastal Development Permit does not include an approved phasing plan for development of the project authorized by the Coastal Development Permit, then a time limit shall be established within which the approved Coastal Development Permit shall be issued, or in the case of a Coastal Development Permit not processed in conjunction with a discretionary permit, the approved Coastal Development Permit shall be issued and the use or structure for which the Coastal Development Permit was issued shall have been established or commenced.
  - 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 four years from the effective date of the Coastal Development Permit, except where a Coastal Development is approved in conjunction with a map as provided below.
    - a) A Coastal Development Permit approved in conjunction with a map subject to Chapter 21 of the County Code shall be valid until one year from the date that the map is recorded. If the map expires, the Coastal Development Permit Plan shall be considered to have expired and of no further effect.
  - 3) The Director may extend the time limit of an approved Coastal Development Permit application in compliance with Section 35-179B (Time Extensions).

- 4) An approved or conditionally approved Coastal Development Permit shall expire and be considered void and of no further effect as follows:
    - a) Coastal Development Permit Processed in Conjunction with a Discretionary Permit. If the time limit in which to get the required Coastal Development Permit issued has expired and an application for a Time Extension was not submitted prior to the expiration of the time limit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).
    - b) Coastal Development Permit Not Processed in Conjunction with a Discretionary Permit. If the time limit in which to get the required Coastal Development Permit issued and establish or commence the structure of use has expired and an application for a Time Extension was not submitted prior to the expiration of the time limit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).
- b. Coastal Development Permits with approved phasing plans.**
- 1) The Coastal Development Permit approval may include phased timelines for the construction of the project and the fulfillment of conditions.
    - a) The phasing plan shall include a timeline within which each project component shall be constructed and the conditions of approval that must be satisfied prior to each phase of construction.
    - b) There shall be only one Coastal Development Permit issued for the whole of the development and/or use authorized by the Coastal Development Permit, and the Coastal Development Permit shall not authorize the issuance of multiple Coastal Development Permits that allow the development of different project components at different times. However, the issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) shall be required prior to the commencement of development for each phase.
  - 2) The Coastal Development Permit shall be issued within the time limit established by the approved phasing plan. If a time limit is not specified, the time limit shall be four years from the effective date of the Coastal Development Permit.
    - a) The Director may extend the time limit of an approved Coastal Development Permit in compliance with Section 35-179B (Time Extensions).
    - b) If the required time limit in which the required Coastal Development Permit shall be issued has expired and an application for an extension has not been submitted and subsequently approved or conditionally approved in

compliance with Section 35-179B (Time Extensions), then the Coastal Development Permit shall be considered void and of no further effect.

- 3) Each required Zoning Clearance shall be issued within the time limit established by the approved phasing plan. If a time limit is not specified, the time limit shall be four years from the completion of the previous phase.
  - a) The Director may extend the time limit of an approved phasing plan in compliance with Section 35-179B (Time Extensions).
  - b) If the required time limit(s) in which the required Zoning Clearance for any phase of the project authorized by the Coastal Development Permit shall be issued has expired and an application to extend the phasing plan has not been submitted and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions), then:
    - i) The Coastal Development Permit shall be considered void and of no further effect as to that phase and any subsequent phase(s) of the project.
    - ii) The Coastal Development Permit is automatically revised to eliminate phases of project from the project authorized by the Coastal Development Permit that are considered void and of no further effect in compliance with Subsection 3.b.3)b)i), above.
2. **Issued Coastal Development Permits.** An issued Coastal Development Permit shall expire four years from the date of issuance, or date of approval in the case of a Coastal Development Permit not processed in conjunction with a discretionary permit, and shall be considered void and of no further effect unless:
  - a. The use, or structure for which the Coastal Development Permit was issued has been established or commenced in conformance with the issued Coastal Development Permit, or
  - b. An application for a Time Extension is submitted prior to the expiration of the issued Coastal Development Permit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions), or
3. A Coastal Development Permit issued in conjunction with a map subject to Chapter 21 of the County Code shall be valid for four years from the date of issuance or until one year from the date that the map is recorded, whichever is later. If the map expires, the Coastal Development Permit Plan shall be considered to have expired and of no further effect.

**Section 35-169.7 Coastal Commission Changes to the County Action on Coastal Development Permit.**

Where an appeal has been filed with the Coastal Commission in compliance with Section 35-182 (Appeals) and the Coastal Commission has reversed or modified the action of the County on the Coastal Development Permit, the action of the Coastal Commission on the Coastal Development Permit is final. If the County has approved the Coastal Development Permit, any previously approved County project permits shall be automatically amended to conform to the Coastal Commission's approved Coastal Development Permit for the project or automatically terminated to conform to the Coastal Commission's disapproval of the Coastal Development Permit.

If the County has disapproved the Coastal Development Permit and the Coastal Commission approved the permit, the applicant must reapply to the County for approval of the other required but previously denied project permits (i.e., Development Plan, Conditional Use Permit) in order for the County to impose appropriate conditions. However, the County's action on said re-applications must be consistent with the approved Coastal Development Permit. In the case where the Coastal Commission has imposed appropriate conditions on the Coastal Development Permit as determined by the Subdivision/Development Review Committee, the Director may waive this reapplication requirement.

**Section 35-169.8 Revocation.**

A Coastal Development Permit approval may be revoked or modified in compliance with Section 35-179H (Revocation).

**Section 35-169.9 County Guidelines on Repair and Maintenance, and Utility Connections to Permitted Development.**

The County hereby adopts by reference and incorporates herein the "County Guidelines on Repair and Maintenance, and Utility Connections to Permitted Development," as related to Section 35-169.2, paragraphs 1. and 4., and approved by the Board of Supervisors as a separate document. Said guidelines may be obtained from the Planning and Development Department. (See Appendix C of this publication.)

**Section 35-169.10 Minor Changes to Coastal Development Permits.**

Minor changes to an approved or issued Coastal Development Permit shall be allowed in compliance with Section 35-179E (Changes to an Approved Project).

**SECTION 149:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 3 of Section 170.2, Applicability, of Section 35-170, Abandonment of Certain Oil/Gas Land Uses, is hereby amended to read as follows:

3. All pipeline systems defined in Section 35-157, except for public utility natural gas transmission and distribution systems such as The Gas Company, that transport, or at one



time transported, oil, natural gas, produced water, or waste water that originated from an offshore reservoir, regardless of whether these uses were permitted in accordance with this Article or any preceding zoning ordinance.

**SECTION 150:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 170.5, Contents of Application to Defer Abandonment, of Section 35-170, Abandonment of Certain Oil/Gas Land Uses, is hereby amended to read as follows:

**Section 35-170.5 Contents of Application to Defer Abandonment.**

An application to defer abandonment shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).

**SECTION 151:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 170.10, Contents of Application for a Demolition and Reclamation Permit, of Section 35-170, Abandonment of Certain Oil/Gas Land Uses, is hereby amended to read as follows:

**Section 35-170.10 Content of Application for a Demolition and Reclamation Permit.**

An application for a Demolition and Reclamation Permit shall be submitted in compliance with Section 35-57A (Application Preparation and Filing)..

2. An application for a Coastal Development Permit for the development requested by the Demolition and Reclamation Permit application shall also be submitted and shall be processed concurrently and in conjunction with the Demolition and Reclamation Permit application except as follows:
  - a. The Coastal Commission approves the Coastal Development Permit when the development is located:
    - 1) Within the retained permit jurisdiction of the Coastal Commission; or
    - 2) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

**SECTION 152:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 170.11, Processing of a Demolition and Reclamation Permit, of Section 35-170, Abandonment of Certain Oil/Gas Land Uses, is hereby amended to read as follows:

**Section 35-170.11 Processing of Demolition and Reclamation Permit.**

1. After receipt of an application for a Demolition and Reclamation Permit, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
2. The Planning and Development Department shall process applications for Demolition and Reclamation Permits independently of any other permit applications to develop the site in question except as required in compliance Subsection 35-170.10.2, above.
  - a. A Demolition and Reclamation Permit may be processed concurrently with development permits, provided that long delays in securing approval of development permits do not unduly hinder timely demolition of facilities and reclamation of host sites.
3. **Jurisdiction.**
  - a. **Appealable development.** When an application for a Demolition and Reclamation Permit is submitted for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), including all Demolition and Reclamation Permits associated with a major energy facility, the Zoning Administrator shall be the decision-maker for the Demolition and Reclamation Permit.
  - b. **Not appealable development.** When an application for a Demolition and Reclamation Permit is submitted for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), the Director shall be the decision-maker for the Demolition and Reclamation Permit.
4. **Notice, public hearing and decision.**
  - a. **Demolition and Reclamation Permits under the jurisdiction of the Director.** A public hearing shall not be required if the Director is the decision-maker for the Demolition and Reclamation Permit.
    - 1) Notice of the pending decision of the Director on the Demolition and Reclamation Permit shall be given in compliance with Section 35-181 (Noticing).
    - 2) The Director may approve, conditionally approve, or deny the Demolition and Reclamation Permit. Any denial shall be accompanied by an explanation of project revisions required in order that the project may be approved.
    - 3) The action of the Director on the Demolition and Reclamation Permit is final subject to appeal in compliance with Section 35-182 (Appeals) except that the action may be appealed within the 30 calendar days immediately following the decision.
  - b. **Demolition and Reclamation Permits under the jurisdiction of the Zoning Administrator.** A public hearing shall be required if the Zoning Administrator is the decision-maker for the Development Plan.

- 1) The Zoning Administrator shall hold at least one noticed public hearing on the requested Demolition and Reclamation Permit and approve, conditionally approve, or deny the request.
  - 2) Notice of the hearing shall be given in compliance with Section 35-181 (Noticing).
  - 3) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals). Any denial shall be accompanied by an explanation of project revisions required in order that the project may be approved.
5. Upon approval of the Demolition and Reclamation Permit or upon abandonment of operations, whichever occurs later, the Demolition and Reclamation Permit shall supersede any discretionary use permit issued for construction and operation of the facilities.

**SECTION 153:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 170.16, Post Approval Procedures, of Section 35-170, Abandonment of Certain Oil/Gas Land Uses, is hereby amended to read as follows:

**Section 35-170.16 Post Approval Procedures.**

Changes to an approved Demolition and Reclamation Permit shall be processed in compliance with Section 35-179E (Changes to an Approved Project).

**SECTION 154:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 172.6, Contents of Application, of Section 35-172, Conditional Use Permits, is hereby amended to read as follows:

**Section 35-172.6 Contents of Application.**

1. An application for a Conditional Use Permit shall be submitted in compliance with Section 35-57A (Application Preparation and Filing)..
  - a. An application for a Coastal Development Permit for the development requested by the Conditional Use Permit application shall also be submitted and shall be processed concurrently and in conjunction with Conditional Use Permit application except as follows:
    - 1) The Coastal Commission approves the Coastal Development Permit when the development is located:
      - a) Within the retained permit jurisdiction of the Coastal Commission pursuant to Public Resources Code Section 30519(b); or
      - b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

2. In the case of a Conditional Use Permit application where the project is subject to Development Plan requirements (Section 35-174), a Development Plan shall be required in addition to obtaining a Conditional Use Permit except for those uses listed in Section 35-172.6.3. Notwithstanding the requirements of Section 35-144B (General Regulations - Applications That Are Within The Jurisdiction Of More Than One Final Decision Maker) and Section 35-174 (Development Plans), if the Conditional Use Permit would be under the jurisdiction of the Zoning Administrator, then the development plan shall also be under the jurisdiction of the Zoning Administrator provided:
  - a. The use of the site proposed to be allowed by the Conditional Use Permit is the only proposed use of the site, or
  - b. On a developed site, no new development is proposed beyond that applied for under the minor Conditional Use Permit.
3. A Development Plan shall not be required in addition to a Conditional Use Permit for the following:
  - a. Commercial telecommunication facilities that are permitted by a Conditional Use Permit pursuant to Section 35-144F.3.3 provided that any structure constructed or erected as part of the telecommunications facility (1) shall only be used as part of the telecommunication facility and (2) shall be removed pursuant to Section 35-144F.5.4 (Project Abandonment/Site Restoration).

#### **SECTION 155:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 172.7, Processing, of Section 35-172, Conditional Use Permits, is hereby amended to read as follows:

#### **Section 35-172.7 Processing.**

1. After receipt of an application for a Conditional Use Permit, the Department shall review the application in compliance with the California Environmental Quality Act.
2. Notice of the filing of a complete application shall be given in compliance with Section 35-181 (Noticing).
3. The Department shall refer the Conditional Use Permit application to the Subdivision/Development Review Committee for review and recommendation to the decision-maker.
4. **Design review required.** The following Conditional Use Permit applications shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).
  - a. An application for a residential structure on a lot adjacent to the sea.
  - b. An application for a structure or sign located within the Montecito Community Plan Area.

- c. An application for a Major Conditional Use Permit. This requirement may be waived by the Director if no or only minor structural development is proposed that would not otherwise require Design Review.
  - d. An application for a Minor Conditional Use Permit as specifically identified by the Director, Zoning Administrator, Commission, or Board.
- 5. The decision-maker shall hold at least one public hearing on the requested Conditional Use Permit and Coastal Development Permit, if applicable, unless waived for a Minor Conditional Use Permit in compliance with Subsection D.9, below, 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 Section 35-181 (Noticing).
- 7. The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
  - a. In compliance with Public Resources Code Section 30603, a Coastal Development Permit on a conditionally permitted use is appealable to the Coastal Commission in compliance with in Section 35-182.4 (Appeals).
- 8. Conditional Use Permits may be granted for such period of time and subject to such conditions and limitations as may be required to protect the health, safety, and general welfare of the community. Such conditions shall take precedence over those required in the specific zone districts.
- 9. Waiver of public hearing. The requirement for a public hearing for a Minor Conditional Use Permit 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 Section 35-181 (Noticing).
    - 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 Minor Conditional Use Permit 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.9.a, above, is mailed.
  - c. If the requirement for a public hearing is waived, then the Director shall be the review authority for the Minor Conditional Use Permit application.

**SECTION 156:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 172.9, Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration, of Section 35-172, Conditional Use Permits, is hereby amended to read as follows:

**Section 35-172.9 Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration.**

1. Prior to the commencement of the development and/or authorized use permitted by the Conditional Use Permit, a Coastal Development Permit and Zoning Clearance, as applicable, authorizing such development and/or use shall be issued.
  - a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit either by:
    - 1) The County in compliance with Section 35-169 (Coastal Development Permits), or
    - 2) The Coastal Commission when the development is located:
      - a) Within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b); or
      - b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.
  - b. **Zoning Clearance required.** In addition to a Coastal Development Permit required in compliance with Subsection 2.a (Coastal Development Permit required), above, the issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) shall be required prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit as follows.
    - 1) Where the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 1.a, above.
    - 2) Each phase of development where the associated Coastal Development Permit includes a phasing plan.
2. **Time limit, permit expiration and extension.**
  - a. A Conditional Use Permit shall expire on the date the associated Coastal Development Permit, including time extensions, expires.
  - b. A Conditional Use Permit shall be considered to be void and of no further effect if the associated Coastal Development Permit has expired.

**SECTION 157:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 172.10, Revocation, of Section 35-172, Conditional Use Permits, is hereby amended to read as follows:

**Section 35-172.10 Revocation.**

A Conditional Use Permit approval may be revoked or modified in compliance with Section 35-179H (Revocations).

**SECTION 158:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 172.11, Substantial Conformity, Amendments and Revisions, of Section 35-172, Conditional Use Permits, is hereby amended to read as follows:

**Section 35-172.11 Substantial Conformity, Amendments and Revisions.**

Changes to a Conditional Use Permit shall be processed in compliance with Section 35-179E (Changes to an Approved Project).

**SECTION 159:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 172.12, Conditions, Restrictions, and Modifications, of Section 35-172, Conditional Use Permits, is hereby amended to read as follows:

**Section 35-172.12 Conditions, Restrictions, and Modifications.**

1. At the time the Conditional Use Permit is approved, or subsequent Amendments or Revisions are approved, the Director, Zoning Administrator, Planning Commission or Board of Supervisors may modify the building height limit, number of stories, distance between buildings, setback, yard, parking, building coverage, landscaping, screening requirements or other development standards specified in the applicable zone district when the Director, Zoning Administrator, Planning Commission or Board of Supervisors finds the project justifies such modifications and is 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 review authority may impose any appropriate and reasonable conditions or require any redesign of the project as they 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 peace, health, safety, and welfare, or to implement the purposes of this Article.

3. The review authority may require as a condition of approval of any Conditional Use Permit, or of any subsequent Amendments or Revisions, the preservation of trees existing on the property.

