

ATTACHMENT 13

Proposed Draft Amended MLUDC with Track Changes



COUNTY OF SANTA BARBARA

Planning and Development

Santa Barbara County Montecito Land Use & Development Code



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NOTES:

This document is updated on a periodic basis in order to include amendments adopted by the Board of Supervisors. Recently adopted amendments may not yet be incorporated into this copy. Please check with the Planning and Development Department Zoning Information Counter located at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, for information on amendments approved subsequent to the date shown on the front of this publication.

August 2008 Replacement Pages

The following replacement pages were published in August 2008 to reflect revisions to the Development Code resulting from the adoption of the following ordinance by the Board of Supervisors. See [Appendix A](#) for information on the affected Development Code sections.

Ordinance No.4681 (Case No. 08ORD-00000-00007, adopted 07/15/2008) Permit Downshifting

SECTION	PAGES
TABLE OF CONTENTS	iii & iv
DIVISION 35.2	2-9, 2-10, 2-15, 2-16, 2-21 through 2-26, 2-33, 2-34
DIVISION 35.3	3-31, 3-32
DIVISION 35.4	4-1, 4-2, 4-17 through 4-32
DIVISION 35.7	7-33 through 7-36
APPENDIX A	1 & 2

August 2009 Replacement Pages

The following replacement pages were published in August 2009 to reflect revisions to the Development Code resulting from the adoption of the following ordinances by the Board of Supervisors. See [Appendix A](#) for information on the affected Development Code sections.

Ordinance No.4715 (Case No. 09ORD-00000-00002, adopted 07/07/2009) Solar Energy Systems

Ordinance No.4719 (Case No. 09ORD-00000-00006, adopted 07/07/2009) Noticing Procedures

Ordinance No.4720 (Case No. 09ORD-00000-00003, adopted 07/07/2009) Environmentally Sensitive Habitat Overlay

Ordinance No.4723 (Case No. 09ORD-00000-00012, adopted 07/14/2009) Permit Time Extensions

SECTION	PAGES
TABLE OF CONTENTS	i through viii
DIVISION 35.2	2-1 through 2-8, 2-15 through 2-16, 2-51 through 2-64
DIVISION 35.3	3-1 through 3-24
DIVISION 35.7	7-1 through 7-2, 7-51 through 7-60
DIVISION 35.9	9-1 through 9-2, 9-13 through 9-20, 9-27 through 9-42
DIVISION 35.10	10-33 through 10-40
APPENDIX A	1 through 2

August 2011 Republished Development Code

The Development Code was republished in its entirety in August 2011 to reflect revisions to the Development Code resulting from the adoption of the following ordinances by the Board of Supervisors. See [Appendix A](#) for information on the affected Development Code sections.

Ordinance No.	Case No.	Date of Adoption	Subject
4687	08ORD-00000-00015	09/16/2008	Transfer of Development Rights
4778	10ORD-00000-00004	12/14/2010	Small Wind Energy Systems
4788	11ORD-00000-00006	05/17/2011	Commercial Telecommunications Facilities

December 2011 Republished Development Code

The Development Code was republished in its entirety in December 2011 to reflect revisions to the Development Code resulting from the adoption of the following ordinances by the Board of Supervisors. See Appendix A for information on the affected Development Code sections.

Ordinance No.	Case No.	Date of Adoption	Subject
4807	11ORD-00000-00030	11/01/2011	Medical Marijuana Dispensary Storefronts
4810	11ORD-00000-00013	11/01/2011	General Package Ordinance Amendments
4815	11ORD-00000-00025	12/06/2011	Economic Hardship Ordinance Amendment

June 2013 Replacement Pages

The following replacement pages were published in June 2013 to reflect revisions to the Development Code resulting from the adoption of the following ordinances by the Board of Supervisors. See Appendix A for information on the affected Development Code sections.

Ordinance No. 4852 (Case No. 12ORD-00000-00012, adopted 04/09/2012) Agricultural Buffers

Ordinance No. 4857 (Case No. 13ORD-00000-00003, adopted 06/04/2013) Cottage Food Operations

SECTION	PAGES
COVER PAGES	iii
TABLE OF CONTENTS	i through viii
DIVISION 35.3	3-1 through 3-58
DIVISION 35.4	4-21 through 4-40
DIVISION 35.10	10-5 through 10-42
APPENDIX A	A-1 through A-2
APPENDIX H	H-1 through H-4

June 2014 Replacement Pages

The following replacement pages were published in June 2014 to reflect revisions to the Development Code resulting from the adoption of the following ordinance by the Board of Supervisors. See Appendix A for information on the affected Development Code sections.

Ordinance No. 4883 (Case No. 13ORD-00000-00009, adopted 04/15/2014) 2013 General Package

SECTION	PAGES
COVER PAGES	C-1 through C-4
TABLE OF CONTENTS	TOC-1 through TOC-8
DIVISION 35.2	2-1 through 2-2, 2-31 through 2-32
DIVISION 35.3	3-1 through 3-2, 3-33 through 3-44
DIVISION 35.4	4-5 through 4-12, 4-39 through 4-40
DIVISION 35.6	6-5 through 6-10
DIVISION 35.7	7-1 through 7-4, 7-17 through 7-66
DIVISION 35.9	9-1 through 9-44
DIVISION 35.10	10-1 through 10-42
APPENDIX A	A-1 through A-2

December 2015 Replacement Pages

The following replacement pages were published in December 2015 to reflect revisions to the Development Code resulting from the adoption of the following ordinance by the Board of Supervisors. See Appendix A for information on the affected Development Code sections.

Ordinance No. 4945 (Case No. 15ORD-00000-00013, adopted 11/03/2015) 2015 Housing Element Implementation

SECTION	PAGES
COVER PAGES	C-1 through C-4
TABLE OF CONTENTS	TOC-1 through TOC-8
DIVISION 35.2	2-1 through 2-62
DIVISION 35.3	3-1 through 3-2, 3-49 through 3-62
DIVISION 35.4	4-1 through 4-68
DIVISION 35.7	7-3 through 7-4
DIVISION 35.9	9-1 through 9-2, 9-15 through 9-42
DIVISION 35.10	10-3 through 10-42
APPENDIX A	A-1 through A-2

June 2016 Replacement Pages

The following replacement pages were published in June 2016 to reflect revisions to the Development Code resulting from the adoption of the following ordinances by the Board of Supervisors. See Appendix A for information on the affected Development Code sections.

Ordinance No. 4963 (Case No. 15ORD-00000-00003, adopted 05/03/2016) 2016 General Package

Ordinance No. 4968 (Case No. 16ORD-00000-00002, adopted 05/17/2016) Montecito Architectural Guidelines

SECTION	PAGES
COVER PAGES	C-1 through C-4
TABLE OF CONTENTS	TOC-1 through TOC-8
DIVISION 35.2	2-1 through 2-60
DIVISION 35.3	3-1 through 3-62
DIVISION 35.4	4-1 through 4-44
DIVISION 35.5	5-1 through 5-16
DIVISION 35.7	7-1 through 7-60
DIVISION 35.9	9-1 through 9-2, 9-15 through 9-20
DIVISION 35.10	10-3 through 10-44
APPENDIX A	A-1 through A-2
APPENDIX C	C-1 through C-2
APPENDIX D	D-1 through D-2

October 2016 Replacement Pages

The following replacement pages were published in October 2016 to reflect revisions to the Development Code resulting from the adoption of the following ordinance by the Board of Supervisors. See Appendix A for information on the affected Development Code sections.

Ordinance No. 4978 (Case No. 16ORD-00000-00007, adopted 09/20/2016) DR Zone Modifications

SECTION	PAGES
COVER PAGES	C-1 through C-4
TABLE OF CONTENTS	TOC-1 through TOC-2
DIVISION 35.2	2-1 through 2-2, 2-25 through 2-62
DIVISION 35.3	3-37 through 3-40
APPENDIX A	A-1 through A-2

November 2017 Replacement Pages

The following replacement pages were published in November 2017 to reflect revisions to the Development Code resulting from the adoption of the following ordinances by the Board of Supervisors. See Appendix A for information on the affected Development Code sections.

Ordinance No. 5002 (Case No. 17ORD-00000-00001, adopted 06/20/2017) Transitional and Supportive Housing

Ordinance No. 5015 (Case No. 16ORD-00000-00011, adopted 10/03/2017) Short-Term Rentals

SECTION	PAGES
COVER PAGES	C-1 through C-6
TABLE OF CONTENTS	TOC-1 through TOC-8
DIVISION 35.2	2-11 through 2-12, 2-17 through 2-18, 2-21 through 2-22, 2-33 through 2-36, 2-41 through 2-42
DIVISION 35.3	3-39 through 3-40
DIVISION 35.4	4-1 through 4-12, 4-17 through 4-72
DIVISION 35.10	10-19 through 10-46
APPENDIX A	A-1 through A-2

June 2018 Replacement Pages

The following replacement pages were published in June 2018 to reflect revisions to the Development Code resulting from the adoption of the following ordinances by the Board of Supervisors. See Appendix A for information on the affected Development Code sections.

Ordinance No. 5029 (Case No. 17ORD-00000-00011, adopted 02/27/2018) Montecito Architectural Guidelines and Development Standards Limited Update, Update Phase II

Ordinance No. 5042 (Case No. 18ORD-00000-00005, adopted 05/15/2018) Like-for-Like (Debris Flow)

Ordinance No. 5024 (Case No. 17ORD-00000-00009, adopted 02/06/2018) Cannabis Regulations

SECTION	PAGES
COVER PAGES	C-1 – C-6
TABLE OF CONTENTS	TOC-1 – TOC-8
DIVISION 35.2	2-1 – 2-62
DIVISION 35.4	4-1 – 4-48
DIVISION 35.10	10-1 – 10-46

September 2018 Replacement Pages

The following replacement pages were published in September 2018 to reflect revisions to the Development Code resulting from the adoption of the following ordinance by the Board of Supervisors. See Appendix A for information on the affected Development Code sections.

Ordinance No. 5056 (Case No. 16ORD-00000-00015, adopted 08/14/2018) Accessory Dwelling Units

SECTION	PAGES
COVER PAGES	C-1, C-5, C-6
TABLE OF CONTENTS	TOC-1 – TOC-8
DIVISION 35.2	2-1, 2-5 -2-8, 2-12 – 2-66
DIVISION 35.3	3-1, 3-2, 3-4, 3-13, 3-19 – 3-21, 3-38, 3-40-3-44
DIVISION 35.4	4-1, 4-5 – 4-76
DIVISION 35.6	6-8, 6-9
DIVISION 35.7	7-1, 7-2, 7-13 – 7-19, 7-27
DIVISION 35.9	9-1, 9-16 – 9-42
DIVISION 35.10	10-3, 10-6, 10-7, 10-13, 10-14, 10-30 – 10-35,
APPENDIX A	A-2

09-2018

SANTA BARBARA COUNTY
MONTECITO LAND USE & DEVELOPMENT CODE
Table of Contents

Division 35.1 Montecito Development Code Applicability

Chapter 35.400 - Purpose and Applicability of Development Code..... 1-3

- 35.400.010 - Purposes of Development Code..... 1-3
- 35.400.020 - Authority, Relationship to Comprehensive Plan and the Local Coastal Program..... 1-3
- 35.400.030 - Responsibility for Administration..... 1-4
- 35.400.040 - Applicability of the Development Code 1-4
- 35.400.050 - Validity 1-6

Chapter 35.402 - Interpretation of Code Provisions 1-7

- 35.402.010 - Purpose 1-7
- 35.402.020 - Authority 1-7
- 35.402.030 - Rules of Interpretation 1-7

Chapter 35.404 - Zoning Map 1-9

- 35.404.010 - Purpose 1-9
- 35.404.020 - Zoning Map and Zones 1-9

Division 35.2 Montecito Zones and Allowable Land Uses

Chapter 35.420 - Development and Land Use Approval Requirements..... 2-3

- 35.420.010 - Purpose 2-3
- 35.420.020 - Prerequisites for Development and New Land Uses..... 2-3
- 35.420.030 - Allowable Development and Planning Permit Requirements 2-3
- 35.420.040 - Exemptions from Planning Permit Requirements 2-5
- 35.420.050 - Temporary Uses 2-8

Chapter 35.421 - Reserved..... 2-9

Chapter 35.422 - Resource Protection Zone 2-11

- 35.422.010 - Purpose 2-11
- 35.422.020 - Purpose of the Resource Protection Zone 2-11
- 35.422.030 - Resource Protection Zone Allowable Land Uses..... 2-11
- 35.422.040 - Resource Protection Zone Lot Standards 2-14
- 35.422.050 - Resource Protection Zone Development Standards 2-15
- 35.422.060 - Resource Protection Zone Findings for Project Approval 2-15

Chapter 35.423 - Residential Zones 2-17

- 35.423.010 - Purpose 2-17
- 35.423.020 - Purposes of the Residential Zones 2-17
- 35.423.030 - Residential Zones Allowable Land Uses 2-17

35.423.040 - Residential Zones Lot Standards.....	2-25
35.423.050 - Residential Zones Development Standards.....	2-25
35.423.060 - DR Zone Standards.....	2-30
35.423.070 - PRD Zone Standards.....	2-33
Chapter 35.424 - Commercial Zones	2-37
35.424.010 - Purpose	2-37
35.424.020 - Purposes of the Commercial Zones	2-37
35.424.030 - Commercial Zones Allowable Land Uses.....	2-37
35.424.040 - Commercial Zones Development Standards.....	2-40
35.424.050 - CN Zone Standards.....	2-41
35.424.060 - CV Zone Standards.....	2-42
Chapter 35.425 - Special Purpose Zones	2-45
35.425.010 - Purpose	2-45
35.425.020 - Purposes of the Special Purpose Zones.....	2-45
35.425.030 - Special Purpose Zones Allowable Land Uses.....	2-45
35.425.040 - Special Purpose Zones Development Standards.....	2-48
35.425.050 - PU Zone Standards	2-48
35.425.060 - REC Zone Additional Standards.....	2-49
Chapter 35.428 - Montecito Overlay Zones	2-51
35.428.010 - Purpose	2-51
35.428.020 - Applicability of the Overlay Zones.....	2-51
35.428.030 - Affordable Housing (AH) Overlay Zone	2-51
35.428.040 - Environmentally Sensitive Habitat (ESH) Overlay Zone	2-53
35.428.050 - Flood Hazard (FA) Overlay Zone	2-62
35.428.060 - Growth Management Ordinance (GMO) Overlay Zone	2-63
35.428.070 - Montecito Hillside (H-MON) Overlay Zone— Inland area	2-63
35.428.080 - Reserved	2-66
35.428.090 - Reserved	2-66

