

ATTACHMENT 4

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.2 MONTECITO ZONES AND ALLOWABLE LAND USES, DIVISION 35.3 MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS, AND DIVISION 35.10 GLOSSARY, TO IMPLEMENT NEW REGULATIONS REGARDING THE LAND USES OF SHORT-TERM RENTALS AND HOMESTAYS AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS, AND REVISIONS.

Case No. 16ORD-00000-00011

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

SECTION 1:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Services section of Table 2-4 Allowed Land Uses and Permit Requirements for Resource Protection Zone, of Section 35.422.030, Resource Protection Zone Allowable Land Uses, of Chapter 35.424, Resource Protection Zone, to read as follows:

Table 2-4 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

SERVICES

Large family day care home	P	35.442.070
Small family day care home	E	35.442.070
Day care center, Non-residential	CUP	35.442.070
Day care center, Residential	CUP	35.442.070
<u>Lodging - Homestay</u>	=	
<u>Lodging - Short-term rental</u>	=	

SECTION 2:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Services section of Table 2-7 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 2-7 - 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	

SERVICES

Large family day care home	P	P	35.442.070
Small family day care home	E	E	35.442.070
Day care center, Non-residential	CUP	CUP	35.442.070
Day care center, Non-residential, accessory	—	—	35.442.070
Day care center, Residential	CUP	CUP	35.442.070
Medical services - Clinic	—	—	
<u>Lodging - Homestay</u>	<u>P</u>	<u>P</u>	<u>35.442.135</u>
<u>Lodging - Short-term rental</u>	<u>—</u>	<u>—</u>	
Medical services - Extended care	CUP	CUP	
Medical services - Hospital	CUP	CUP	
Mortuary	—	—	
Mortuary, accessory to cemetery	—	—	

SECTION 3:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Services section of Table 2-8 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 2-8 - 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
	DR	PRD	

SERVICES

Large family day care home	P	P	35.442.070
Small family day care home	E	E	35.442.070
Day care center, Non-residential	CUP	CUP	35.442.070
Day care center, Non-residential, accessory	P	P	35.442.070
Day care center, Residential	CUP	CUP	35.442.070
<u>Lodging - Homestay</u>	<u>P</u>	<u>P</u>	<u>35.442.135</u>
<u>Lodging - Short-term rental</u>	<u>—</u>	<u>—</u>	
Medical services - Clinic	—	—	
Medical services - Extended care	CUP	CUP	
Medical services - Hospital	CUP	CUP	

SECTION 4:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Services - General section of Table 2-12 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 2-12 - Continued 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		Specific Use Regulations
	CN	CV	

SERVICES - GENERAL

Charitable or philanthropic organization	—	—	
Large family day care home	P	P	35.442.070
Small family day care home	E	E	35.442.070
Day care center, Non-residential	CUP	CUP	35.442.070
Day care center, Non-residential, accessory	P	P	35.442.070
Day care center, Residential	CUP	CUP	35.442.070
Drive-through, facility	CUP	—	35.442.100
Furniture repair accessory to furniture store or interior decorator	CUP	—	
Lodging, Hotel or Motel	—	—	
<u>Lodging - Homestay</u>	—	—	
Lodging - Resort hotel, guest ranch	—	P	35.424.060
<u>Lodging – Short-Term Rental</u>	—	P	<u>35.442.160</u>
Personal services	P	P (3)	
Vehicle services - Minor maintenance/repair	P	—	35.442.050

SECTION 5:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Services - General section of Table 2-14 Allowed Land Uses and Permit Requirements for Special Purpose Zones, of Section 35.425.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.4254, Special Purpose Zones, to read as follows:

Table 2-14 - Continued 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		Specific Use Regulations	
	REC	PU		
SERVICES - GENERAL				
Large family day care home	P	—	35.442.070	
Small family day care home	E	—	35.442.070	
Day care center, Non-residential	CUP	CUP	35.442.070	
Day care center, Residential	CUP	—	35.442.070	
<u>Lodging - Homestay</u>	—	—		
<u>Lodging - Short-term rental</u>	—	—		