**SECTION 160:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 173.4, Contents of Application, of Section 35-173, Variances, is hereby amended to read as follows:

**Section 35-173.4 Contents of Application.**

An application for a Variance shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).

**SECTION 161:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 173.5, Processing, of Section 35-173, Variances, is hereby amended to read as follows:

**Section 35-173.5 Processing.**

1. **Concurrent Processing.** The Variance shall be processed concurrently with and acted upon at the same time as, the associated Coastal Development Permit application except as provided below.
  - a. Where the project is located within the retained permit jurisdiction of the Coastal Commission or an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission, the Variance shall be processed and acted upon after the Coastal Commission approves the Coastal Development Permit.
2. Notice of the filing of a complete application shall be given in compliance with Section 35-181 (Noticing).
3. The Zoning Administrator shall hold at least one noticed public hearing on the requested variance and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in Section 35-181 (Noticing).
4. The Zoning Administrator, in granting said variance, may require such conditions as deemed necessary to assure that the intent and purpose of this Article and the public health, safety, and welfare will be promoted.
5. The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).



**SECTION 162:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 173.6, Findings Required for Approval, of Section 35-173, Variances, is hereby amended to read as follows:

**Section 35-173.6 Findings Required for Approval.**

A variance shall only be approved if all of the following findings are made:

1. Because of special circumstances applicable to the property, including but not limited to size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
2. The granting of the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
3. That the granting of the variance will not be in conflict with the intent and purpose of this Article or the adopted Santa Barbara County Coastal Land Use Plan.

**SECTION 163:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add new Section 173.7, Expiration, of Section 35-173, Variances, is hereby amended to read as follows:

**Section 35-173.7 Expiration.**

A Variance shall expire on the date the associated Coastal Development Permit, including time extensions, expires.

**SECTION 164:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-174, Development Plans, is hereby amended to read as follows:

**Section 35-174. Development Plans.**

**Section 35-174.1 Purpose and Intent.**

The purpose of a Development Plan is to provide discretionary action for projects allowed by right within their respective zoning districts which, because of the type, scale, or location of the development, require comprehensive review.

### **Section 35-174.2 Applicability**

1. **Development Plan Required.** No permit shall be issued for any development, including grading, for any property subject to the provisions of this section until a Development Plan has been approved in compliance with this Section.
2. **Jurisdiction.** Development Plans shall be under the jurisdiction of the Planning Commission except as provided below or as specifically stated in another part of this zoning ordinance.
  - a) The following shall be under the jurisdiction of the Director and shall be processed as set forth herein:
    - 1) In the Highway Commercial (CH), Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Industrial Research Park (M-RP), Light Industry (M-1), General Industry (M-2), Service Industrial Goleta (M-S-GOL), and Professional and Institutional (PI) zoning districts, Development Plans for buildings and structures which do not exceed a total of 10,000 square feet when combined with all outdoor areas designated for sales or storage and existing buildings and structures on the site.
    - 2) In all zone districts, Development Plans for projects that were legally permitted and developed without an effective Development Plan where the project is now considered nonconforming due to the absence of a Development Plan provided that no revisions to the existing development are proposed in connection with the Development Plan application. If revisions to the existing development are proposed, then the application shall be processed as if it were an application for a new project and the jurisdiction shall be determined pursuant to Section 35-174.2.
    - 3) Communication facilities as specified in Section 35-144F.
    - 4) In all zones, Development Plans for structures and additions of less than 1,000 square feet.
  - b). The following shall be under the jurisdiction of the Zoning Administrator and shall be processed as set forth herein:
    - 1) In the Visitor Serving Commercial (CV) and Public Utilities (PU) zoning districts, Development Plans for buildings and structures which do not exceed a total of 15,000 square feet when combined with all outdoor areas designated for sales or storage and existing buildings and structures on the site.
    - 2) In the Highway Commercial (CH), Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Industrial Research Park (M-RP), Light Industry (M-1), General Industry (M-2), Service Industrial Goleta (M-S-GOL), and Professional and Institutional (PI) zoning districts, Development Plans for buildings and structures and outdoor areas designated for sales or storage that exceed 10,000 square feet but do not exceed 15,000 square feet.

- 3) Communication facilities as specified in Section 35-144F.
3. No portion of any property not included within the boundaries of the Development Plan shall be entitled to any development permits.

**Section 35-174.3 Contents of Development Plan.**

1. An application for a Development Plan shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
2. An application for a Coastal Development Permit for the development requested by the Development Plan application shall also be submitted and shall be processed concurrently and in conjunction with the Development Plan application except as follows:
  - a. The Coastal Commission approves the Coastal Development Permit when the development is located:
    - 1) Within the retained permit jurisdiction of the Coastal Commission; or
    - 2) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

**Section 35-174.4 Processing of Development Plan.**

1. For all development within the Coastal Zone proposed between Gaviota Beach State Park and the Santa Maria River, upon receipt of the Development Plan, the Planning and Development Department shall transmit one copy of the plan to the Air Force Missile Flight Safety Office (WSMC-SE), USAF, Vandenberg. The Air Force may submit to the Planning and Development Department available information regarding missile debris hazards for the County to consider in reviewing the Development Plan. Such information shall be provided to the County within 30 days of the date of transmittal and the County shall immediately send a copy to the applicant.
2. After receipt of an application for a Development Plan, the Planning and Development 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 Section 35-181 (Noticing).
4. The Planning and Development Department shall refer the application to the Subdivision/Development Review Committee for review and recommendation to the decision-maker.
5. **Notice, public hearing and decision.**
  - a. **Development Plans under the jurisdiction of the Director.** A public hearing shall not be required if the Director is the decision-maker for the Development Plan.
    - 1) Notice of the pending decision of the Director shall be given in compliance with Section 35-181 (Noticing).

- 2) The Director may approve, conditionally approve, or deny the Development Plan.
  - 3) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
- b. **Development Plan under the jurisdiction of the Planning Commission or Zoning Administrator is the decision-maker on the Development Plan.** A public hearing shall be required if the Planning Commission or Zoning Administrator is the decision-maker on the Development Plan.
- 1) The decision-maker shall hold at least one noticed public hearing on the requested Development Plan and approve, conditionally approve, or deny the request.
  - 2) Notice of the hearing shall be given in compliance with Section 35-181 (Noticing).
  - 3) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals)

**Section 35-174.5 Reserved.**

**Section 35-174.6 Reserved.**

**Section 35-174.7 Findings Required for Approval.**

A Development Plan application shall be approved or conditionally approved only if the decision-maker first makes all of the following findings, as applicable:

**1. Findings for all Development Plans.**

- a. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.
- b. That adverse impacts are mitigated to the maximum extent feasible.
- c. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
- d. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
- e. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.
- f. That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls with the limited exception allowed under Section 35-161.7.
- g. That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.

- h. That the project will not conflict with any easements required for public access through, or public use of a portion of the property.
- i. Additional findings, identified in Division 16 (Montecito Community Plan Overlay District), are required for those parcels identified with the MON overlay zone.

**Section 35-174.8 Conditions, Restrictions, and Modifications.**

1. At the time the Development Plan is approved, or subsequent Amendments or Revisions are approved, the decision maker may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, screening requirements, or other development standards specified in the applicable zone district when the decision maker finds the project justifies such modifications.
2. As a condition of approval of any Development Plan, the decision maker may impose any appropriate and reasonable conditions or require any redesign of the project as they 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 peace, health, safety, and welfare, or to implement the purposes of this Article.
3. The decision maker may require as a condition of approval of any Development Plan, the preservation of trees existing on the property.

**Section 35-174.9 Requirements Prior to Commencement of Development Allowed by a Development Plan and Development Plan Expiration.**

1. Prior to the commencement of the development and/or authorized use permitted by the Development Plan, a Coastal Development Permit and Zoning Clearance, as applicable, authorizing such development and/or use shall be issued.
- a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development and/or authorized use allowed by the Development Plan either by:
  - 1) The County in compliance with Section 35-169 (Coastal Development Permits), or
  - 2) The Coastal Commission when the development is located:
    - a) Within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b); or
    - b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.
- b. **Zoning Clearance required.** In addition to a Coastal Development Permit required in compliance with Subsection 1.a (Coastal Development Permit required), above, the issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances)

shall be required prior to the commencement of the development and/or authorized use allowed by the Development Plan as follows.

- 1) Where the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 1.a, above.
- 2) Each phase of development where the associated Coastal Development Permit includes a phasing plan.

**2. Time limit, permit expiration and extension.**

- a. A Development Plan shall expire on the date the associated Coastal Development Permit, including time extensions, expires.
- b. A Development Plan shall be considered to be void and of no further effect if the associated Coastal Development Permit has expired.

**Section 35-174.10 Substantial Conformity, Amendments and Revisions.**

Changes to a Development Plan, shall be processed in compliance with Section 35-179E (Changes to an Approved Project).

**SECTION 165:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-175, Specific Plans, is hereby amended to read as follows:

**Section 35-175. Specific Plans.**

**Section 35-175.1 Purpose and Intent.**

1. These regulations are based on the recognition that one parcel or a group of parcels of land which may be in separate ownership are suitable for a specific use or combination of uses, and should be planned as a unit to ensure protection of valuable resources and allow maximum flexibility in site planning.
2. The purpose of the Specific Plan is to allow for a more precise level of planning for an area than is ordinarily possible in the Coastal Plan and to provide for a mixture of uses through comprehensive site planning.
3. This section is adopted to guide in the preparation of a Specific Plan pursuant to the provisions of Article 8, Section 65450 - 6553 of the Government Code.
4. For those parcels which require preparation of a Specific Plan as set forth in the Coastal Plan, the following regulations shall apply.

**Section 35-175.2 Initiation.**

1. A Specific Plan shall be initiated in compliance with Government Code Section 65450 et seq

**Section 35-175.3 Contents of Application.**

If initiated by a property owner or authorized agent, an application for a Specific Plan shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).

**Section 35-175.4 Processing.**

1. After receipt of the Specific Plan, the Planning and Development Department shall process the plan through environmental review.
2. The Planning and Development Department shall refer the Specific Plan to the Subdivision/Development Review Committee for review and recommendation to the Planning Commission.
3. The Planning Commission shall hold at least one public hearing on the Specific Plan. Notice of time and place of said hearing shall be given in accordance with the procedures set forth in Section 35-181 (Noticing). Any hearing may be continued from time to time.
4. If the Planning Commission recommends approval, with or without modifications, the matter shall be referred back to the Planning and Development Department and County Counsel for the preparation of an amendment adopting the Specific Plan as part of the Coastal Land Use Plan. The Planning Commission's recommendation on the Specific Plan and proposed Coastal Land Use Plan amendment shall be transmitted to the Board of Supervisors by resolution of the Planning Commission carried by the affirmative votes of not less than a majority of its total voting members. The resolution shall be accompanied by a statement of the Planning Commission's reasons for such recommendation.
5. The Board of Supervisors shall hold at least one public hearing before adopting the proposed Specific Plan. The notice of time and place of said hearing shall be given in the same time and manner as provided for the giving of notice of the hearing by the Planning Commission. Any hearing may be continued from time to time.
  - a. At the time of adoption of the Specific Plan, the Board of Supervisors shall make a determination as to whether the existing zoning on the property is consistent with the Specific Plan under the provisions of Section 65860(a) of the Government Code. If the Board of Supervisors finds that it is not consistent, then either the County of Santa Barbara or proponent of the Specific Plan shall initiate rezoning of the parcel(s) to bring the zoning into conformance with the Specific Plan.
6. The Board of Supervisors shall not make any change or addition to any proposed Specific Plan thereto recommended by the Planning Commission until the proposed change or addition has been referred to the Planning Commission for a report and a copy of the report has been filed with the Board of Supervisors. Failure of the Planning Commission to report within 40 days after the reference shall be deemed to be approval of the proposed change or additions. It shall not be necessary for the Planning Commission to hold a public hearing on the proposed change or addition.

7. Amendments to the Specific Plan shall be processed in the same manner as specified for adoption of an original Specific Plan except as provided for under Section 35-169.7.

**Section 35-175.5 Findings Required for Approval.**

A Specific Plan shall not be adopted unless all of the following findings are made:

1. The Specific Plan is in conformance with all applicable Coastal Land Use Plan policies and incorporates any other conditions specifically applicable to the parcels that are set forth in these plans.
2. The Specific Plan will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood.
3. The Specific Plan will not adversely affect such necessary community services as traffic, circulation, sewage disposal, fire protection, and water supply.

**SECTION 166:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 176.3, Contents of Exploration Plan, of Section 35-176, Oil and Gas Exploration and Production Plans, is hereby amended to read as follows:

**Section 35-176.3 Contents of Exploration Plan.**

An application for an Exploration Plan shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).

1. An application for a Coastal Development Permit for the development requested by the Exploration Plan application shall also be submitted and processed concurrently and in conjunction with the Exploration Plan application except as follows:
  - a. The Coastal Commission approves the Coastal Development Permit when the development is located:
    - 1) Within the retained permit jurisdiction of the Coastal Commission; or
    - 2) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

**SECTION 167:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 5 of Section 176.4, Processing of Exploration Plan, of Section 35-176, Oil and Gas Exploration and Production Plans, is hereby amended to read as follows:

5. The Director may approve minor changes to an approved Exploration Plan, provided that such changes do not allow additional wells to be drilled. Substantial changes to an



Exploration Plan shall be processed in the same manner as the original plan except as provided for under Section 35-169.7. When approved by the Planning Commission, such revised plan automatically supersedes any previously approved plan.

**SECTION 168:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 5 of Section 176.9, Processing of Production Plans, of Section 35-176, Oil and Gas Exploration and Production Plans, is hereby amended to read as follows:

5. The Director may approve minor changes to an approved Production Plan, provided that such changes do not allow additional wells to be drilled, or increase the lease production capacity by more than 10 percent. Other changes to a Production Plan shall be processed in the same manner as the original plan except as provided for under Section 35-169.7. When approved by the Planning Commission, such revised plan automatically supersedes any previously approved plan.

**SECTION 169:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 176.12, Requirements Prior to Commencement of Development Allowed by an Exploration Plan or Production Plan, of Section 35-176, Oil and Gas Exploration and Production Plans, is hereby amended to read as follows:

**Section 35-176.12 Requirements Prior to Commencement of Development Allowed by an Exploration Plan or Production Plan.**

1. Prior to the commencement of the development and/or authorized use permitted by an Exploration Plan or Production Plan, a Coastal Development Permit and a Zoning Clearance, as applicable, authorizing such development shall be issued.
  - a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development allowed by an Exploration Plan or Production Plan either by:
    - 1) The County in compliance with Section 35-169 (Coastal Development Permits), or
    - 2) The Coastal Commission when the development is located:
      - a) Within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b); or
      - b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

- b. **Zoning Clearance required.** In addition to a Coastal Development Permit required in compliance with Subsection 1.a (Coastal Development Permit required), above, the issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) shall be required prior to the commencement of the development allowed by an Exploration Plan or Production Plan if the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 1.a, above.

#### **SECTION 170:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-177.10, Revocation and Voidability of Surface Mining Permits, of Section 35-177, Reclamation and Surface Mining Permits, is hereby amended to read as follows:

##### **Section 35-177.10 Revocation and Voidability of Surface Mining Permits.**

1. A surface mining permit issued pursuant to this Section may be revoked in compliance with Section 35-179H (Revocations) if:
  - a. Within three years after the granting of said permit, the surface mining operations authorized by the permit have not been established; or
  - b. A use permitted under a surface mining permit issued subsequent to that effective date of this section is discontinued for a period of more than three years.
  - c. Provided, however, that prior to the expiration of such three year period the Board of Supervisors, after recommendation by the Planning Commission, may extend such three year period for good cause shown.

#### **SECTION 171:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-178, Land Use Permits, is hereby deleted in its entirety and reserved for future use.

#### **SECTION 172:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-179, Modifications, is hereby amended to read as follows:

##### **Section 35-179. Modifications.**

##### **Section 35-179.1 Purpose and Intent.**

The purpose and intent of this Section is to allow minor modifications of District setback regulations, parking, height requirements or zoning development standards where, because of

practical difficulties, integrity of design, topography, tree or habitat protection or other similar site conditions, minor adjustments to such regulations, requirements, or standards would result in better design, resource protection and land use planning.

