

ATTACHMENT **45: REVISED** MONTECITO LAND USE AND DEVELOPMENT CODE
ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE MONTECITO LAND USE AND DEVELOPMENT CODE (MLUDC), OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES; DIVISION 35.3, MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS; DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES; DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES; DIVISION 35.9, MONTECITO LAND USE AND DEVELOPMENT CODE ADMINISTRATION; AND DIVISION 35.10, GLOSSARY, TO IMPLEMENT NEW REGULATIONS AND DEVELOPMENT STANDARDS REGARDING ACCESSORY DWELLING UNITS (ADUS) AND JUNIOR ACCESSORY DWELLING UNITS (JADUS).

This proposed MLUDC amendment includes Government Code (GC) citations in red font. These citations are for reference purposes only and are not part of the proposed LUDC amendment.

20ORD-00000-00003

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

SECTION 1:

DIVISION 35.2, Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection B, Exempt activities and structures, of Section 35.420.040, Exemptions from Planning Permit Requirements, of Chapter 35.420, Development and Land Use Approval Requirements, to read as follows:

B. Exempt activities and structures. The following are exempt from all planning permit requirements of this Development Code when in compliance with Subsection A (General requirements for exemption) above.

- ~~1. **Accessory dwelling units.** One accessory dwelling unit per lot approved in compliance with [Section 35.442.015 \(Accessory Dwelling Units\)](#), as applicable.~~
- 12. Animal keeping.** Animal keeping when shown as an "E" in [Section 35.442.040 \(Animal Keeping\)](#).
- 23. Antennas.** Ground or roof mounted receive-only satellite dish or wireless television antenna less than one meter in diameter used solely by the occupants of the property on which the antenna is located for the noncommercial, private reception of communication signals, see [Section 35.444.020 \(Noncommercial Telecommunications Facilities\)](#).
- 34. Change of occupancy or use.** A change in occupancy or use of an existing structure that complies with all of the following:
 - a. The occupancy or use that exists prior to the change is a legal, permitted use of the structure.

- b. The change is from a land use listed as a permitted use in the applicable land use tables within Chapter 35.422 through Chapter 35.425 to the same land use (e.g., from restaurant, café or coffee shop to a restaurant, café or coffee shop).
- c. The new occupancy or use does result in an increase in the number of parking spaces required to be provided on-site.
- d. The new occupancy or use is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Development Code, including any required provisions and conditions of any existing, approved permits for the subject lot.
- e. Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit and/or Grading Permit).

45. **Cultivated agricultural, orchards and vineyards.** Cultivated agriculture, orchards and vineyards when shown as an "E" in the Land Use Tables in Chapter 35.422 through Chapter 35.425.

56. **Damaged or destroyed structure.** The replacement or restoration of a conforming structure damaged or destroyed by a disaster, as determined by the Director.

- a. The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use, shall be in the same general footprint location, and shall not exceed the floor area, height, or bulk of the destroyed structure by more than 10 percent, or 250 square feet, whichever is less. For the purposes of this Subsection B.6, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
- b. If the structure was damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) located on the lot on which the replaced or restored structure would be located, the replaced or restored structure may be relocated on the lot to meet applicable setbacks from top-of-bank and reduce flood hazards, as long as the structure otherwise complies with Subsection 6.a above and with applicable policies of the Comprehensive Plan.
- c. Notwithstanding the height measurement methodology contained in Subsection 35.430.090.C, if the structure was damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on the lot on which the replaced or restored structure would be located, the replaced or restored structure may exceed the height of the destroyed or damaged structure (as measured from the post-event grade to peak roof height) by more than 10 percent if necessary to comply with the base flood elevation that exists for the lot after the debris flow or other event. In no case shall the height of the structure, as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents, and noncommercial antennas, exceed the equivalent height of the damaged or destroyed structure by more than 10 percent. The height of the structure, as measured from post-event grade, shall not exceed the height of the applicable zone.

- (1) For the purposes of this Subsection 6.c, post-event grade is defined as the existing grade on the lot at the time of application submittal.
- d. Except as provided in Subsection B.6.d.(1), below, if the Director determines that the exterior design or specifications are proposed to be changed, then the restored or replaced structure shall require Design Review in compliance with [Section 35.472.070 \(Design Review\)](#).
 - (1) If a structure has been damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on the lot on which the replaced or restored structure would be located, the restored or replaced structure, even if relocated on the lot or increased in height, shall not require Design Review unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director. If the structure is otherwise exempt from requiring a planning permit but requires Design Review, the structure shall receive preliminary and final design review approval before an exemption is issued.
- 67. Demolition.** The demolition of a structure less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.
- 78. Fences, gates, gateposts, walls, retaining walls.** See [Section 35.430.070 \(Fences and Walls\)](#).
- 89. Final or Parcel Map recordation.** The recordation of a Final Map or Parcel Map following the approval of a Tentative Map including Vesting Tentative Maps.
- 910. Grading.** Grading activities that do not require the approval of a Development Plan by the requirements of the applicable zone and grading for which a permit is not required by County Code Chapter 14. The provisions of this Subsection shall not be construed to alter the requirements of County Code Chapter 14.
- 1041. Grazing.** Grazing when shown as an "E" in the Land Use Tables in Chapter 35.422 through Chapter 35.425 and the Animal Keeping Table (Table 4-1) in [Section 35.442.040 \(Animal Keeping\)](#).
- 1142. Interior alterations.** Interior alterations that do not increase the gross floor area within the structure, do not increase the required number of parking spaces, or do not result in a change in the permitted use of the structure.
- 1213. Irrigation lines.** The installation of irrigation lines that do not require a Grading Permit in compliance with County Code Chapter 14.
- 1314. Lot Line Adjustment recordation.** The recordation of documents required to complete a Lot Line Adjustment.
- 1415. Minor additions and accessory structures.**
 - a. **Accessory structures.** One story detached accessory structures used as tool or storage sheds, playhouses, gazebos, pergolas, and similar structures, provided that the height does not exceed 12 feet, the floor area does not exceed 120 square feet, and the structure does not have plumbing or electrical facilities.

- b. Decks, platforms, walks, driveways.** Decks, platforms, walks, and driveways that are not required to have a Building Permit or Grading Permit, and that are not over 30 inches above finish grade, or located over a basement or story below.
- c. Door, window features and skylights.** Doors, windows, and skylights, and window awnings that are supported by an exterior wall and project no more than 54 inches from an exterior wall of a building.
- d. Spa, hot tub, pond.** A spa, hot tub, fish pond, or other water feature that does not exceed a total area of 120 square feet, including related equipment, or does not contain more than 2,000 gallons of water.

1516. Onsite wastewater treatment systems.

- a. Onsite wastewater treatment systems, not including alternative wastewater treatment systems, and the installation and performance testing of drywells for sewage disposal.
- b. The modification, replacement or repair of all or any portion of an existing onsite wastewater treatment system, including alternative wastewater treatment systems, provided that the modification, replacement or repair occurs in substantially the same area as the existing system.

1617. Propane tanks. Propane tanks located in residential and agricultural zones.

1718. Repair and maintenance. Repair and maintenance activities that do not result in addition to, or enlargement or expansion of the object of the repair or maintenance activities.

1819. Replacement in-kind of an existing and conforming structure. The replacement in-kind of an existing permitted and conforming structure provided:

- a. The reconstructed structure shall comply with all requirements of the applicable zone, shall be for the same use, shall be in the same footprint location, and shall not exceed the floor area, height, or bulk of the existing structure. For the purposes of this Subsection B.19, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
- b. The exterior design or specifications is not proposed to be revised, or, if revisions are proposed, the revisions are determined to be minor by the Director.
- c. The structure is less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.

1920. Seismic retrofitting. Seismic retrofits to existing structures that are limited to the addition of foundation bolts, hold-downs, lateral bracing at cripple walls and other structural elements required by County Ordinance 4062. The seismic retrofits shall not increase the gross square footage of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure.

2021. Signs, flags, and similar devices. Signs, flags and similar devices in compliance with [Section 35.438.030 \(Exempt Signs, Flags, and Devices\)](#).

2122. Solar energy systems. The addition of solar energy systems to the roofs of existing structures and the installation of freestanding solar energy systems in compliance with [Section 35.430.160 \(Solar Energy Systems\)](#).

2223. Structures of limited value. A structure with an aggregate value of less than \$2,000, as determined by the Director.