Division 35.3 Montecito Site Planning and Other Project Standards

Chapter 35.430 - Standards for All Development and Land Uses	3-33
35.430.010 - Purpose	3-33
35.430.020 - Applicability	3-33
35.430.025 - Agricultural Buffers.....	3-33
35.430.030 - Bikeways.....	3-99
35.430.040 - Reserved	3-99
35.430.050 - Density.....	3-99
35.430.060 - Design Compatibility Standards	3-101
35.430.070 - Fences and Walls	3-101
35.430.080 - Flood Hazard Development Standards.....	3-111
35.430.090 - Height Measurement, Exceptions and Limitations	3-111
35.430.100 - Infrastructure Services, Utilities and Related Facilities	3-141
35.430.110 - Lot Line Adjustments	3-161
35.430.120 - Outdoor Lighting	3-181
35.430.125 - Reserved for Future Use	3-181
35.430.130 - Performance Standards.....	3-181
35.430.140 - Reserved	3-191
35.430.150 - Setback Requirements and Exceptions	3-191

35.430.160 - Solar Energy Systems	3- 23 <u>23</u>
35.430.170 - Solid Waste and Recycling Storage Facilities	3- 25 <u>25</u>
35.430.180 - Storm Water Runoff Requirements.....	3- 26 <u>26</u>
35.430.190 - Subdivisions, Lot Size	3- 26 <u>26</u>
Chapter 35.432 - Density Bonus for Affordable Housing	3-29<u>29</u>
35.432.010 - Purpose and Intent	3- 29 <u>29</u>
35.432.020 - Eligibility for Density Bonus, Incentives or Concessions.....	3- 29 <u>29</u>
35.432.030 - Allowed Density Bonuses.....	3- 29 <u>29</u>
35.432.040 - Allowed Incentives or Concessions	3- 29 <u>29</u>
35.432.050 - Siting Criteria.....	3- 30 <u>30</u>
35.432.060 - Processing of Density Bonus and Incentive Request	3- 30 <u>30</u>
Chapter 35.434 - Landscaping Standards	3-33<u>33</u>
35.434.010 - Purpose	3- 33 <u>33</u>
35.434.020 - Applicability	3- 33 <u>33</u>
35.434.030 - Landscape Plans.....	3- 33 <u>33</u>
35.434.040 - Landscape Agreement and Performance Security	3- 33 <u>33</u>
35.434.050 - Reserved	3- 34 <u>34</u>
35.434.060 - Residential Zones Landscaping Requirements	3- 34 <u>34</u>
35.434.070 - Commercial Zones Landscaping Requirements.....	3- 34 <u>34</u>
35.434.080 - Special Purpose Zones Landscaping Requirements.....	3- 35 <u>35</u>
35.434.090 - Landscaping Requirements for Parking Areas.....	3- 36 <u>36</u>
Chapter 35.436 - Parking and Loading Standards.....	3-37
35.436.010 - Purpose and Intent	3-37
35.436.020 - Applicability	3-37
35.436.030 - Recalculation of Parking Spaces Upon Changes of Use and Additions	3-37
35.436.040 - Required Number of Spaces: Agriculture Uses	3-37
35.436.050 - Required Number of Spaces: Residential Uses.....	3-37
35.436.060 - Required Number of Spaces: Nonresidential Uses	3- 38 <u>38</u>
35.436.070 - Standards for All Zones and Uses.....	3- 39 <u>39</u>
35.436.080 - Standards for Agricultural Zone and Uses	3- 41 <u>41</u>
35.436.090 - Standards for Residential Zones and Uses	3- 41 <u>41</u>
35.436.100 - Standards for Nonresidential Zones and Uses	3- 44 <u>44</u>
Chapter 35.437 - Reasonable Accommodation	3-49<u>49</u>
35.437.010 - Purpose	3- 49 <u>49</u>
35.437.020 - Applicability	3- 49 <u>49</u>
35.437.030 - Notice of Availability of Accommodation Process.....	3- 49 <u>49</u>
35.437.040 - Contents of Application	3- 50 <u>50</u>
35.437.050 - Processing	3- 50 <u>50</u>
35.437.060 - Findings Required for Approval	3- 51 <u>51</u>
35.437.070 - Effect of An Approved Reasonable Accommodation on Other Project Applications	3- 52 <u>52</u>
Chapter 35.438 - Sign Standards	3-53<u>53</u>
35.438.010 - Purpose	3- 53 <u>53</u>
35.438.020 - Prohibited Signs.....	3- 53 <u>53</u>
35.438.030 - Exempt Signs, Flags, and Devices	3- 53 <u>53</u>
35.438.040 - Permit Requirements.....	3- 54 <u>54</u>
35.438.050 - Requirements for All Signs.....	3- 54 <u>54</u>

35.438.060 - Signs Allowed in All Zones 3-~~55~~55
 35.438.070 - ~~Reserved~~ Signs Allowed in Agricultural Zones 3-~~56~~56
 35.438.080 - Signs Allowed in Residential Zones 3-~~57~~57
 35.438.090 - Signs Allowed in Commercial Zones Outside of Shopping Centers 3-~~57~~57
 35.438.100 - Signs Allowed in Shopping Centers 3-~~59~~59
 35.438.110 - Nonconforming Signs 3-~~61~~61
 35.438.120 - Violations and Enforcement of Sign Regulations 3-~~62~~62

Division 35.4 Montecito Standards for Specific Land Uses

Chapter 35.440 - Reserved..... 4-~~33~~33

Chapter 35.442 - Standards for Specific Land Uses 4-~~55~~55

35.442.010 - Purpose and Applicability 4-~~55~~55
 35.442.015 - Accessory Dwelling Units 4-6
 35.442.020 - Accessory Structures and Uses 4-12
 35.442.030 - Reserved 4-~~16~~16
 35.442.040 - Animal Keeping 4-16
 35.442.050 - Automobile Service Stations 4-~~21~~21
 35.442.055 - Cannabis Regulations 4-~~21~~21
 35.442.060 - Caretaker or Employee Housing 4-23
 35.442.070 - Community Care Facilities 4-23
 35.442.080 - Reserved 4-27
 35.442.090 - Reserved 4-27
 35.442.100 - Drive-through Facilities 4-27
 35.442.105 - Farmworker Housing 4-27
 35.442.110 - Greenhouses 4-~~29~~29
 35.442.120 - Guesthouses, Artist Studios, and Cabañas 4-~~30~~30
 35.442.130 - Home Occupations 4-~~33~~33
 35.442.135 - Homestays 4-36
 35.442.140 - Mobile Homes on Permanent Foundations 4-38
 35.442.150 - Residential Project Convenience Facilities 4-~~39~~39
 35.442.160 - Short-Term Rentals 4-~~39~~39
 35.442.170 - Spa Facilities—~~Inland area~~ 4-39
 35.442.180 - Temporary Uses and Trailers 4-~~40~~40

Chapter 35.444 - Telecommunications Facilities 4-~~53~~53

35.444.010 - Commercial Telecommunications Facilities 4-~~53~~53
 35.444.020 - Noncommercial Telecommunications Facilities 4-~~69~~66

Chapter 35.446 - ~~Reserved~~ Wind Energy Conversion Systems 4-~~72~~69

~~35.446.010 - Purpose and Intent 4-7269~~
~~35.446.020 - Applicability 4-7269~~
~~35.446.030 - Allowed Uses and Permit Requirements 4-7269~~
~~35.446.040 - Application Filing, Processing, and Review 4-7370~~
~~35.446.050 - Development Standards for Small Wind Energy Systems 4-7572~~
~~35.446.060 - Project Abandonment 4-7875~~
~~35.446.070 - Repeal 4-7976~~

Division 35.5 Montecito Resource Management

Chapter 35.450 - Montecito Resource Protection Standards 5-~~33~~

 35.450.010 - Purpose 5-~~33~~

 35.450.020 - Applicability 5-~~33~~

 35.450.030 - Archaeological Resources..... 5-~~33~~

 35.450.040 - Reserved 5-~~33~~

 35.450.050 - Reserved 5-~~33~~

 35.450.060 - Reserved 5-~~33~~

 35.450.070 - Reserved 5-~~33~~

Chapter 35.452 - Montecito Ridgeline and Hillside Development 5-~~55~~

 35.452.010 - Purpose 5-~~55~~

 35.452.020 - Applicability 5-~~55~~

 35.452.030 - Reserved 5-~~55~~

 35.452.040 - Ridgeline and Hillside Development Guidelines 5-~~55~~

Chapter 35.454 - Montecito Transfer of Development Rights..... 5-~~77~~

 35.454.010 - Program Purpose and Intent, Description and Goals 5-~~77~~

 35.454.020 - Applicability 5-~~88~~

 35.454.030 - Definitions 5-~~88~~

 35.454.040 - Program Administration..... 5-~~99~~

 35.454.050 - Sending Sites 5-~~99~~

 35.454.060 - Receiving Sites 5-~~1010~~

 35.454.070 - Reserved 5-~~1313~~

 35.454.080 - Amenity Funds..... 5-~~1313~~

 35.454.090 - Transferable Development Rights Authority 5-~~1313~~

 35.454.100 - Inter-Jurisdictional Agreements 5-~~1515~~

 35.454.110 - General Limitations 5-~~1515~~

Division 35.6 Montecito Site Development Regulations

Chapter 35.460 - Road Naming and Address Numbering 6-~~33~~

 35.460.010 - Purpose 6-~~33~~

 35.460.020 - Applicability 6-~~33~~

 35.460.030 - Areawide Address Numbering System 6-~~33~~

 35.460.040 - Road Name and Status Index 6-~~44~~

 35.460.050 - Road Names - Procedure, Standards, and Signs 6-~~44~~

 35.460.060 - Address Numbers - Procedures, Standards, and Display 6-~~77~~

 35.460.070 - Administration 6-~~1010~~

 35.460.080 - Enforcement..... 6-~~1010~~

Division 35.7 Montecito Planning Permit Procedures

Chapter 35.470 - Permit Application Filing and Processing 7-~~33~~

 35.470.010 - Purpose and Intent 7-~~33~~

 35.470.020 - Authority for Land Use and Zoning Decisions 7-~~33~~

 35.470.030 - Application Preparation and Filing 7-~~55~~

 35.470.040 - Application Fees 7-~~55~~

 35.470.050 - Initial Application Review 7-~~55~~

Chapter 35.472 - Permit Review and Decisions	7-77
35.472.010 - Purpose and Intent	7-77
35.472.020 - Effective Date of Permits	7-77
35.472.030 - Applications Deemed Approved	7-88
35.472.040 - Permits to Run with the Land	7-88
35.472.050 - Recordable Documents Reserved	7-88
35.472.060 - Conditional Use Permits	7-98
35.472.070 - Design Review	7-1413
35.472.080 - Development Plans	7-1716
35.472.090 - Emergency Permits	7-2322
35.472.100 - Hardship Determinations	7-2423
35.472.110 - Land Use Permits	7-2523
35.472.120 - Modifications	7-2725
35.472.130 - Overall Sign Plans	7-2928
35.472.140 - Reclamation and Surface Mining Permits	7-3130
35.472.150 - Sign Certificates of Conformance	7-4039
35.472.160 - Sign Modifications	7-4140
35.472.170 - Use Determinations	7-4241
35.472.180 - Variances	7-4342
35.472.190 - Zoning Clearances	7-4443
Chapter 35.474 - Post Approval Procedures	7-4645
35.474.010 - Purpose and Intent	7-4645
35.474.020 - Performance Guarantees	7-4645
35.474.030 - Time Extensions	7-4645
35.474.040 - Changes to an Approved Project	7-5049
35.474.050 - Reapplications	7-5453
35.474.060 - Revocations	7-5453
35.474.070 - Post Approval Inspections	7-5554
Chapter 35.476 - Development Agreements	7-5655
35.476.010 - Purpose and Intent	7-5655
35.476.020 - Application Requirements	7-5655
35.476.030 - Notices and Hearings	7-5655
35.476.040 - Standards of Review, Findings, and Decision	7-5756
35.476.050 - Development Agreement Amendment or Cancellation	7-5857
35.476.060 - Recordation	7-5857
35.476.070 - Periodic Review	7-5857
35.476.080 - Modification or Termination	7-5857
Chapter 35.478 - Specific Plans	7-6059
35.478.010 - Purpose and Intent	7-6059
35.478.020 - Initiation	7-6059
35.478.030 - Contents of Application	7-6059
35.478.040 - Processing of Specific Plans	7-6059
35.478.050 - Findings Required for Approval	7-6160

Division 35.8 Reserved

Division 35.9 Montecito Land Use and Development Code Administration

Chapter 35.490 - Administrative Responsibility..... 9-33

 35.490.010 - Purpose and Intent 9-33

 35.490.020 - Planning Agency Defined 9-33

 35.490.030 - Board..... 9-33

 35.490.040 - Montecito Commission..... 9-33

 35.490.050 - Director 9-44

 35.490.060 - Montecito Board of Architectural Review 9-44

Chapter 35.491 - Nonconforming Uses, Structures, and Lots 9-55

 35.491.010 - Purpose and Intent 9-55

 35.491.020 - Nonconforming Uses of Land and Structures 9-55

 35.491.030 - Nonconforming Structures..... 9-99

 35.491.040 - Construction in Progress 9-**Error! Bookmark not defined.** 12

 35.491.050 - Termination of Nonconforming Uses 9-1343

 35.491.060 - Unpermitted Expansion of Nonconforming Uses 9-1343

 35.491.070 - Termination Procedures 9-1343

 35.491.080 - Nonconforming Due to Lack of a Discretionary Permit 9-1444

Chapter 35.492 - Appeals..... 9-1747

 35.492.010 - Purpose and Intent 9-1747

 35.492.020 - General Appeal Procedures..... 9-1747

 35.492.030 - Appeals to the Chair of the Montecito Commission—Inland area 9-1949

 35.492.040 - Appeals to the Montecito Commission 9-1949

 35.492.050 - Appeals to the Board..... 9-2124

 35.492.060 - Reserved 9-2124

Chapter 35.494 - Amendments..... 9-2323

 35.494.010 - Purpose and Intent 9-2323

 35.494.020 - Applicability 9-2323

 35.494.030 - Initiation of Amendment 9-2323

 35.494.040 - Processing of Amendment 9-2424

 35.494.050 - Action on Amendment..... 9-2525

 35.494.060 - Findings Required for Approval of Amendments 9-2828

 35.494.070 - Effective Dates..... 9-2828

 35.494.080 - Rezoning Requirements for Specific Zones..... 9-2828

Chapter 35.496 - Noticing and Public Hearings 9-3131

 35.496.010 - Purpose and Intent 9-3131

 35.496.020 - Notice of Public Hearing and Review Authority Action 9-3131

 35.496.030 - Reserved 9-3333

 35.496.040 - Reserved 9-3333

 35.496.050 - Land Use Permits..... 9-3333

 35.496.060 - Design Review..... 9-3434

 35.496.070 - Emergency Permits 9-3535

 35.496.075 - Time Extensions Under the Jurisdiction of the Director 9-3636

 35.496.080 - Contents of Notice 9-37

 35.496.090 - Failure to Receive Notice..... 9-3838

 35.496.100 - Hearing Procedure 9-3838

Chapter 35.498 - Enforcement and Penalties	9-39 39
35.498.010 - Purpose and Intent	9- 39 39
35.498.020 - Investigation	9- 39 39
35.498.030 - Work Stoppage	9- 40 40
35.498.040 - Referral for Legal Action.....	9- 40 40
35.498.050 - Legal Remedies.....	9- 40 40
35.498.060 - Cumulative Remedies and Penalties	9- 41 41
35.498.070 - Recovery of Costs.....	9- 41 41
35.498.080 - Processing Fee Penalty Assessment.....	9- 44 44
35.498.090 - Penalty for Violations of Conditions	9- 44 44