SECTION 6:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Section 35.430.135, Homestays, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

35.442.135 – Homestays

- A. Purpose and intent.** The purpose and intent of this Section is to establish standards that will regulate the use of dwellings as Homestays in order to ensure that Homestays are compatible with and do not adversely impact surrounding properties.
- B. Permit requirement.** Homestays may only be located in residential zones in compliance with the permit requirement identified in Division 35.2 (Montecito Zones and Allowable Land Uses). The required permit shall be obtained and all conditions of the permit shall be satisfied prior to the commencement of a Homestay.
- C. Permitted structures.** Homestays shall only be allowed in legal dwelling units subject to the restrictions of this Section.
- D. Development standards.** Homestays shall comply with all of the following standards in addition to any other applicable standards of this Development Code.
 - 1. Owner or long-term tenant must reside on the property.** The owner or long-term tenant of the property shall inhabit a legal dwelling on the same lot at the same time as the transient occupant of the Homestay.

- 2. Compliance with fire, building, and health codes.** Any dwelling used as a Homestay shall comply with the California Fire Code, California Building Code, California Health and Safety Code, the National Fire Protection Association standards and/or regulations, and other relevant laws and codes regarding carbon monoxide detectors, smoke detectors, emergency egress window, handrails, and fire extinguishers, to the satisfaction of the Director.
 - 3. Prohibited structures.** Homestays shall not be allowed in:
 - a. Any dwelling subject to agreements, conditions, or covenants entered into with the County restricting their use including, but not limited to, affordable housing units, agricultural employee housing, and farmworker housing.
 - b. Any structure that is only permitted to be occupied on a temporary basis including, but not limited to, cabañas and guest houses.
 - c. Any structure or space that may not be legally used for dwelling or overnight accommodations including, but not limited to, agricultural accessory structures, tents, trailers, vehicles, and yurts.
 - 4. Signs.** No signs shall be permitted to be located on or off the lot that contains the Homestay that indicates the presence of the Homestay.
 - 5. Limitation on occupancy.** The maximum occupancy shall be no more than two persons per bedroom, excluding children under three years of age.
 - 6. Parking.** Parking shall be provided on the lot on which the Homestay is located in compliance with Chapter 35.436 (Parking and Loading Standards) of this Development Code except as provided below.
 - a. Parking spaces for a Homestay may include garage(s), carport(s) and/or driveway spaces and may be provided in a tandem parking arrangement.
 - b. No parking associated with a Homestay shall be allowed on-street.
 - 7. Limitation on the number of visitors.** The maximum number of visitors shall not exceed two times the number of transient occupants of the Homestay that are allowed on the lot.
 - 8. Noise.** The volume of sound generated by the Homestay shall not exceed 65 dB or existing ambient levels, whichever is greater, at any point beyond the property boundary, except that between the hours of 10 p.m. and 8 a.m., the volume of sound generated by the Homestay shall not exceed 45 dB or existing ambient levels, whichever is greater, at any point beyond the property boundary.
 - 9. Internet listing.** All current internet hosting platforms for Homestays and all listing identification numbers shall be provided to the County.
 - 10. Proof of ownership or long-term tenancy.** The owner or long-term tenant of the property being rented for a Homestay shall provide proof of ownership or long-term tenancy with the Homestay application.
- E. Renewal of permit.**
1. A Land Use Permit issued for a Homestay shall only be valid for one year commencing upon the effective date of the Land Use Permit, except as provided below in subsection 3.
 2. The owner or long-term tenant shall submit an application to renew the Land Use Permit to the Department for review and approval on an annual basis as directed below.
 - a. The renewal application shall be processed pursuant to the requirements set forth in Section 35.472.110 (Land Use Permits).

b. The Land Use Permit application for the initial renewal and any subsequent renewal shall be submitted no later than 30 days prior to the expiration of the previous Land Use Permit.