**Section 179.2. Applicability.**

1. The provisions of this Section shall apply to specific development proposals allowed pursuant to the Permitted Uses sections in all zone districts, which do not otherwise require Conditional Use Permit or Development Plan approval.
2. In no case shall a Modification, pursuant to this Section, be granted to permit a use or activity which is not otherwise permitted in the District in which the property is situated, nor shall a Modification be granted which alters the procedural or timing requirements of this Article.
3. Modifications may only be granted in conjunction with a specific development proposal and are limited to all of the following:
  - a. The total area of each front, side or rear setback area shall not be reduced by more than 20 percent of the minimum setback area required pursuant to the applicable District 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 pursuant to the applicable District regulations.
  - b. No setback reduction for buildings and structures, except for unenclosed, attached, porches or entryways, shall result in:
    1. A front yard setback depth, as measured from the right of way or easement line of a street or driveway, of less than 16.5 feet.
    2. A side yard setback depth from property lines of less than three feet.
    3. A rear yard setback depth from property lines of less than 15 feet.
  - c. No unenclosed, attached porch or entryway shall result in a front yard setback depth, as measured from the right of way or easement line of a street or driveway, of less than 10 feet.
  - d. Up to a 10 percent increase in District height regulations, excluding parcels within the MON Overlay District.
  - e. Up to a 10 percent increase in mandatory Floor Area Ratio (FAR) requirements for buildings originally constructed prior to the adoption of such FAR regulations (e.g., if

the required FAR is 0.50 the maximum modification allowed would be 0.55.), excluding parcels within the MON Overlay District.

- f. **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 parking spaces be reduced in the Medium Density Student Residential, High Density Student Residential, or Single Family Restricted Overlay Districts.
  - 2) The number of required bicycle parking spaces be reduced.
  - 3) 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.

### **Section 35-179.3 Jurisdiction.**

The decision-maker for a Modification, pursuant to this Section, may, upon making the findings required under this Section, approve or conditionally approve Modifications to the regulations applicable to physical standards for land, buildings, and structures contained in this Article, as listed in Section 35-179.2.3.

### **Section 35-179.4 Contents of Application.**

An application for a Modification shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).

### **Section 35-179.5 Processing.**

1. Concurrent Processing. The Modification shall be processed concurrently with and acted upon at the same time as, the associated Coastal Development Permit application, except as provided below.
  - a. Where the project is located within the retained permit jurisdiction of the Coastal Commission or an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission, the Modification shall be processed and acted upon after the Coastal Commission approves the Coastal Development Permit.
2. After receipt of an application for a Modification, the Planning and Development 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 Section 35-181 (Noticing).
4. The project shall be subject to the provisions of Section 35-184 (Board of Architectural Review), unless waived by the Director in accordance with Subsection 35-184.3.1.g.

5. Review Authority. The Director is the review authority for Modifications except as provided below.
  - a. If the application is for development that requires the approval of a Coastal Development Permit that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then the decision-maker for the Coastal Development Permit shall be the decision-maker for the Modification.
6. A public hearing shall not be required for a Modification unless required in compliance with the processing requirements of the associated Coastal Development Permit.
7. Notice of pending decision on a Modification shall be given in compliance with Section 35-181 (Noticing).
8. The decision-maker may approve, conditionally approve, or deny the Modification.
9. The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).

**Section 35-179.6 Findings Required for Approval.**

A Modification shall only be approved if all of the following findings are made:

1. The Modification is minor in nature and will result in a better site or architectural design, based on input from the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review) except when waived by the Director, and/or will result in greater resource protection than the project without such Modification.
2. The project is compatible with the neighborhood, and does not create an adverse impact to community character, aesthetics or public views.
3. Any Modification of parking or loading zone requirements will not adversely affect the demand for on-street parking in the immediate area.
4. Granting of the Modification will not be detrimental to existing physical access, light, solar exposure, ambient noise levels or ventilation on or off site.
5. Any adverse environmental impacts associated with the Modification are mitigated to a level of insignificance.

**Section 35-179.7 Permit Expiration and Extension.**

A Modification shall expire on the date the associated Coastal Development Permit, including time extensions, expires.

**SECTION 173:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-179A, Zoning Clearances, is hereby amended to read as follows:

### **Section 35-179A. Zoning Clearances.**

1. **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 2. (Applicability), below. The intent of this Section is to ensure that development conforms to the provisions of the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and any conditions or development standards established by the County.
2. **Applicability.**
  - a. **Zoning Clearance required.** A Zoning Clearance shall be issued by the Director for the following unless other requirements of this Article specify that the Zoning Clearance is not required, or that the activity is exempt from the approval of a planning permit in compliance with Section 35-169.2 (Applicability). A Zoning Clearance shall not take the place of a required Coastal Development Permit.
    - 1) Uses or development specifically identified throughout this Article as requiring a Zoning Clearance.
    - 2) Any use or development for which a Coastal Development Permit was approved by the Coastal Commission.
    - 3) Any use or development for which a Substantial Conformity Determination was approved pursuant to Section 35-179E (Changes to an Approved Project).
    - 4) Any use or development for which a phasing plan is approved. A Zoning Clearance is required for each phase.
  - b. **Zoning Clearance approval.** The issuance of a Zoning Clearance certifies that the land use or development will satisfy all conditions of approval of any existing approved permits for the subject property, including applicable discretionary projects.
3. **Contents of application.** An application for a Zoning Clearance shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
4. **Processing.**
  - a. **Review for compliance.** The Director shall review the Zoning Clearance application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and any conditions or development standards established by the County, 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:
    - 1) All necessary prior approvals, including, but not limited to design review, development plan, conditional use permit approval, as applicable, have been obtained.

- 2) 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 Article, and if applicable, that 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 nonconforming structures and uses in compliance with Division 10 (Nonconforming Structures and Uses).
  - b. **Decision not subject to appeal.** The action of the Director to issue, conditionally issue or deny a Zoning Clearance, is final and not subject to appeal.
  - c. **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 rezoning or amendment to this Article, a Zoning Clearance shall not be issued or conditionally issued while the proceedings are pending on such rezoning or amendment unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board or (2) the effective date of a Major Conditional Use Permit or Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) or a Development Plan approved in compliance with Section 35-174 (Development Plans) is prior to the adoption of the Board's resolution and the proposed uses and structures are in conformance with the approved Major Conditional Use Permit or Minor Conditional Use Permit or Development Plan.
5. **Permit expiration and extension.**
- a. A Zoning Clearance shall remain valid only as long as compliance with all applicable provisions of this Article and the Zoning Clearance conditions continues.
  - b. Except as stipulated elsewhere in this Code or by California State Law, an issued Zoning Clearance shall expire four years from the date of issuance if the Zoning Clearance has not been exercised unless a time extension is approved in compliance with Section 35-179B (Time Extensions).
    - 1) 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.
6. **Changes to Zoning Clearances.** Changes to an issued Zoning Clearance may be allowed in compliance with Section 35-179E (Changes to an Approved Project).
7. **Zoning Clearance revocation.** A Zoning Clearance approval may be revoked or modified in compliance with Section 35-179H (Revocations).

**SECTION 174:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-179B, Time Extensions, is hereby amended to read as follows:

**Section 35-179B. 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 Article.
- 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 Section 35-57A (Application Preparation and Filing).
- D. The Director may extend the expiration of a permit or approval issued under this ordinance 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. Notice of an application for a Time Extension of a Coastal Development Permit shall be provided to the California Coastal Commission.
- 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, subject to an appeal to the Coastal Commission in compliance with Section 35-182 (Appeals).




- E. **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 175:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to replace provisions for Use Determinations with provisions for Development Agreements, revising Section 35-179C, Use Determinations, is hereby amended to read as follows:

**Section 35-179C. Development Agreements.**

**Section 35-179C.1 Purpose and Intent**

The purpose and intent of this Section is to establish procedures and requirements for the review and approval of Development Agreements in compliance with Government Code Section 65864, et seq.

**Section 35-179C.2 Application Requirements**

- A. **Qualification as an applicant.**

1. Only a person who has legal or equitable interest in the real property that is the subject of a proposed Development Agreement, or their authorized agent may apply to the County for the approval of a Development Agreement.
2. The Director may require an applicant to submit proof of their interest in the real property and of the authority of an agent to act for the applicant.
3. Before processing the application, the Director shall obtain the opinion of the County Counsel as to the sufficiency of the applicant's interest in the real property to enter into the Agreement.

**B. Application contents.**

1. **Forms and information.** The Director shall prescribe the form for application, notice, and documents provided for or required under this Section for the preparation and implementation of a Development Agreement. The Director may require an applicant to submit information and supporting data as the Director considers necessary to process the application.
2. **Proposed form of Agreement.** Each application shall be accompanied by a draft Development Agreement in the form required by the County.
3. **Fee.** Each application for a Development Agreement shall include the processing fee deposit established by the Board's Fee Resolution.

- C. Application filing and processing.** An application for a Development Agreement shall be filed and processed in compliance with Section 35-57A (Application Preparation and Filing).

**Section 35-179C.3 Notices and Hearings**

- A. Notice of intention.** The Director shall give notice of intention to consider adoption of a Development Agreement in addition to any other notice required by this Development Code for other actions to be considered concurrently with the Development Agreement. The notice shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).

**B. Public hearings.**

1. **Planning Commission and Board of Supervisors hearings required.** The Planning Commission shall conduct at least one public hearing on a proposed Development Agreement before making a recommendation to the Board of Supervisors on the Agreement, and the Board shall conduct at least one hearing before making a decision on the application.
2. **Hearing notice.** Notice of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing). Failure of any person entitled to notice required by law or this ordinance does not affect the authority of the County to enter into a Development Agreement.

### **Section 35-179C.4 Standards of Review, Findings and Decision**

- A. **Planning Commission recommendation.** After a hearing, the Planning Commission shall make its recommendation in writing to the Board of Supervisors. The recommendation shall include the Planning Commission's findings and determination, and reasons for the determination, as to whether the Development Agreement proposed:
1. Is consistent with the objectives, policies, general land uses, and programs specified in the Comprehensive Plan, Coastal Land Use Plan, and any applicable Specific Plan.
  2. Provides that any tentative map which is included in the Development Agreement will comply with Government Code Section 66473.7 regarding water supply.
  3. Contains provisions for periodic review pursuant to Government Code Section 65854.1.
  4. Complies with Government Code Section 65865.2 as may be amended from time to time which states:
    - a. The Development Agreement shall specify the following:
      - (1) The duration of the Agreement;
      - (2) The permitted uses of the property;
      - (3) The density or intensity of use;
      - (4) The maximum height and size of proposed buildings; and
      - (5) Provisions for reservation or dedication of land for public purposes.
    - b. The Development Agreement may include the following:
      - (1) Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the Agreement;
      - (2) That construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time; and/or
      - (3) Terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.
- B. **Decision by the Board of Supervisors.**
1. **Board's decision.** After the Board of Supervisors completes its public hearing, it may approve, conditionally approve, or deny the Development Agreement.
  2. **Referral to the Planning Commission.** The Board of Supervisors may, but need not, refer matters not previously considered by the Planning Commission during its hearing back to the Planning Commission for report and recommendation. The Planning

Commission may, but need not, hold a public hearing on matters referred back to it by the Board.

3. **Required findings.** The Board of Supervisors shall not approve the Development Agreement unless it first makes the findings identified in Subsection A. (Planning Commission recommendation) above.
- C. **Approval of Development Agreement.** The Board's approval of a Development Agreement shall be by the adoption of an ordinance. The Board may enter into the Agreement after the ordinance approving the Development Agreement takes effect.

#### **Section 35-179C.5 Development Agreement Amendment or Cancellation**

- A. **Initiation of amendment or cancellation.** Either party to the Agreement may propose an amendment to or cancellation of an effective Development Agreement, in whole or in part.
- B. **Procedure.** The procedure for proposing and adopting an amendment to, or cancellation in whole or in part of a Development Agreement shall be the same as the procedure for entering into an Agreement as provided by this Section, except as otherwise provided in the Development Agreement.

#### **Section 35-179C.6 Recordation**

- A. **Time for recordation.** Within 10 days after the County enters into the Development Agreement, the County Clerk shall record the Agreement with the County Recorder.
- B. **Notice of amendment or cancellation.** If the parties to the Agreement or their successors-in-interest amend or cancel the Agreement, or if the County terminates or modifies the Agreement for failure of the applicant to comply in good faith with the terms or conditions of the Agreement, the County Clerk shall record notice of the action with the County Recorder.

#### **Section 35-179C.7 Periodic Review**

- A. **Review required.** Every Development Agreement approved and executed in compliance with this Section shall be subject to annual County review during the full term of the Agreement. Appropriate fees to cover the County's costs to conduct the periodic reviews shall be collected from the applicant.
- B. **Purpose of review.** The purpose of the periodic review shall be to determine whether the applicant or its successor-in-interest has complied in good faith with the terms of the Development Agreement. The burden of proof shall be on the applicant or its successor to demonstrate compliance to the full satisfaction of, and in a manner prescribed by, the County.
- C. **Initiation of review.** The applicant shall contact the Director to initiate the required periodic review no later than 60 days before the expiration of each 12 month period after the execution of the Development Agreement.

- D. **Action based on non-compliance.** If, as a result of periodic review the Board of Supervisors finds and determines, on the basis of substantial evidence, that the applicant or its successor-in-interest has not complied in good faith with the terms or conditions of the Agreement, the Board may after a noticed public hearing in compliance with Section 35-181 (Noticing), modify or terminate the Agreement.

#### **Section 35-179C.8 Modification or Termination**

- A. **Proceedings upon modification or termination.** If, upon a finding made under Subsection 35-179C.7.D (Action based on non-compliance) above, the County determines to proceed with modification or termination of the Agreement, the County shall give notice to the property owner of its intention to do so. The notice shall contain:
1. The time and place of the hearing;
  2. A statement as to whether or not and in what respects the County proposes to modify or terminate the Development Agreement; and
  3. Other information that the County considers necessary to inform the property owner of the nature of the proceeding.
- B. **Hearing on modification or termination.** At the time and place set for the hearing on modification or termination, the property owner shall be given an opportunity to be heard. The decision of the Board of Supervisors shall be final.

#### **SECTION 176:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to replace provisions for Temporary Suspension of Compliance with the Project Description and/or Conditions of Approval to an Approved Project Necessary to Protect Public Health with provisions for Changes to an Approved Project, revising Section 35-179E, Temporary Suspension of Compliance with the Project Description and/or Conditions of Approval to an Approved Project Necessary to Protect Public Health, is hereby amended to read as follows:

#### **Section 35-179E. Changes to an Approved Project.**

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

- A. **Land Use Permits, Coastal Development Permits, Design Reviews, and Zoning Clearances.** Minor changes to an approved or issued Land Use Permit, approved or issued Coastal Development 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. 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 Section 35-57A (Application Preparation and Filing).
2. The Director may approve a minor change to an approved or issued Land Use Permit, approved or issued Coastal Development 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, including those in effect to protect coastal resources;
  - d. The Land Use Permit, Coastal Development Permit, Design Review, or Zoning Clearance has not expired; and
  - e. The minor change is exempt from Design Review in compliance with Section 35-184 (Board of Architectural Review).
3. Where a minor change of an approved or issued Land Use Permit, approved or issued Coastal Development Permit, Design Review approval, or issued Zoning Clearance, is approved, the permit 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.
4. Where it cannot be determined that the minor change materially conforms to an approved or issued Land Use Permit, approved or issued Coastal Development Permit, Design Review approval, or issued Zoning Clearance in compliance with the above criteria, a new Land Use Permit, Coastal Development Permit, Design Review, or Zoning Clearance shall be required.
5. The determination to allow a minor change to an approved or issued Land Use Permit, approved or issued Coastal Development Permit, Design Review approval, or issued Zoning Clearance, is final and not subject to appeal.

Note: Also refer to Appendix D (Guidelines for Minor Changes to Land Use and Coastal Development Permits, Zoning Clearances, and Design Review).

- C. **Planning Permits Other Than Coastal Development Permits, Land Use Permits, and Zoning Clearances.** Changes to approved planning permits, other than Coastal Development Permits, 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 permit if the Director first determines, in compliance with the County's Substantial Conformity Determination Guidelines (see Appendix B), that the change is in substantial conformity with the approved permit.
  - a. **Contents of application.** An application for a Substantial Conformity Determination shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
  - b. **Processing.**
    - (1) The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on the application for the Substantial Conformity Determination.
    - (2) Notice of the application or pending decision on a Substantial Conformity Determination is not required.
    - (3) The action of the Director is final and not subject to appeal, including an appeal to the Coastal Commission.
    - (4) If a Coastal Development Permit was processed concurrently with the permit under review, then a change to the permit may also require approval of a minor change to the associated Coastal Development Permit in compliance with Section 35-169.10 (Minor Changes to Coastal Development Permits).
  - c. **Zoning Clearance required prior to commencement of 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 35-179A (Zoning Clearances) shall be required.
  - 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 35-179B (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.
- 2. **Amendments.** Where the Director is unable to determine that a requested change to an approved permit is a minor revision pursuant to Subsection C.1, above, the Director may instead amend the permit in compliance with the following.
  - a. **Contents of application.** An application for an Amendment shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
    - (1) An application for a Coastal Development Permit for the development requested by the Amendment application shall also be submitted and shall be processed concurrently and in conjunction with Amendment application except when the Coastal Commission approves the Coastal Development Permit because:
      - (a) The development is located within the retained permit jurisdiction of the Coastal Commission, or
      - (b) The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.
  - b. **Area under review.** The Director shall determine location within the project site that the subject of the application for the Amendment either:
    - (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
    - (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.
  - c. **Processing.**
    - (1) The Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
    - (2) The Department shall refer the application 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 the Director determines that the requirement is unnecessary.