2324. Utility facilities. Poles, wires, underground gas pipelines less than 12 inches in diameter, and similar installations erected, installed, or maintained by a public agency or public service or utility district or company, other than those facilities defined as natural gas telecommunications facilities in compliance with [Section 35.444.030 \(Telecommunications Facilities Appurtenant to Natural Gas Distribution Facilities\)](#).

2425. Water wells.

- a. The testing and installation of a water well to serve one domestic, commercial, industrial, or recreational connection.
- b. Except in zones requiring Development Plans, water wells for water systems for agricultural purposes.

C. Exempt accessory dwelling units and junior accessory dwelling units. The development of an accessory dwelling unit or junior accessory dwelling unit is exempt from the planning permit requirements of this Development Code, including the requirements of Section 35.420.040.A (General requirements for exemption), above, Section 35.472.080 (Development Plans), and all sections of this Development Code requiring Final Development Plan approval, when in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units). Notwithstanding the foregoing, the gross floor area of any existing or proposed accessory dwelling unit or junior accessory dwelling unit shall be included in the gross floor area calculations for the purpose of processing a Development Plan.

SECTION 2:

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

C. Development Plan approval required. Final Development Plan approval in compliance with [Section 35.472.080 \(Development Plans\)](#) is required prior to the approval of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) or the issuance of an Exemption in compliance with [Section 35.420.040 \(Exemptions from Planning Permit Requirements\)](#) or a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) for all development, including grading, except for:

1. Solar energy energy systems allowed in compliance with [Section 35.430.160 \(Solar Energy Systems\)](#), ~~and~~
2. ~~Accessory Dwelling Units allowed in compliance with [Section 35.442.015 \(Accessory Dwelling Units\)](#).~~

SECTION 3:

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

- E. Accessory Structures and Uses.** Accessory structures and uses that are customarily incidental to the primary use allowed by Table 2-1 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) are not allowed except as follows:
- 1. Accessory Dwelling Units.** Accessory dwelling units ~~allowed approved~~ in compliance with [Section 35.442.015 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#).
 - 2. Junior Accessory dwelling Units.** Junior accessory dwelling units allowed in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
 - 32. Swimming Pools and Water Storage Tanks.** Swimming pools and water storage tanks shall be approved or conditionally approved as accessory structures in compliance with [Section 35.472.080 \(Development Plans\)](#).
 - 43. Solar energy systems.** Solar energy systems allowed in compliance with [Section 35.430.160 \(Solar Energy Systems\)](#).

SECTION 4:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-1, Allowed Land Uses and Permit Requirements for Resource Protection Zone, of Section 35.422.030, Resource Protection Zone Allowable Land Uses, of Chapter 35.422, Resource Protection Zone, to read as follows:

Table 2-1 Allowed Land Uses and Permit Requirements for Resource Protection Zone	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required (2)
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	RMZ	Specific Use Regulations

RESIDENTIAL		
LAND USE (1)	PERMIT REQUIRED BY ZONE	Specific Use Regulations
Accessory dwelling unit	S	35.442.015
Guesthouse	P	35.442.120
Home occupation	P	35.442.130
Dwelling, one-family	P	
Farmworker dwelling unit	P	35.442.105
Farmworker dwelling complex	CUP	35.442.105
<u>Junior accessory dwelling unit</u>	<u>S</u>	35.442.015
Residential accessory uses and structures	P	35.442.015.E
Special care home, 7 or more clients	CUP	35.442.070
Transitional and supportive housing	S	35.442.070

Key to Zone Symbols

RMZ	Resource Management
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Notes:

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Subsection [35.422.030.C](#) (Development Plan approval required).

SECTION 5:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Table 2-3, Resource Protection Zone Development Standards, of Section 35.422.050, Resource Protection Zone Development Standards, of Chapter 35.422, Resource Protection Zone, to read as follows:

Table 2-3 - Resource Protection Zone Development Standards

Development Feature	Requirement by Zone
	RMZ - Resource Management
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>
Maximum density	One one-family dwelling per lot; plus one accessory dwelling unit <u>or one junior accessory dwelling unit</u> per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units) .
Setbacks	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.</i>
Front - Primary	50 ft from road centerline and 20 ft from edge of right-of-way.
Front - Secondary	Lot less than 100 ft wide - 20% of lot width - 10 ft minimum Lot 100 ft wide or more - Same as primary front setback.
Side and Rear	20 ft
Building separation	10 ft
Height limit	<i>Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height limit exceptions.</i>
Maximum height	25 ft
Landscaping	See Chapter 35.434 (Landscaping Standards) .
Parking	See Chapter 35.436 (Parking and Loading Standards) .
Signs	See Chapter 35.438 (Sign Standards) .

SECTION 6:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection C, Development Plan approval required, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

- C. Development Plan approval required.** Except as provided below, Final Development Plan approval in compliance with [Section 35.472.080 \(Development Plans\)](#) is required prior to the approval of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) ~~or the issuance of an~~

~~Exemption in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements) or Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances)~~ as follows:

1. **R-1/E-1 and R-2 zones.** ~~Except as provided in Subsection C.1.a (Final Development Plan not required for accessory dwelling units),~~ Final Development Plan approval is required for a structure that is not otherwise required by this Development Code to have discretionary permit approval, and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the same lot will total 20,000 square feet or more in gross floor area.
 - a. ~~Final Development Plan not required for accessory dwelling units.~~ The development of an accessory dwelling unit shall only require the issuance of an Exemption or Zoning Clearance in compliance with [Section 35.442.015 \(Accessory Dwelling Units\)](#), and does not require the approval of a Final Development Plan.
2. **DR zone.** Final Development Plan approval is required for all development, including grading, except for the following:
 - a. ~~One, one,~~ one-family dwelling and its accessory uses and structures on a single lot unless required in compliance with Subsection C.1 above.
 - a.(1) Such one-family dwellings, including those subject to Subsection C.1 above, shall be developed in compliance with the development standards applicable to the R-1/E-1 zone provided in [Section 35.423.050 \(Residential Zones Development Standards\)](#).
 - b. ~~One accessory dwelling unit on a single lot approved in compliance with Section 35.442.015 (Accessory Dwelling Units).~~
3. **PRD zone.** Final Development Plan approval is required for all development, including grading, ~~except for the development of one accessory dwelling unit on a single lot approved in compliance with Section 35.442.015 (Accessory Dwelling Units).~~

SECTION 7:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-4, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-4 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-2	DR	PRD	
RESIDENTIAL					
Accessory dwelling unit	S	S	S	S	35.442.015

Artist studio	P	—	—	—	35.442.120
Dwelling, one-family	P (3)	P (3)	P	P	35.442.140
Dwelling, two-family	—	P	P	P	
Dwelling, multiple	—	—	P	P	
Farmworker dwelling unit	P (3)	P (3)	P	P	35.442.105
Farmworker housing complex	CUP	CUP	P	—	35.442.105
Guesthouse	P	—	—	—	35.442.120
Home occupation	P	P	P	P	35.442.130
<u>Junior accessory dwelling unit</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	35.442.015
Mobile home park	CUP	CUP	CUP	CUP	
Organizational house (fraternity, sorority, etc.) (4)	—	—	CUP	—	
Residential accessory use or structure	P	P	P	P	35.442.020
Residential project convenience facilities	—	—	P	P	
Special care home, 7 or more clients	CUP	CUP	CUP	CUP	35.442.070
Transitional and supportive housing	S	S	S	S	35.442.070

Key to Zone Symbols

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

Notes:

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Subsection [35.423.030.C](#) (Development Plan approval required).
- (3) One-family dwelling may be a mobile home on a permanent foundation, see [Section 35.442.140 \(Mobile Homes on Foundations\)](#).
- (4) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

SECTION 8:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the R-1/E-1, R-2, DR, and PRD portions of Table 2-6, Residential Zones Development Standards, of Section 35.423.050, Residential Zones Development Standards, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-6 Residential Zone Development Standards

Development Feature	Requirement by Zone	
	R-1 /E-1 One-Family Residential	R-2 Two-Family Residential
Minimum lot size	<i>Minimum area and width for lots proposed in new subdivisions.</i>	
Area, width	See Subsection 35.423.040.A (Minimum lot size).	
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>	
Maximum density	One one-family dwelling per lot; plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units) .	One one-family dwelling or one two-family dwelling per lot; plus one or more accessory dwelling units and/or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units) .
Setbacks	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.</i>	
Front - Primary	50 ft from road centerline and 20 ft from the edge of the right-of-way.	
Front - Secondary	Lot less than 100 ft wide - 20% of lot width - 10 ft minimum Lot 100 ft wide or more - Same as primary front setback.	