3. If the approval of a Land Use Permit for the renewal of a Land Use Permit for a Homestay has been appealed, then the validity of the Land Use Permit shall be extended until processing of the appeal(s) has been completed.

F. Revocation.

1. A Land Use Permit to allow a dwelling to be used as a Homestay may be revoked in compliance with Section 35.474.060 (Revocations).

2. In addition to the basis for revocation in Section 35.474.060.A (Revocations), a Land Use Permit may also be revoked if the applicant, after receiving a Land Use Permit for a Homestay and/or any renewal:

a. makes alterations to the property that compromise the original permit approval (e.g., removal of required parking, conversion of space);

b. is determined to have submitted false or misleading information to the Department, including, but not limited to, information submitted as part of the permit application;

c. fails to comply with the permit conditions; or

d. fails to obtain or comply with any other required County, state or local permit.

SECTION 7:

ARTICLE 35.4, Standards for All Development and Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Section 35.442.160, Short-Term Rentals, of Chapter 35.442, Montecito Standards for Specific Land Uses, to read as follows:

35.442.160 – Short-Term Rentals

A. Purpose and applicability.

1. Purpose. The purpose of this Section is to establish standards that will regulate the use of structures as Short-Term Rentals in order to ensure that Short-Term Rentals are compatible with and do not adversely impact surrounding properties.

2. Applicability.

a. Short-Term Rentals existing as of the effective date of this ordinance (16ORD-00000-00011).

(1) Short-Term Rentals that may be permitted.

(a) For Short-Term Rentals that may be permitted in compliance with Article 35.2 (Zones and Allowable Land Uses), to continue operating the owner or long term tenant must apply for and be issued a permit that allows the continued use of a structure as a Short-Term Rental within 333 days following the effective date of this ordinance (16ORD-00000-00011).

(b) If the required permit is not issued within 333 days following the effective date of this ordinance (16ORD-00000-00011), then use of the structure as a Short-Term Rental shall cease. If the use of a structure as a Short-Term Rental does not cease,

then this use shall be considered a violation of this Development Code and subject to enforcement in compliance with Chapter 35.108 (Enforcement and Penalties).

(2) **Short-Term Rentals that may not be permitted.** The use of a structure as a Short-Term Rental in zones where Short-Term Rentals may not be permitted in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses) shall cease no later than 333 days following the effective date of this ordinance (16ORD-00000-000011). If the use of a structure as a Short-Term Rental does not cease within this period, then this use shall be considered a violation of this Development Code and subject to enforcement in compliance with Chapter 35.498 (Enforcement and Penalties).

3. **Permit requirement.** Short-Term Rentals may only be located in certain commercial zones in compliance with the permit requirement identified in Division 35.2 (Montecito Zones and Allowable Land Uses). The required permit shall be obtained and all conditions of the permit shall be satisfied prior to the commencement of a Short-Term Rental.

SECTION 8:

ARTICLE 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Table 3-5 Nonresidential Parking Standards of Section 35.436.060, Required Number of Spaces: Nonresidential Uses, of Chapter 35.436, Parking and Loading Standards, to read as follows:

Table 3-5 - Nonresidential Parking Standards

Recreation, Education & Public Assembly Uses	Parking Spaces Required
Library, museum, art gallery, or similar use	1 space per 2 employees and; 1 space per 300 square feet of gross floor area
Religious institutions, school auditoriums, college auditoriums, theaters, general auditoriums, stadiums, mortuaries, lodges, halls, and other places of general assembly	With fixed seats - 1 space per 4 fixed seats Without fixed seats - 1 space per 30 square feet of auditorium floor space
Racquetball and tennis facility	1.5 spaces per court
School - College	1 space per 5 students and; 1 space per 3 employees
School - Day school or Nursery school	1 space per 10 students and; 1 space per 2 employees
School - Elementary and Middle School	1.5 spaces per teaching station
School - High School	6 spaces per teaching station
Spas, health clubs, etc.	1 space per 200 square feet of spa area and; 1 space per 500 square feet of area related to the spa facilities
Spectator seating	1 space per 5 seats or 1 space per 35 square feet of seating area
Swimming pools, public	1 space per 200 square feet of pool area and; 1 space per 500 square feet of area related to the pool facilities
Retail Trade	Parking Spaces Required
Furniture and appliance stores, hardware stores	1 space per 1,000 square feet of gross floor area