Division 35.10 Glossary

Chapter 35.500 - Definitions	10-33
35.500.010 - Purpose	10- 33
35.500.020 - Definitions of Specialized Terms and Phrases.....	10- 33

Appendices

- [Appendix A Table of Ordinances Amending This Land Use & Development Code](#)
- ~~Appendix B Administrative Guidelines for Implementing Measure A96 Voter Approval Initiative~~
- ~~Appendix C Reserved~~
- ~~Appendix D Reserved~~
- [Appendix ~~EB~~ Guidelines for Minor Changes to Coastal Development and Land Use Permits](#)
- [Appendix ~~FC~~ Guidelines for Telecommunication Sites in Rural and Inner Rural Areas](#)
- [Appendix ~~GD~~ Substantial Conformity Determination Guidelines](#)
- [Appendix ~~HE~~ Agricultural Buffer Implementation Guidelines](#)

Attachments

- ~~Attachment 1 Montecito Community Plan Development Standards~~

DIVISION 35.1

Montecito Development Code Applicability

Chapter 35.400 - Purpose and Applicability of Development Code	1-3
35.400.010 - Purposes of Development Code.....	1-3
35.400.020 - Authority, Relationship to Comprehensive Plan and the Local Coastal Program	1-3
35.400.030 - Responsibility for Administration.....	1-4
35.400.040 - Applicability of the Development Code	1-4
35.400.050 - Validity	1-6
Chapter 35.402 - Interpretation of Code Provisions	1-7
35.402.010 - Purpose	1-7
35.402.020 - Authority.....	1-7
35.402.030 - Rules of Interpretation	1-7
Chapter 35.404 - Zoning Map	1-9
35.404.010 - Purpose	1-9
35.404.020 - Zoning Map and Zones	1-9

CHAPTER 35.400 - PURPOSE AND APPLICABILITY OF DEVELOPMENT CODE

Sections:

- 35.400.010 - Purposes of Development Code
- 35.400.020 - Authority, Relationship to Comprehensive Plan ~~and the Local Coastal Program~~
- 35.400.030 - Responsibility for Administration
- 35.400.040 - Applicability of the Development Code
- 35.400.050 - Validity

35.400.010 - Purposes of Development Code

The Santa Barbara County Montecito Land Use and Development Code, hereafter referred to as the "Development Code," constitutes a portion of Chapter 35 of the Santa Barbara County Code. This Development Code carries out the policies of the Santa Barbara County Comprehensive Plan, including the Montecito Community Plan, ~~and the Local Coastal Program~~ by classifying and regulating the uses of land and structures within the Montecito Community Plan area, consistent with the Comprehensive Plan ~~and the Local Coastal Program~~. This Development Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the Montecito community. More specifically, the purposes of this Development Code are to:

- A. Provide standards and guidelines for the continuing orderly growth and development of the Montecito community that will assist in protecting the character and stability (social and economic) of agricultural, residential and commercial uses, as well as the character and identity of the Montecito community;
- B. Conserve and protect the Montecito's natural beauty and setting, including waterways, hills and trees, scenic vistas, and historic and environmental resources;
- C. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
- D. Encourage the most appropriate uses of land in order to prevent overcrowding of land and avoid undue concentration of population, and maintain and protect the value of property; and
- E. Ensure compatibility between different types of development and land use.

35.400.020 - Authority, Relationship to Comprehensive Plan ~~and the Local Coastal Program~~

- A. **Authority.** The regulations within this Development Code are enacted based on the authority vested in the Santa Barbara County by the State of California, including: the California Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); ~~the California Coastal Act (Public Resources Code Section 30,000 et seq.);~~ the Subdivision Map Act (Government Code Section 66410 et seq.); and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).
- B. **Consistency with Comprehensive Plan and Montecito Community Plan ~~and Local Coastal Program~~.** This Development Code is a primary tool used by the County to carry out the goals, objectives, and policies of the Santa Barbara County Comprehensive Plan, including the Montecito Community Plan, ~~and the Local Coastal Program~~. The Santa Barbara County Board of Supervisors intends that all provisions of this Development Code be consistent with the Comprehensive Plan, ~~and Montecito Community Plan ~~and Local Coastal Program~~~~ and that any land use, subdivision, or development approved in compliance with these regulations will also be consistent with the Comprehensive Plan, ~~and Montecito Community Plan ~~and Local Coastal Program~~~~.

~~C. **Local Coastal Program provisions.** The provisions of this Development Code identified as applicable within the Coastal Zone constitute, in conjunction with Chapter 9A (Brush Removal Southeasterly Coastal Area and Coastal Zone) and Chapter 14 (Grading), the County's ordinances for the implementation of the Local Coastal Program, in compliance with the California Coastal Act.~~

35.400.030 - Responsibility for Administration

- A. Responsible bodies and individuals.** This Development Code shall be administered by:
1. The Santa Barbara County Board of Supervisors, hereafter referred to as the "Board;"
 2. The Montecito Planning Commission, hereafter referred to as the "Montecito Commission;"
 3. The Montecito Board of Architectural Review;
 4. The Director of the Santa Barbara County Planning and Development Department, hereafter referred to as the "Director;" and
 5. The Santa Barbara County Planning and Development Department is hereafter referred to as the "Department."
- B. Responsibility and authority of Director.** Whenever this Division refers to the Department, it is expressly understood that the Department staff are acting under the direction and control of the Director and that they report directly to the Director rather than the Montecito Commission, or Board.

35.400.040 - Applicability of the Development Code

This Development Code applies to all land uses, subdivisions, and development within the Montecito Community Plan Area, as follows.

- A. New land uses or structures, changes to land uses or structures.** It shall be unlawful, and a violation of this Development Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of [Section 35.420.020 \(Prerequisites for Development and New Land Uses\)](#), and [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#). No Building Permit or Grading Permit shall be issued by the Department unless the proposed construction complies with all applicable provisions of this Development Code.
- B. Subdivisions.** Any subdivision of land proposed within the County after the effective date of this Development Code shall be consistent with the minimum lot area and width requirements of [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#), unless a reduction is allowed in compliance with [Section 35.472.180 \(Variances\)](#), the County's Subdivision Regulations (County Code Chapter 21), and all other applicable requirements of this Development Code.
- C. Continuation of an existing land use.** An existing land use is lawful and not in violation of this Development Code only when operated and maintained in compliance with all applicable provisions of this Development Code, including [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#). However, the requirements of this Development Code are not retroactive in their effect on a land use that was lawfully established before the effective date of this Development Code or any applicable amendment, except as otherwise provided by [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#).
- D. Effect of Development Code changes on projects in progress.** A project that is under construction on the effective date of this Development Code or any Amendment, need not be changed to satisfy any new or different requirements of this Development Code, provided that construction, (i.e., the placing of construction materials in permanent position and fastened in a permanent manner) was lawfully begun prior to the effective date of this Development Code or any Amendment.
- E. Incorporation of existing ordinances and development plans.** Previously adopted ordinances which added development and zone text provisions applicable to particular property in compliance with the following provisions of previously adopted zoning regulations are hereby incorporated by reference into

this Section and shall have the same force and effect as if the provisions of those ordinances were specifically and fully set forth in this Section.

1. Ordinances.

- a. Ordinance No. 453, Article 3.1.
- b. Preliminary Development Plans incorporated into rezoning ordinances in compliance with Article II of Chapter 35 of the County Code.
- c. Preliminary Development Plans incorporated into rezoning ordinances in compliance with Article IV of Chapter 35 of the County Code.

2. Development Plans, Precise Plans, and Plot Plans.

- a. Development Plans and Precise Plans previously adopted in compliance with Ordinance No. 453.
- ~~b. Development Plans and Plot Plans within the Coastal Zone which received County approval prior to February 1, 1973.~~
- ~~c. Development Plans or Plot plans that received a Coastal Development Permit from the State Coastal Commission.~~
- ~~d. Development Plans previously adopted in compliance with Article II of Chapter 35 of the County Code for property located within the Montecito Community Plan Area.~~
- e**. Development Plans previously adopted in compliance with Article IV of Chapter 35 of the County Code.

F. Conflicting requirements.

- 1. Development Code and County Code provisions.** If conflicts occur between requirements of this Development Code, or between this Development Code and the Santa Barbara County Code, or other regulations of the County, the most restrictive shall control unless specifically indicated otherwise. ~~Within the Coastal Zone, conflicts shall be resolved in manner which on balance is the most protective of significant coastal resources.~~
- 2. Development Agreements or Specific Plans.** If conflicts occur between the requirements of this Development Code and standards adopted as part of any Development Agreement or applicable Specific Plan, the requirements of the Development Agreement or Specific Plan shall apply.
- 3. Private agreements.** This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs) without affecting the applicability of any agreement or restriction. The County shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement, or a portion thereof.

G. State, County, Local Agency, and School District sites and facilities.

- ~~1. Inland Area.~~ Within the ~~Inland areas of the Montecito Community Plan area,~~ **1** The provisions of this Development Code do not apply to the following governmental properties and activities.
 - ~~a~~**1**. Development by the Federal Government on leased or Federally owned land.
 - ~~b~~**2**. Development by the County or any district of which the Board is the governing body.
 - ~~c~~**3**. Development within any state university or college.
 - ~~d~~**4**. Development by the State or an agency of the State acting in its sovereign (governmental) capacity.
 - ~~e~~**5**. Certain facilities of local agencies as defined in Government Code Section 53090 et seq.
- ~~2. Coastal Zone.~~ Within the ~~Coastal Zone of the Montecito Community Plan area,~~ the provisions of

~~this Development Code do not apply to the following governmental properties and activities:~~

- ~~a. — Lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents. (16 USC Section 1453, Federal Coastal Zone Management Act of 1972).~~
- ~~b. — New or expanded thermal electric generating plants and electric transmission lines connecting such plants to existing electric transmission systems under the exclusive jurisdiction of the California Energy Resources Conservation and Development Commission in compliance with Public Resources Code Sections 25500 and 30264.~~
- ~~c. — Any development proposed or undertaken within any state university or college, in compliance with Public Resources Code Section 30519.~~
- ~~d. — Repair and maintenance, other than within an environmentally sensitive habitat area, undertaken by the County or any district or agency of which the Board is the governing body.~~

H. Other requirements may apply. Nothing in this Development Code eliminates the need for obtaining any other permits required by the County, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State, or Federal agency.

35.400.050 - Validity

If any division, section, sentence, clause or phrase of this Development Code is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this Development Code. The Board hereby declares that it would have passed this Development Code and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

CHAPTER 35.402 - INTERPRETATION OF CODE PROVISIONS

Sections:

- [35.402.010 - Purpose](#)
- [35.402.020 - Authority](#)
- [35.402.030 - Rules of Interpretation](#)

35.402.010 - Purpose

This Chapter provides rules for resolving questions about the meaning or applicability of any part of this Development Code. The provisions of this Chapter are intended to ensure the consistent interpretation and application of the requirements of this Development Code and the Comprehensive Plan including the Montecito Community Plan.

35.402.020 - Authority

The Director has the authority to interpret any provision of this Development Code. Whenever the Director determines that the meaning or applicability of any Development Code requirement is subject to interpretation, the Director may issue an official interpretation.

35.402.030 - Rules of Interpretation

- A. Language.** When used in this Development Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to ..."
- B. Time limits.** Whenever a number of days are specified in this Development Code, or in any permit, condition of approval, or notice provided in compliance with this Development Code, the number of days shall be construed as calendar days, unless specifically stated otherwise.
- C. Zoning Map boundaries.** See [Section 35.404.020 \(Zoning Map and Zones\)](#).
- D. Allowable uses of land.** See [Section 35.420.030 \(Allowable Development and Planning Permit Requirements\)](#).
- E. State law requirements.** Where this Development Code references applicable provisions of State law (e.g., the California Government Code, ~~Coastal Act~~, Subdivision Map Act, or Public Resources Code) the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

CHAPTER 35.404 - ZONING MAP

Sections:

[35.404.010 - Purpose](#)

[35.404.020 - Zoning Map and Zones](#)

35.404.010 - Purpose

This Chapter establishes the zones applied to property within the Montecito Community Plan area and adopts the County's Zoning Map.

35.404.020 - Zoning Map and Zones

- A. Zones established.** The Santa Barbara County shall be divided into zones that implement the Santa Barbara County Comprehensive Plan. The zones shown in Table 1-1 (Zones) below, are hereby established, and shall be shown on the Zoning Map.
- B. Inclusion by reference.** The zone boundaries have been adopted by the Board in compliance with Government Code Sections 65800 et seq., and are hereby incorporated into this Development Code by reference as though they were fully included herein.
- C. Zone boundaries.** The boundaries of the zones established by Subsection B. (Inclusion by reference) above, shall be shown upon the map or maps designated as the Santa Barbara County Zoning Map (hereafter referred to as the "Zoning Map") which are on file with the Department.
- D. Interpretation of zone boundaries.** If there is uncertainty about the location of any zone boundary shown on the official Zoning Map, the location of the boundary shall be determined by the Director as follows:
1. Where a zone boundary approximately follows a lot line, alley, or street line, the lot line, street or alley centerline shall be construed as the zone boundary, as applicable;
 2. If a zone boundary divides a lot, and the boundary line location is not specified by distances printed on the Zoning Maps, the location of the boundary will be determined by using the scale appearing on the Zoning Maps; and
 3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zone that applies to the adjoining property on either side of the vacated or abandoned street or alley, or property line resulting from the abandonment.
- E. Map Amendments.** Amendments to the Zoning Map shall follow the process established in [Chapter 35.494 \(Amendments\)](#).
1. The adoption of a Zoning Map Amendment shall be by ordinance.
 2. An exhibit shall be attached to said ordinance that shows in sufficient detail the area that is subject to the Zoning Map Amendment and the zone that the area will be zoned to as a result of the Zoning Map Amendment.

Table 1-1 - Zones

Zone Symbol	Name of Zone	Applicable Code Chapter
Agriculture Zone		
AG-I	Agriculture	35.421
Resource Protection Zone		
RMZ	Resource Management	35.422
Residential Zones		
R-1/E-1	One Family Residential	35.423
R-2	Two-Family Residential	
DR	Design Residential	
PRD	Planned Residential Development	
Commercial Zones		
CN	Neighborhood Commercial	35.424
CV	Resort/Visitor-Serving Commercial	
Special Purpose Zones		
PU	Public Utilities	35.425
REC	Recreation	
TC	Transportation Corridor	
Overlay Zones		
AH	Affordable Housing	35.428
ESH	Environmentally Sensitive Habitat	
FA	Flood Hazard	
GMO	Growth Management Ordinance	
HC	Highway 101 Corridor	
H-MON	Montecito Hillside	
SD	Site Design	
VC	View Corridor	

DIVISION 35.2

Montecito Zones and Allowable Land Uses

Chapter 35.420 - Development and Land Use Approval Requirements.....	2-3
35.420.010 - Purpose	2-3
35.420.020 - Prerequisites for Development and New Land Uses.....	2-3
35.420.030 - Allowable Development and Planning Permit Requirements.....	2-3
35.420.040 - Exemptions from Planning Permit Requirements.....	2-5
35.420.050 - Temporary Uses.....	2-8
Chapter 35.421 - Reserved.....	2-9
Chapter 35.422 - Resource Protection Zone	2-11
35.422.010 - Purpose	2-11
35.422.020 - Purpose of the Resource Protection Zone	2-11
35.422.030 - Resource Protection Zone Allowable Land Uses.....	2-11
35.422.040 - Resource Protection Zone Lot Standards.....	2-14
35.422.050 - Resource Protection Zone Development Standards.....	2-15
35.422.060 - Resource Protection Zone Findings for Project Approval	2-15
Chapter 35.423 - Residential Zones	2-17
35.423.010 - Purpose	2-17
35.423.020 - Purposes of the Residential Zones	2-17
35.423.030 - Residential Zones Allowable Land Uses	2-17
35.423.040 - Residential Zones Lot Standards	2-25
35.423.050 - Residential Zones Development Standards.....	2-25
35.423.060 - DR Zone Standards.....	2-30
35.423.070 - PRD Zone Standards.....	2-33
Chapter 35.424 - Commercial Zones	2-37
35.424.010 - Purpose	2-37
35.424.020 - Purposes of the Commercial Zones	2-37
35.424.030 - Commercial Zones Allowable Land Uses	2-37
35.424.040 - Commercial Zones Development Standards.....	2-40
35.424.050 - CN Zone Standards.....	2-41
35.424.060 - CV Zone Standards.....	2-42
Chapter 35.425 - Special Purpose Zones	2-45
35.425.010 - Purpose	2-45
35.425.020 - Purposes of the Special Purpose Zones.....	2-45
35.425.030 - Special Purpose Zones Allowable Land Uses.....	2-45
35.425.040 - Special Purpose Zones Development Standards.....	2-48
35.425.050 - PU Zone Standards	2-48
35.425.060 - REC Zone Additional Standards.....	2-49
Chapter 35.428 - Montecito Overlay Zones	2-51
35.428.010 - Purpose	2-51
35.428.020 - Applicability of the Overlay Zones.....	2-51
35.428.030 - Affordable Housing (AH) Overlay Zone	2-51
35.428.040 - Environmentally Sensitive Habitat (ESH) Overlay Zone	2-53
35.428.050 - Flood Hazard (FA) Overlay Zone	2-62
35.428.060 - Growth Management Ordinance (GMO) Overlay Zone	2-63
35.428.070 - Montecito Hillside (H-MON) Overlay Zone—Inland area	2-63

35.428.080 - Reserved 2-66
35.428.090 - Reserved 2-66

CHAPTER 35.420 - DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS

Sections:

- [35.420.010 - Purpose](#)
- [35.420.020 - Prerequisites for Development and New Land Uses](#)
- [35.420.030 - Allowable Development and Planning Permit Requirements](#)
- [35.420.040 - Exemptions from Planning Permit Requirements](#)
- [35.420.050 - Temporary Uses](#)

35.420.010 - Purpose

This Chapter describes the County's requirements for the approval of proposed development and new land uses. The permit requirements established by this Development Code for specific land uses are in [Chapter 35.421](#) through [Chapter 35.428](#).

35.420.020 - Prerequisites for Development and New Land Uses

Each land use and structure shall be established, constructed, reconstructed, altered, moved, or replaced in compliance with the following requirements.

- A. Allowable use.** A proposed land use must be allowed by this Development Code in the zone applied to the site. The basis for determining whether a use is allowable is in [Section 35.420.030 \(Allowable Development and Planning Permit Requirements\)](#).
- B. Permit and approval requirements.** Any planning permit or other approval required by [Section 35.420.030 \(Allowable Development and Planning Permit Requirements\)](#) shall be obtained before the issuance of any grading, building, or other construction permit, and before commencing any work pertaining to any development or use or using any land or structure, unless such structure or use is listed in [Section 35.420.040 \(Exemptions from Planning Permit Requirements\)](#).
- C. Development standards, conditions of approval, Comprehensive Plan and Montecito Community Plan requirements.** Each land use and structure shall comply with the development standards of this Chapter, the requirements of [Division 35.3](#) through [Division 35.7](#), all other applicable requirements of this Development Code, any applicable conditions imposed by a previously granted planning permit, the Comprehensive Plan and the Montecito Community Plan.
- D. Legal lot.** The site of a proposed development or land use shall be one or more lots as defined in this Development Code.

35.420.030 - Allowable Development and Planning Permit Requirements

- A. Allowable land uses.** The land uses allowed by this Development Code in each zone and overlay zone are listed in [Chapters 35.421](#) through [35.428](#), together with the type of planning permit required for each use. Each listed land use type is defined in [Division 35.10 \(Glossary\)](#).
 - 1. Establishment of an allowable use.** Any land use identified by [Chapter 35.421](#) through [Chapter 35.428](#) as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements of Subsection B. (Permit requirements) below and compliance with all applicable requirements of this Development Code, unless the approval and/or issuance of a planning permit is not required in compliance with [Section 35.420.040 \(Exemptions from Planning Permit Requirements\)](#).
 - 2. Use not listed.** A land use not listed in [Chapter 35.422](#) through [Chapter 35.428](#) or not shown in the table of allowable land uses and permit requirements for a particular zone is not allowed, except as

otherwise provided in Subsection A.3 (Similar and compatible use may be allowed) below.

- 3. Similar and compatible use may be allowed.** In the following zones the Montecito Commission may determine that a proposed use not listed in this Division is allowable in compliance with [Section 35.472.170 \(Use Determinations\)](#):

a. Applicable zones:

- (1) CN (Neighborhood Commercial)
- (2) PU (Public Utilities)
- (3) REC (Recreation)

b. Applicable standards and permit requirements. When the Montecito Commission determines that a proposed but unlisted use is similar to a listed allowable use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.

c. Retail Cannabis Activities. Retail cannabis activities are not allowed in any zone district and shall not be approved through a [Use Determination \(Section 35.472.170\)](#).

- B. Permit requirements.** Proposed development and land uses shall comply with the following permit requirements, in addition to the requirements of a Building Permit or other permit required by the County Code.

- 1. General planning permit requirements.** The allowable land use tables within [Chapter 35.422](#) through [Chapter 35.425](#) provide for land uses that are:

- a. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Land Use Permit ([Section 35.472.110](#)). These are shown as "P" uses in the tables;
- b. Allowed subject to the approval of a Conditional Use Permit ([Section 35.472.060](#)), and shown as "CUP" uses in the tables;
- c. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Zoning Clearance ([Section 35.472.190](#)). These are shown as "ZC" uses in the tables;
- d. Allowed as an exempt use as listed in [Section 35.420.040 \(Exemptions from Planning Permit Requirements\)](#) and shown as "E" uses in the tables;
- e. Allowed subject to the type of County approval required by a specific provision of [Chapter 35.442 \(Standards for Specific Land Uses\)](#), and shown as "S" uses in the tables; and
- f. Not allowed in particular zones and shown as "—" in the tables. Use may be subject to a similar use determination in compliance with Subsection A.3 (Similar and compatible use may be allowed) above.
- g. Where the last column in each table ("Specific Use Regulations") includes a Section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.

A proposed land use type that is not listed in the tables is not allowed, except as provided by Subsection A.3 (Similar and compatible use may be allowed) above, or if allowed in compliance with [Chapter 35.428 \(Montecito Overlay Zones\)](#), or if allowed in compliance with [Division 35.4 \(Montecito Standards for Specific Land Uses\)](#).

- 2. Design Review.** Development authorized in compliance with Subsection B.1 (General planning

permit requirements) above, may also require Design Review approval in compliance with Section [35.472.070 \(Design Review\)](#).

35.420.040 - Exemptions from Planning Permit Requirements

The requirements of this Development Code that one or more planning permits (e.g., Land Use Permit, Conditional Use Permit, Development Plan) be obtained prior to proposed development or the establishment of a land use do not apply to the land uses, structures, and activities identified by this Section.

A. General requirements for exemption. The land uses, structures, and activities identified by Subsection B. (Exempt activities and structures) below, are exempt from the planning permit requirements of this Development Code only when:

1. The use, activity, or structure is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Development Code, the required provisions and conditions of any existing, approved permits for the subject lot and, where applicable, [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#); and
2. Any permit or approval required by regulations other than this Development Code is obtained (e.g., a Building Permit and/or Grading Permit).

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.
2. **Animal keeping.** Animal keeping when shown as an "E" in [Section 35.442.040 \(Animal Keeping\)](#).
3. **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 \(Noncommercial Telecommunications Facilities\)](#).
4. **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).
5. **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](#).
6. **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.5, 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 5.a above and with applicable policies of the Comprehensive Plan.
 - c. Notwithstanding the height measurement methodology contained in Section 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 5.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.5.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.
7. **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.
 8. **Fences, gates, gateposts, walls, retaining walls.** See [Section 35.430.070 \(Fences and Walls\)](#).
 9. **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.
 10. **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.

11. **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 \(Animal Keeping\)](#).
12. **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.
13. **Irrigation lines.** The installation of irrigation lines that do not require a Grading Permit in compliance with County Code Chapter 14.
14. **Lot Line Adjustment recordation.** The recordation of documents required to complete a Lot Line Adjustment.
15. **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.
16. **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.
17. **Propane tanks.** Propane tanks located in residential and agricultural zones.
18. **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.
19. **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.

20. **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.
21. **Signs, flags, and similar devices.** Signs, flags and similar devices in compliance with [Section 35.438.030 \(Exempt Signs, Flags, and Devices\)](#).
22. **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 \(Solar Energy Systems\)](#).
23. **Structures of limited value.** A structure with an aggregate value of less than \$2,000, as determined by the Director.
24. **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.
25. **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.

35.420.050 - Temporary Uses

Requirements for establishing a temporary use (e.g., seasonal sales lot, special event, temporary office trailer) are in [Section 35.442.180 \(Temporary Uses and Trailers\)](#).

Reserved

CHAPTER 35.421 - RESERVED

CHAPTER 35.422 - RESOURCE PROTECTION ZONE

Sections:

- [35.422.010 - Purpose](#)
- [35.422.020 - Purpose of the Resource Protection Zone](#)
- [35.422.030 - Resource Protection Zone Allowable Land Uses](#)
- [35.422.040 - Resource Protection Zone Lot Standards](#)
- [35.422.050 - Resource Protection Zone Development Standards](#)
- [35.422.060 - Resource Protection Zone Findings for Project Approval](#)

35.422.010 - Purpose

This Chapter lists the land uses that may be allowed within the Resource Protection zone established by [Section 35.404.020 \(Zoning Map and Zones\)](#), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

35.422.020 - Purpose of the Resource Protection Zone

- A. Applicability.** The Resource Management Zone (RMZ) is applied ~~only within the Inland area~~ to protect lands that are unsuited for intensive development and that have:
1. Slopes in excess of 40 percent; or
 2. Valleys surrounded by slopes exceeding 40 percent; or
 3. Isolated table land surrounded by slopes exceeding 40 percent; or
 4. Areas with outstanding resource values, including environmentally sensitive habitats and/or watersheds.
- B. Intent.** The intent is to limit development because of extreme fire hazards, minimum services, and/or environmental constraints, and to encourage the preservation of these areas for uses including grazing, scientific and educational study, and limited residential uses.

35.422.030 - Resource Protection Zone Allowable Land Uses

- A. General permit requirements.** Table 2-4-1 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) identifies the uses of land allowed by this Development Code in the Resource Management Zone, and the planning permit required to establish each use, in compliance with [Section 35.420.030 \(Allowable Development and Planning Permit Requirements\)](#).
- B. Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-4-1 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) includes a Section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- 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 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).

- D. Design Review required.** Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with [Section 35.472.070 \(Design Review\)](#).
- E. Accessory Structures and Uses.** Accessory structures and uses that are customarily incidental to the primary use allowed by Table 2-4-1 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) are not allowed except as follows:
- 1. Accessory Dwelling Units.** Accessory dwelling units approved in compliance with [Section 35.442.015 \(Accessory Dwelling Units\)](#).
 - 2. 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 \(Development Plans\)](#).
 - 3. Solar energy systems.** Solar energy systems allowed in compliance with [Section 35.430.160 \(Solar Energy Systems\)](#).

Table 2-41 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

AGRICULTURAL, MINING & ENERGY FACILITIES

Animal keeping	S	35.442.040
Aquaculture	CUP	
Cannabis - Cultivation and microbusiness	—	
Cultivated agriculture, orchard, vineyard, new	CUP	
Cultivated agriculture, orchard, vineyard, historic legal use	CUP	
Grazing	E	
Mining	CUP	35.472.140

RECREATION, EDUCATION & PUBLIC ASSEMBLY

Education or research facility, limited	CUP	
Meeting facility, religious	CUP	
Rural recreation	CUP	
School	CUP	
Spa, <u>Natural</u>	CUP	35.442.170

RESIDENTIAL

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
Residential accessory uses and structures	P	35.422.030.E
Special care home, 7 or more clients	CUP	35.442.070
Transitional and supportive housing	S	35.442.070

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
Lodging - Homestay	—	
Lodging - Short-term rental	—	

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 35.422.030.C (Development Plan approval required).

Table 2-4 <u>1</u> - Continued 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
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE		
Cannabis - Distribution	—	
Electrical substation - Minor (3)	CUP	
Electrical substation - Major (3)	CUP	
Electrical transmission line (4)	CUP	
Private services and utilities	CUP	
Public works and utilities	CUP	
Telecommunications facility	S	35.444

WATER SUPPLY & WASTEWATER FACILITIES		
Onsite wastewater treatment system, individual, alternative	CUP	
Onsite wastewater treatment system, individual, conventional	E	
Onsite wastewater treatment system, individual, supplemental	E	
Reservoir	CUP	
Wastewater treatment facility, less than 200 connections	CUP	
Water or sewer system pump or lift station	CUP	
Water system with 1 connection	E	
Water system with 2 or more connections	CUP	
Water well, agricultural	E	

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 [35.422.030.C](#) (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see [Table 2-45-11](#) (Special Purpose Zones Development Standards) and [Section 35.425.050 \(PU Zone Standards\)](#).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.

35.422.040 - Resource Protection Zone Lot Standards

Each subdivision and residential development shall comply with the following minimum lot area and building site requirements for the applicable zone.

- A. Minimum lot size.** Each lot in a proposed subdivision shall comply with the minimum gross lot area requirements in [Table 2-5-2](#) (Minimum Lot Area/Building Site Area). Minimum lot width and depth shall be determined by the review authority through the subdivision approval process.
- B. Minimum building site area for residential use.** Each primary dwelling shall be located on a lot with the minimum gross area shown in [Table 2-5-2](#) (Minimum Lot Area/Building Site Area). A dwelling and its accessory structures and uses may also be located on a smaller existing legal lot, except for a fraction lot.

Table 2-5-2 - Minimum Lot Area/Building Site Area

Zoning Map Symbol	Minimum Gross Lot Area
RMZ-40	40 acres
RMZ-100	100 acres
RMZ-320	320 acres
RMZ-640	640 acres

35.422.050 - Resource Protection Zone Development Standards

A. Development Standards. Development within the Resource Management Zone shall be designed, constructed, and established in compliance with the requirements in Table 2-6-3 (Resource Protection Zone Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code.

Table 2-6-3 - 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 per lot where allowed in compliance with Section 35.442.015 (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) .

35.422.060 - Resource Protection Zone Findings for Project Approval

The approval of a Conditional Use Permit in the Resource Protection Zone shall require that the review authority first make the findings in [Subsection 35.472.060.E](#) (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with [Chapter 35.438](#) (Sign Standards)).

CHAPTER 35.423 - RESIDENTIAL ZONES

Sections:

- 35.423.010 - Purpose
- 35.423.020 - Purposes of the Residential Zones
- 35.423.030 - Residential Zones Allowable Land Uses
- 35.423.040 - Residential Zones Lot Standards
- 35.423.050 - Residential Zones Development Standards
- 35.423.060 - DR Zone Standards
- 35.423.070 - PRD Zone Standards

35.423.010 - Purpose

This Chapter lists the land uses that may be allowed within the residential zones established by [Section 35.404.020 \(Zoning Map and Zones\)](#) that are applied to property in Montecito, determines the type of planning permit required for each land use, and provides basic standards for site layout and building size.

35.423.020 - Purposes of the Residential Zones

The purposes of the individual residential zones and the manner in which they are applied within the Montecito Community Plan area are as follows:

- A. **R-1/E-1 (One-Family Residential) zone.** The R-1 and E-1 zones are applied to areas appropriately located for family living at a reasonable range of population densities, consistent with sound standards of public health, safety, and welfare. This zone is intended to protect the residential characteristics of an area and to promote a suitable environment for family life.
- B. **R-2 (Two-Family Residential) zone.** The R-2 zone is applied to areas appropriate for multiple residential development in the form of two-family dwellings (duplexes) and to maintain a residential character similar to that of one-family neighborhoods. This zone is intended to ensure the compatibility of duplex development with surrounding multiple and one-family dwellings and neighborhoods.
- C. **DR (Design Residential) zone.** The DR zone is applied to areas appropriate for one-family, two-family and multi-family dwellings. This zone is intended to ensure comprehensively planned and well-designed residential development, while allowing flexibility and encouraging innovation and diverse design, and requiring that substantial open space be maintained within new residential developments.
- D. **PRD (Planned Residential Development) zone.** The PRD zone ensures the comprehensively planned development of large acreage within designated Urban areas that are intended primarily for residential use. The intent of this zone is to:
 1. Promote flexibility and innovative design of residential development, to provide desirable aesthetic and efficient use of space and to preserve significant natural, scenic, and cultural resources of a site;
 2. Encourage clustering of structures to preserve a maximum amount of open space;
 3. Allow for a diversity of housing types; and
 4. Provide recreational opportunities for use by both the residents of the site and the public.

35.423.030 - Residential Zones Allowable Land Uses

- A. **General permit requirements.** [Table 2-7-4](#) and [Table 2-8](#) (Allowed Land Uses and Permit Requirements for the Residential Zones) identify the uses of land allowed by this Development Code in each residential zone, and the planning permit required to establish each use, in compliance with [Section 35.420.030](#)

(Allowable Development and Planning Permit Requirements).

- B. Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in the tables includes a Section number, the referenced Section may affect whether the use requires a ~~Coastal Development Permit~~, Land Use Permit, Development Plan, or Conditional Use Permit and/or may establish other requirements and standards applicable to the use.
- 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-family dwelling and its accessory uses and structures on a single lot unless required in compliance with Subsection C.1 above.
 - (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 \(Accessory Dwelling Units\)](#).
- D. Design Review required.** Design Review may be also required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with [Section 35.472.070 \(Design Review\)](#).
- E. Accessory structures and uses.** Each use allowed by ~~Table 2-7-4~~ and ~~Table 2-8~~ (Allowed Land Uses and Permit Requirements for Residential Zones) may include accessory structures and uses that are customarily incidental to the primary use, provided that the uses and structures are:
- 1.** Within the R-1/E-1, R-2 and DR zones, when accessory to dwellings, for the exclusive use of the residents of the site and their guests, and do not involve a commercial enterprise on the site; and
 - 2.** In compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in [Chapter 35.442 \(Standards for Specific Land Uses\)](#).

Table 2-74 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	<u>DR</u>	<u>PRD</u>	

AGRICULTURAL, MINING, & ENERGY FACILITIES

Agricultural accessory structure	P	P	<u>—</u>	<u>—</u>	35.442.020
Animal keeping (except for equestrian facilities-see RECREATION below)	S	S	<u>S</u>	<u>S</u>	35.442.040
Cannabis - Cultivation, nursery, and microbusiness	—	—	<u>—</u>	<u>—</u>	
Cultivated agriculture, orchard, vineyard	E	E	<u>—</u>	<u>—</u>	
Greenhouse - commercial or noncommercial, 300 sf or less	P	P	<u>P (3)</u>	<u>—</u>	35.442.110
Greenhouse - commercial or noncommercial, greater than 300 sf to less than 800 sf	CUP	CUP	<u>—</u>	<u>—</u>	35.442.110

RECREATION, EDUCATION & PUBLIC ASSEMBLY

Community center	P	P	<u>P</u>	<u>—</u>	
Conference center	—	—	<u>—</u>	<u>—</u>	35.442.080
Country club, swim and tennis club	CUP	—	<u>—</u>	<u>—</u>	
Equestrian facilities	—	—	<u>—</u>	<u>—</u>	
Golf course	CUP	—	<u>CUP</u>	<u>—</u>	
<u>Golf driving range</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	
Library	CUP	CUP	<u>CUP</u>	<u>CUP</u>	
Meeting facility, public or private	CUP	CUP	<u>CUP</u>	<u>CUP</u>	
Meeting facility, religious	CUP	CUP	<u>CUP</u>	<u>CUP</u>	
Museum	CUP	CUP	<u>CUP</u>	<u>CUP</u>	
Park, playgrounds - Commercial	—	—	<u>—</u>	<u>—</u>	
Park, playgrounds - Private	—	—	<u>—</u>	<u>—</u>	
Park, playground - Public	P	P	<u>P</u>	<u>—</u>	
Private residential recreation facility	—	—	<u>P</u>	<u>P</u>	
School	CUP	CUP	<u>CUP</u>	<u>CUP</u>	
Sports and outdoor recreation facilities	CUP	CUP	<u>CUP</u>	<u>CUP</u>	

Key to Zone Symbols

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

Notes:

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [35.423.030.C \(Development Plan approval required\)](#).
- (3) Non-commercial only.

Table 2-7.4 - 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	<u>S</u>	<u>S</u>	35.442.015
Artist studio	P	—	<u>—</u>	<u>—</u>	35.442.120
Dwelling, one-family-(3)	P (3)	P (3)	<u>P</u>	<u>P</u>	35.442.140
Dwelling, two-family	—	P	<u>P</u>	<u>P</u>	
Dwelling, multiple	—	—	<u>P</u>	<u>P</u>	
Farmworker dwelling unit	P (3)	P (3)	<u>P</u>	<u>P</u>	35.442.105
Farmworker housing complex	CUP	CUP	<u>P</u>	<u>—</u>	35.442.105
Guesthouse	P	—	<u>—</u>	<u>—</u>	35.442.120
Home occupation	P	P	<u>P</u>	<u>P</u>	35.442.130
Mobile home park	CUP	CUP	<u>CUP</u>	<u>CUP</u>	
Organizational house (fraternity, sorority, etc.) (4)	—	—	<u>CUP</u>	<u>—</u>	
Residential accessory use or structure	P	P	<u>P</u>	<u>P</u>	35.442.020
Residential project convenience facilities	—	—	<u>P</u>	<u>P</u>	
Special care home, 7 or more clients	CUP	CUP	<u>CUP</u>	<u>CUP</u>	35.442.070
Transitional and supportive housing	S	S	<u>S</u>	<u>S</u>	35.442.070

SERVICES

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

Key to Zone Symbols

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

Notes:

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

Table 2-74 - 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	<u>DR</u>	<u>PRD</u>	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Cannabis - Distribution	—	—	<u>—</u>	<u>—</u>	
Drainage channel, watercourse, storm drain less than 20,000 sf	—	—	<u>—</u>	<u>—</u>	
Drainage channel, watercourse, storm drain 20,000 sf or more	—	—	<u>—</u>	<u>—</u>	
Electrical substation - Minor (3)	CUP	CUP	<u>CUP</u>	<u>CUP</u>	
Electrical substation - Major (3)	CUP	CUP	<u>CUP</u>	<u>CUP</u>	
Electrical transmission line (4)	CUP	CUP	<u>CUP</u>	<u>CUP</u>	
Flood control project less than 20,000 sf total area (5)	—	—	<u>—</u>	<u>—</u>	
Flood control project 20,000 sf or more total area (5)	—	—	<u>—</u>	<u>—</u>	
Public safety facility (6)	CUP	CUP	<u>CUP</u>	<u>CUP</u>	
Public works and utilities	CUP	CUP	<u>CUP</u>	<u>CUP</u>	
Road, street less than 20,000 sf total area (5)	—	—	<u>—</u>	<u>—</u>	
Road, street 20,000 sf or more total area (5)	—	—	<u>—</u>	<u>—</u>	
Sea wall, revetment, groin or other shoreline structure	—	—	<u>—</u>	<u>—</u>	
Telecommunications facility	S	S	<u>S</u>	<u>S</u>	35.444
Utility service line with 4 or fewer connections (5)	—	—	<u>—</u>	<u>—</u>	
Utility service line with 5 or more connections (5)	—	—	<u>—</u>	<u>—</u>	

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	CUP	CUP	<u>CUP</u>	<u>CUP</u>	
Onsite wastewater treatment system, individual, conventional	E	E	<u>E</u>	<u>E</u>	
Onsite wastewater treatment system, individual, supplemental	E	E	<u>E</u>	<u>E</u>	
Pipeline - Water, reclaimed water, wastewater	—	—	<u>—</u>	<u>—</u>	
Reservoir	CUP	CUP	<u>CUP</u>	<u>CUP</u>	
Wastewater treatment facility, less than 200 connections	CUP	CUP	<u>CUP</u>	<u>CUP</u>	
Water or sewer system pump or lift station	CUP	CUP	<u>CUP</u>	<u>CUP</u>	
Water system with 1 connection	E	E	<u>E</u>	<u>E</u>	
Water system with 2 or more connections	CUP	CUP	<u>CUP</u>	<u>CUP</u>	
Water well, agricultural	E	E	<u>—</u>	<u>—</u>	

Key to Zone Symbols

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

Notes:

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [35.423.030.C \(Development Plan approval required\)](#).
- (3) Shall comply with the requirements of the PU zone; see [Table 2-45-11 \(Special Purpose Zones Development Standards\)](#) and [Section 35.425.050 \(PU Zone Standards\)](#).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (5) Not applicable to facilities constructed by the County.
- (6) May include paramedic services associated with a fire station.

Table 2-8 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	

AGRICULTURAL, MINING, & ENERGY FACILITIES

Agricultural accessory structure	—	—	35.442.020
Animal keeping (except for equestrian facilities see RECREATION below)	S	S	35.442.040
Cannabis Cultivation nursery, and microbusiness	—	—	
Cultivated agriculture, orchard, vineyard	—	—	
Greenhouse, commercial or noncommercial 300 sf or more	P (3)	—	35.442.110
Greenhouse, commercial or noncommercial greater than 300 sf to less than 800 sf	—	—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY

Community center	P	—	
Conference center	—	—	
Country club, swim and tennis club	—	—	
Equestrian facilities	—	—	
Golf course	CUP	—	
Golf driving range	—	—	
Library	CUP	CUP	
Meeting facility, public or private	CUP	CUP	
Meeting facility, religious	CUP	CUP	
Museum	CUP	CUP	
Parks, playgrounds Commercial	—	—	
Parks, playgrounds Private	—	—	
Parks, playground Public	P	—	
Private residential recreation facility	P	P	
School	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	

Key to Zone Symbols

DR	Design 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 Section 35.423.030.C (Development Plan approval required).
- (3) Non-commercial only.

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	

RESIDENTIAL

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

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
Lodging – Homestay	P	P	35.442.135
Lodging – Short term rental	—	—	
Medical services – Clinic	—	—	
Medical services – Extended care	CUP	CUP	
Medical services – Hospital	CUP	CUP	

Key to Zone Symbols

DR	Design 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 Section 35.423.030.C (Development Plan approval required).
 - (3) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

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	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Cannabis – Distribution	—	—	
Drainage channel, watercourse, storm drain less than 20,000 sf	—	—	
Drainage channel, watercourse, storm drain 20,000 sf or more	—	—	
Electrical substation – Minor (3)	CUP	CUP	
Electrical substation – Major (3)	CUP	CUP	
Electrical transmission line (4)	CUP	CUP	
Flood control project less than 20,000 sf total area (6)	—	—	
Flood control project 20,000 sf or more total area (6)	—	—	
Public safety facility (7)	CUP	CUP	
Public works and utilities	CUP	CUP	
Road, street less than 20,000 sf total area (6)	—	—	
Road, street 20,000 sf or more total area (6)	—	—	
Sea wall, revetment, groin or other shoreline structure	—	—	
Telecommunications facility	S	S	35.444
Utility service line with 4 or fewer connections (6)	—	—	
Utility service line with 5 or more connections (6)	—	—	

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	CUP	CUP	
Onsite wastewater treatment system, individual, conventional	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	
Pipeline – Water, reclaimed water, wastewater	—	—	
Reservoir	CUP	CUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	
Water or sewer system pump or lift station	CUP	CUP	
Water system with 1 connection	E	E	
Water system with 2 or more connections	CUP	CUP	
Water well, agricultural	—	—	

Key to Zone Symbols

DR	Design 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 35.423.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-15.12 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (5) Not applicable to facilities constructed by the County.
- (6) May include paramedic services associated with a fire station.

35.423.040 - Residential Zones Lot Standards**A. Minimum lot size.**

1. **Minimum area and width.** Each lot in a proposed subdivision shall comply with the minimum lot area and width requirements in Table 2-9-5 (Minimum Lot Size). Area requirements are gross or net as noted; minimum lot widths are gross or net, as noted.
2. **Minimum depth.** Minimum lot depth shall be determined by the review authority through the subdivision approval process.

B. Minimum building site area for residential use. Each primary dwelling and its allowed accessory structures shall be located on a lot with the minimum area and width shown in Table 2-9-5 (Minimum Lot Size); except that:

1. A dwelling and its accessory structures and uses may be located on a lot of less area, except for a fraction lot; and
2. A dwelling and its accessory structures and uses may be located on a lot of less width.

Table 2-9-5 - Minimum Lot Size

Zoning Map Symbol	Minimum Lot Area	Minimum Lot Width
7-R-1	7,000 square feet net	65 feet
20-R-1	20,000 square feet net	100 feet
1-E-1	1 acre gross	120 feet
2-E-1	2 acres gross	150 feet
3-E-1	3 acres gross	210 feet
5-E-1	5 acres gross	270 feet
10-E-1	10 acres gross	380 feet
7-R-2	7,000 square feet net	65 feet
DR (1)	Determined by Final Development Plan	
PRD	Determined by Final Development Plan	

Notes:

(1) The DR zoning map symbol is accompanied by a number that specifies the allowable number of units per gross acre, see Table 2-11-7 (DR Zone Maximum Density).

35.423.050 - Residential Zones Development Standards

- A. General development standards.** Development within the residential zones shall be designed, constructed, and established in compliance with the requirements in Table 2-10-6 (Residential Zone Development Standards) and all applicable standards in [Division 35.3](#) through [Division 35.6](#) of this Development Code. ~~These standards apply within the Coastal Zone and Inland area, except where noted.~~

Table 2-10-6 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 accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units) .	One one-family dwelling or one two-family dwelling per lot; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (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.	
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 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 2-10-6 - 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 2-4-7 (DR Zone Maximum Density); plus one accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units) .	As specified by the Comprehensive Plan; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (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.	
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 Section 35.423.060.B (Open Space) . (1)	See Section 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 [Section 35.423.060.D](#) for site coverage, height limit, and open space standards for qualifying affordable housing, senior housing, or special care housing developments.

B. Accessory storage of materials. Storage accessory to the principal structure or use on the site on which the storage is located is subject to the following standards. A Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) is not required to establish accessory storage except when 1) this Subsection B. requires a permit for a specific type of storage, or 2) the storage involves construction of a new structure or alteration of an existing structure that is not exempt from a Land Use Permit in compliance with [Section 35.420.040 \(Exemptions from Planning Permit Requirements\)](#), or 3) the accessory storage is not in compliance with [Section 35.420.040 \(Exemptions from Planning Permit Requirements\)](#). However, other permits may be required in compliance with Chapter 17 (Solid Waste

Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Subsection 35.423.050.B shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

1. Building materials and equipment used in a construction project.

- a. The following storage of building materials and equipment used in a construction project is allowed on residentially zoned lots. Storage of building materials and equipment include stockpiles of construction materials, tools, equipment, and building components assembly operations.
 - (1) **Same or adjacent lot.** The storage of building materials and equipment used in a construction project on the same lot on which the construction is occurring or on a lot adjacent to the lot on which the construction is occurring provided:
 - (a) There is a valid building permit or planning permit in effect for the construction project; and
 - (b) When storage is proposed on a lot adjacent to the lot on which the construction is occurring, the planning permit application for the construction project shall also include the adjacent lot and shall describe the storage proposed to occur on the adjacent lot.
 - (2) **Construction related to an approved Final Development Plan.** The storage of building materials and equipment used in a construction project where concurrent development is occurring on several lots at the same time in compliance with an approved Final Development Plan or other planning permit or building permit that allows construction activities to occur on several lots that are proximate to one another.
- b. The storage of building materials and equipment not allowed by Subsection B.1.a, above, or B.2, below, is considered a Contractor Equipment Storage Yard which is not allowed in residential zones.

2. Outdoor storage of miscellaneous materials. The storage of miscellaneous materials including articles, building materials not associated with the construction of a structure for which there is an valid planning or building permit), equipment, junk, motor vehicle parts, scrap or tools outside of a fully enclosed or fully screened structure is subject to the following requirements.

a. Area occupied by stored materials.

- (1) Stored materials shall be limited to the following maximum area, based upon the lot area of the lot.

Lot Area (gross)	Maximum Allowed Area of Storage
Less than 10,000 sq. ft.	300 sq. ft.
10,000 sq. ft. to less than 1 acre	500 sq. ft.
One acre or larger	1,000 sq. ft.

- (2) No more than 100 square feet of the maximum allowed area of storage shown in the table above may be devoted to the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale.

b. Maximum height of stored materials: Five feet.

c. Screening required. Except for stacked, cut firewood for on-site domestic use only, the outdoor storage of miscellaneous materials shall be enclosed within a six-foot high solid wood fence or masonry wall. The fence or wall shall be located in close proximity to the

materials being stored so as to effectively screen the storage area.

- d. **Location of storage.** Storage of miscellaneous materials shall not be located within required front setback or side setback areas in compliance with [Section 35.423.050 \(Residential Zones Development Standards\)](#).
- e. **Modification of standards allowed with a Conditional Use Permit.** The storage of miscellaneous materials that does not comply with the standards contained in Subsection a. through d. of Subsection B.2., above, may be allowed in compliance with a Conditional Use Permit approved in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#).
- f. **Noncompliance deemed a violation of this Development Code.** As of June 1, 2012, storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection B.2, above, or is not allowed by a Conditional Use Permit approved in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#) as allowed by Subsection B.2.e, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with [Chapter 35.498 \(Enforcement and Penalties\)](#).

C. Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc. The assembling, disassembling, modifying, repairing, restoration, servicing, wrecking or otherwise working (hereinafter referred to as “work” within the meaning of this Subsection C) on a motor vehicle is allowed only in compliance with the following standards. This Subsection C. shall not apply to occasional minor maintenance such as changing belts, hoses, oil and spark plugs. Nothing in this Subsection C. shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services) or Chapter 19 (Junk Yards and Dumps) or Chapter 23 (Motor Vehicles and Traffic) of the County Code.

1. Work is restricted to vehicles that are registered with the California Department of Motor Vehicles to a person residing on the lot on which the work occurs. Residing on a lot does not include transient occupancies where the occupancy is for a period of less than 30 days.
2. Vehicle dismantling shall not occur outside of a fully enclosed or fully screened structure and such vehicles shall not be kept, parked or stored outside of a fully enclosed or fully screened structure or on parking spaces required in compliance with [Section 35.436.050 \(Required Number of Spaces: Residential Uses\)](#).
3. Any storage of vehicle parts located outside of a fully enclosed or fully screened structure shall be in compliance with Subsection B. (Accessory storage of materials), above, and shall not be located on parking spaces required in compliance with [Section 35.436.050 \(Required Number of Spaces: Residential Uses\)](#).
4. Work associated with the preparation for sale of vehicles or vehicle parts for sale is not allowed.
5. **Modifications to standards allowed with a Conditional Use Permit.** Work that does not comply with the standards contained in Subsections C.1 through C.4, above, may be allowed in compliance with a Conditional Use Permit approved in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#).
6. **Noncompliance deemed a violation of this Development Code.** As of June 1, 2012, any motor vehicle assembly, dismantling, maintenance, repair, restoration, etc that does not comply with the standards contained in Subsections C.1 through C.4, above, or is not allowed by a Conditional Use Permit approved in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#) as allowed by Subsection C.5, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with [Chapter 35.498 \(Enforcement and Penalties\)](#).

35.423.060 - DR Zone Standards

Proposed development and new land uses within the DR zone shall comply with the following standards, in addition to those in [Section 35.423.050 \(Residential Zones Development Standards\)](#).

- A. **Maximum density.** The number of dwelling units on a lot shall not exceed the maximum specified by ~~Table 2-44-7~~ (DR Zone Maximum Density) for each DR zoning designation shown in ~~Table 2-44-7~~ (DR Zone Maximum Density).

Table 2-44-7 - DR Zone Maximum Density

Zoning Map Symbol	Dwelling Units per Gross Acre
DR-1.8	1.8
DR-4.6	4.6
DR-10	10
DR-12	12

- B. **Open space.**
 - 1. **Minimum area.** Except for developments that are permitted in compliance with Subsection D (Affordable housing, senior housing, or special care housing developments), below, a minimum of 40 percent of the net site area shall be reserved for the life of the project as common open space.
 - 2. **Title to open space area.** Title to the common open space, common recreational facilities, common parking areas, and private streets shall be held by a non-profit association of all homeowners within the project area, or any other non-profit individual or entity on such reasonable terms and conditions as the Board may prescribe. The reasonable terms and conditions may include restricting the rights to develop the property to the uses described in the approved Final Development Plan for the project. The preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to these areas.
- C. **Condominiums, stock cooperatives, community apartments—Inland area.** ~~In the Inland area only,~~ €The review authority may apply the following standards as conditions of approval of a condominium, stock cooperative, or community apartment project where allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#):
 - 1. **Laundry facilities.** Each dwelling unit shall be provided separate laundry facilities. The Final Development Plan shall show sufficient space, utility connections, and vents to allow for the installation of a clothes washer and dryer in each unit or in a garage, not to encroach upon parking.
 - a. **Affordable housing projects.** For affordable housing overlay projects or housing developments that provide a minimum of 50 percent of the housing units at the required affordable income levels, the laundry facilities may be provided in a common area within the development. A minimum of one standard capacity size washer and dryer shall be provided for each four dwelling units contained within the same structure.
 - 2. **Open space.**
 - a. **Common.** Common open space and recreation areas shall be designed to provide access for the handicapped.
 - b. **Private.** Each dwelling unit shall include a private outdoor patio area in the form of ground level patios or upper story balconies. Private patios shall not be less than 20 percent of the gross floor area of the dwelling unit. If the required patio area is less than 200 square feet, then this requirement shall be satisfied by providing only one patio or balcony for the dwelling unit.

3. **Storage space.** Each dwelling unit shall be provided with at least 180 cubic feet of weatherproofed, enclosed, lockable, and easily accessible storage space onsite in addition to the storage space of closets, cabinets, and pantries contained within the dwelling units.
 4. **Utility metering.** Individual metering for utilities shall be provided for each unit, unless the metering would conflict with an innovative energy efficient or resource conserving utility system designed for the project.
- D. Affordable housing, senior housing, or special care housing developments.** This subsection provides development standards for height limit, open space, parking, and site coverage in order to provide incentives and greater flexibility for certain affordable housing, senior housing, or special care housing developments proposed on lots zoned DR consistent with Program 1.16 of the 2015-2023 Housing Element.
1. **Applicability.** This Subsection D (Affordable housing, senior housing, or special care housing developments) shall only apply to projects that comply with the types of development specified below:
 - a. **Affordable housing.** For the purposes of this section, affordable housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site) dedicated and restricted to housing affordable to low-income households, very low-income households, and/or extremely low-income households, as defined in Table 2.7, page 2-11 of the Santa Barbara County 2015-2023 Housing Element Update.
 - b. **Senior housing.** For the purposes of this section, senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to housing at least one senior person. For the purposes of this section, a senior person is defined as someone 55 years of age or older.
 - c. **Affordable senior housing.** For the purposes of this section, affordable senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to affordable housing (as defined in Section 35.423.060.D.1.a, above) for seniors (as defined in Section 35.423.060.D.1.b, above).
 - d. **Mixed affordable housing and senior housing.** For the purposes of this section, mixed affordable housing and senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to affordable housing (as defined in Section 35.423.060.D.1.a, above), senior housing (as defined in Section 35.423.060.D.1.b, above), and/or affordable senior housing (as defined in Section 35.423.060.D.1.c, above).
 - e. **Special care housing.** For the purposes of this section, special care homes as defined in [Chapter 35.500 \(Definitions\)](#).
 2. **Modified development standards for qualifying projects.** The following development standards regarding height limit, open space, parking, and site coverage shall apply to projects developed in compliance with Subsection D (Affordable housing, senior housing, or special care housing developments) instead of the respective standards listed in ~~Table 2-40-6~~ (Residential Zones Development Standards), Subsection B (Open space), above, and [Chapter 35.436 \(Parking and Loading Standards\)](#). These modified development standards shall be considered the site development standards for calculating density bonuses and granting incentives or concessions in

compliance with the California Density Bonus Law (Government Code (Government Code Section 65915 - 65918) and the Density Bonus Program (see [Chapter 35.432, Density Bonus for Affordable Housing](#)).

- a. **Height limit.** 40 feet.
- b. **Open space.** A minimum of 30 percent of the net site area shall be reserved for the life of the project as common open space and/or public open space.
 - (1) **Calculation of Common Open Space.** Common space may also include the areas listed below in addition to the areas listed in the definition of Common Space in [Chapter 35.500 \(Definitions\)](#). Hard surfaced sidewalks located outside of Common Open Space shall not qualify as Common Open Space.
 - (a) Community patios.
 - (b) Deck or patios associated with swimming pools located within common open space areas.
 - (c) Detention basins that function as common open space.
 - (d) Hard surfaced sidewalks when located within common open space areas.
 - (2) **Calculation of Public Open Space.** Public open space may also include the areas listed below in addition to the areas listed in the definition of Public Open Space in [Chapter 35.500 \(Definitions\)](#).
 - (a) Detention basins that function as public open space.
 - (3) **Title to open space area.** Title to the common open space, common recreational facilities, common parking areas and private streets shall be held in accordance with [Section 35.423.060.B.2](#).
- c. **Parking.** Parking requirements shall be as follows:

Residential Development	Parking Spaces Required
Affordable housing - single bedroom or studio units	0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable housing - 2 bedroom units	1.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable housing - 3 bedroom, or more, units	2 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable senior housing - single bedroom or studio units	0.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable senior housing - 2 bedroom units	1 space/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable senior housing - 3 bedroom, or more, units	1.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Senior housing - single bedroom or studio unit	0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Senior housing - 2 bedroom units	1.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Special care home (1)	1 space/3 beds and; 1 space/3 employees

Notes:

- (1) Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.

- (1) **Contingency parking plan.**
 - (a) For all developments incorporating the modified parking standards of this section,

applicants shall submit a contingency parking plan. The contingency parking plan shall demonstrate that the proposed development can be modified to provide parking as required irrespective of Section 35.423.060.D. Space required for the contingency parking plan shall not count toward the open space requirement for the proposed development.

- (b) Applicants shall evaluate parking post-occupancy and shall submit annual post-occupancy parking evaluations to the County during the first three years of occupancy. The County may require the submittal of additional annual parking evaluations if the units are not fully occupied within three years. The evaluations shall compare actual parking demand to existing parking supply and address the occupancy rate of the development. If the County determines that the number of existing parking spaces is less than actual parking demand, the applicant shall implement the contingency parking plan and construct additional parking spaces.
 - d. **Maximum site coverage.** 40 percent of the net site area for structures containing residential uses.
3. **Requirement to record an affordable housing agreement and resale and rental restrictive covenant for affordable housing and senior housing projects.** Prior to issuance of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) for an affordable housing project or senior housing project, each project shall record, as applicable:
- a. **Affordable housing projects.** An affordable housing agreement and resale and rental restrictive covenant, or other equivalent document approved as to form by the County Counsel, which outlines the following: the sales and/or rental prices for the various types of units to be established; and provisions for the sale, resale, renting and restrictions that will be applicable to the project, to ensure the continued availability for a minimum of 45 years, restarting for up to 90 years upon resale of a unit, of units for purchase or occupancy by target households. In addition, the running of the covenant, or other equivalent document approved as to form by the County Counsel, shall be tolled during any period of violation of said document's terms.
 - b. **Senior housing projects.** A senior housing agreement and resale and rental restrictive covenant, or other equivalent document approved as to form by the County Counsel, which outlines the provisions for the sale, resale, renting and restrictions that will be applicable to the project, to ensure the continued availability, for a minimum of 45 years, restarting for up to 90 years upon resale of a unit, of units for purchase or occupancy by seniors. In addition, the running of the covenant, or other equivalent document approved as to form by the County Counsel, shall be tolled during any period of violation of said document's terms.

35.423.070 - PRD Zone Standards

Proposed development and new land uses within the PRD zone shall comply with the following standards, in addition to those in [Section 35.423.050 \(Residential Zones Development Standards\)](#).

- A. **Specific Plans.** For areas requiring a Specific Plan in compliance with the Comprehensive Plan, a Specific Plan shall be filed and approved in compliance with [Chapter 35.478 \(Specific Plans\)](#) prior to the submittal of a Preliminary Development Plan. The Director may waive the requirement for the Preliminary Development Plan if the Director determines that the approved Specific Plan provides the same information as required for a Preliminary Development Plan. All Development Plans shall comply with the Specific Plan for the project area.
- B. **Requirements of the Comprehensive Plan.** Additional site specific requirements for property designated for Planned Development (PD) on the Land Use Element Maps ~~or Coastal Land Use Plan maps~~ may be

set forth in the text of the Comprehensive Plan.

- C. Setback requirements.** Setbacks shall be proposed and approved on the Preliminary and Final Development Plans to protect and preserve property values of the site and adjacent properties, ensure compatibility of different uses, avoid nuisances, and advance the general welfare within the PRD zone. In addition, siting of structures shall be based on the following factors: privacy, light and air, solar exposure, building configuration, and aesthetics.
- D. Streets.** Streets may be public or private; provided that all private streets shall be constructed to County standards, and adequate provisions shall be made in the codes, covenants and restrictions to ensure the adequate maintenance of private streets. The standards for any onsite improvements (streets, walks, drainage, and utilities) may be modified for a planned residential development by the County upon recommendation from the Public Works Department. Street design shall relate to the function of the street and, particularly in hillside areas where no on-street parking is necessary or permitted, street widths may be reduced. Innovation in street and walkway design, the use of cul-de-sacs and loop streets, and reduction of grading for streets is encouraged. Vehicular access to individual lots or units shall generally be only from project streets.
- E. Open space.**
- 1. Amount.** The County shall specify the required amount of public and/or common open space in a planned residential development at the time of approval of the Development Plan but in no case shall the total amount of public and/or common open space be less than 40 percent of the gross acreage. Determination of the appropriate amount of public and/or common open space shall be based on consideration of the following factors:
 - a. The need to protect for public use areas historically used by the public such as beaches and trails;
 - b. The avoidance of siting of structures in hazardous areas or on steep slopes;
 - c. The protection of environmentally sensitive habitat areas and archaeological sites; and
 - d. ~~Within the Inland area, t~~The protection of scenic areas of the site.

Lands to be preserved as open space may be dedicated in fee to the County or other public agency or may remain in private ownership with dedication of only appropriate scenic and/or open space easements. For lands counted as public open space that remain in private ownership, the County shall require granting of an easement guaranteeing the public's right of access and use of such open space.
 - 2. Maintenance of public open space.** The County may require the applicant or Homeowners' Association to maintain all public open spaces and related facilities for a specified period after occupancy of the planned residential development or may require payment of an in-lieu fee if the County maintains the public open space and related facilities. If the applicant or Homeowners' Association is to maintain public open spaces, prior to the approval of any permits for construction, a bond or other approved financial security shall be posted guaranteeing maintenance.
 - 3. Maintenance of common open space.** Common open space shall be deeded to the Homeowners' Association and held in undivided ownership by the owners of the planned residential development. Preservation and maintenance of all common open space and communal recreational facilities shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvements and running with the land as described in the approved Final Development Plan.
- F. Homeowners' Association.** At the time of submittal of a Preliminary or Final Development Plan, the applicant shall file a description of the proposed organization of the Homeowners' Association including conditions, covenants, and restrictions that will govern the Association. The description shall include the following provisions:

1. The Homeowners' Association shall be established before the homes are sold;
2. Membership shall be mandatory for each home buyer and any successive buyer;
3. The Association shall be responsible for liability insurance, property taxes, and maintenance of common open space and recreational and other common facilities;
4. Homeowners shall pay their pro rata share of all costs of the Association and the assessment levied by the Association can become a lien on the property; and
5. The Association shall be able to adjust the assessment to meet changed needs.

CHAPTER 35.424 - COMMERCIAL ZONES

Sections:

- 35.424.010 - Purpose
- 35.424.020 - Purposes of the Commercial Zones
- 35.424.030 - Commercial Zones Allowable Land Uses
- 35.424.040 - Commercial Zones Development Standards
- 35.424.050 - CN Zone Standards
- 35.424.060 - CV Zone Standards

35.424.010 - Purpose

This Chapter lists the land uses that may be allowed within the commercial zones established by [Section 35.404.020 \(Zoning Map and Zones\)](#), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

35.424.020 - Purposes of the Commercial Zones

The purposes of the individual commercial zones and the manner in which they are applied are as follows.

- A. CN (Neighborhood Commercial) zone.** The CN zone is applied to areas within residential neighborhoods appropriate for local retail or service businesses to meet daily needs for food, drugs, gasoline, and other incidentals of residents in the immediate area. The intent is to provide local serving commercial establishments while preserving the residential character of the area.
- B. CV (Resort/Visitor Serving Commercial) zone.** The CV zone is applied to areas of unique scenic and recreational value appropriate for tourist recreational development, while providing for maximum conservation of site resources through comprehensive site planning. The intent is to provide for maximum public access, enjoyment, and use of an area's scenic, natural, and recreational resources while ensuring preservation of such resources. This zone is not intended for highway related uses that normally service travelers. Where this zone is applied to areas adjacent to the shoreline, uses permitted shall in part require an oceanfront location in order to operate.

35.424.030 - Commercial Zones Allowable Land Uses

- A. General permit requirements.** Table 2-12-8 (Allowed Land Uses and Permit Requirements for Commercial Zones) identifies the uses of land allowed by this Development Code in each commercial zone, and the planning permit required to establish each use, in compliance with [Section 35.420.030 \(Allowable Development and Planning Permit Requirements\)](#).
- B. Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-12-8 (Allowed Land Uses and Permit Requirements for Commercial Zones) includes a Section number, the referenced Section may affect whether the use requires a ~~Coastal Development Permit~~, Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- 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 ~~Coastal Development Permit~~ or Land Use Permit for all development, including grading, except that residential units that meet the County's definition of affordable housing with the Housing Element of the Comprehensive Plan.
- D. Design Review required.** Design Review is required prior to the approval of a planning permit for a structure, or an addition to or alteration of, an existing structure in compliance with [Section 35.472.070 \(Design Review\)](#).

E. **Accessory uses and structures.** Each use allowed by Table 2-12-8 (Allowed Land Uses and Permit Requirements for Commercial Zones) may include accessory uses and structures that are customarily incidental to the permitted use.

Table 2-12-8 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		Specific Use Regulations
	CN	CV	

AGRICULTURAL, MINING & ENERGY FACILITIES

Animal keeping	S	S	35.442.040
Cannabis – Cultivation, nursery, and microbusiness	—	—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Campground	—	—	
Conference center	—	—	35.442.080
County club, swim and tennis club	—	—	
Equestrian facility	—	CUP	
Fairgrounds	—	—	
Golf course	—	P	
Golf driving range	—	P	
Library	P	CUP	
Meeting facility, public or private	CUP	CUP	
Meeting facility, religious	CUP	CUP	
Museum	CUP	CUP	
Park, playground - Public	—	P	
School	CUP	CUP	
Sports and outdoor recreation facility	CUP	CUP	
Studio - Art, dance, martial arts, music, etc.	P	—	
Theater - Performing arts, 100 person maximum capacity	CUP	—	
Trail	—	P	

RESIDENTIAL USES

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
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 [35.424.030.C](#) (Development Plan approval required).
- (3) Must comply with standards of [Section 35.424.050.A](#) (Mixed use affordable residential unit standards) or [35.424.060.D](#) (Mixed use affordable residential unit standards) as applicable to the specific zone.

Table 2-12-8 - 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	

RETAIL TRADE

Cannabis - Non-Storefront Retailer	—	—	
Cannabis - Retail	—	—	
Drive-through facility	CUP	—	35.442.100
General retail	P	—	
Grocery and specialty food stores	P	—	
Health club, spa	P	P (3)	
Restaurant, café, coffee shop	P	P (3)	
Service station	P	—	35.442.050
Visitor serving commercial	—	P (3)	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services	P	—	
Business support service	P	—	
Drive-through facility	CUP	—	35.442.100
Medical services - Clinic, urgent care	P	—	
Medical services - Doctor office	P	—	
Medical services - Extended care	CUP	CUP	
Medical services - Hospital	CUP	CUP	
Office - Business/service	P	—	
Office - Professional/administrative	P	—	
Public safety facility	P	—	

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	—	35.442.070
Furniture repair accessory to furniture store or interior decorator	CUP	—	
Lodging - Homestay	—	—	
Lodging - Hotel or Motel	—	—	
Lodging - Resort hotel, guest ranch	—	P	35.424.060
Lodging - Short-term rental	—	P	35.442.160
Personal services	P	P (3)	
Vehicle services - Minor maintenance/repair	P	—	35.442.050

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 35.424.030.C (Development Plan approval required).
- (3) Use only allowed accessory and incidental to an approved resort or guest ranch.

Table 2-12-8 - 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	

TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE

Cannabis - Distribution	—	—	
Drainage channel, water course, storm drain less than 20,000 sf	—	—	
Drainage channel, water course, storm drain 20,000 sf or more	—	—	
Electrical substation - Minor (3)	CUP	CUP	
Electrical substation - Major (3)	CUP	CUP	
Electrical transmission line (4)	CUP	CUP	
Flood control project less than 20,000 sf total area (6)	—	—	
Flood control project 20,000 sf or more total area (6)	—	—	
Public works and utilities	CUP	CUP	
Road, street less than 20,000 sf total area (6)	—	—	
Road, street 20,000 sf or more total area (6)	—	—	
Sea wall, revetment, groin, or other shoreline structure	—	—	
Telecommunications facility	S	S	
Utility service line with 4 or fewer connections (6)	—	—	
Utility service line with 5 or more connections (6)	—	—	

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	CUP	CUP	
Onsite wastewater treatment system, individual, conventional	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	
Pipeline - Water, reclaimed water, wastewater	—	—	
Reservoir	CUP	CUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	
Water or sewer system pump or lift station	CUP	CUP	
Water system with 1 connection	E	E	
Water system with 2 or more connections	CUP	CUP	

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 35.424.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-45-11 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (5) Not applicable to facilities constructed by the County.

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 2-43-9 (Commercial Zones Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code.

Table 2-13-9 - Commercial Zones Development Standards

Development Feature	Requirement by Zone	
	CN & CN (CZ) Neighborhood Commercial	CV & CV (CZ) 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 2-12-8 (Allowed Land Uses and Permit Requirements for the Commercial Zones) - Residential Uses.	
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 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	Inland —Buildings contained dwellings shall be located a minimum of 10 feet from any other detached building on the same building site. Coastal —Buildings contained dwellings shall be located a minimum of 5 feet from any other detached building on the same building site.	Inland —Buildings contained dwellings shall be located a minimum of 10 feet from any other detached building on the same building site. Coastal —None required.
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.
Exception	Within the Coastal Zone, 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.	
Floor Area Ratio	<i>Maximum floor area ratio allowed.</i>	
Maximum FAR	0.25	Inland —0.10 Coastal —0.25
Site coverage	<i>Maximum percentage of net site area that may be covered by structures.</i>	
Maximum coverage	30 %	Inland —30 % Coastal —33% (gross) on a lot surrounded by residential zoning; no maximum elsewhere.
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).	

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 affordable residential unit standards. Residential units allowed as part of a mixed use

project in the CN zone shall be attached to the primary commercial structure, and shall comply with the following standards.

1. **Floor area limitations.** The maximum net floor area shall not exceed 800 square feet for a studio or one-bedroom unit, and 1,000 square feet for a two-bedroom unit.
 2. **Limitation on rental.** The unit shall be rented only to a low or moderate income household at a level that meets the County's affordability criteria.
 3. **Limitation on sale.** The residential unit shall not be sold or financed separately from the principal commercial structure.
- B. Mixed use market-rate residential unit standards.** One or more residential units accessory to a commercial use that do not comply with the affordability requirements of Subsection A. (Mixed use affordable residential unit standards) above, shall comply with the following:
1. **Bedroom limitations.** The total number of bedrooms of the residential development shall not exceed two bedrooms per 1,000 square feet of total gross floor area of commercial development on the same lot.
 2. **Floor area limitations.** The total gross floor area of the residential development shall not exceed the total gross floor area of the commercial uses.
- C. Restaurant, café or coffee shop.** A restaurant, café or coffee shop may include a bar or cocktail lounge only if accessory to the principal use.
- D. Site planning.**
1. **Enclosure of activities required.** Within the CN zone, the land use types identified by Table 2-12-8 (Allowed Land Uses and Permit Requirements for the Commercial Zones) shall occur within a completely enclosed building, except for service stations and outdoor restaurants, cafes, and tearooms, or other appropriately screened outdoor uses specifically approved by the review authority.
 2. **Storage areas and trash enclosures.** Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.

35.424.060 - CV Zone Standards

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

- A. Allowable uses.**
1. **Resorts and guest ranches.** Resort and guest ranches shall be of a self-contained, destination-point nature rather than those that primarily provide short-term overnight accommodations for travelers.
 2. **Visitor serving commercial.** The approval of allowable visitor-serving commercial uses shall require that the review authority first determine that each commercial use is designed and limited to be incidental and directly oriented towards the needs of visitors, is part of a larger resort/visitor-serving facility, and will not substantially change the character of the larger resort/visitor-serving facility of which it is part.
- B. Development standards, general.**
1. **Height limitations.** Two-thirds of any new or reconstructed buildings which are guest rooms shall be limited to 16 feet in height except as allowed in compliance with [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#).
 2. **Limitation on separate occupancies.** New or reconstructed cottages shall be limited to six units (keys) per cottage, except as provided in [Chapter 35.491 \(Nonconforming Uses, Structures, and](#)

Lots).

C. Development standards, hotel resort.

1. **Area.** A hotel shall be located on a lot having a minimum lot area of five acres.
2. **Building limitations.**
 - a. Not less than 80 percent of the sleeping accommodations for guests shall be provided in one-story detached buildings.
 - b. Said buildings shall have an aggregate building area not to exceed one-third of the total area of the site.
 - c. Said buildings shall contain no more than six sleeping rooms.
3. **Personal services.** Hotel resorts shall provide personal services customarily furnished at hotels, including the serving of meals. Such services shall be limited as follows:
 - a. There shall be no advertising displays, visible from a public street.
 - b. Access to the personal services shall be provided from within the hotel resort only and there shall be no outside entrances.