**d. Action and appeal.**

**(1) Development that may be appealed to the Coastal Commission.**

- (a) The Zoning Administrator shall hold at least one noticed public hearing unless waived in compliance with Section 35-169.4.2.d (Waiver of Public Hearing) on the application for the Amendment and the application for the Coastal Development Permit and approve, conditionally approve, or deny the request.
- (b) Notice of submittal of a complete application and the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
- (c) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).

**(2) Development that may not be appealed to the Coastal Commission.**

- (a) The Director shall review the applications for the Amendment and for the Coastal Development Permit for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on an application for an Amendment.
- (b) Notice of submittal of a complete application and the pending decision shall be given in compliance with Section 35-181 (Noticing).
- (c) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).

**e. Findings.**

**(1) Amendment.** The application for the Amendment shall be approved or conditionally approved only if the decision-maker 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 and the Local Coastal Program, including the Coastal Land Use Plan and 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.
  - (2) **Coastal Development Permit.** The application for the Coastal Development Permit shall be approved or conditionally approved only if the decision-maker first makes all of the findings required in compliance with Subsection 35-169.5.2.
- f. Permit required prior to commencement of development. Prior to commencement of the development and/or use authorized by the Amendment, the issuance of a Coastal Development Permit or a Zoning Clearance shall be required in compliance with the following:
  - (1) Coastal Development Permit required. If the proposed development and/or use proposed to be allowed by the Amendment is not located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Coastal Development Permit by the County is required.
  - (2) Zoning Clearance required. If the development and/or use allowed by the Amendment is located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearance) shall be required. The Zoning Clearance shall not be issued and deemed effective until approval of a Coastal Development by the Coastal Commission has been obtained.
- g. Time Limits.
  - (1) Where a Coastal Development Permit is Required. Where the issuance of a Coastal Development Permit is required, the Amendment shall have the same effective and expiration dates as the Coastal Development Permit.
  - (2) Where a Zoning Clearance is Required.
    - i) If the Zoning Clearance required by the original permit has not been exercised, the Amendment shall be subject to the same time limit as the original permit.
    - ii) If the Zoning Clearance 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 35-179B (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.

**3. Revisions.**

- a. A revised permit shall be required for changes to an approved permit where the findings identified in Subsection C.2 (Amendments) above cannot be made and substantial conformity cannot be determined in compliance with Subsection C.1 (Substantial Conformity Determinations).
- b. A revised permit shall be processed in the same manner as a new permit.
- c. The approval by the review authority of a revised permit shall automatically supersede the previously approved permit upon the effective date of the revised permit.

**SECTION 177:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add a new Section 35-179H, Revocation, is hereby amended to read as follows:

**Section 35-179H. Revocation.**

Any permit granted under this Article 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.

**A. 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 Planning Commission for consideration and decision when, in the Director's opinion, the public interest would be better served by having the Planning Commission act as the review authority. The Director's decision to refer

or not to refer a Revocation to the 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.
  - b. Planning Commission or Board of Supervisors as Review Authority. Where the Planning Commission or Board of Supervisors is the review authority for a Revocation, the Planning 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 Section 35-181 (Noticing).
4. The action of the review authority is final subject to appeal in compliance with Section 35-182 (Appeals).

**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, or so as to constitute a nuisance;
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 178:**

DIVISION 12, Administration, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-180.4, Processing, of Section 35-180, Amendments to a Certified Local Coastal Program, is hereby amended to read as follows:

**Section 35-180.4 Processing.**

1. If initiated by a person other than the Board, Commission, or Director, as many copies of a Rezone, Ordinance Amendment or Coastal Land Use Plan Amendment application as may be required shall be submitted to the Planning and Development Department. Unless the Planning Commission expressly waives the requirement, an application to rezone property shall include a Development Plan as part of the application.
  - a. **Application acceptance.**
    - 1) **Director review.** After receipt of an application the Director shall review the application and determine whether to accept the application for processing or to refer the application to the Commission to determine whether to accept the application for processing.
      - a) The Director may refer any application to the Commission that the Director determines to be:
        - i) Inconsistent with the Coastal Land Use Plan and the inconsistency would not be resolved by approval of the amendment, or
        - ii) Inconsistent with this Coastal Zoning Ordinance and the inconsistency would not be resolved by approval of the amendment, or
        - iii) Inconsistent with a recent Comprehensive Plan or Community Plan update, or
        - iv) Precedent setting in nature, or
        - v) In conflict with any recent action by the Board, or
        - vii) Likely to generate or has generated substantial public controversy, or
        - viii) If the application involves an amendment to the Comprehensive Plan, that the application is not in the public interest as required by Government Code Section 65358(a).
      - b) The action of the Director to refer an application to the Commission is final and not subject to appeal.
      - c) If the Director refers the application to the Commission, then the Director shall provide a recommendation to the Commission as to whether the application should be accepted for processing.
2. The Planning and Development Department shall process the amendment through environmental review.
3. The Planning Commission shall hold at least one public hearing on the proposed amendment.

4. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing) and the following.
  - a. For a proposed change of zone district or change of land use designation, notices shall be mailed:
    - 1) To the owners of the affected property and also the owners of the property within 300 feet of the exterior boundaries of the affected property, using for this purpose, the name and address of such owners shown on the tax rolls of the County.
    - 2) To residents of the affected property and residents within 100 feet of the affected property.
    - 3) In the event that the number of owners and/or residents to whom notice would be sent pursuant to 1 or 2 above is greater than one thousand, the County may provide notice by placing a display advertisement of at least one-eighth page in a newspaper of general circulation, published and circulated in the affected area of the County, at least 10 days prior to the hearing.
    - 4) If there is a valid and operational Conditional Use Permit associated with a proposed rezone site and under the new zone district the conditionally permitted use would become a permitted use, the Conditional Use Permit conditions of approval shall remain valid unless altered or deleted pursuant to Section 35-172.11.

#### **SECTION 179:**

**DIVISION 12, Administration**, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-180.5, Action, of Section 35-180, Amendments to a Certified Local Coastal Program, is hereby amended to read as follows:

#### **Section 35-180.5 Action**

1. The Planning Commission's action shall be transmitted to the Board of Supervisors by resolution of the Planning Commission carried by the affirmative votes of a majority of its total voting members. The resolution shall be accompanied by a statement of the Planning Commission's reasons for such recommendation.
2. Within 40 days of receipt of the recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing on the matter.
  - a. If the matter under consideration is a request to change property from one zone to another (rezone), and the Planning Commission has recommended against such a request, the Board of Supervisors shall not be required to hold a public hearing or take any further action on the matter unless within five days of the decision of the Planning

Commission, the applicant or other interested person files a written request for such hearing with the Clerk of the Board of Supervisors.

3. Notice of the time and place of said hearing by the Board of Supervisors shall be given in the same time and manner provided for the giving of notice of the hearing by the Planning Commission as specified in this Section.
4. The Board of Supervisors may approve, modify, or disapprove the recommendation of the Planning Commission.
  - a. Any modification of the proposed amendment by the Board of Supervisors not previously considered by the Planning Commission during its hearing shall first be referred to the Planning Commission for a report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within 40 days of the reference or such longer period as may be designated by the Board of Supervisors shall be deemed to be approval of the proposed modification.

Note: Any legislative approval by the Board of Supervisors (i.e., LCP amendments, ordinance amendments, general plan amendments, rezones) which would authorize or allow the development, construction installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) and outside the South Coast Consolidation Areas is subject to a vote by the voters of the County of Santa Barbara in a regular election as described in Section 35-150.1. This voter approval requirement was added to the ordinance pursuant to the Measure A96 voter approval initiative, passed by the voters of Santa Barbara County on March 26, 1996 and is effective 25 years hence.

#### **SECTION 180:**

DIVISION 12, Administration, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-181, Noticing, is hereby amended to read as follows:

#### **Section 35-181. Noticing.**

##### **Section 35-181.1 Purpose and Intent.**

This Section establishes the minimum requirements for providing notice of a public hearing and other required noticing, and public hearing provisions and procedures.

##### **Section 35-181.2 Notice of Public Hearing and Decision-Maker Action.**

- A. **Minimum noticing requirements.** Unless otherwise specified, whenever the provisions of this zoning ordinance require public notice, notice shall be given by the Department in compliance with Government Code Sections 65090 - 65096 and the following.

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 calendar days before the scheduled public hearing by the decision-maker, except as provided below.
      - a) Board of Architectural Review. Notice by newspaper publication is not required for public hearings by the review authority related to Board of Architectural Review applications.
  - b. **Mailed notice.**
    - 1) **Notice of filing of a complete application.** Notice of the filing of a complete application shall be mailed no later than 15 calendar days following the Department's determination 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.
        - i) For Design Review applications within the Toro Canyon Plan Area mailed notice shall also be provided to all owners of property located within a 500 foot radius of the exterior boundaries of the subject lot.
      - e) All residents located within a 100-foot radius of the exterior boundaries of the subject lot.
      - f) The Coastal Commission, except for Design Review applications.
    - 2) **Notice of public hearing or decision-maker action/pending decision.** Notice of public hearing or decision-maker 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) (Notice of filing of a complete application), above except as follows for Modification applications that are subject to Design Review.
      - a) If a Modification application is subject to Board of Architectural Review, notice shall be made at least 10 days before the scheduled



date of the initial review by the Board of Architectural Review including conceptual review.

- 3) **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsections A.1.b.1) (Notice of filing of an application), above, and A.1.b.2) (Notice of public hearing or decision-maker action/pending decision), above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.
    - a) Notice of the filing of an application shall be published no later than 15 calendar days following the Department's determination that an application is complete.
    - b) Notice of public hearing or decision-maker action shall be published at least 10 days before the scheduled hearing or action.
    - c) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1.b (Mailed notice) where mail delivery is available to addresses appearing on the equalized County assessment roll.
  - 4) The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
  - c. **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 notice required by Subsection A.1.a (Newspaper publication), above, and Subsection A.1.b.2) (Notice of public hearing or decision-maker action/pending decision), 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 calendar days before the scheduled public hearing or action by the decision-maker.
  - d. **Contents of Notice.** The contents of the notice shall be in compliance with Section 35-181.8.
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 decision-maker 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 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 applications that are under the jurisdiction of the Planning Commission or Board of Supervisors, the notice shall be a minimum of two feet tall by three feet wide:
- 3) Said notice shall be posted by the applicant:
  - a) At least 10 days before the scheduled public hearing or decision-maker 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 continuously posted from the date required by Subsection A.2.a.3), above, until at least 10 days following an action of the decision-maker to approve, conditionally approve, or deny the application, including an action on an appeal of the decision of the decision-maker.
- 5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other documentation required by the Director with the Department no later than 10 days before the scheduled initial public hearing or action by the decision-maker. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the decision-maker.

**Section 35-181.3 Reserved.**

**Section 35-181.4 Notice of Final Action of Coastal Development Permits Appealable to the Coastal Commission.**

1. **Provision of notice.** For those developments that are appealable to the Coastal Commission in compliance with the definition of appealable development and Section 35-182 (Appeals), a Notice of Final Action of the approval or conditional approval of a Coastal Development Permit shall be mailed to the Coastal Commission and to any interested person who has requested the notice and has submitted a self-addressed stamped envelope to the Department.

2. **Notice within seven days.** The notice shall be mailed within the seven calendar days following the County's final action on the Coastal Development Permit. An action shall be considered final only after exhaustion of County appeal procedures.
3. **Contents of notice.** The notice shall include the following:
  - a. The applicable decision-maker.
  - b. The date of final action.
  - c. The status of any appeals.
  - d. The conditions of approval of the Coastal Development Permit.
  - e. The findings of the Coastal Development Permit.
  - f. The procedure for appeal of the County's final action to the Coastal Commission.

**Section 35-181.5 Reserved.**

**Section 35-181.6 Emergency Permits.**

- A. **Minimum requirements.** Notice of the application for an Emergency Permit shall be given in compliance with the following:
  1. **Mailed notice.**
    - a. The Department shall provide mailed notice to:
      - 1) All owners of property located within a 300 foot radius of the exterior boundaries of the subject lot.
      - 2) All residents within a 100 foot radius of the exterior boundaries of the affected property.
    - b. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
    - c. **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsection A.1.a, above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.
      - 1) Publication of the notice is not required to precede the actual commencement of the emergency work.
      - 2) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1 (Mailed notice) where mail delivery is available to addresses appearing on the equalized County assessment roll.

2. **Posted notice.** The Department shall also conspicuously post a notice in one location on the subject lot.
3. The mailing or posting of notice is not required to precede the actual commencement of the emergency work.
4. The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice), below.

**Section 35-181.7 Reserved.**

**Section 35-181.8 Contents of Notice.**

1. **Notice for all projects.** The following shall be included in all notices required to be provided in compliance with this Section not including notices that are required to be posted by the applicant.
  - a. The date of filing of the application and the name of the applicant.
  - b. The Department case number assigned to the application.
  - c. The name of the Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.
  - d. A general description of the project, its location, and a statement that the project is located within the Coastal Zone.
  - e. Notice of applications for accessory dwelling units and junior accessory dwelling units, and additions thereto, as may be allowed in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units) shall also include a statement that the grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).
2. **Notice for projects that require a public hearing or discretionary decision-maker action.** The following shall be included in all notices for projects that require a public hearing or discretionary action by a decision-maker not including notices that are required to be posted by the applicant.
  - a. All information required by Subsection 1 (Notice for all projects), above.
  - b. The place, date, and general time of the hearing at which the project will be heard by the decision-maker, if the action requires a public hearing. If the project does not require a public hearing, then only the earliest date of pending action or decision of the decision-maker is required.
  - c. A general description of the County procedures concerning the conduct of public hearings and local actions, including the submission of public comments either in

- writing or orally before the hearing or local decision, and requirements regarding the procedure to appeal the decision.
- d. The procedure for Coastal Commission appeals, including any required appeal fees, if applicable.
  - e. Notice of a pending decision by the Director to approve, conditionally approve or deny a Development Plan for a telecommunications facility that is appealable to the Coastal Commission in compliance with Section 35-144F (Commercial Telecommunications Facilities) shall include a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to the Department within 10 days of the date of such notice. If a written request is received, the public hearing shall be conducted in compliance with Section 35-181.10 (Hearing Procedure) below.
3. **Notice for projects that do not require a public hearing or other discretionary decision-maker action.** The following shall be included in all notices for projects that do not require a public hearing or discretionary action by a decision-maker not including notices that are required to be posted by the applicant.
- a. All information required by Subsection 1 (Notice for all projects), above.
  - b. A general description of the County procedures concerning the review of the application including:
    - 1) How to participate in the review of the application.
    - 2) How to receive notification of any pending review in compliance with Section 35-184 (Board of Architectural Review), if applicable, or action to approve, conditionally approve or deny the application.
    - 3) How to submit comments either in writing or orally before review by the Board of Architectural Review, if applicable, or action by the Director to approve, conditionally approve or deny the application.
    - 4) Requirements regarding the procedure to appeal the decision of the Board of Architectural Review, if applicable, or action by the Director to approve, conditionally approve or deny the application.
  - c. If applicable, the date of the pending decision on the application, and the date of expiration of the appeal period.
  - d. A statement that the public comment period commences upon the date that such notice is given and allows for submission, by mail, in advance of the decision, of public comments on the requested application.

### **Section 35-181.9 Failure to Receive Notice.**

The failure of any person or entity to receive notice given in compliance with this Section or in compliance with State Law (Government Code Sections 65090 - 65096) shall not invalidate the actions of the Department or the applicable decision-maker.

### **Section 35-181.10 Hearing Procedure.**

1. **Held at noticed time and place.** A public hearing shall be held at the date, time, and place for which notice was given.
2. **Hearing may be continued.**
  - a. Any public hearing may be continued from time to time without further notice; provided, the chairperson of the decision-maker announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
  - b. If a public hearing on a project is continued by the local government to a time which is neither (1) previously stated in the notice nor (b) announced at a hearing as being continued to a date, time, and place to which the hearing will be continued, notice of the further hearing(s) shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action), above.
3. **Deferral of final decision.** The decision-maker may announce a tentative decision, and defer their action on a final decision until appropriate findings and/or conditions of approval have been prepared.

### **SECTION 181:**

DIVISION 12, Administration, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-182, Appeals, is hereby amended to read as follows:

### **Section 35-182. Appeals.**

#### **Section 35-182.1 Purpose and Intent.**

The purpose of this section is to provide procedures for the acceptance and processing of appeals to the Board of Supervisors, Planning Commission and Zoning Administrator and to establish the criteria for those developments that may be appealed to the California Coastal Commission.

#### **Section 35-182.2 General Appeal Procedures.**

The decisions or determinations of the Board of Architectural Review, Director, Planning Commission, or Zoning Administrator may be appealed consistent with the following procedures. (In addition, final action on Coastal Development Permits may be appealed to the Coastal Commission, where applicable, in compliance with Section 35-182.6.)

- A. **Who May Appeal.** An appeal may only be filed by an applicant or any aggrieved person. An aggrieved person is defined as any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of his concerns or who for good cause was unable to do either.
- B. **Timing and Form of Appeal.**
1. Filing of the appeal. An appeal, which shall be in writing and accompanying fee, as authorized by this Code, 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 follows:
    - a.) Within 30 calendar days following the date of decision by the Director that an oil or gas lease has been abandoned in compliance with Section 35-170.11 (Processing of Demolition and Reclamation Permit).
    - b.) 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. 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 Section 35-182.2.C, explaining the reasons for the appeal. A completed appeal form, signed by all appellants, shall be filed with the Director, who shall process the appeal in compliance with this section, including scheduling the matter before the appropriate decision-maker.
- 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 her or his 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 the Coastal Land Use Plan, this Article, or other applicable law; and
    - d. If it is claimed that there was error or abuse of discretion on the part of the decision-maker, 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 Section 35-182.2.C.

- a. **Appeals of preliminary approval decisions of the Board of Architectural Review.**

A decision of the 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.

- b. **Appeals of final decision of the Board of Architectural Review.** A decision of the Board of Architectural Review to grant final approval may not be appealed to the Planning 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.

- c. **Appeals regarding accessory dwelling units and junior accessory dwelling units.**

The grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).

- D. **Acceptance of Appeal.** An appeal may be rejected by the Director under the following circumstances:

1. The appeal was not submitted by an applicant or an aggrieved party in compliance with Section 35-182.2.A; or
2. The appeal was not timely submitted in compliance with Section 35-182.2.B; or
3. The appeal does not comply with the applicable requirements of Section 35-182.2.C.



The decision of the Director is final and not subject to appeal.

- E. **Appeal Fees.** The appellant shall pay the required filing fee, as established from time to time by resolution of the Board of Supervisors, at the time of the filing of the appeal.
- F. **Effect of Filing of Appeal.** The filing of the appeal shall have the effect of staying the issuance of any permit or approval provided for by the terms of this Article until such time as final action has occurred on the appeal.
- G. **Notice of Public Hearing Required.** Notice of the time and place of the hearing shall be given in compliance with Section 35-181 (Noticing). Notice shall be mailed to the appellant and the applicant, if different than the appellant.
- H. **Special Processing Requirements.** The following requirements apply to applications for Coastal Development Permits that also require review by the Board of Architectural Review:
  - 1. If a preliminary approval by the Board of Architectural Review is appealed, then the hearing on the appeal shall be held after the approval of the Coastal Development Permit but prior to the issuance of the Coastal Development Permit for such project.
  - 2. If a preliminary approval by the Board of Architectural Review is appealed, and the approval of the Coastal Development Permit appealed, then the appeal of the preliminary approval by the Board of Architectural Review shall be processed concurrently with the appeal of the Coastal Development Permit.
  - 3. If a decision of the Board of Architectural Review to deny preliminary or final approval is appealed, then a hearing shall be held on the appeal of the decision of the Board of Architectural Review prior to:
    - a. A decision to approve or conditionally approve a Coastal Development Permit, or
    - b. A decision to issue the Coastal Development Permit.

#### **Section 35-182.3 Appeals to the Zoning Administrator.**

- A. **Decisions appealed to the Zoning Administrator.** The following decisions of the Director may be appealed to the Zoning Administrator:
  - 1. Any decision by the Director to approve, approve with conditions, or deny an application for a Coastal Development Permit for temporary use in compliance with Section 35-137 (Temporary Uses) may be appealed to the Zoning Administrator.
- B. **Action on Appeal.** The Zoning Administrator shall affirm, reverse, or modify the decision of the Director. The action of the Zoning Administrator is final and not subject to appeal.

#### **Section 35-182.4 Appeals to the Planning Commission.**

- A. **Decisions appealed to the Planning Commission.** The following decisions may be appealed to the Planning Commission provided the appeal complies with the requirements of Section 35-182.2.C. and D.

1. **Board of Architectural Review decisions.** The following decisions of the Board of Architectural Review may be appealed to the Planning Commission:
  - a. Any decision of the Board of Architectural Review to grant or deny preliminary approval in compliance with Subsection 35-182.3.C.2.a (Appeals of preliminary decisions of the Board of Architectural Review).
  - b. Any decision of the Board of Architectural Review to grant or deny final approval in compliance with Section 35-182.2.C.2.b.
2. **Director decisions.** The following decisions of the Director may be appealed to the Planning Commission:
  - a. Any determination on the meaning or applicability of the provisions of this Article.
  - b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943.
  - c. Any decision of the Director to revoke an approved or issued permit.
  - d. Any decision of the Director to approve, conditionally approve, or deny an application for a Coastal Development Permit except for Coastal Development Permits approved in compliance with Section 35-137 (Temporary Uses).
  - e. Any decision of the Director to approve, conditionally approve, or deny an application for a Development Plan.
  - f. Any decision of the Director to approve, conditionally approve, or deny any other discretionary application where the Director is the designated decision-maker.
  - g. Any decision of the Director as to whether or not an unauthorized mobilehome park closure is underway.
  - h. Any other action, decision or determination made by the Director as authorized by this Article where the Director is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.
3. **Zoning Administrator decisions.** The following decisions of the Zoning Administrator may be appealed to the Planning Commission, except that when the lot that is the subject of the decision of the Zoning Administrator is located within the Montecito Planning Area as designated in the Montecito Community Plan, the decision of the Zoning Administrator may be appealed to the Board of Supervisors.
  - a. Any decision of the Zoning Administrator to approve, approve with conditions, or deny a discretionary application where the Zoning Administrator is the designated decision-maker.

- b. Any other action, decision or determination made by the Zoning Administrator as authorized by this Article where the Zoning Administrator is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.
- B. **Report to the Planning Commission.** The Department shall transmit to the Planning Commission copies of the permit application including all maps and data and a statement setting forth the reasons for the decision by the 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 Planning Commission shall affirm, reverse, or modify the decision of the decision maker.

**Section 35-182.5 Appeals to the Board of Supervisors.**

- A. **Decisions appealed to the Board.** The following decisions of the Planning Commission may be appealed to the Board of Supervisors provided the appeal complies with the requirements of Section 35-182.2.C. and D.
  - 1. Any final action on decisions that are appealed to the Planning Commission in compliance with Section 35-182.4. (Appeals to the Planning Commission).
  - 2. Any final action on decisions of the Planning Commission to approve, approve with conditions, or deny a discretionary application where the Planning Commission is the designated decision-maker.
  - 3. Any other action, decision or determination made by the Planning Commission as authorized by this Article where the Planning Commission is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.
  - 4. Any decision of the Zoning Administrator to approve, approve with conditions, or deny a discretionary application where the Zoning Administrator is the designated decision-maker when the lot that is the subject of the decision of the Zoning Administrator is located within the Montecito Planning Area as designated in the Montecito Community Plan.
  - 5. Any other action, decision or determination made by the Zoning Administrator as authorized by this Article where the Zoning Administrator is the decision-maker when the lot that is the subject of the decision of the Zoning Administrator is located within the Montecito Planning Area as designated in the Montecito Community Plan except when specifically provided that such action, decision or determination is final and not subject to appeal.
- B. **Report to the Board of Supervisors.** The Department shall transmit to the Board of Supervisors copies of the permit application including all maps and data and a statement

setting forth the reasons for the decision by the Planning Commission 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 Board of Supervisors shall affirm, reverse, or modify the decision of the Planning Commission.

**Section 35-182.6 Appeals to the Coastal Commission.**

1. For developments which are subject to the appeals jurisdiction of the Coastal Commission under Public Resources Code Section 30603, a final action on a Coastal Development Permit application may be appealed to the California Coastal Commission within 10 working days beginning the next working day following the receipt by the Commission of the County's Notice of Final Action.
2. Any appealable action on a Coastal Development Permit application may be appealed to the Coastal Commission by an applicant, an aggrieved person, or any two members of the Coastal Commission. Appeals must be made in writing and be received by the appropriate Coastal Commission district office by the deadline listed in the prior section. No appeal may be filed with the Coastal Commission until local appeals have been exhausted on the project permit, except that exhaustion of all local appeals shall not be required where a project is appealed by any two Commissioners or if any of the following occur:
  - a. The local government or jurisdiction require an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the coastal zone, in the implementation section of the Local Coastal Program.
  - b. An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision. For purposes of this section, a local ordinance requiring a prospective appellant to have made his/her views known in connection with the original decision prior to taking a local appeal, or otherwise to have exhausted local remedies at the local level prior to taking a local appeal, does not count as a "a local ordinance which restricts the class of persons who may appeal a local decision."
  - c. An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this Article.
  - d. The local government jurisdiction charges an appeal fee for the filing or processing of appeals.
3. In accordance with Public Resources Code Section 30603(a), an action taken by the County of Santa Barbara on a Coastal Development Permit application for any of the following may be appealed to the Coastal Commission.
  - a. Developments approved by the County between the sea and the first public road paralleling the sea.

- b. Developments approved by the County within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
- c. Developments approved by the County not included within paragraphs a. or b. of this section that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
- d. Any development approved by the County that is not designated as the principal permitted use under the zoning ordinance or zoning district map. This includes, but is not limited to, developments approved by the County that require a Conditional Use Permit.
- e. Any development which constitutes a major public works project or a major energy facility. The phrase, "major public works project or a major energy facility," as used in this Article shall mean any proposed facility that meets the definition in California Code of Regulations, Title 14, Section 13012(b).

**4. Grounds of Appeal.**

- a. The grounds of appeal to the Coastal Commission for any development appealable under 3. of this Section shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in the Coastal Act, which is codified in Public Resources Code, Division 20, except that a denial of a permit for development included in Subsection 3.e above, shall be limited to an allegation that the development conforms to the standards set forth in the certified Local Coastal Program and the public access policies set forth in the Coastal Act and codified in Public Resources Code, Division 20.

**SECTION 182:**

DIVISION 12, Administration, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-184, Board of Architectural Review, is hereby amended to read as follows:

**Section 35-184. Board of Architectural Review.**

**Section 35-184.1 Purpose and Intent.**

The purpose and intent of the Board of Architectural Review is to encourage developments which exemplify the best professional design practices so as to enhance visual quality of the environment, benefit surrounding property values, and prevent poor quality of design.

**Section 35-184.2 Applicability.**

- 1. Reference to the Board of Architectural Review or County Board of Architectural Review in this Article shall mean the Central County Board of Architectural Review, the North County

Board of Architectural Review, the South County Board of Architectural Review, or the Montecito Board of Architectural Review whichever has jurisdiction, depending on the location of the project site. The geographic boundaries of said boards are depicted in the original map which is located in files of the Clerk of the Board and illustratively shown as Figure 1 appended to Section 35-184.

2. Review and approval by the Board of Architectural Review shall be required for all of the following except as provided in Section 35-184.3 (Exceptions):
  - a. Any structure or sign requiring Design Review as specifically provided in this zoning ordinance..
  - b. Any structure requiring design review as required by the Planning Commission or the Board of Supervisors.
  - c. Any structure or sign to be erected located in the Montecito Planning Area as shown on the Coastal Land Use Plan Maps.
  - d. Any residential structure on a lot adjacent to the sea.

**Section 35-184.3 Exceptions.**

1. **Exceptions to Design Review Requirements.** Board of Architectural Review approval is not required for the following:
  - a. General.
    - 1) Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
    - 2) Interior alterations.
    - 3) Solar panels.
    - 4) Any other exterior alteration determined to be minor by the Director.
    - 5) 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 or affecting the same 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.
  - b. The following unless subject to a previous Design Review approval or associated with development otherwise requiring Design Review:
    - 1) 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.

- 2) Decks.
    - 3) Swimming pools, hot tubs, and spas.
    - 4) Fences, gates, gateposts and walls as follows; 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 architectural review of a new residence, a remodeling, or an addition to a structure requiring architectural review:
      - a) Fences, gates, and walls six feet or less in height and gateposts of eight feet or less in height, when located in the front setback area.
      - b) Fences, gates, and walls of eight feet or less in height and gateposts of 10 feet or less in height when located outside of front setback areas and not closer than 20 feet from the right-of-way line of any street.
  - c. Gaviota Coast Plan area. Within the Gaviota Coast Plan area and where not subject to Section 35-144 (Ridgeline and Hillside Development Guidelines), single agricultural structures with an individual gross floor area of less than 5,000 square feet that are in compliance with the following standards:
    - 1) The existing cumulative structural development located on the lot that the structure is proposed to be located on does not exceed a footprint area of 10,000 square feet.
    - 2) The structure(s) complies with the following standards:
      - (a) All exterior lighting is required for safety purposes only.
      - (b) The structure uses building materials, earth tone colors, and non-reflective paints that are compatible with the surrounding natural environment to maximize the visual compatibility of the development with surrounding areas.
2. **Special provisions for projects within the jurisdictional area of the North County Board of Architectural Review.** The following are special provisions that apply to projects that are within the jurisdictional area of the North County Board of Architectural Review:
- a. **Exemptions.** The following projects shall be exempt from Board of Architectural Review design review if they cannot be viewed from public roadways or other areas of public use. Landscape screening shall not be taken into consideration when determining whether the project is visible from public roadways or other areas of public use. This exemption is only applicable to Board of Architectural Review review, and does not eliminate the project from any other applicable discretionary review, including Coastal Development Permits.
    - 1) Single family dwellings.
    - 2) Commercial and industrial projects that are not open to the public.

- 3) Accessory structures.
- b. **Advisory actions.** Review by the North County Board of Architectural Review of single-family dwellings is advisory and does not require either preliminary or final approval.
- c. **Time limits.** The North County Board of Architectural Review shall seek to complete its review of all projects within its purview as expeditiously as possible. Therefore, single-family dwellings shall be reviewed by the North County Board of Architectural Review at no more than three separate hearings on three separate dates or for no longer than three months from the date of filing an application, whichever occurs first, unless the project changes or requests for a continuance initiated by the applicant require further review. If the North County Board of Architectural Review fails to render its advice within this limitation, then the project shall proceed to the decision-maker of the discretionary permit without a recommendation by the North County Board of Architectural Review.
- d. **Structures subject to Section 35-144 (Ridgeline and Hillside Development Guidelines).** The following applies to structures that would normally be subject to design review due to their location in an area subject to the requirements of Section 35-144 (Ridgeline and Hillside Development Guidelines).
  - 1) **Exempt structures.** Structures that are exempt from design review in compliance with Section 35-184.3.2.a shall be reviewed as follows:
    - a) Structures shall be reviewed by the Director of Planning and Development for compliance with the development guidelines contained in Section 35-144.3.
    - b) The Director of Planning and Development may exempt a structure from compliance with the development guidelines in compliance with Section 35-144.4.1 in addition to Section 35-144.4.2.
- e. **Special provision not applicable.** The special provisions described in subsection a., b., and c. above shall not apply to the following:
  - 1) Development Plans within the jurisdiction of the Planning Commission.
  - 2) Structures subject to approved ministerial and discretionary permits, including subdivision maps, that are conditioned to require review and approval by the Board of Architectural Review in order to mitigate visual impacts or provide for consistency with the Comprehensive Plan, including adopted Community Plans.

#### **Section 35-184.4 Contents of Application.**

1. Prior to issuance of any permits for development subject to review by the Board of Architectural Review, as many copies of the Board of Architectural Review application and project plans, as well as additional materials (color and texture chips, etc.) as may be required shall be filed with the Planning and Development Department, including but not



limited to site plans, architectural drawing, and landscape plans as applicable. The plans shall include the information and details required by the Planning and Development Department.