Restaurants, cafes, , etc.	1 space per 300 square feet of space devoted to patrons and; 1 space per 2 employees
Retail business and general commercial	1 space per 500 square feet of gross floor area
Services & Offices - Business, Financial, Professional	Parking Spaces Required
Business and professional offices e.g., banks, lawyers’ offices	1 space for each 300 square feet of gross floor area
Hotels/motels	1 space per guest room and; 1 space per 5 employees
Medical services - extended care	1 space per 3 beds and; 1 space per 3 employees
Medical services - hospitals	1 space per 2 beds and; 1 space per 3 employees
Medical services - medical clinics, medical and dental offices	1 space per 200 square feet of gross floor area
<u>Short-Term Rental</u>	<u>1 space per bedroom</u>

SECTION 9:

ARTICLE 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the existing definition of “Lodging” set forth in Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to read as follows:

Lodging.

1. **Boarding or Rooming House.** A residence or dwelling, other than a hotel, where the business of keeping boarders is generally carried on and which is held out by the owner or keeper as a place where boarders are kept.
2. **Guest Ranch.** A vacation resort, generally a farm or ranch, that derives all or part of its income from the use of its facilities by paying visitors or guests, and provides food, lodging, and recreational activities.
3. **Homestay.** A residential structure, including portions thereof, rented for 30 consecutive days or less where the owner or long-term tenant of the property inhabits a legal dwelling on the same lot at the same time as the transient occupant. Additionally, the following terms are defined for the purposes of Section 35.442.135 (Homestay).
 - a. **Hosting Platform.** A marketplace which facilitates the consummation of Homestay agreements through advertising and from which, in whatever format, information is provided about or relating to a residential structure, including portions thereof, for occupancy as a Homestay.
 - b. **Long-term Tenant or Owner.** A person who is the owner of the property or who rents the property for 30 days or more.
 - c. **Visitor.** A person who enters the property on which a Homestay is located for the purpose of visiting, seeing or communicating with the transient occupant of the Homestay.
34. **Hostel.** Overnight sleeping accommodations that provide supervised and inexpensive lodging for travelers, and may provide kitchen and eating facilities. Occupancy is generally of a limited duration.
45. **Hotel.** A building or group of buildings containing six or more sleeping rooms occupied, intended or

designed to be occupied as the more or less temporary abiding place of persons who, for compensation, are lodged with or without meals, but not including a trailer court or camp, sanitarium, hospital, asylum, orphanage or building where persons are housed under restraint.

- 56. Motel.** A transient lodging establishment containing six or more rooms with at least 25 percent of all rooms having direct access to the outside without the necessity of passing through a main lobby.
- 67. Resort Hotel.** A hotel which serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.
- 8. Short-Term Rental.** A structure which is rented for overnight lodging, in whole or in part and with or without the presence onsite of the owner or representative of the owner, for 30 consecutive days or less.

SECTION 10:

ARTICLE 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add the following new definitions of “Homestay,” “Short-Term Rental,” and “Transient,” to Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to read as follows:

Homestay. See “Lodging”.

Short-Term Rental. See “Lodging”.

Transient. Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive days or less. Any such person so occupying space in any lodging shall be deemed to be a transient until the period of 30 days has expired unless there is an agreement in writing between the owner or operator and the occupant providing for a longer period of occupancy. A transient is also referred to as a transient occupant.

SECTION 11:

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Santa Barbara County 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 12:

Except as amended by this Ordinance, Division 35.2 Montecito Zones and Allowable Land Uses, Division 35.3 Montecito Site Planning and Other Project Standards, and Division 35.10 Glossary, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 13.

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 the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this the 3rd day of October, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JOAN HARTMANN, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel