

**ATTACHMENT 4: MONTECITO LAND USE AND DEVELOPMENT CODE  
ORDINANCE AMENDMENT ADDITIONAL REVISIONS EXCERPTS**

**SECTION 5:**

**CHAPTER 35.423 RESIDENTIAL ZONES**

**35.423.060 DR Zone Standards**

- B. **Open space.** Open space, unoccupied by main or accessory structures not directly related to the open space amenities, storage, parking areas, public or private streets, driveways, and loading areas, shall be provided in accordance with the following standards.
1. **Minimum amount of open space.** A minimum of ~~200~~300 square feet of open space shall be provided per dwelling unit. The required open space shall be provided as common or private open space in conformance with the standards of this section.
  2. **Configuration.**
    - a. **Private Open Space.** Private open space typically consists of balconies, decks, patios, yards, and other similar areas outside the residential unit that are exclusively used by occupants of the specific unit and their guests.
    - b. **Common Open Space.** Common open space typically consists of recreational areas, landscaped areas, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development and may be used by all occupants of the development.
  3. **Minimum Dimensions.**
    - a. **Private Open Space.**
      - (1) Ground Level. Private open space located on the ground level (e.g., yards, decks, patios) shall be a minimum of eight feet in length and eight feet in width.
      - (2) Above Ground Level. Private open space located above ground level (e.g., balconies) shall be a minimum of six feet in length and six feet in width.
    - b. **Common Open Space.** Common open space areas shall be a minimum of 15 feet in length and 15 feet in width, and must include at least one area of a minimum of 50 feet in length and 50 feet in width. The minimum dimensions must be uninterrupted by walkways with the primary purpose of providing access to and between buildings, parking areas, or other site features.
  4. **Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable surfacing. Slope shall not exceed 10 percent.
  5. **Accessibility.**

- a. **Private Open Space.** The space shall be accessible to only the individual residential unit it serves and shall be accessible by a doorway to a habitable room or hallway.
- b. **Common Open Space.** The space shall be accessible to all dwelling units within the development.

**SECTION 7:**

**35.424.040 Commercial Zones Development Standards**

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

**Table 2-9 - Commercial Zones Development Standards**

| Development Feature | Requirement by Zone  |   |
|---------------------|--|---|
|                     | CN<br>Neighborhood Commercial  | CV<br>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.</i>   |   |
| Maximum density     | Mixed-use development: <del>20</del> —10 dwelling units per gross acre   | Residential uses are limited to those identified as allowed in the C-V Zone in Table 2-8 - RESIDENTIAL USES |
| Setbacks            | <i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions. Setbacks are measured from property line unless otherwise stated.</i> |   |
| Front - Primary     | 10 ft  | 20 ft from edge of right-of-way.  |
| Front - Secondary   | Same as primary front.   | Same as primary front.  |
| 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. |
| 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                                      |
| 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   | No maximum   | 30 %                                       |
| Open space         | <i>Minimum percentage of net site area to be maintained as common open space.</i>  |  |
| Minimum open space | No minimum.  | 40%  |
| Landscaping        | See Chapter 35.434 (Landscaping Standards).  |  |
| Parking            | See Chapter 35.436 (Parking and Loading Standards).  |  |
| Signs              | See Chapter 35.438 (Sign Standards).   |  |

**SECTION 8:****35.424.050 CN Zone Standards**

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

- A. **Mixed use development.** To ensure the overall purpose and intent of the commercial district is maintained, nonresidential uses shall be located along the street frontage. The nonresidential space shall have a minimum depth of 40 feet. Residential uses may be located on an upper story or behind a nonresidential use.

**SECTION 27:**

**CHAPTER 35.434 LANDSCAPING STANDARDS**

**35.434.060 Required Landscaping**

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

**A. Design Residential (DR) zone.**

1. ~~Required setback areas shall be landscaped.~~ All areas of the site not designated for a specific use shall be landscaped, including required setback areas.
2. A minimum of 15 percent of the site shall be landscaped.

**SECTION 53:**

**35.472.180 Variances**

**D. Processing.**

1. An application for a Variance shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
  - a. **Land Use Permit required.** A Land Use Permit is required for any development proposal that includes a Variance but does not otherwise require Conditional Use Permit or Development Plan approval.
2. An application filed in compliance with this Section that is determined by the Director to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan shall be accompanied by an application to make the project consistent.
3. **Concurrent Processing.** The Variance ~~shall~~ may be processed concurrently with and acted upon at the same time as, the associated Land Use Permit, Conditional Use Permit, or Development Plan application.
4. Notice of the filing of a complete application shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).
5. The Montecito Commission shall hold at least one noticed public hearing on the requested Variance and approve, conditionally approve, or deny the request.
6. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
7. The Montecito Commission, in approving the Variance, may require conditions as deemed reasonable and necessary to promote the purpose and intent of this Development Code and the public health, safety and welfare.

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

**SECTION 80:**

**APPENDIX D**

**SUBSTANTIAL CONFORMITY DETERMINATION GUIDELINES**

4. The Department compares the request with established criteria. Listed below are criteria developed to assist in determining whether proposed changes to approved projects are in substantial conformity with the approved plans.
  - a. Does not conflict with project conditions of approval and/or recorded map conditions.
  - b. Does not result in health or safety impacts.
  - c. That the project facilities, operating procedures, environmental impacts, safety impacts, and the project's compliance with policies are substantially the same as those considered in the previous permit issued by the Director.
  - d. That the proposed changes can be effectuated through existing permit conditions or standard conditions of approval.
  - e. Generally, the proposed changes do not result in an increase in square footage greater than 10 percent of the total square footage of the original approval or ~~1,000~~500 square feet, whichever is ~~less~~more, up to a maximum increase of 5,000 square feet, measured cumulatively from the original approval.
  - f. Is clearly exempt from environmental review or was evaluated in the environmental review document prepared for the project and there are no new significant impacts related to the project change.
  - g. Does not require the removal of specimen trees or impact areas defined in the project environmental document as sensitive habitat or designated as areas prohibiting structures or other development.
  - h. Is consistent with Comprehensive plan policies and Montecito Land Use and Development Code requirements.
  - i. Does not result in more than 1,500 cubic yards of net cut and/or fill, and avoids slopes of 30 percent or greater, unless these impacts were addressed in the environmental assessment for the project and mitigation measures were imposed to mitigate said impacts and the proposal would not compromise the mitigation measures imposed or result in additional environmental impacts.

- j. Is located within the same general location as, and is topographically similar to, approved plans. The location shall not be moved more than 10 percent closer to a property line than the originally approved development.
- k. Does not result in an overall height which is greater than 10 percent above the approved height of the tallest structure. The project must remain consistent with height requirements of the zone.
- l. Receives Design Review approval for landscaping and structures, if necessary.
- m. Does not result in a significant intensification of use.
- n. Does not affect easements for trails, public access, or open space.