2. An application for approval of a sign shall contain project plans and additional information and details required by the Planning and Development Department.

**Section 35-184.5 Processing.**

1. The Board of Architectural Review shall review and approve, disapprove, or conditionally approve applications for Preliminary and Final Approval submitted in accordance with Section 35-184.6 (Findings Required for Approval). The Board of Architectural Review shall also render its advice on the exterior architecture of buildings, structures, and signs to the Planning Commission or Board of Supervisors when requested to do so.
2. Conceptual Review. The 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 Reviews hearing may be held prior to submittal and acceptance of an application for a planning permit.
3. Applications for Preliminary and Final Approval by the 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.
4. Preliminary and Final Approval. The 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.
5. Notice of the hearings shall be given and the hearings shall be conducted in compliance with Section 35-181 (Noticing).

**Section 35-184.6 Findings Required for Approval.**

1. **Findings for all Board of Architectural Review applications.** A Board of Architectural Review application shall be approved or conditionally approved only if the Board of Architectural Review first makes all of the following findings:
  - a. In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the

natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.

- b. In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.
  - c. Overall building shapes, as well as parts of any structure (buildings, walls, fences, screens, towers or signs) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the property.
  - d. Mechanical and electrical equipment shall be well integrated in the total design concept.
  - e. There shall be harmony of material, color, and composition of all sides of a structure or building.
  - f. A limited number of materials will be on the exterior face of the building or structure.
  - g. There shall be a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.
  - h. Site layout, orientation, and location of structures, buildings, and signs are in an appropriate and well designed relationship to one another, respecting the environmental qualities, open spaces, and topography of the property.
  - i. Adequate landscaping is provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of planting which will be appropriate to the project, and adequate provisions for maintenance of all planting.
  - j. Signs including their lighting, shall be well designed and shall be appropriate in size and location.
  - k. The proposed development is consistent with any additional design standards and design guidelines, as applicable, as expressly adopted by the Board of Supervisors for a specific local community, area, or district.
2. **Additional findings required for Board of Architectural Review applications within the Montecito Community Plan area.**
- a. A Board of Architectural Review application for a lot located within the Montecito Community Plan area shall be approved or conditionally approved only if the Board of Architectural Review also first makes all of the findings identified in Section 35-213 (BAR Findings Required for Approval).
3. **Additional findings required for Board of Architectural Review applications within the Summerland Community Plan area.**

- a. Permitted encroachment of structures, fences, walls, landscaping, and other development, into existing public road rights-of-way is consistent in style with the urban and rural areas and minimizes visual or aesthetic impacts.
- b. Landscaping or other elements are used to minimize the visual impact of parking proposed to be located in front setback areas.
- c. If Monterey or Contemporary architectural styles are proposed, the design is well executed within the chosen style, and the style, mass, scale, and materials proposed are compatible with the surrounding neighborhood.
- d. If located in the Rural Area:
  - 1) All structures (primary and accessory structures, including residences, garages, guest houses, barns, corrals, sheds, greenhouses, lath houses, artist studios, etc.) and private driveways are located on slopes of 20 percent or less.
  - 2) Special attention is focused on the design of future structures in order to minimize use of large vertical faces. Large understories and exposed retaining walls shall be avoided.
  - 3) All structures, fences, walls, and roofs are constructed using medium to dark earthtone colors and construction materials that are compatible with the natural surroundings.
  - 4) All colors blend in with the surrounding soils, vegetation, and rock outcroppings.
  - 5) Light colors such as white, offwhite, grey, etc., are not used.
  - 6) Night lighting is of low intensity, and is hooded, shielded, and directed away from property boundaries.
  - 7) Any necessary retaining walls shall be constructed in earthtones using materials or construction methods which create a textured effect and, where feasible, native groundcovers are planted to cover retaining walls from view.
  - 8) All cut and fill slopes are planted with native drought-tolerant groundcover immediately after grading is completed.
  - 9) All mitigation measures required for minimizing impacts to agricultural resources are applied as aesthetic mitigation measures such that the existing rural agricultural setting is preserved.

#### **Section 35-184.7 Appeals.**

The decision of the Board of Architectural Review to grant or deny Preliminary or Final approval is final subject to appeal in compliance with Section 35-182 (Appeals). Advisory recommendations of the North County Board of Architectural Review are not subject to appeal.

### Section 35-184.8 Expiration

1. Where there is an associated development permit, Board of Architectural approvals shall expire on the date the associated development permit (e.g., Coastal Development Permit, Development Plan), including time extensions, expires.
2. Where there is no associated development permit, Board of Architectural Review approvals shall expire four years from the effective date of approval, except the Director may grant an extension of the approval if an active development application is being processed by Planning and Development.
3. Advisory recommendations of the North County Board of Architectural Review shall not expire.

### Section 35-184.9 Changes to Design Reviews.

Minor changes to an approved project shall be in compliance with Section 35-179E (Changes to an Approved Project).

1. The Director shall have the authority and discretion to consult with the Chair of the Board of Architectural Review to determine whether a design alteration constitutes a minor change.

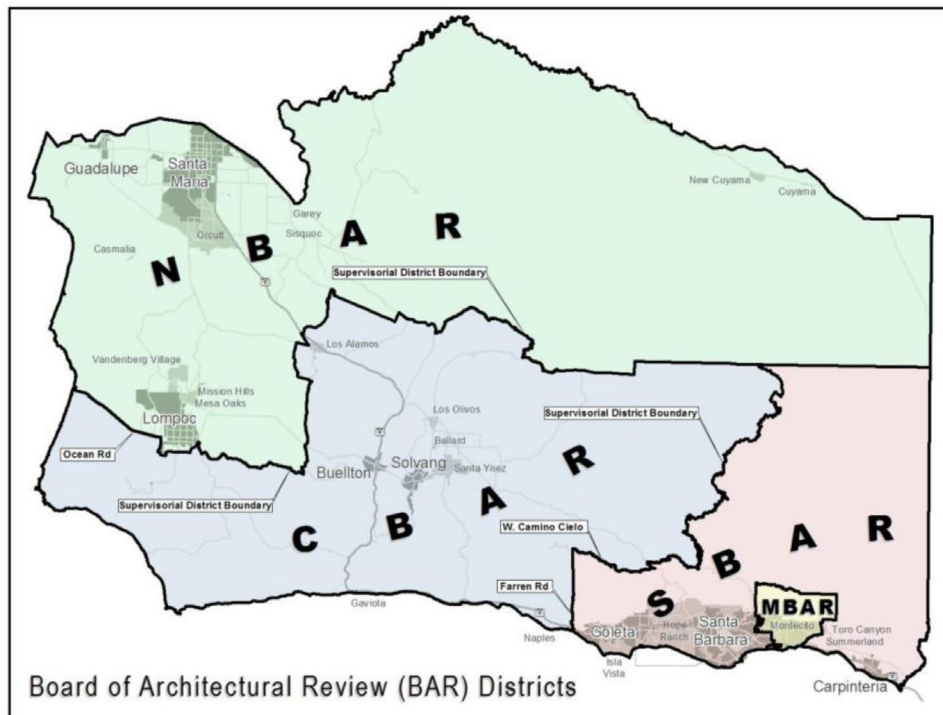


Figure 1 - Regional Board of Architectural Review Jurisdictional Areas

**SECTION 183:**

DIVISION 12, Administration, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-185.6, Recovery of Costs, of Section 35-185, Enforcement, Legal Procedures, and Penalties, is hereby amended to read as follows:

**Section 35-185.6 Recovery of Costs.**

1. **Purpose and Intent.** This section establishes procedures for the recovery of costs expended on the enforcement of the provisions of this Article. The intent of this section is to recoup costs reasonably related to enforcement.
2. **Definitions.** For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them herein.

**Owner:** The record owner or any person having possession and control of the subject property;

**Costs:** Administrative costs, including staff time expended and reasonably related to enforcement for items including site inspections, summaries, reports, telephone contacts, correspondence with the owner and any concerned citizens or officials, and related travel time.

3. The Planning and Development Department shall maintain records of all costs, incurred by responsible County departments, associated with the processing of violations and enforcement of this Article and shall recover such costs from the property owner as provided herein. Staff time shall be calculated at an hourly rate as established and revised from time to time by the Board of Supervisors.
4. **Notice.** Upon investigation and a determination that a violation of any of the provisions of this Article is found to exist, the Director, or any person within the department authorized by the Director, shall notify the record owner or any person having possession or control of the subject property by mail of the existence of the violation, the Department's intent to charge the property owner for all costs associated with enforcement, and of the owner's right to a hearing on objections thereto. The notice shall be in substantially the following form:

**NOTICE**

*The Department of Planning and Development has determined that conditions exist at the property at \_\_\_\_\_ which violate Section \_\_\_\_\_ of the County Code, to wit: (description \_\_\_\_\_ of \_\_\_\_\_ violation)  
Notice is hereby given that at the conclusion of this case you will receive a summary of costs associated with the processing of this violation, at an hourly rate as established and adjusted from time to time by the Board of Supervisors. The hourly rate presently in effect is \$\_\_\_\_ per hour \_\_\_\_\_ of \_\_\_\_\_ staff \_\_\_\_\_ time.  
You will have the right to object to these charges by filing a Request for Hearing with the Department of Planning and Development within 10 days of service of the summary of*

*charges, pursuant to Section 35-185.6.6. Additionally, where a permit(s) is obtained to legalize all, or part of, this violation, you will be subject to an additional permit processing fee for after-the-fact authorization of development, equal to, and in addition to, all otherwise applicable permit fees, but in no case shall the additional permit processing fee for after-the-fact authorization of development exceed \$2,000.00. The additional permit processing fee shall not be construed, in any manner, to be in-lieu of any penalties that may be otherwise assessed for the un-permitted development pursuant to any other Section of the certified Local Coastal Program or Coastal Act.*

5. At the conclusion of the case, the Director shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the subject property by certified mail. Said summary shall include a notice in substantially the following form:

**NOTICE**

*If you object to these charges you must file a Request for Hearing on the enclosed form within 10 days of the date of this notice. If you fail to timely request a hearing, your right to object will be waived and you will be liable to the County for these charges, to be recovered in a civil action in the name of the County, in any court of competent jurisdiction within the County, or by recording a lien against the property that is the subject of the enforcement activity. If after a hearing the Director affirms the validity of the costs, you will be liable to the County in the amount stated in the summary or any lesser amount as determined by the Director. These costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the County, or by recording a lien against the property that is the subject of the enforcement activity. The amount of the lien may be collected at the same time and in the same manner as property taxes are collected. The decision of the Director may be appealed to the Santa Barbara County Board of Supervisors pursuant to Section 35-182 (Appeals) of Chapter 35 of the County Code.*

6. Any property owner, or other person having possession and control thereof, who receives a summary of costs under this section shall have the right to a hearing before the Director on his objections to the proposed costs in accordance with the procedures set forth herein.
  - a. A request for hearing shall be filed with the department within 10 days of the service by mail of the Department's summary of costs, on a form provided by the Department.
  - b. Within 30 days of the filing of the request, and on 10 days written notice to the owner, the Director shall hold a hearing on the owner's objections, and determine the validity thereof.
  - c. In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include, but are not limited to, the following: whether the present owner created the violation;

- whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; the degree of cooperation provided by the owner; whether reasonable minds can differ as to whether a violation exists.
- d. The Director's decision may be appealed to the Board of Supervisors pursuant to Section 35-182 (Appeals).
7. In the event that a request for hearing by the Director is not filed in a timely manner, or that after a hearing the Director affirms the validity of the costs and an appeal to the Board of Supervisors is not filed in a timely manner, the property owner or person in control and possession shall be liable to the County in the amount stated in the summary or any lesser amount as determined by the Director. If the costs have not been paid within 45 days of notice thereof, these costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the County, or by recording a lien against the property that is the subject of the enforcement activity.
- a. Except for liens recorded against a property (1) containing an owner-occupied residential dwelling unit or (2) to recover costs associated with an enforcement, abatement, correction, or inspection activity regarding a violation in which the violation was evident on the plans that received a building permit, the amount of the proposed lien may be collected at the same time and in the same manner as property taxes are collected. All laws applicable to the levy, collection, and enforcement of ad valorem taxes shall be applicable to the proposed lien, except that if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of taxes would become delinquent, then the lien that would otherwise be imposed by this section shall not attach to real property and the costs of enforcement relating to the property shall be transferred to the unsecured roll for collection.
- b. The amount of any cost shall not exceed the actual cost incurred performing the inspections and enforcement activity; the actual cost may include permit fees, fines, late charges, and interest.
- c. The owner of the property that is the subject of the enforcement activity shall be provided with written notice of the proposed lien, including a description of the basis for the costs comprising the lien, a minimum of 45 days after notice to pay the costs. The notice shall also inform the owner of the ability to appeal the imposition of the proposed lien to the Board of Supervisors regarding the amount of the proposed lien. The notice shall be mailed by certified mail to the last known address of the owner of the property.
- d. The Board of Supervisors may delegate the holding of the hearing required by Section 35-185.6.6 to a hearing board designated by the Board of Supervisors. The hearing board may be the housing appeals board established pursuant to Section 17920.5 of the Health and Safety Code or any other body designated by the Board of Supervisors.

The hearing board or body shall make a written recommendation to the Board of Supervisors which shall include factual findings based on evidence introduced at the hearing. The Board of Supervisors may adopt the recommendation without further notice of hearing, or may set the matter for a de novo hearing before the Board of Supervisors. Notice in writing of the de novo hearing shall be provided to the owner of the property that is the subject of the enforcement activity at least 10 days in advance of the scheduled hearing.

- e. If the Board of Supervisors determines that the proposed lien authorized pursuant to subdivision (a) shall become a lien, the body may also cause a notice of lien to be recorded. This lien shall attach upon recordation in the office of the county recorder of the County of Santa Barbara and shall have the same force, priority, and effect as a judgment lien, not a tax lien. The notice shall, at a minimum, identify the record owner or possessor of the property, set forth the last known address of the record owner or possessor, set forth the date upon which the lien was created against the property, and include a description of the real property subject to the lien and the amount of the lien.

#### **SECTION 184:**

DIVISION 12, Administration, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Section 35-185.9, Temporary Suspension of Compliance in order to Protect Public Health, of Section 35-185, Enforcement, Legal Procedures, and Penalties, is hereby deleted in its entirety.

#### **SECTION 185:**

DIVISION 15, Toro Canyon Plan (TCP) Overlay District, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 2 of Subsection 35-194.6, Architectural Review Standards, of Section 35-194, General, is hereby amended to read as follows:

2. All new or altered structures shall be reviewed and approved by the Board of Architectural Review unless exempt from Board of Architectural Review in compliance with Section 35-184.2 (Applicability).

#### **SECTION 186:**

DIVISION 16, Montecito Community Plan Overlay District, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the definition of "Floor Area Ratio" in Section 35-202, Definitions, to read as follows:

**Floor Area Ratio:** A measurement of development intensity represented by the quotient of net floor area, excluding basements used exclusively for storage and residential units that meet the County's definition of affordable housing, divided by net lot area. Where there is an approved



Development Plan, the floor area ratio shall be the quotient of net floor area, excluding basements used exclusively for storage and residential units that meet the County's definition of affordable housing, divided by the sum of the net lot area of all parcels included in the Development Plan.

#### **SECTION 187:**

DIVISION 17, Gaviota Coast Plan (GAV) Overlay, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection C, Permit requirements, of Section 35-430, Allowable Development and Planning Permit Requirements, is hereby amended to read as follows:

- C. **Permit requirements.** Proposed development and land uses shall comply with the following permit requirements, in addition to the requirements of a Building Permit or other permit required by the County Code. Unless exempt in compliance with Section 35-51B (Exemptions from Planning Permit Requirements), or Section 35-430.D (Exempt activities and structures), below, all development requires the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), including development not specifically listed in Table 17-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) in Subsection E (Allowed land uses and permit requirements).
  - 1. **General planning permit requirements.** The land uses identified in Table 17-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) provide for land uses that are:
    - a. Permitted subject to compliance with all applicable provisions of this Article, subject to first obtaining a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) as applicable. Permitted uses are shown in the table as either "PP," which denotes a Principal Permitted Use or "P," which denotes a non-principal Permitted Use. An action by the decision-maker to approve or conditionally approve a permit application for a non-Principal Permitted Use may be appealed to the Coastal Commission in compliance with Section 35-182.6 (Appeals to the Coastal Commission).
    - b. Allowed subject to the approval of a Minor Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits) and shown as "MCUP" uses in the tables. An application for a Coastal Development Permit shall be processed concurrently and in conjunction with the application for the Minor Conditional Use Permit.
    - c. Allowed subject to the approval of a Major Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits) and shown as "CUP" uses in the tables. An application for a Coastal Development Permit shall be processed

- concurrently and in conjunction with the application for the Major Conditional Use Permit.
- d. Allowed as an exempt use as listed in Section 35-51B (Exemptions from Planning Permit Requirements) or in Section 35-430.D (Exempt activities and structures). The exempt use or structure is exempt only if it is in compliance with the requirements of Section 35-51B (Exemptions from Planning Permit Requirements) or Section 35-430.D (Exempt activities and structures).
  - e. Allowed subject to the type of County approval required by a specific provision of this Article and shown as "S" uses in the tables.
  - f. Not allowed in particular zones and shown as "—" in the tables.
  - g. Where the last column ("Specific Use Regulations") in Table 17-2 (Allowable Land Uses and Permit Requirements for the Gaviota Coast Plan Area) includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Development Plan, or Major or Minor Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
2. **Coastal Development Permit.** Proposed development and land uses within the Coastal Zone portion of the Gaviota Coast Plan area shall require the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), unless otherwise indicated in this Division or if located within the retained permit jurisdiction of the Coastal Commission, in which case a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) is required following the issuance of a Coastal Development Permit by the Coastal Commission.
  3. **Biological Study.** In addition to other application requirements, an application for a Coastal Development Permit for proposed development, including fuel modification, within or with the potential to impact native habitat, habitat that may support sensitive species, habitat that may be part of a wildlife corridor, and/or an Environmentally Sensitive Habitat (ESH) area, as defined in Policy NS-4, shall include a detailed biological study of the site, prepared by a qualified biologist, or resource specialist. Site-specific conditions may dictate that additional study is required, such as protocol level surveys for listed species. At a minimum, the site-specific biological study must include the elements listed in Appendix I: Biological Study Requirements within the Gaviota Coast Plan Area.

#### **SECTION 188:**

DIVISION 17, Gaviota Coast Plan (GAV) Overlay, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection E, Allowable land uses and permit requirements, of Section 35-430, Allowable Development and Planning Permit Requirements, is hereby amended to read as follows:

**E. Allowable land uses and permit requirements.**

1. **General permit requirements.** Table 17-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area), below, identify the uses of land allowed within the Gaviota Coast Plan area and the planning permit required to establish each use, in compliance with Division 11 (Permit Procedures).
2. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 17-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) includes a section number, the referenced Section may affect whether the use requires a Coastal Development Permit or a Zoning Clearance, Development Plan, Minor Conditional Use Permit or Major Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
3. **Accessory structures and uses.** Each use allowed by Table 17-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) may include accessory uses and structures that are customarily incidental to the principal use. Accessory structures and uses that are incidental, appropriate, and subordinate to the designated principal permitted use for each zone may be considered a component of the Principal Permitted Use and are shown in the table as "PP." Non-Principal Permitted Uses are shown in the table as "P." For accessory structures and uses that are not specifically listed in Table 17-2, the Director shall determine if the structure or use is a component of the Principal Permitted Use or is a non-Principal Permitted Use.
4. **Development Plan approval required.** Except as provided below, the approval of a Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit or Zoning Clearance.
  - a. **AG-II zone.** Section 35-169.2.2 does not apply to development proposed on property zoned AG-II located within the Gaviota Coast Plan area and instead the approval of a Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit or Zoning Clearance for the following structural development that is not otherwise required by this Section to have discretionary permit approval:
    - 1) **Non-agricultural structural development.** The proposed structure and use thereof does not qualify as agricultural structural development (see Section 35-58 (Definitions)) and is either 15,000 or more square feet in gross floor area or the structure is an attached or detached addition that, together with existing structures on the site that do not qualify as agricultural structural development, will total 15,000 square feet or more in gross floor area.
      - a) **Floor area not included in total gross floor area.** The gross floor area of structures that are exempt from planning permit requirements in compliance with Section 35-51B (Exemptions from Planning Permit Requirements) is not included in the total gross

floor area on the lot for the purpose of determining whether the approval of a Development plan is required in compliance with Subsection E.4.a.1), above.

2) **Agricultural structural development.** The proposed structure and use thereof do qualify as agricultural structural development and meets one or more of the following:

- a) The proposed structure is 15,000 or more square feet in gross floor area or is an addition to an existing structure that will result in a structure of 15,000 or more square feet in gross floor area after completion of the addition.
- b) The proposed structure is 10,000 or more square feet in gross floor area or is an addition to an existing structure that will result in a structure of 10,000 or more square feet in gross floor area after completion of the addition, and:
  - i) A different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area exists on the lot, or
  - ii) There is an active, unexpired planning permit that allows for the construction of a different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area, or
  - iii) The application for the proposed structure is submitted either in conjunction with or subsequent to an application for a different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area.
- c) The proposed structure(s) will result in a total gross floor area on a lot that exceeds the development plan threshold listed for the applicable lot area as shown in Table 17-1 (Development Plan Thresholds), below. Total gross floor area includes the gross floor area of agricultural structural development and non-agricultural structural development, both existing and proposed.

**Table 17-1- Development Plan Thresholds**

Lot Size (acres)	Threshold (sq. ft.)
Less than 40	20,000
40 to less than 100	25,000

100 to less than 200	30,000
200 to less than 320	40,000
320 or more	50,000

- d) **Floor area not included in total gross floor area.** The gross floor area of the following structures is not included in the total gross floor area on the lot for the purpose of determining whether the approval of a Development plan is required in compliance with Subsection E.4.a.2)c), above.
    - i) The gross floor area of structures that are exempt from planning permit requirements in compliance with Section 35-51B (Exemptions from Planning Permit Requirements).
    - ii) A maximum of 10,000 square feet of gross floor area of structures that qualify as agricultural structural development where each structure does not exceed 3,000 square feet of gross floor area, has three or fewer walls, and at least one of the long sides of the structure is open and only utilizes posts to support the roof.
  - e) Proposed structures that do not require the approval of a Development Plan in compliance with Subsection E.4.a.2)c) and Subsection E.4.a.2)d), above, shall comply with Subsection E.6 (Standards for agricultural structural development that does not require a Development Plan), below. Proposed structures that do not comply with Subsection E.6 (Standards for agricultural structural development that does not require a Development Plan) may be allowed in compliance with an approved Development Plan.
- b. **M-CD zone.** On property zoned M-CD:
- 1) **Oil and gas facilities.** Development related to oil and gas facilities shall be issued in compliance with the permit requirements and development standards of Division 9 (Oil and Gas Facilities).
  - 2) **Other development.** For development other than that related to oil and gas facilities, the approval of a Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit or Zoning Clearance for a structure that is not otherwise required to have a discretionary permit and is 20,000 or more square feet in

gross floor area, or is an attached or detached addition that, when together with existing structures on the lot will total 20,000 square feet or more of gross floor area.

- c. **REC zone.** The approval of a Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit or Zoning Clearance for all development including grading.
  - d. **RES and RR zones.** The approval of a Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit or Zoning Clearance for a structure that is not otherwise required to have a discretionary permit and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that, when together with existing structures on the lot will total 20,000 square feet or more of gross floor area.
  - e. **TC zone.** The approval of a Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit or Zoning Clearance for all development including excavation and grading.
5. **Design Review.** 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 35-184 (Board of Architectural Review).
6. **Standards for agricultural structural development that does not require a Development Plan.** In addition to other development standards required by this Article, above, all development associated with the construction of agricultural structural development on lots zoned AG-II that does not require the approval of a Development Plan in compliance with Subsection E.4 (Development Plan approval required), above, shall comply with all of the additional development standards listed below. If conflicts occur between these requirements and any other provisions of the County Code, the Local Coastal Program, the primary zone, and any applicable overlay district, the requirements that are most protective of coastal resources shall control.
- a. The development protects and maintains continued and renewed agricultural production and viability on site and does not impact adjacent agricultural lands. The development is sited and designed to avoid agricultural land (i.e., prime agricultural land or non-prime land suitable for agriculture) to the maximum extent consistent with the operational needs of agricultural production. If use of such land is necessary for agricultural structural development, prime agricultural land shall not be utilized if it is possible to utilize non-prime lands. In addition, as little agricultural land as possible shall be used for structural development, and agricultural structures shall be clustered with other existing structures to the maximum extent feasible.
  - b. The development avoids environmentally sensitive habitat areas (ESH). If avoidance is infeasible and would preclude reasonable use of a parcel, then the

alternative that would result in the fewest or least significant impacts shall be selected and findings shall be made pursuant to Section 35-415 (Supplemental Findings for Approval of Coastal Development Permit to Provide a Reasonable Use).

- c. The development is located a minimum of 100 feet from environmentally sensitive habitat areas (ESH) and a minimum of 50 feet from Monarch butterfly tree ESH, as described in Section 35-440.E.
- d. The development preserves natural features, landforms and native vegetation such as trees to the maximum extent feasible.
- e. The development is compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards.
  - 1) Any exterior lighting is required for safety purposes only and complies with the following requirements:
    - a) Light fixtures are fully shielded (full cutoff) and directed downward to minimize impacts to the rural nighttime character.
    - b) Lighting is directed away from habitat areas and to the extent feasible, nearby residences, public roads and other areas of public use.
  - 2) Building materials and colors (earth tones and non-reflective paints) that are compatible with the surrounding natural environment are used to maximize the visual compatibility of the development with surrounding areas.

<b>Table 17-2</b>  <b>Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area</b>	<div>P Permitted use, Coastal Development Permit required (2)</div> <div>PP Principal Permitted Use; Coastal Permit required (2)</div> <div>MCUP Minor Conditional Use Permit required</div> <div>CUP Major Conditional Use Permit required</div> <div>E Allowed use, No permit required</div> <div>S Permit determined by Specific Use Regulations</div> <div>— Use Not Allowed</div>	
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>	<b>Specific Use Regulations</b>

[illegible]



Composting	S	—	—	—	—	—	35-460.G
Firewood processing and sales	S	—	—	—	—	—	35-460.H
Lumber processing and milling (small scale)	S	—	—	—	—	—	35-460.I
Recycling - Community recycling facility	—	—	—	—	—	CUP	
Recycling - Small collection center	—	—	—	—	—	CUP	
Recycling - Small collection center, non-profit	—	—	—	—	—	CUP	
Recycling - Specialized materials collection center	—	—	—	—	—	CUP	

**Key to Zone Symbols**

<b>AG-II</b>	Agriculture II
<b>M-CD</b>	Coastal-Dependent Industry
<b>REC</b>	Recreation
<b>RES</b>	Resource Management
<b>RR</b>	Rural Residential
<b>TC</b>	Transportation Corridor

**Notes:**

(1) See Section 35-58 (Definitions) and Section 35-420 (Definitions) for land use definitions.

(2) Development Plan approval may also be required; see Section 35-430.E (Allowable land uses and permit requirements).

- (3) Uses limited to those that require a site on or adjacent to the sea to be able to function at all.
- (4) Must meet definition of "Cultivated agriculture, orchard, vineyard - Limited Slope."
- (5) Must meet definition of "Grazing - Limited Slope."
- (6) Greenhouses, hothouses, other plant protection structures in excess of 300 square feet and related development, e.g., packing sheds, parking, driveways, subject to the limitations provided in the RR District.
- (7) Greenhouses and greenhouse related development that are cumulatively less than 20,000 square feet in area may be permitted as a Principal Permitted Use (PP).
- (8) See Section 35-430.D (Exempt activities and structures) for ongoing cultivation and grazing.

<b>Table 17-2- Continued</b>  <b>Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area</b>	P	Permitted use, Coastal Development Permit required (2)						
	PP	Principal Permitted Use; Coastal Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Major Conditional Use Permit required						
	E	Allowed use, No permit required						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>						<b>Specific Use Regulations</b>	
	AG-II	M-CD(3)	REC	RES	RR	TC		
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>								
Education or research facility, limited	—	—	—	PP	—	—		
Equestrian facility	CUP	—	CUP	—	CUP	—		
Golf course	—	—	P	—	CUP	—		
Meeting facility, religious	— (4)	—	— (4)	— (4)	CUP	—		
Rural recreation	S	—	P	CUP	—	—	35-450.C	

School	CUP (5)	—	CUP	—	CUP	—	35-450.D
Sport and outdoor recreation facility	—	—	CUP	—	CUP	—	
Private trail for bicycles, hiking or riding	P	P	P	P	P	P	
Public trail for bicycles, hiking or riding	PP	PP	PP	PP	PP	PP	
<b>RESIDENTIAL USES</b>							
Agricultural employee dwellings, 4 or fewer employees	PP	CUP (6)	—	MCUP	MCUP	—	35-144R
Agricultural employee dwellings, 5 to 24 employees	P	CUP (6)	—	—	—	—	35-144R
Agricultural employee dwellings, 25 or more employees	CUP	CUP (6)	—	—	—	—	35-144R
Artist studio	P	—	—	MCUP	P	—	35-120
Caretaker/manager dwelling	—	CUP (6)	MCUP	—	—	—	
Dwelling, one-family (7)	PP	—	—	P	PP	—	
Farmworker dwelling unit (7)	PP	—	—	PP	PP	CUP (8)	35-144.P
Farmworker housing complex	CUP	P	—	CUP	CUP	CUP	35-144.P
Guesthouse	P	—	—	P	P	—	35-120
Home occupation	PP	—	—	PP	PP	—	35-121
Incentive dwelling unit	P	—	—	—	—	—	35-470

Ordinance Streamlining and Housing Accommodation Amendments

Case No. 25ORD-00007

Hearing Date: December 16, 2025

Attachment D – Page 180

Pool house/cabaña	P	—	—	P	P	—	35-120
Residential accessory use or structure	P (11)	—	MCUP	P	PP	—	35-119
Accessory dwelling unit	PP	—	—	P	PP	—	35-142
Junior accessory dwelling unit	PP	—	—	P	PP	—	35-142
Special care home, 7 or more clients	MCUP	—	—	MCUP	MCUP	—	35-143
Supportive Housing	S	S	S	S	S	S	35-144V
Transitional Housing	S	S	S	S	S	S	35-144V
<b>RETAIL TRADE</b>							
Agricultural product sales	S (9)	P (10)	—	—	S (10)	—	

**Key to Zone Symbols**

<b>AG-II</b>	Agriculture II
<b>M-CD</b>	Coastal-Dependent Industry
<b>REC</b>	Recreation
<b>RES</b>	Resource Management
<b>RR</b>	Rural Residential
<b>TC</b>	Transportation Corridor

**Notes:**

- |   |  |                |            |            |           |           |  |   |  |    |  |      |                                       |     |                                       |   |                                 |   |   |   |                 |
|---|--|----------------|------------|------------|-----------|-----------|--|---|--|----|--|------|---------------------------------------|-----|---------------------------------------|---|---------------------------------|---|---|---|-----------------|
| <p><b>Table 17-2- Continued</b></p> <p><b>Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area</b></p> | <table border="0"> <tr> <td>P</td> <td>Permitted use, Coastal Development Permit required (2)</td> </tr> <tr> <td>PP</td> <td>Principal Permitted Use; Coastal Permit required (2)</td> </tr> <tr> <td>MCUP</td> <td>Minor Conditional Use Permit required</td> </tr> <tr> <td>CUP</td> <td>Major Conditional Use Permit required</td> </tr> <tr> <td>E</td> <td>Allowed use, No 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> |                |            |            |           |           |  | P | Permitted use, Coastal Development Permit required (2) | PP | Principal Permitted Use; Coastal Permit required (2) | MCUP | Minor Conditional Use Permit required | CUP | Major Conditional Use Permit required | E | Allowed use, No permit required | S | Permit determined by Specific Use Regulations | — | Use Not Allowed |
| P   | Permitted use, Coastal Development Permit required (2)   |                |            |            |           |           |  |   |  |    |  |      |                                       |     |                                       |   |                                 |   |   |   |                 |
| PP  | Principal Permitted Use; Coastal Permit required (2)   |                |            |            |           |           |  |   |  |    |  |      |                                       |     |                                       |   |                                 |   |   |   |                 |
| MCUP  | Minor Conditional Use Permit required  |                |            |            |           |           |  |   |  |    |  |      |                                       |     |                                       |   |                                 |   |   |   |                 |
| CUP   | Major Conditional Use Permit required  |                |            |            |           |           |  |   |  |    |  |      |                                       |     |                                       |   |                                 |   |   |   |                 |
| E   | Allowed use, No permit required  |                |            |            |           |           |  |   |  |    |  |      |                                       |     |                                       |   |                                 |   |   |   |                 |
| S   | Permit determined by Specific Use Regulations  |                |            |            |           |           |  |   |  |    |  |      |                                       |     |                                       |   |                                 |   |   |   |                 |
| —   | Use Not Allowed  |                |            |            |           |           |  |   |  |    |  |      |                                       |     |                                       |   |                                 |   |   |   |                 |
| <p><b>LAND USE (1)</b></p>  | <p><b>PERMIT REQUIRED BY ZONE</b></p>  |                |            |            |           |           | <p><b>Specific Use Regulations</b></p> |   |  |    |  |      |                                       |     |                                       |   |                                 |   |   |   |                 |
|   | <p>AG-II</p>   | <p>M-CD(3)</p> | <p>REC</p> | <p>RES</p> | <p>RR</p> | <p>TC</p> |  |   |  |    |  |      |                                       |     |                                       |   |                                 |   |   |   |                 |
| <p><b>SERVICES</b></p>  |  |                |            |            |           |           |  |   |  |    |  |      |                                       |     |                                       |   |                                 |   |   |   |                 |

## Ordinance Streamlining and Housing Accommodation Amendments

Case No. 25ORD-00007

Hearing Date: December 16, 2025

Attachment D – Page 182

Charitable or philanthropic organization	—	—	CUP	—	CUP	—	
Large family day care home, serving adults	P	—	P	P	P	—	35-143
Large family day care home, serving children	E (9)	E (9)	E (9)	E (9)	E (9)	E (9)	35-143
Small family day care home, serving adults	E	E	E	E	E	—	35-143
Small family day care home, serving children	E (9)	E (9)	E (9)	E (9)	E (9)	E (9)	35-143
Day care center, accessory to non-dwelling (10)	MCUP	—	—	—	MCUP	—	35-143
Day care center, accessory to dwelling	MCUP	—	—	—	MCUP	—	35-143
Day care center, principal use (10)	MCUP	—	—	—	MCUP	—	35-143
Medical services - Animal hospital	CUP	—	—	—	—	—	
Office - Accessory	P	P	—	—	—	—	
Repair service - Equipment, large appliances, etc. - Indoor	—	CUP	—	—	—	—	
Repair service - Equipment, large appliances, etc. - Outdoor	—	CUP	—	—	—	—	
<b>TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE</b>							
Agricultural product transportation facility	CUP	—	—	—	—	—	
Airstrip, temporary	CUP	CUP	CUP	CUP	CUP	CUP	

## Ordinance Streamlining and Housing Accommodation Amendments

Case No. 25ORD-00007

Hearing Date: December 16, 2025

Attachment D – Page 183

Boat launching facility accessory to approved recreation use	—	—	P	—	—	—	
Drainage channel, water course, storm drain less than 20,000 sf	P	P	P	P	P	P	Division 8
Drainage channel, water course, storm drain 20,000 sf or more	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Electrical substation - Minor (4)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Electrical transmission line (5) (6)	CUP	CUP	CUP	CUP	CUP	CUP	Division 8
Flood control project less than 20,000 sf total area	P	P	P	P	P	P	Division 8
Flood control project 20,000 sf or more total area	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Heliport	CUP	CUP	CUP	CUP	CUP	CUP	
Highway and related facilities	—	—	—	—	—	PP	
Parking facility, public or private	—	—	—	—	—	PP (7)	
Pier, dock	—	P	P	—	—	—	
Pipeline - Oil or gas	P	P	—	—	—	—	Division 9
Public utility facility	—	CUP	—	—	—	—	
Public works or private service facility	—	MCUP	—	—	—	—	
Railroad	—	—	—	—	—	P	

Road, street less than 20,000 sf total area	P	P	P	P	P	PP	Division 8
Road, street 20,000 sf or more total area	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Roadside rest area operated by a governmental agency	—	—	—	—	—	P	
Sea wall, revetment, groin, or other shoreline structure	CUP	CUP	CUP	CUP	CUP	CUP	
Telecommunications facility	S	S	S	S	S	S	35-144.F 35-144.G
Transit station or terminal	—	—	—	—	—	P	
Truck and freight terminal - Permanent	—	—	—	—	—	P	
Truck and freight terminal - Temporary	—	—	—	—	—	MCUP	
Utility service line with less than 5 connections (6)	P (8)	P (8)	P (8)	P (8)	P (8)	P (8)	Division 8
Utility service line with 5 or more connections (6)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Wind turbine and wind energy system	—	—	—	—	—	—	

**Key to Zone Symbols**

<b>AG-II</b>	Agriculture II
<b>M-CD</b>	Coastal-Dependent Industry
<b>REC</b>	Recreation



<b>RES</b>	Resource Management
<b>RR</b>	Rural Residential
<b>TC</b>	Transportation Corridor

**Notes:**

- (1) See Section 35-58 and Section 35-420 (Definitions) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35-430.E (Allowable land uses and permit requirements).
- (3) Uses limited to those that require a site on or adjacent to the sea to be able to function at all.
- (4) Use is subject to the standards of the PU zone.
- (5) Does not include electrical transmission lines outside the jurisdiction of the County.
- (6) Not allowed in the CVC overlay.
- (7) May include park and ride facilities.
- (8) May be considered a Principal Permitted Use (PP) when incidental, appropriate and subordinate to a use designated as the Principal Permitted Use (PP).
- (9) A change of use from a residential 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.
- (10) Day care centers serving up to and including fifty (50) children may be permitted with a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits).

<b>Table 17-2- Continued</b>  <b>Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area</b>	<b>P</b>	Permitted use, Coastal Development Permit required (2)
	<b>PP</b>	Principal Permitted Use; Coastal Permit required (2)
	<b>MCUP</b>	Minor Conditional Use Permit required
	<b>CUP</b>	Major Conditional Use Permit required
	<b>E</b>	Allowed use, No permit required
	<b>S</b>	Permit determined by Specific Use Regulations
	<b>—</b>	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	AG-II	M-CD(3)	REC	RES	RR	TC	
<b>WATER SUPPLY &amp; WASTEWATER FACILITIES</b>							
Bulk water importation facility	CUP	CUP	—	CUP	CUP	—	Division 8
Desalination facility, less than 15 connections	MCUP	MCUP	—	MCUP	MCUP	—	Division 8
Desalination facility, 15 to less than 200 connections	CUP	CUP	—	CUP	CUP	—	Division 8
Onsite Wastewater Treatment System, individual, alternative	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Onsite Wastewater Treatment System, individual, conventional	P (4)	P (4)	P (4)	P (4)	P (4)	P (4)	Division 8
Onsite Wastewater Treatment System, individual, supplemental	P	P	P	P	P	P	Division 8
Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	P	P	P	P	P	P	Division 8
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more	MCUP	P	MCUP	MCUP	MCUP	MCUP	Division 8
Reservoir, less than 20,000 sf of total development	P	P	P	P	P	P	Division 8

Reservoir, 20,000 sf and more total development	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Wastewater treatment facility, less than 200 connections	CUP	—	—	CUP	CUP	—	Division 8
Water diversion project	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Water extraction, commercial, including storage and trucking	—	CUP	—	—	CUP	—	Division 8
Water or sewer system pump or lift station	P	P	P	P	P	P	Division 8
Water system with 1 connection	P (4)	P (4)	P (4)	P (4)	P (4)	P (4)	Division 8
Water system with 2 or more connections	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Water well, agricultural	PP	P	—	P	P	—	

**Key to Zone Symbols**

<b>AG-II</b>	Agriculture II
<b>M-CD</b>	Coastal-Dependent Industry
<b>REC</b>	Recreation
<b>RES</b>	Resource Management
<b>RR</b>	Rural Residential
<b>TC</b>	Transportation Corridor

**Notes:**

- (1) See Section 35-58 (Definitions) and Section 35-420 (Definitions) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35-430.E (Allowable land uses and permit requirements).
- (3) Uses limited to those that require a site on or adjacent to the sea to be able to function at all.
- (4) May be considered a Principal Permitted Use (PP) when incidental, appropriate and subordinate to a use designated as the Principal Permitted Use (PP).

**SECTION 189:**

DIVISION 17, Gaviota Coast Plan (GAV) Overlay, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection 6, Specific animal keeping standards, of Subsection B, Animal keeping, of Section 35-450, Standards for Specific Land Uses, is hereby amended to read as follows:

- 6. Specific animal keeping standards.** The following requirements apply to the keeping of animals identified in Subsection B.4 (Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping) above, in addition to other applicable standards of this Section and this Article.
  - a. Household pets.** Where allowed in Table 17-3 (Animal Keeping in the Gaviota Coast Plan Area), household pets shall be kept in compliance with the following standards. The restrictions contained in this Subsection B.6.a shall not apply if an animal may be kept in compliance with a different "Type of Animal or Animal Keeping Activity" listed in Table 17-3 (Animal Keeping in the Gaviota Coast Plan Area) for the applicable zone.
    - 1) The keeping of household pets shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs.
    - 2) No more than three dogs permitted per dwelling unit.
    - 3) Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
    - 4) The keeping of such animals shall not be injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
    - 5) Enclosures for such animals are located no closer than 25 feet to any dwelling located on another lot.
    6. No rooster or peacock shall be kept or raised on the lot.

- b. **Special standards and requirements for animal keeping in the RES zone.** In the RES zone, except for agricultural grazing, animal keeping shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs and shall be limited to non-commercial uses only.
- c. **Special standards and requirements for animal keeping in the RR zones.** In the RR zone, animal keeping shall also comply with the following:
  - 1) **Animal enclosures for large animals.**
    - a) No stable, barn or other enclosure for large animal (e.g., paddock, corral) shall be located on a single lot having a gross area of less than 20,000 square feet.
    - b) No portion of a stable, barn or other large animal enclosure shall be located closer than:
      - i) 40 feet to any dwelling located on another lot.
      - ii) 70 feet to any street centerline and 20 feet to any street right-of-way.
      - iii) 15 feet from the rear property line.
      - iv) 10 feet from the side property lines.
      - v) 10 feet from the property lines of an interior lot.
  - 2) **Limitation on dogs.** No more than three dogs shall be allowed per dwelling unit unless a Major Conditional Use Permit for a commercial kennel, or a Minor Conditional Use Permit for a non-commercial kennel, is first obtained in compliance with Section 35-172 (Conditional Use Permits).
  - 3) **Small non-hoofed animals.** Small non-hoofed animals (e.g., bees, chickens, birds, ducks, rabbits) may be allowed provided that:
    - a) The keeping of such animals is not injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
    - b) Enclosures for such animals are located no closer than 25 feet to any dwelling located on another lot.
    - c) No rooster or peacock shall be kept or raised in a residential zone except on a lot of one acre (gross) or more where all adjoining lots are of equivalent size or larger.
  - 4) **Odor and vector control.** Animal enclosures shall be maintained free from litter, garbage and the accumulation of manure, in order to discourage the

proliferation of flies, other disease vectors, and offensive odors. Sites shall be maintained in a neat and sanitary manner.

- 5) **Storage and disposal of animal waste.** Animal waste shall be removed and disposed of or stored in a manner that prevents unsanitary conditions and breeding of flies. Manure shall not be allowed to accumulate so as to cause as hazard to the health, welfare, or safety of humans and animals, or to contaminate surface or subsurface water quality.
  - 6) **Erosion and sedimentation control.** In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel. In the event such sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement in compliance with Chapter 35-185 (Enforcement, Legal Procedures, and Penalties).
  - 7) **Drainage.** Where livestock are kept in enclosed corrals or barns, provisions shall be made for proper drainage and control of runoff to prevent stagnant, standing water, or the flow of contaminated water in surface or subsurface water supplies.
- d. **Wildlife species rehabilitation.** The rehabilitation of wildlife species that commonly occur within Santa Barbara County shall be in compliance with Section 35-144H (Wildlife Species Rehabilitation).

#### **SECTION 190:**

DIVISION 17, Gaviota Coast Plan (GAV) Overlay, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, Subsection a, Development standards, of Subsection G, Composting, of Section 35-460, Permit Requirements and Development Standards for Specific Land Uses in the AG-II Zone, is hereby amended to read as follows:

- a. **Development standards.** The operation complies with the following development standards:
  - 1) **Applicable State law.** The facility shall at all times comply with the applicable requirements of California Code of Regulations, Title 14, Division 7.
  - 2) **Structure for sale of composting product.** If a structure is required for the sale of a product, the sale is conducted either within an existing accessory structure or from a single, separate stand not to exceed 600 square feet of sales and storage area.
  - 3) **Parking.** A minimum of two permanently maintained parking spaces are:
    - a) Located on the lot where the composting operation occurs.
    - b) Not located within 20 feet of the right-of-way line of any street.

- 4) **Permit requirements.** All other permits required by County Departments for a facility, except those permits required by the Division of Building and Safety, shall be obtained before issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) as applicable.
- 5) **Reporting requirements.** Tonnage reports showing the amount of materials used in the composting operation shall be provided to the Department of Public Works, Solid Waste Division, and the Public Health Department, Environmental Health Services Division, on a quarterly basis.

### **SECTION 191:**

APPENDIX B, Substantial Conformity Determination Guidelines, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows:

#### **APPENDIX B: SUBSTANTIAL CONFORMITY DETERMINATION GUIDELINES**

On occasion, an applicant requests slight deviations from an approved action in order to carry out a project. The County Zoning Ordinance 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 Zoning Counter and pays applicable fees which may vary depending on the complexity of the request.
2. The project manager, if they are still available, reviews the project description that was considered at the time of project approval.
3. The project manager considers key issues:
  - a. Will the deviation result in a change to the project that would alter the scope and intent of the project the decision-makers acted on?
  - 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 project manager cannot make a determination of substantial conformity.

4. The project manager 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 final 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 County.
  - d. That the proposed changes can be effectuated through existing permit conditions.
  - e. Generally, the proposed changes do not result in an increase in square footage greater than 10 percent of the total square footage of the original approval or 1,000 square feet, whichever is less, measured cumulatively from the original approval.
  - f. Is clearly exempt from environmental review or was evaluated in the environmental review document prepared for the project and there are no new significant impacts related to the project change.
  - g. Does not require the removal of specimen trees or impact areas defined in the project environmental document as sensitive habitat or designated as areas prohibiting structures or other development.
  - h. Is consistent with Comprehensive and/or Coastal plan policies and applicable zoning ordinances.
  - i. Does not result in more than 50 cubic yards, and avoid 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).
  - j. Is located within the same general location as, and is topographically similar to, approved plans. The location shall not be moved more than 10 percent closer to a property line than the originally approved development.
  - k. Does not result in an overall height which is greater than 10 percent above the approved height of the tallest structure. The project must remain consistent with height requirements of the zoning district.
  - l. Receives BAR approvals for landscaping and structures, if necessary.
  - m. Does not result in a significant intensification of use.
  - n. Does not affect easements for trails, public access, or open space.
5. Depending on the degree of complexity for a substantial conformity determination request, the project manager takes action as follows:
- a. If a Substantial Conformity Determination request is minor, the project manager issues the appropriate permit (Zoning Clearance).
  - b. The project manager prepares a letter outlining the changes to be made and why they are being approved. The letter must be reviewed by a Supervising Planner, and possibly



signed by the Deputy Director. If the case will be monitored, the letter is sent to Permit Compliance staff so they are aware of changes in the project.

- c. If the findings to be made may be controversial, the project manager and Supervising Planner defer the decision to the Deputy 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.

\*Please note: Substantial Conformity Determinations are made by the Planning Commission if: conditions specifically require Planning Commission determination, the applicant disagrees with staff's determination, or staff determines there are borderline issues which require Planning Commission attention.

### **SECTION 192:**

APPENDIX D, Guidelines for Minor Changes to Land Use and Coastal Development Permits, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows:

#### **APPENDIX D: GUIDELINES FOR MINOR CHANGES TO LAND USE AND COASTAL DEVELOPMENT PERMITS, ZONING CLEARANCES, AND DESIGN REVIEW**

The following guidelines shall be used by the planning and development department to determine if a minor change to an approved or issued Land Use/Coastal Development permit, Zoning Clearance, or Design Review can be allowed without requiring a new permit, review, or clearance.

1. The proposed change would otherwise be exempt from BAR review pursuant to Section 35-184.3 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.
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.
4. No more than 12 months have passed since final occupancy of the approved project.
5. The change does not increase the height of the roof ridgeline by more than 10 percent.
7. 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.
8. The change does not result in the removal of a specimen tree(s).

9. 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 permit, review, or clearance.

**SECTION 193:**

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

**SECTION 194:**

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

**SECTION 195:**

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 any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION 196:**

If legislation is enacted which would superseded 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 197:**

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code §30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in 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

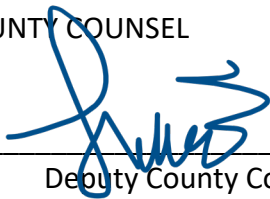
ATTEST:

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