Development Feature	Requirement by Zone	
	R-1 /E-1 One-Family Residential	R-2 Two-Family Residential
Side	10% of lot width, where minimum lot area requirement is: 2 acres or less - 5 ft minimum, 10 ft maximum required; 3 acres or more - 10 ft minimum, 20 ft maximum required.	10% of lot width, 5 ft minimum, 10 ft maximum required.
Rear	25 ft	
Accessory structures	See Section 35.442.020 (Accessory Structures and Uses)	
Building separation	10 ft between a dwelling or guesthouse and any other detached structure on the same site.	
Site coverage	<i>Maximum percentage of net site area that may be covered by buildings.</i>	
Maximum coverage	None	
Height limit	<i>Maximum allowable height of structures, except where a lesser height is required by design review or other provisions of this Development Code. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirement and height limit exceptions.</i>	
Maximum height	35 ft and 2 stories	25 ft
Exception	The height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.	
Landscaping	See Chapter 35.434 (Landscaping Standards) .	
Parking	See Chapter 35.436 (Parking and Loading Standards) .	
Signs	See Chapter 35.438 (Sign Standards) .	

Table 2-6 - Residential Zone Development Standards - Continued

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

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

Notes:

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

SECTION 9:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-8, Allowed Land Uses and Permit Requirements for Commercial Zones, of Section 35.424.030, Commercial Zones Allowable Land Uses, of Chapter 35.424, Commercial Zones, to read as follows:

Table 2-8 Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required (2)
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	CN	CV
		Specific Use Regulations

RESIDENTIAL USES

Accessory dwelling unit	<u>S</u>	<u>S</u>	35.442.015
Caretaker/Manager dwelling	—	CUP	35.442.060
Farmworker dwelling unit	CUP	—	35.442.105
Farmworker housing complex	—	—	35.442.105
Home occupation	P	P	35.442.130
Junior accessory dwelling unit	—	—	35.442.015
Mixed use project residential component - market rate	CUP	—	35.424.050
Mixed use project residential component - 1 unit (3)	P	P	35.424.050
Mixed use project residential component 2 to 4 units (3)	CUP	CUP	35.424.050
Special care home, 7 or more clients	CUP	CUP	35.442.070
Transitional and supportive housing	S	S	35.442.070

Key to Zone Symbols

CN	Neighborhood Commercial
CV	Resort/Visitor Serving Commercial

Notes:

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

SECTION 10:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the CN and CV portions of Table 2-9, Commercial Zones Development Standards, of Section 35.424.040, Residential Zones Development Standards, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-9 - Commercial Zones Development Standards

Development Feature	Requirement by Zone	
	CN Neighborhood Commercial	CV Resort/Visitor Serving Commercial
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>	
Area	None required; minimum lot size shall be determined by the review authority through the subdivision approval process.	
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>	
Maximum density	See Table 2-8 (Allowed Land Uses and Permit Requirements for the Commercial Zones) - Residential Uses; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units).	
Setbacks	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.</i>	

Development Feature	Requirement by Zone	
	CN Neighborhood Commercial	CV Resort/Visitor Serving Commercial
Front - Primary	50 ft from road centerline and 20 ft from right-of-way.	
Front - Secondary	Same as primary front.	Lot less than 100 ft wide - 20% of lot width, 10 ft minimum Lot 100 ft wide or more - Same as primary front setback.
Side	5 ft	20 ft; 50 ft from a lot zoned residential.
Rear	10% of lot depth to a maximum requirement of 10 ft; 25 ft if abutting a residential zone.	20 ft; 50 ft from a lot zoned residential.
Building separation	Buildings contained dwellings shall be located a minimum of 10 feet from any other detached building on the same building site.	Buildings contained dwellings shall be located a minimum of 10 feet from any other detached building on the same building site.
Height limit	<i>Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	35 ft	35 ft and 2 stories.
Floor Area Ratio	<i>Maximum floor area ratio allowed.</i>	
Maximum FAR	0.25	0.10
Site coverage	<i>Maximum percentage of net site area that may be covered by structures.</i>	
Maximum coverage	30 %	30 %
Open space	<i>Minimum percentage of net site area to be maintained as common open space.</i>	
Minimum open space	No minimum.	40%
Landscaping	See Chapter 35.434 (Landscaping Standards) .	
Parking	See Chapter 35.436 (Parking and Loading Standards) .	
Signs	See Chapter 35.438 (Sign Standards) .	

SECTION 11:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-10, Allowed Land Uses and Permit Requirements for Special Purpose Zones, of Section 35.425.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.425, Special Purpose Zones, to read as follows:

Table 2-10 Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required (2)	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	REC	PU	

RESIDENTIAL USES

<u>Accessory dwelling unit</u>	—	—	35.442.015
Caretaker/Manager dwelling	CUP	—	35.442.060
<u>Junior accessory dwelling unit</u>	—	—	35.442.015
Transitional and supportive housing	CUP	—	35.442.070

Key to Zone Symbols

REC	Recreation
PU	Public Utilities

Notes:

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Subsection [35.425.030.C](#) (Development Plan approval required).

SECTION 12:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection a, All accessory structures, of Subsection 5, Gross floor area and footprint limitations, of Subsection C, Development Standards, of Section 35.428.070, Montecito Hillside (H-MON) Overlay Zone, of Chapter 35.428, Montecito Overlay Zones, to read as follows:

- a. All accessory structures.** Accessory structures, including accessory structures containing one or more accessory uses, shall not exceed a building footprint area of 800 square feet as measured to the interior surface of exterior perimeter walls, posts, columns, or other supports.
 - (1) This 800-square-foot building footprint limitation shall not apply to accessory dwelling units and junior accessory dwelling units allowed in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units), barns, and stables; however, an accessory structure shall not be attached to an accessory dwelling unit, junior accessory dwelling unit, barn, or stable if the total footprint area of the combined structure exceeds 800 square feet.
 - (2) For the purposes of this Subsection C.5.a, “footprint” refers to how the building sits on the ground. The building footprint includes the following:
 - (a) Any cantilevered portions of the structure as viewed perpendicularly from above.
 - (b) Any fully enclosed, partially enclosed, or unenclosed portions of the accessory structure located beneath a solid roof or other permanent covering.
 - (c) The area of any portions of roof eaves that extend more than three feet from the exterior wall of the building.

SECTION 13:

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

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

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

SECTION 14:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.430.090, Height Measurement, Exceptions and Limitations, of Chapter 35.430, Standards for All Development and Land Uses, to retitle Subsection E, Accessory dwelling units, to “Accessory dwelling units and junior accessory dwelling units” and to read as follows:

E. Accessory dwelling units and junior accessory dwelling units. See [Section 35.442.015 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#) for height limits and exceptions for accessory dwelling units and junior accessory dwelling units.

SECTION 15:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Table 3-4 - Residential Parking Standards, of Section 35.436.050, Required Number of Spaces: Residential Uses, of Chapter 35.436, Parking and Loading Standards, to read as follows:

Table 3-4 - Residential Parking Standards

Residential	Parking Spaces Required
One-family and two-family dwellings	2 covered spaces per dwelling unit and; 1 uncovered space per dwelling unit (1)
Multiple dwelling units - Single bedroom or studio dwelling unit (3)	1 space per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)

Multiple dwelling units - 2 bedrooms (3)	2 spaces per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 3 bedrooms or more (3)	2.5 spaces per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Accessory dwelling units	As determined by Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units)
<u>Junior accessory dwelling units</u>	<u>No parking spaces required</u>
Dormitories, boarding and lodging houses	1 space per 4 beds and; 1 space per 2 employees
Retirement and special care homes (not including senior housing (3) (4))	1 space per guest room and; 1 space per 2 employees
Guesthouse	1 space per guesthouse

Notes:

- (1) A minimum of two covered or uncovered parking spaces shall be required for all additions, individually or combined with previous additions permitted subsequent to May 16, 1995 of less than 50 percent of the floor area of the principal dwelling as it existed as of May 16, 1995. One-family and two-family dwellings legally existing as of May 16, 1995 shall not be considered nonconforming solely because the parking required by this section is not provided.
- (2) If located within a one-mile radius of the boundaries of a college or university, a minimum of 2 parking spaces shall be provided, one of which shall be covered.
- (3) See Subsection 35.423.060.D for parking requirements for qualifying affordable housing, senior housing, and special care housing developments.
- (4) Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.

SECTION 16:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.436.070, Standards for All Zones and Uses, of Chapter 35.436, Parking and Loading Standards, to delete Subsection 1 of Subsection H, Location, in its entirety.

SECTION 17:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection K, Modifications of parking requirements, of Section 35.436.070, Standards for All Zones and Uses, of Chapter 35.436, Parking and Loading Standards, to read as follows:

K. Modifications of parking requirements. Modifications to the parking requirement may be granted, in compliance with [Section 35.442.015 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#), [Section 35.472.060 \(Conditional Use Permits\)](#), [Section 35.472.080 \(Development Plans\)](#), [Section 35.472.120 \(Modifications\)](#), or [Section 35.472.180 \(Variances\)](#).

SECTION 18:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Chapter 35.442, Standards for Specific Land Uses, by deleting Section 35.442.015 (Accessory Dwelling Units), in its entirety.

SECTION 19:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Chapter 35.442, Standards for Specific Land Uses, by adding a new Section 35.442.015 titled “Accessory Dwelling Units and Junior Accessory Dwelling Units,” to read as follows:

35.442.015 – Accessory Dwelling Units and Junior Accessory Dwelling Units

- A. Purpose and intent.** The purpose of this Section is to establish procedures and development standards for attached and detached accessory dwelling units and junior accessory dwelling units in compliance with California Government Code Sections 65852.2 and 65852.22. The intent is to encourage the development of accessory dwelling units and junior accessory dwelling units that contribute needed housing to the County’s housing stock.
- B. Applicability.** An accessory dwelling unit or junior accessory dwelling unit may be allowed on a lot in compliance with Table 2-1 (Allowed Land Uses and Permit Requirements for Resource Protection Zone), Table 2-4 (Allowed Land Uses and Permit Requirements for Residential Zones), and Table 2-8 (Allowed Land Uses and Permit Requirements for Commercial Zones).
- C. Allowed use.** As required by Government Code Section 65852.2, an accessory dwelling unit shall:
1. Be deemed to be an accessory use or an accessory building. [GC § 65852.2(a)(8)]
 2. Not be considered to exceed the allowable density for the lot on which it is located. [GC § 65852.2(a)(1)(C) and (a)(8)]
 3. Be deemed to be a residential use that is consistent with the existing Comprehensive Plan land use designation and applicable zone for the lot on which the accessory dwelling unit is located. [GC § 65852.2(a)(1)(C) and (a)(8)]
 4. Not be considered in the application of any local ordinance, policy, or program to limit residential growth. [GC § 65852.2(a)(2) and (8)]
- D. Application and processing requirements.**
- 1. Building Permit and other approvals.** Accessory dwelling units and junior accessory dwelling units shall be allowed with a Building Permit and any other necessary approvals when in compliance with the provisions of this Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units), as applicable.
 - 2. Ministerial review and permit processing deadline.** The Building Official shall consider a Building Permit application for an accessory dwelling unit or junior accessory dwelling unit ministerially without discretionary review or hearing within 60 days from the date a complete application is submitted to the Department. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. [GC § 65852.2(a)(3)]
 - a. New one-family dwelling, multiple-family dwelling, or accessory structure.** If an application for an accessory dwelling unit or junior accessory dwelling unit is submitted concurrently with an application for a new one-family dwelling, multiple-family dwelling, or accessory structure on the lot, the Department may delay acting on the application for the accessory dwelling unit or junior accessory dwelling unit until the Department acts

upon the application for the one-family dwelling, multiple-family dwelling, or accessory structure. [GC § 65852.2(a)(3)]

- b. Final building permit inspection.** Final building permit inspection for the proposed principal dwelling shall be approved prior to final building permit inspection approval for the accessory dwelling unit. [GC § 65852.2(k)]
- 3. Conflicts with other Sections of this Development Code.** Where there are conflicts between the standards in this Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units), the standards in Section 35.442.020 (Accessory Structures and Uses), and the standards in the specific zone regulations (Division 35.2 (Montecito Zones and Allowable Land Uses)), the provisions of this Section shall prevail.
- 4. Development impact mitigation fees.** Except as provided in Subsection 4.a, below, the applicant shall pay development impact mitigation fees in compliance with ordinances and/or resolutions in effect at the time the fees are paid. The amount of the required fee shall be determined by adopted fee resolutions and ordinances and applicable law in effect when paid, provided that the fee is charged proportionately in relation to the square footage of the principal dwelling. [GC § 65852.2(f)(3)(A)]

 - a.** The applicant shall not be required to pay development impact mitigation fees for an accessory dwelling unit of less than 750 square feet or a junior accessory dwelling unit. [GC § 65852.2(f)(3)(A)]
- 5. Floor area.** As used in this Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units), “floor area” means the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns, or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.
- 6. Modifications.** An accessory dwelling unit or junior accessory dwelling unit that does not comply with the requirements of this Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units) may be allowed with the approval of a Modification in compliance with Section 35.472.120 (Modifications), provided that the applicant requests a delay and tolls the 60-day processing time period until final action is taken on the Modification.
- 7. Nonconforming zoning conditions.** The correction of nonconforming conditions shall not be required as a condition of approval of an accessory dwelling unit or junior accessory dwelling unit. As used in Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units), “nonconforming zoning condition” means a physical improvement on a property that does not conform with the zoning standards of this Development Code. [GC § 65852.2(e)(2)]
- 8. Variances.** Variances shall not be granted for accessory dwelling units or junior accessory dwelling units.
- 9. Residential second units.** For purposes of this Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units), a residential second unit previously permitted in compliance with this Development Code shall be considered the same as an accessory dwelling unit.

10. Unpermitted existing development. For purposes of this Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units), improvements to unpermitted existing development to accommodate an accessory dwelling unit or junior accessory dwelling unit shall be considered new development.

E. Accessory dwelling units located within residential zones. This Subsection E provides standards for certain accessory dwelling units in accordance with Government Code Section 65852.2(e)(1). An accessory dwelling unit that complies with all of the following standards, as applicable, shall be allowed with a Building Permit and any other necessary approvals and shall not be subject to any other standards of this Development Code. An accessory dwelling unit that does not comply with this Subsection E may be allowed in compliance with Subsection F, below.

1. General standards. The following development standards shall apply to all accessory dwelling units allowed in compliance with this Subsection E:

a. Zoning. The accessory dwelling unit shall be located within one of the following residential zones: [GC § 65852.2(e)(1)]

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

b. Parking spaces not required. Parking spaces, including replacement parking spaces to satisfy the parking requirements for the principal dwelling, shall not be required for an accessory dwelling unit allowed in compliance with this Subsection E.

c. Additional standards. The accessory dwelling unit shall comply with the standards of Subsection H, below.

2. One accessory dwelling unit per lot located within a one-family dwelling or accessory structure. One accessory dwelling unit per lot located within an existing or proposed one-family dwelling or an existing accessory structure shall be allowed with a Building Permit and any other necessary approvals when in compliance with all of the following development standards:

a. Exterior access. The accessory dwelling unit shall have exterior access from the one-family dwelling. [GC § 65852.2(e)(1)(A)(ii)]

b. Lot requirements.

(1) The lot shall contain no more than one accessory dwelling unit. [GC § 65852.2(e)(1)(A)]

(2) The lot shall contain an existing or proposed one-family dwelling. [GC § 65852.2(e)(1)(A)]

c. Location. The accessory dwelling unit shall be located entirely within the existing or proposed one-family dwelling or existing accessory structure, except as provided in Subsection E.2.c.(1), below. [GC § 65852.2(e)(1)(A)(i)]

- (1) The accessory dwelling unit may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure and shall be limited to accommodating ingress and egress. [GC § 65852.2(e)(1)(A)(i)]
 - d. Setbacks.** The side and rear setbacks shall be sufficient for fire and safety purposes in compliance with the current, adopted edition of the California Fire Code and the California Building Code. The accessory dwelling unit shall also comply with the front setback requirements of the applicable zone. All portions of the accessory dwelling unit, including eaves and roof overhangs, shall comply with these requirements. [GC § 65852.2(e)(1)(A)(iii)]
 - d. Junior accessory dwelling unit.** An accessory dwelling unit that complies with the standards of this Subsection E.2 may be located on the same lot as a junior accessory dwelling unit that complies with the standards of Subsection G, below. [GC § 65852.2(e)(1)(B)]
- 3. One detached, new construction accessory dwelling unit per lot with a one-family dwelling.** One detached, new construction accessory dwelling unit per lot with an existing or proposed one-family dwelling shall be allowed with a Building Permit and any other necessary approvals when in compliance with all of the following development standards:
- a. Lot requirements.**

 - (1) The lot shall contain no more than one accessory dwelling unit. [GC § 65852.2(e)(1)(B)]
 - (2) The lot shall contain an existing or proposed one-family dwelling. [GC § 65852.2(e)(1)(B)]
 - b. Location.** The accessory dwelling unit shall be located within a detached, new construction accessory building that is not connected by any means to another accessory structure. [GC § 65852.2(e)(1)(B)]
 - c. Maximum floor area.** The floor area of the accessory dwelling unit shall not exceed 800 square feet. [GC § 65852.2(e)(1)(B)(i)]
 - d. Maximum height.** The height of the accessory dwelling unit shall not exceed 16 feet as measured in compliance with Section 35.430.090 (Height Measurement, Exceptions and Limitations). Any height increase above 16 feet and up to 19 feet shall only be allowed where necessary for the roof pitch to match that of the primary dwelling. [GC § 65852.2(e)(1)(B)(ii)]
 - e. Setbacks.** The accessory dwelling unit shall have side and rear setbacks of at least four feet and shall comply with the front setback requirements of the applicable zone. All portions of the accessory dwelling unit, including eaves and roof overhangs, shall comply with these requirements. [GC § 65852.2(e)(1)(B)]
 - f. Junior accessory dwelling unit.** An accessory dwelling unit that complies with the standards of this Subsection E.3 may be located on the same lot as a junior accessory dwelling unit that complies with the standards of Subsection G, below. [GC § 65852.2(e)(1)(B)]

4. One or more accessory dwelling units per lot located entirely within an existing multiple-family dwelling or accessory structure. One or more accessory dwelling units located within an existing multiple-family dwelling or existing accessory structure shall be allowed with a Building Permit and any other necessary approvals when in compliance with all of the following development standards:

a. Lot requirements.

(1) The lot may contain at least one accessory dwelling unit and shall contain no more accessory dwelling units than 25 percent of the existing multiple-family dwelling units. For example, a lot containing eight multiple-family dwelling units may contain up to two accessory dwelling units. [GC § 65852.2(e)(1)(C)(ii)]

(a) **Fractional units.** If the number of allowed accessory dwelling units includes a fraction of a unit, any decimal fraction less than 0.5 shall be rounded down to the nearest whole unit and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole unit.

(2) The lot shall contain an existing multiple-family dwelling. [GC § 65852.2(e)(1)(C)(i)]

b. Location. Each accessory dwelling unit shall be located within portions of the existing multiple-family dwelling or accessory structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. [GC § 65852.2(e)(1)(C)(i)]

5. Up to two detached accessory dwelling units per lot with an existing multiple-family dwelling. Up to two detached accessory dwelling units per lot with an existing multiple-family dwelling shall be allowed with a Building Permit and any other necessary approvals when in compliance with all of the following development standards:

a. Lot requirements.

(1) The lot shall contain no more than two accessory dwelling units. [GC § 65852.2(e)(1)(D)]

(2) The lot shall contain an existing multiple-family dwelling. [GC § 65852.2(e)(1)(D)]

b. Location. Each accessory dwelling unit shall be located entirely within an existing detached accessory structure or a detached, new construction accessory building. [GC § 65852.2(e)(1)(D)]

c. Maximum height. The height of each accessory dwelling unit shall not exceed 16 feet as measured in compliance with Section 35.430.090 (Height Measurement, Exceptions and Limitations). [GC § 65852.2(e)(1)(D)]

d. Setbacks. The accessory dwelling unit(s) shall have side and rear setbacks of at least four feet and shall comply with the front setback requirements of the applicable zone. All portions of the accessory dwelling unit(s), including eaves and roof overhangs, shall comply with these requirements. [GC § 65852.2(e)(1)(D)]

F. Accessory dwelling units located within zones that allow one-family or multiple-family residential use. This Subsection F provides standards for accessory dwelling units that do not comply

with Subsection E above. An accessory dwelling unit that complies with all of the following standards, as applicable, shall be allowed with a Building Permit and any other necessary approvals.

1. General standards. The following development standards shall apply to all accessory dwelling units allowed in compliance with this Subsection F:

a. Zoning. The accessory dwelling unit shall be located within one of the following zones that allow one-family or multiple-family dwelling residential use. For purposes of this Subsection F, a two-family dwelling (i.e., “dwelling, two-family,” as defined in Section 35.500.020 (Definitions of Specialized Terms and Phrases)), shall be considered a multiple-family dwelling residential use. [GC § 65852.2(a)(1)]

<u>Zones that Allow One-Family Residential Use</u>	<u>Zones that Allow Multiple-Family Residential Use</u>	<u>Zones that Allow One-Family and Multiple-Family Residential Use</u>
<u>R-1/E-1 (One-Family Residential)</u>	<u>CN (Neighborhood Commercial)</u> <u>CV (Resort/Visitor Serving Commercial)</u>	<u>R-2 (Two-Family Residential)</u> <u>DR (Design Residential)</u> <u>PRD (Planned Residential Development)</u>

b. Lot requirements.

- (1) The lot shall contain no more than one accessory dwelling unit. [GC § 65852.2(a)(1)(B)(i)]
- (2) The lot shall contain an existing or proposed one-family dwelling or multiple-family dwelling. [GC § 65852.2(a)(1)(D)(ii)]

c. Additional standards. The accessory dwelling unit shall comply with the standards of Subsection H, below.

2. Appearance and style. The exterior appearance and architectural style of an accessory dwelling unit shall comply with the following:

a. Conversion. Any exterior alterations to an existing building that result from the conversion of all or a portion of an existing building to an accessory dwelling unit shall be limited to minor alterations such as the addition of doors and windows. [GC § 65852.2(a)(1)(B)(i)]

b. New construction.

- (1) The design of an accessory dwelling unit that will be attached to an existing building shall reflect the exterior appearance and architectural style of the existing building to which it is attached and use the same or comparable exterior materials, roof covering, colors, and design for trim, windows, roof pitch, and other exterior physical features. [GC § 65852.2(a)(1)(B)(i)]
- (2) Exterior lighting shall comply with all of the following standards:
 - (a) All exterior lighting shall be hooded and fully shielded (i.e., full cutoff). [GC § 65852.2(a)(1)(B)(i)]
 - (b) Each exterior lighting fixture shall not exceed 800 lumens if located within the Rural Area and 1,600 lumens if located within the Urban Area. [GC § 65852.2(a)(1)(B)(i)]

(c) Each exterior lighting fixture shall not exceed 3,000 Kelvin. [GC § 65852.2(a)(1)(B)(i)]

(d) Landscape and pathway lighting fixtures shall not exceed four feet in height. [GC § 65852.2(a)(1)(B)(i)]

(e) Security lighting shall be controlled by a motion sensor switch or timer between dusk and dawn. [GC § 65852.2(a)(1)(B)(i)]

(3) Proposed landscaping shall be comparable to existing landscaping on the lot in terms of plant species and density of planting. [GC § 65852.2(a)(1)(B)(i)]

3. Environmentally sensitive habitat areas. The development of an accessory dwelling unit shall comply with the objective requirements of Section 35.428.040 (Environmentally Sensitive Habitat (ESH) Overlay Zone), provided that these standards allow an accessory dwelling unit of at least 800 square feet and 16 feet in height with four-foot side and rear setbacks and front setbacks equivalent to those applicable to the primary residence to be constructed on the lot in compliance with all other applicable standards of this Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units). [GC § 65852.2(a)(1)(B)(i)]

4. Grading. Grading directly associated with an accessory dwelling unit shall be limited to 250 cubic yards and the accessory dwelling unit shall be located on slopes of 20 percent or less, provided that this standard permits an accessory dwelling unit of at least 800 square feet and 16 feet in height with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units). [GC § 65852.2(c)(2)(C)]

5. Height limit.

a. Conversion. An accessory dwelling unit located entirely within an existing one-family dwelling, multiple-family dwelling, or accessory structure shall not be subject to a height limit.

b. New construction.

(1) Attached accessory dwelling units. The height of an attached accessory dwelling unit that is proposed to be located above another floor or on grade where there is no floor above shall not exceed the maximum allowable height limit for the principal dwelling in the applicable zone. [GC § 65852.2(a)(1)(B)(i)]

(2) Detached accessory dwelling units.

(a) One-story accessory dwelling units. The height of a detached, one-story accessory dwelling unit shall not exceed a vertical distance of 16 feet as measured in compliance with Section 35.430.090 (Height Measurement, Exceptions and Limitations). [GC § 65852.2(a)(1)(B)(i)]

(b) Two-story accessory dwelling units. The height of a detached, two-story accessory dwelling unit shall not exceed a vertical distance of 25 feet as measured in compliance with Section 35.430.090 (Height Measurement, Exceptions and Limitations). [GC § 65852.2(a)(1)(B)(i)]

6. Historic resources. An accessory dwelling unit shall not be located within, attached to, or located on the same lot as a structure listed in, or determined to be eligible for listing in the

California Register of Historical Resources or the National Register of Historic Places, or a structure designated, or determined to be eligible for designation as a County Historic Landmark or County Place of Historic Merit unless the proposed accessory dwelling unit follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior, National Park Service, 2017) or the Secretary of the Interior’s Standards for Rehabilitation (36 CFR Part 67, 1990) and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer, 1995), as may be amended. If a detached accessory dwelling unit is proposed to be located on the same lot as a historic or potentially historic structure described above, the applicant shall submit a written assessment from a Department-approved historian confirming that the proposed accessory dwelling unit shall be in conformance with this requirement. [GC § 65852.2(a)(1)(B)(i)]

- 7. Archaeological resources and tribal cultural resources.** A new construction attached or detached accessory dwelling shall be located at least 50 feet from the site boundaries of any archaeological resources or tribal cultural resources, unless a written assessment or a California Native American tribe recommends a greater buffer distance. Applicants shall submit a written assessment of any (1) archaeological resources that may qualify as “historical resources” as defined in CEQA Guidelines Section 15064.5(a), or (2) sites, features, cultural landscapes, sacred places, objects, or resources that may qualify as “tribal cultural resources” as defined in Public Resources Code Section 21074 that are located within 100 feet of the proposed accessory dwelling unit. The written assessment shall be prepared by a Department-approved archaeologist or other qualified professional and shall define the characteristics and site boundaries of the archaeological resources or tribal cultural resources. [GC § 65852.2(a)(1)(B)(i)]
- 8. Kitchen.** The accessory dwelling unit shall provide complete independent living facilities for one or more persons, including permanent provisions for eating and cooking. [GC §65852.2(j)(1)]
- 9. Location.** The accessory dwelling unit shall comply with the following:

 - a. Conversion.** The accessory dwelling unit shall be located entirely within an existing ~~or proposed~~ **one-family** dwelling, multiple-family dwelling, or accessory structure. [GC § 65852.2(a)(1)(D)(iii)]
 - b. Attached accessory dwelling unit.** An attached accessory dwelling unit shall be located entirely or partially within an addition to a one-family dwelling, multiple-family dwelling, or an attached accessory structure. [GC § 65852.2(a)(1)(D)(iii)]
 - c. Detached accessory dwelling unit.** A detached accessory dwelling unit shall be located entirely or partially within a proposed detached accessory structure or an addition to an existing detached accessory structure. [GC § 65852.2(a)(1)(D)(iii)]
 - d. Development envelope.** If a development envelope has been recorded through a subdivision and the record demonstrates that the development envelope was established for the protection of public health and safety, then the accessory dwelling unit shall be located within the development envelope. [GC § 65852.2(a)(1)(A)]
 - e. Location on lot.** A detached accessory dwelling unit shall comply with the following standards, provided that these standards allow an accessory dwelling unit of at least 800 square feet and 16 feet in height with four-foot side and rear setbacks to be constructed on

the lot in compliance with all other applicable standards of this Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units):

- (1) **Lots less than two acres.** For lots that are less than two acres, a detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other zoning provisions such as setback requirements would prohibit compliance with this requirement.
- (2) **Lots two acres or larger but less than 20 acres.** For lots that are two acres or larger but not larger than 20 acres, a detached accessory dwelling unit shall not be located closer to any property line than the lesser of 100 feet or the distance from the principal dwelling to that property line unless other zoning provisions such as setback requirements, or the location of existing development on the lot including agricultural operations, would prohibit compliance with this requirement.
- (3) **Lots larger than 20 acres.** For lots that are larger than 20 acres, the location of a detached accessory dwelling unit is not restricted provided the location complies with zoning requirements such as applicable setback requirements or development envelopes.

10. Maximum floor area. The floor area of the accessory dwelling unit shall not exceed the following standards, provided that these standards allow an accessory dwelling unit of at least 800 square feet and 16 feet in height with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units): [GC § 65852.2(c)(2)(C)]

a. Conversion. The floor area of an accessory dwelling unit located entirely within an existing structure shall not be restricted.

b. New construction.

- (1) **Lots of 15,000 net square feet or less.** 850 square feet for an accessory dwelling unit that provides one bedroom or less and 1,000 square feet for an accessory dwelling unit that provides two or more bedrooms. [GC § 65852.2(c)(2)(B)(i) and (ii)]
- (2) **Lots greater than 15,000 net square feet.** 1,200 square feet. [GC § 65852.2(a)(1)(D)(v)]
- (3) **Attached accessory dwelling units.** In addition to the floor area limits of Subsections F.9.b.(1) and (2), above, the floor area of an attached accessory dwelling unit shall not exceed 50 percent of the floor area of the principal dwelling that exists at the time of application for the accessory dwelling unit. [GC § 65852.2(a)(1)(D)(iv)]

11. Parking.

a. Replacement parking spaces not required. Replacement parking spaces to satisfy the parking requirements of the principal dwelling shall not be required for an accessory dwelling unit allowed in compliance with this Subsection F. [GC § 65852.2(a)(1)(D)(xi)]

b. New construction. A new construction detached accessory dwelling unit shall comply with the following parking requirements:

- (1) Except as provided in Subsection F.11.b(2), below, one parking space per accessory dwelling unit shall be required for a new construction detached accessory dwelling unit. The space may be provided in any of the following configurations:

 - (a) Tandem parking on a driveway or in a location outside of the required setback areas. [GC § 65852.2(a)(1)(D)(x)(I)]
 - (b) On a driveway located within the front, side, or rear setback area. [GC § 65852.2(a)(1)(D)(x)(II)]
 - (2) A parking space shall not be required for a new construction detached accessory dwelling unit that complies with any of the following criteria:

 - (a) The accessory dwelling unit is located within one-half mile walking distance of public transit (e.g., a bus stop). [GC § 65852.2(d)(1)]
 - (b) The accessory dwelling unit is located within an architecturally and historically significant historic district. [GC § 65852.2(d)(2)]
 - (c) On-street parking permits are required, but not offered to the occupant of the accessory dwelling unit. [GC § 65852.2(d)(4)]
 - (d) A car share vehicle is located within one block of the accessory dwelling unit. [GC § 65852.2(d)(5)]
- 12. Sale restriction.** The accessory dwelling unit shall not be sold or otherwise conveyed separate from the one-family dwelling. [GC § 65852.22(a)(3)(A)]
- 13. Setbacks.** The setbacks for an accessory dwelling unit shall not exceed the following standards, provided that these standards permit an accessory dwelling unit of at least 800 square feet and 16 feet in height with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units): [GC § 65852.2(c)(2)(C)]
- a. Conversion.** No setbacks shall be required for an existing living area or accessory structure converted to an accessory dwelling unit or a portion thereof. For purposes of this Subsection F.13, “living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure. [GC § 65852.2(a)(1)(D)(vii)]
 - b. New construction.**

 - (1) Except as provided in Subsections F.13.b.(2), below, the accessory dwelling unit shall comply with the front, side, and rear setback requirements that apply to the principal dwelling, provided that the accessory dwelling unit has side and rear setbacks of at least four feet. All portions of the accessory dwelling unit, including eaves and roof overhangs, shall meet these requirements. [GC § 65852.2(a)(1)(D)(vii)]
 - (2) No setbacks shall be required for a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit. [GC § 65852.2(a)(1)(D)(vii)]

14. Tree protection. A new construction attached or detached accessory dwelling unit shall comply with the following standards, provided that these standards allow an accessory dwelling unit of at least 800 square feet and 16 feet in height with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units):

- a. All development associated with the accessory dwelling unit shall avoid the removal of or damage to all protected trees. For the purposes of this Subsection F.14, protected trees are defined as (1) mature and/or (2) roosting/nesting trees that do not pose a threat to public health and safety. Non-native, invasive species are not protected if they are not roosting/nesting trees. Trees that are removed or damaged shall be relocated or replaced onsite. [GC § 65852.2(a)(1)(B)(i)]
- b. No grading, paving, or other site disturbance shall occur within the area six feet outside of the dripline of the tree(s), unless the conclusion of a report submitted by the applicant and prepared by a licensed arborist states that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s). [GC § 65852.2(a)(1)(B)(i)]

G. Junior accessory dwelling units. One junior accessory dwelling unit per lot located within an existing or proposed one-family dwelling shall be allowed with a Building Permit and other necessary approvals when in compliance with all of the following development standards:

1. General standards.

a. **Zoning.** The junior accessory dwelling unit shall be located within one of the following one-family zones or zones that allow one-family dwelling residential use: [GC § 65852.2(e)(1)]

One-Family Residential Zones	Zones that Allow One-Family Residential Use
R-1/E-1 (One-Family Residential)	R-2 (Two-Family Residential) DR (Design Residential) PRD (Planned Residential Development)

b. Lot requirements.

- (1) The lot shall contain no more than one junior accessory dwelling unit. [GC § 65852.2(e)(1)(A) and GC § 65852.22(a)(1)]
- (2) The lot shall contain an existing or proposed one-family dwelling. [GC § 65852.2(e)(1)(A) and GC § 65852.22(a)(1)]

c. **Additional standards.** The junior accessory dwelling unit shall comply with the standards of Subsection H, below.

2. Declaration of Restrictions. Prior to the issuance of a Building Permit for a junior accessory dwelling unit, the owner shall record a Declaration of Restrictions, which shall run with the land, in compliance with Section 35.82.020 (Recordable Documents). The owner shall record the Declaration of Restrictions with the County of Santa Barbara Clerk-Recorder and file the Declaration of Restrictions with the Department. The Declaration of Restrictions shall include both of the following: [GC § 65852.2(e)(1)(A)(iv) and GC § 65852.22(a)(3)]

- a. A prohibition on the sale of the junior accessory dwelling unit separate from the one-family dwelling, including a statement that the deed restriction shall be enforced against future purchasers; and [GC § 65852.22(a)(3)(A)]
- b. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with the standards of this Subsection G. [GC § 65852.22(a)(3)(A)]
- 3. Efficiency kitchen.** The junior accessory dwelling unit shall have an efficiency kitchen that includes the following: [GC § 65852.2(e)(1)(A)(iv) and GC § 65852.22(a)(6)]
 - a. A cooking facility with appliances; and [GC § 65852.22(a)(6)(A)]
 - b. Food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit. [GC § 65852.22(a)(6)(B)]
- 4. Exterior access.** The junior accessory dwelling unit shall have separate exterior access from the one-family dwelling. [GC § 65852.22(a)(5)]
- 5. Location.** The junior accessory dwelling unit shall be located entirely within an existing or proposed one-family dwelling or attached garage. The junior accessory dwelling unit shall not be located within any other attached or detached accessory structure. [GC § 65852.2(e)(1)(A)(i) and GC § 65852.22(a)(4)]
- 6. Maximum floor area.** The floor area of the junior accessory dwelling unit shall not exceed 500 square feet. [GC § 65852.2(e)(1)(A)(iv) and GC § 65852.22(h)(1)]
- 7. Owner-occupancy.** Except as provided below in Subsection G.6.a, owner-occupancy shall be required for the junior accessory dwelling unit or the one-family dwelling in which the junior accessory dwelling unit is located. [GC § 65852.2(e)(1)(A)(iv) and GC § 65852.22(a)(2)]
 - a. Owner-occupancy shall not be required if the owner of the junior accessory dwelling unit is a governmental agency, land trust, or housing organization. [GC § 65852.22(a)(2)]
- 8. Parking.**
 - a. New parking spaces. No new parking spaces shall be required for a junior accessory dwelling unit allowed in compliance with this Subsection G. [GC § 65852.22(b)(1)]
 - b. Replacement parking. Replacement parking spaces to satisfy the parking requirements of the principal dwelling shall be required for a junior accessory dwelling unit located within an attached garage in compliance with Section 35.436.050 (Required Number of Spaces: Residential Uses) and Section 35.436.070 (Standards for All Zones and Uses).
- 9. Sale restriction.** The junior accessory dwelling unit shall not be sold or otherwise conveyed separate from the one-family dwelling. [GC § 65852.22(a)(3)(A)]
- 10. Sanitation facilities.** The junior accessory dwelling unit shall include separate sanitation facilities or share sanitation facilities with the one-family dwelling. [GC § 65852.2(e)(1)(A)(iv) and GC § 65852.22(h)(1)]
- 11. Setbacks.** The side and rear setbacks shall be sufficient for fire and safety purposes in compliance with the current, adopted edition of the California Fire Code and the California Building Code. The junior accessory dwelling unit shall comply with the front setback requirements of the applicable zone. All portions of the junior accessory dwelling unit, including eaves and roof overhangs, shall meet these requirements. [GC § 65852.2(e)(1)(A)(iii)]

12. Accessory dwelling unit. A junior accessory dwelling unit that complies with the standards of this Subsection G may be located on the same lot as an accessory dwelling unit that complies with the standards of Subsection E.2 or E.3, above. [GC § 65852.22(e)(1)(B)]

H. Additional standards that apply to all accessory dwelling units and junior accessory dwelling units. The following development standards shall apply to all accessory dwelling units and junior accessory dwelling units in addition to the development standards contained in Subsection E (Accessory dwelling units and junior accessory dwelling units located within residential or mixed-use zones), Subsection F (Accessory dwelling units located within zones that allow one-family or multiple-family uses), or Subsection G (Junior accessory dwelling units), as applicable.

1. Minimum floor area. At a minimum, the floor area of an accessory dwelling unit or junior accessory dwelling unit shall be sufficient to allow for an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1207.4 or successor statute. [GC § 65852.2(c)(2)(A)]

2. Passageway not required. A passageway shall not be required in conjunction with the construction of an accessory dwelling unit or junior accessory dwelling unit. [GC § 65852.2(a)(1)(D)(vi)]

3. Rental restrictions.

a. An accessory dwelling unit or junior accessory dwelling unit may be used for rentals provided that the length of any rental is longer than 30 consecutive days. [GC § 65852.2(a)(6)]

b. The use of an accessory dwelling unit or junior accessory dwelling unit as a Farmstay, Homestay, or Short-Term Rental shall be prohibited in all zones. [GC § 65852.2(a)(6)]

SECTION 20:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, to delete Subsection (1), Accessory dwelling units, of Subsection a, Accessory structures, of Subsection 3, Height restrictions, of Subsection B, Development standards, in its entirety and renumber existing Subsections.

SECTION 21:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, to delete Subsection (1), Accessory dwelling units, of Subsection a, Location in rear setback, Subsection 4, Setback Requirements, of Subsection B, Development standards, in its entirety and renumber existing Subsections.

SECTION 22:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 5, Kitchen or cooking facilities/amenities prohibited, and Subsection a, All accessory structures, of Subsection 6, Gross floor area and footprint limitations, of Subsection B, Development standards, of Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

- 5. Kitchen or cooking facilities/amenities prohibited.** Accessory structures, including artist studios, cabañas and guesthouses, shall not contain kitchen or cooking facilities unless the accessory structure is specifically permitted as a dwelling (e.g., accessory dwelling units and junior accessory dwelling units). Artist studios, cabañas and guesthouses are not dwellings.
- 6. Gross floor area and footprint limitations.**
 - a. All accessory structures.** Accessory structures, including accessory structures containing one or more accessory uses, shall not exceed a building footprint area of 800 square feet, as measured to the interior surface of exterior perimeter walls, posts, columns, or other supports.
 - (1) This 800-square-foot building footprint limitation shall not apply to accessory dwelling units and junior accessory dwelling units allowed in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units), barns, and stables; however, an accessory structure shall not be attached to an accessory dwelling unit, junior accessory dwelling unit, barn, or stable if the total footprint area of the combined structure exceeds 800 square feet.
 - (2) For the purposes of this Subsection B.6.a, “footprint” refers to how the building sits on the ground. The building footprint includes the following:
 - (a) Any cantilevered portions of the structure as viewed perpendicularly from above.
 - (b) Any fully enclosed, partially enclosed, or unenclosed portions of the accessory structure located beneath a solid roof or other permanent covering.
 - (c) The area of any portions of roof eaves that extend more than three feet from the exterior wall of the building.

SECTION 23:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 8, Use restrictions, of Subsection B, Development standards, of Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

- 8. Use restrictions.** Accessory structures shall not be used as guesthouses, artist studios, or cabañas, unless specifically permitted for these uses. Except for guesthouses or structures specifically permitted as dwellings, (e.g., accessory dwelling units and junior accessory dwelling units) accessory structures shall not be used for overnight accommodations.

SECTION 24:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection D, Number on a lot, of Section 35.442.120, Guesthouses, Artist Studios, and Cabañas, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

D. Number on a lot.

1. Except as provided in Subsection D.2 (Accessory dwelling units and junior accessory dwelling units), below:
 - a. A lot may contain one artist studio and one guesthouse.
 - b. A lot may contain one cabaña in addition to one artist studio and one guesthouse in compliance with Subsection M (Cabaña).
2. **Accessory dwelling units and junior accessory dwelling units.** If an accessory dwelling unit or junior accessory dwelling unit exists or is approved for development on a lot, a guesthouse or artist studio shall not also be approved.

SECTION 25:

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

C. Exceptions to Design Review requirements. Design Review approval shall not be required for the following:

1. Accessory dwelling units.
2. Junior accessory dwelling units.
- ~~3.~~ Decks.
- ~~4.~~ Fences, gates or walls six feet or less and gateposts of eight feet or less in height; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the Design Review of a new structure or a remodeling or an addition to a structure requiring Design Review in compliance with this Section.
- ~~5.~~ Hot tubs, spas, and swimming pools.
- ~~6.~~ Interior alterations.
- ~~7.~~ Solar panels.
- ~~8.~~ Other exterior alterations determined to be minor by the Director.
- ~~9.~~ The replacement or restoration of structures that were damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) located on the lot on which

the damaged or destroyed structures were located; unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director.

SECTION 26:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection d, Reduction of parking spaces, of Subsection 3, Allowed Modifications, of Subsection B, Applicability, of Section 35.472.120, Modifications, of Chapter 35.472, Permit Review and Decisions, to read as follows:

- d. Reduction of parking spaces.** A reduction in the required number and/or a Modification in the design or location of parking spaces and loading zones may be allowed provided that in no case shall:
- (1) The number of required bicycle parking spaces be reduced.
 - (2) The number of spaces required for an accessory dwelling unit be reduced ~~or be allowed to be located within the required front setback~~, unless such reduction in the number of spaces is allowed in compliance with [Section 35.442.015 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#).
 - (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 27:

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

C. Contents of Application.

1. An application for a Modification shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).
- 2. Review Period Delay Form.** An application for a Modification for an accessory dwelling unit or junior accessory dwelling unit shall be submitted concurrently with a Review Period Delay Request Form which shall request that the County toll the accessory dwelling unit or junior accessory dwelling unit application review period until the County has taken final action on the application for the Modification for the accessory dwelling unit or junior accessory dwelling unit.

SECTION 28:

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

Subsection 1, Expiration in 12 months, of Subsection F, Expiration, of Section 35.472.120, Modifications, of Chapter 35.472, Permit Review and Decisions, to read as follows:

F. Expiration.

1. **Expiration in 12 months.** Except as provided in Subsection F.1.a, below, a Modification shall expire 12 months from the effective date if a Land Use Permit has not been issued for the project for which the Modification was approved unless otherwise specified by conditions of project approval or unless a time extension has been approved in compliance with [Section 35.474.030 \(Time Extensions\)](#).
 - a. **Accessory dwelling units and junior accessory dwelling units.** A Modification for an accessory dwelling unit or junior accessory dwelling unit shall expire 12 months from the effective date if a Building Permit has not been issued for the accessory dwelling unit or junior accessory dwelling unit unless (1) otherwise specified by conditions of project approval, or (2) a time extension has been approved in compliance with [Section 35.474.030 \(Time Extensions\)](#).

SECTION 29:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection b, Allowed structural alterations, of Subsection A, Structural change, expansion, or extension, of Section 35.491.030, Nonconforming Structures, to read as follows:

b. Allowed structural alterations.

- (1) **Seismic retrofits allowed.** Seismic retrofits as defined in [Division 35.10 \(Glossary\)](#) and in compliance with [Section 35.420.040 \(Exemptions from Planning Permit Requirements\)](#) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).
- (2) **Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.
- (3) **Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.
- (4) **Conforming residential uses and residential accessory uses.** A nonconforming structure that is devoted to a conforming residential use or that is normally or historically accessory to the primary residential use may be structurally altered in a manner that is not otherwise allowed in compliance with Subsection A.1.a, above, provided that the alteration does not result in a structure that extends beyond the existing exterior, and, for structures that are 50 years old or greater, the Director

determines that the alteration will not result in a detrimental effect on any potential historical significance of the structure.

- (5) Accessory dwelling units and junior accessory dwelling units. A nonconforming structure may be enlarged, extended, or structurally altered to convert the structure into an accessory dwelling unit or junior accessory dwelling unit provided that the accessory dwelling unit or junior accessory dwelling unit complies with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units). [GC § 65852.2(e)(2)]**

SECTION 30:

DIVISION 35.10, Glossary, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to change the definitions of “Accessory dwelling unit,” “Floor area, gross,” and “Passageway” and to add a new definition of “Junior accessory dwelling unit” to read as follows:

Accessory Dwelling Unit. An attached or a detached residential dwelling unit ~~on a permanent foundation~~ that is located on the same lot as a one-family or multiple-family dwelling ~~that to which~~ the accessory dwelling unit is accessory ~~to~~ and (1) provides complete independent living facilities for one or more persons including permanent provisions for cooking, eating, living, sanitation, and sleeping, and (2) provides interior access between all habitable rooms, ~~and (3) includes an exterior access that is separate from the access to the principal dwelling or accessory structure that the accessory dwelling unit is located in.~~ An accessory dwelling unit may also include an efficiency unit, as defined in Section 17958.1 of Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

- 1. Attached Accessory Dwelling Unit.** An accessory dwelling unit that shares a common wall with the principal dwelling or an attached accessory structure.
- 2. Detached Accessory Dwelling Unit.** An accessory dwelling unit that is detached from the principal dwelling and is located on the same lot as the principal dwelling. A detached accessory dwelling unit may be attached to a detached accessory structure.

Floor Area, Gross. The area included within the surrounding exterior walls of all floors or levels of a building or portion thereof, exclusive of vent shafts and unroofed courtyards, as measured to the interior surfaces of exterior walls, or from the centerline of a common or party wall separating two buildings, and including:

1. Corridors and halls;
2. Stairways;
3. Elevator shafts;
4. Closets, storage, service, utility and mechanical equipment rooms;
5. Attached garages;
6. Open or roofed porches, balconies, or porticos;
7. Roofed arcades, plazas, courts, walkways, or breezeways;

8. Permanently roofed and either partially enclosed or unenclosed, building features used for sales, service, display, storage or similar uses;
9. Basements, cellars or attic areas where the floor to ceiling height is six feet or greater and that are deemed usable by the Building Official; and
10. In residential zones, additionally all roofed porches, arcades balconies, porticos, breezeways or similar features when located above the ground floor.

The gross floor area of a structure that lacks walls shall be the area of all floors or levels included under the roofed or covered area of the structure.

This definition shall not apply to accessory dwelling units and junior accessory dwelling units, which shall be subject to the definition of “floor area” as defined in Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units). The gross floor area, as defined above, of any existing or proposed accessory dwelling unit or junior accessory dwelling unit shall be included in any total gross floor area calculations of the subject lot.

Passageway. A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit or junior accessory dwelling unit.

Junior accessory dwelling unit. A residential dwelling unit that is no more than 500 gross square feet in size (as measured in compliance with Section 35.442.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units)) and contained entirely within a one-family dwelling or its attached garage. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

SECTION 31:

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

SECTION 32:

Except as amended by this ordinance, Divisions 35.2, 35.3, 35.4, 35.7, 35.9 and 35.10 of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 33:

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 34:

For applicants that have received an issued Building Permit for a proposed accessory dwelling unit or junior accessory dwelling unit on or before the effective date of this ordinance, the Building Permit shall remain

valid, provided that the proposed accessory dwelling unit or junior accessory dwelling unit receives final building inspection approval by one year following the effective date of this ordinance.

SECTION 35:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

BOB NELSON, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

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

By _____
Deputy Clerk

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

ADU and JADU Ordinance Amendments
Case No. 20ORD-00000-00003
Board of Supervisors
Hearing Date: May 18, 2021
Attachment 45 – Page 37

By _____
Deputy County Counsel

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Amendment 5.17.21.docx