D. Mixed use affordable residential unit standards. Residential units allowed as part of a mixed use project in the CV zone shall be attached to the primary commercial structure, and shall comply with the following standards.

1. **Floor area limitations.** The maximum net floor area shall not exceed 800 square feet for a studio or one-bedroom unit, and 1,000 square feet for a two-bedroom unit.
2. **Limitation on rental.** The unit shall be rented only to a low or moderate income household at a level that meets the County's affordability criteria.
3. **Limitation on sale.** The residential unit shall not be sold or financed separately from the principal commercial structure.
4. ~~Secondary to existing commercial use – Coastal Zone. In the Coastal Zone, the residential use of the lot shall be secondary to the existing commercial use for projects that have more than one residential unit.~~

CHAPTER 35.425 - SPECIAL PURPOSE ZONES

Sections:

- 35.425.010 - Purpose
- 35.425.020 - Purposes of the Special Purpose Zones
- 35.425.030 - Special Purpose Zones Allowable Land Uses
- 35.425.040 - Special Purpose Zones Development Standards
- 35.425.050 - PU Zone Standards
- 35.425.060 - REC Zone Additional Standards

35.425.010 - Purpose

This Chapter lists the land uses that may be allowed within the Special Purpose zones established by [Section 35.404.020 \(Zoning Map and Zones\)](#), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

35.425.020 - Purposes of the Special Purpose Zones

The purposes of the individual special purpose zones and the manner in which they are applied are as follows.

- A. PU (Public Utilities) zone.** The PU zone is applied to areas appropriate for the siting of public works and utility facilities; however, the requirements of this zone do not apply to local agencies exempted by [Section 35.420.040 \(Exemptions from Planning Permit Requirements\)](#). The intent is to provide adequate design requirements to ensure that these facilities are compatible with surrounding land uses.
- B. REC (Recreation) zone.** The REC zone is applied to provide public or private open space areas appropriate for various forms of outdoor recreation. The intent is to encourage outdoor recreational uses that will protect and enhance areas with the potential to accommodate both active and passive recreation because of their beauty and natural features. Proposed recreational uses should compliment and be appropriate to the area because of the natural features.

35.425.030 - Special Purpose Zones Allowable Land Uses

- A. General permit requirements.** Table 2-14-~~10~~10 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) identify the uses of land allowed by this Development Code in each special purpose zone, and the planning permit required to establish each use, in compliance with [Section 35.420.030 \(Allowable Development and Planning Permit Requirements\)](#).
- B. Requirements for certain specific land uses.** Where the last column (Specific Use Regulations) in Table 2-14-~~10~~10 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) includes a Section number, the referenced Section may affect whether the use requires a ~~Coastal Development Permit, Land Use Permit, Development Plan, or Conditional Use Permit~~, and/or may establish other requirements and standards applicable to the use.
- C. Development Plan approval required.** Development Plan approval in compliance with [Section 35.472.080](#) is required prior to the approval of a ~~Coastal Development Permit or Land Use Permit~~ as follows:
 - 1. PU and REC zones.** Final Development Plan approval is required for all development, including grading.
- D. Accessory uses and structures.** Each use allowed by Table 2-14-~~10~~10 (Specific Use Regulations) may include accessory uses and structures that are customarily incidental to the use, provided that within the REC zone, accessory structures and uses shall be limited to those required to support the recreational activities (e.g., parking areas, water and sanitary facilities, boat launching facilities, ranger stations and

limited concession facilities).

- E. **Design Review required.** Design Review is required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure, in compliance with [Section 35.472.070 \(Design Review\)](#).

Table 2-4410 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	

AGRICULTURAL, MINING & ENERGY FACILITIES

Animal keeping (except equestrian facilities- see RECREATION below)	S	S	35.442.040
Cannabis – Cultivation, nursery, and microbusiness	—	—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

County club, swim and tennis club	CUP	—	
Equestrian facility	CUP	—	
Golf course	P	—	
Library	CUP	CUP	
Meeting facility, public or private	CUP	CUP	
Meeting facility, religious	CUP	CUP	
Museum	CUP	CUP	
Park, playground - Public	P	—	
School	CUP	CUP	
Sports & outdoor recreation facilities	CUP	CUP	
Trail for bicycles, hiking, or riding	P	—	
Zoo	CUP	—	

RESIDENTIAL USES

Caretaker/Manager dwelling	CUP	—	35.442.060
Transitional and supportive housing	CUP	—	35.442.070

RETAIL TRADE

Cannabis - Non-Storefront Retailer	—	—	
Cannabis - Retail	—	—	
Restaurant, café, coffee shop, accessory to allowed recreation use	CUP	—	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Medical services - Extended care	CUP	CUP	
Medical services - Hospital	CUP	CUP	
Office - Accessory	P	P	

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
Lodging - Homestay	—	—	
Lodging - Short-term rental	—	—	

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 35.425.030.C (Development Plan approval required).

Table 2-14-10 - Continued 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	

TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE

Cannabis - Distribution	—	—	
Electrical substation - Minor (3)	CUP	P	
Electrical substation - Major (3)	CUP	P	
Electrical transmission line (4)	CUP	CUP	
Public works and utilities	CUP	CUP	
Telecommunications facility	S	S	35.444

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	CUP	CUP	
Onsite wastewater treatment system, individual, conventional	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	
Pipeline - Water, reclaimed water, wastewater	—	—	
Reservoir	CUP	CUP	
Sewage treatment facility - Central plant	—	P	
Water or sewer system pump or lift station	CUP	CUP	
Water supply, treatment, storage facilities - Central plant	—	P	
Water system with 1 connection	E	E	
Water system with 2 or more connections	CUP	CUP	

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 [35.425.030.C](#).
- (3) Shall comply with the requirements of the PU zone; see [Table 2-15-11 \(Special Purpose Zones Development Standards\)](#) and [Section 35.425.050 \(PU Zone Standards\)](#).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.

35.425.040 - Special Purpose Zones Development Standards

Development within the Special Purpose zones shall be designed, constructed, and established in compliance with the requirements in Table 2-45-11 (Special Purpose Zone Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code.

Table 2-45-11 - Special Purpose Zones Development Standards

Development Feature	Requirement by Zone	
	REC Recreation	PU Public Utilities
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>	
Area, width	1 acre	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.</i>	
Maximum density	1 caretaker dwelling.	None allowed.
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.	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.	Same as primary front.
Side	10 ft; 25 ft from a lot zoned residential.	10 ft
Rear	10 ft; 25 ft from a lot zoned residential.	10 ft; 50 ft from a lot zoned residential.
Building separation	None, except as required by Building Code.	
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	25 ft	35 ft
Site coverage	<i>Maximum percentage of net site area that may be covered by structures.</i>	
Maximum coverage	20 %	None
Open space	<i>Minimum percentage of net site area to be maintained as common open space.</i>	
Minimum open space	No minimum.	
Landscaping	See Chapter 35.434 (Landscaping Standards).	
Parking	See Chapter 35.436 (Parking and Loading Standards).	
Signs	See Chapter 35.438 (Sign Standards).	

35.425.050 - PU Zone Standards

Proposed development and new land uses within the PU zone shall comply with the following standards, in addition to those in Section 35.425.040 (Special Purpose Zones Development Standards).

- A. Noise.** The volume of sound, measured during calm air conditions, inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not exceed 70 decibels at any point along the boundary of or outside of the lot upon which such use is located.

- B. Odors, fumes, gasses, liquids, heat, glare, radiation.** No offensive odors or fumes, noxious gases or liquids, heat, glare, or radiation generated by or resulting from any use, other than motor vehicles or lighting fixtures, operated on any lot shall be detectable at any point along the boundary of or outside of the lot upon which such use is located.
- C. Outdoor storage.** Open storage of equipment and materials shall be permitted only in areas screened from view of surrounding lots.
- D. Public health, safety, and welfare.** All activities shall be conducted in such a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the neighborhood by reason of danger to life or property.
- E. Smoke or dust.** Except for the heating of buildings there shall be no smoke or dust generated by or resulting from any use, other than motor vehicles located upon the lot.
- F. Vibration.** The ground vibration inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not be perceptible without instruments at any point along the boundary of or outside of the lot upon which such use is located.

35.425.060 - REC Zone Additional Standards

Proposed development and new land uses within the REC zone shall comply with the following standards, in addition to those in [Section 35.425.040 \(Special Purpose Zones Development Standards\)](#).

- A. Limitation on lodging occupancy.** To ensure the recreational, rather than residential use of overnight accommodations, the maximum period for individual occupancy of overnight accommodations shall be 30 days.

CHAPTER 35.428 - MONTECITO OVERLAY ZONES

Sections:

- 35.428.010 - Purpose
- 35.428.020 - Applicability of the Overlay Zones
- 35.428.030 - Affordable Housing (AH) Overlay Zone
- 35.428.040 - Environmentally Sensitive Habitat (ESH) Overlay Zone
- 35.428.050 - Flood Hazard (FA) Overlay Zone
- 35.428.060 - Growth Management Ordinance (GMO) Overlay Zone
- 35.428.070 - Montecito Hillside (H-MON) Overlay Zone—~~Inland area~~
- 35.428.080 - Reserved
- 35.428.090 - Reserved

35.428.010 - Purpose

This Chapter provides additional standards designed to protect sensitive resources, ensure reasonable development and housing opportunities and to promote the public health, safety and welfare of the community.

35.428.020 - Applicability of the Overlay Zones

The provisions of this Chapter apply to development and land uses in addition to all other applicable requirements of this Development Code. Any conflict between the provisions of this Chapter and any other provision of this Development Code shall be resolved in compliance with Subsection 35.400.040.F (Conflicting requirements) or as specifically indicated within the following Sections of this Chapter.

- A. **Mapping of overlay zones.** The applicability of any overlay zone to a specific site is shown by the overlay zone Zoning Map symbol established by [Section 35.404.020 \(Zoning Map and Zones\)](#) being appended as a suffix to the symbol for the primary zone on the Zoning Map. The overlay zones are applied to property through the rezoning process in compliance with [Chapter 35.494 \(Amendments\)](#) subject to any specific rezoning requirements of the applicable overlay zone.
- B. **Allowed land uses, permit requirements, development standards.** Except as may be otherwise provided by this Chapter for a specific overlay zone:
 1. Any land use normally allowed in the primary zone by this Chapter may be allowed within an overlay zone, subject to any additional requirements of the overlay zone;
 2. Development and land uses within an overlay zone shall obtain the planning permits required by this Chapter for the primary zone, and the overlay zone, as applicable; and
 3. Development and land uses within an overlay zone shall comply with all applicable development standards of the primary zone and the overlay zone, except as modified by this Chapter.

35.428.030 - Affordable Housing (AH) Overlay Zone

- A. **Purpose and intent.** The Affordable Housing (AH) overlay zone is intended to promote affordable housing production, and implement the policies of the Housing Element by providing substantial incentives to developers through standards of development and performance.
- B. **Applicability.**
 1. **Density bonus.** A residential development project within the AH overlay zone is eligible for increased density up to the maximum number of units designated by the overlay zone on the Zoning Map; provided that either:
 - a. ~~30~~Thirty percent or more of all new units are available to very low income households; or

- b. 50 percent or more of all new units are available to a mix of very low, low, lower-moderate and upper-moderate income units according to the proportional allocations for each income category as indicated in Table 2-46-12 (AH Overlay 50% Mix Allotment) below:

Table 2-46-12 - AH Overlay Zone - 50% Mix Allotment

Affordable Housing Overlay (AHO) Density	Very Low (0% to 50% of median income)	Low (>50% to 80% of median income)	Lower Moderate (>80% to 100% of median income)	Upper Moderate (>100% to 120% of median income)
AHO density represents a 50% or greater increase over base density	Not applicable	50%	25%	5%
AHO density represents less than a 50% increase over base density	Not applicable	33%	33%	34%

The density increase shall be inclusive of the density bonus authorized by state law (e.g., density increase must be at least 20 percent over the base density as required by Government Code Section 65915 and 65918 or successor statutes). The maximum density for a lot within the AH overlay zone shall be indicated on the Zoning Map.

- 2. **Relationship to primary zone.** Each land use and proposed development within the AH overlay zone shall comply with all applicable requirements of the primary zone in addition to the requirements of this Section.

~~a. **Coastal Zone.** In the Coastal Zone, if a requirement of this Section conflicts with a requirement of the primary zone, the requirements of the Coastal Land Use Plan shall control.~~

~~b. **Inland area.** In the Inland area, if a requirement of this Section conflicts with a requirement of the primary zone, the requirements of this Section shall control.~~

- C. **Allowable land uses.** The following land use types may be permitted on a site within the AH overlay zone:

- 1. Any land use allowed in the primary zone, subject to the permit requirements established by the primary zone for the use; and
- 2. With the approval of a Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#), one-family dwellings, two-family dwellings, apartments, condominiums, townhouses, cluster housing, planned unit developments, small lot planned developments and stock cooperatives, that contain a minimum of either 30 percent or 50 percent affordable housing units developed and intended to be purchased or rented subject to the County's Affordable Housing Program criteria and formulas established for very low, low, lower-moderate and upper-moderate income households.

- D. **Permit and processing requirements.**

- 1. **Final Development Plan required.** Final Development Plan approval in compliance with [Section 35.472.080 \(Development Plans\)](#) is required prior to the approval of a ~~Coastal Development Permit~~ or Land Use Permit for all development, including grading. Final Development Plan approval shall be subject to conditions and requirements determined by the review authority to be appropriate and necessary to ensure compliance with the purposes of the County's affordable housing program, the Housing Element and applicable provisions of the Comprehensive Plan.
- 2. **Fast track processing.** Each qualifying AH overlay zone project shall be subject to the fast track permit process outlined in the Housing Element Implementation Guidelines to ensure that each AH overlay zone project receives timely and preferential processing.
- 3. **Pre-application procedure.** Prior to submitting an application for an AH overlay zone project, the applicant should obtain pre-application and other preliminary consultations with the Department and other officials to obtain information and guidance before entering into binding commitments and incurring substantial expense in the preparation of plans, surveys and other data. These preliminary

consultations shall relate to a specific development proposal that outlines the concept and characteristics of the project.

E. Modifications to Development Code requirements. The approval of a Final Development Plan for a site located on property zoned with the AH overlay zone may include the following modifications to requirements of this Development Code, in addition to the density modifications provided by Subsection B.1 (Density bonus) above.

- 1. Zoning or improvement standards.** Facilities, improvements, and/or development or zoning standards normally required for residential development, other than those in this Section, may be modified by the Montecito Commission if deemed necessary to ensure dwelling unit affordability or to provide additional incentives. Examples of the modified facility requirements include the waiver or phasing of any required off-site improvements.
- 2. Fees.** If deemed appropriate by the Board, any or all fees normally imposed by the County on development projects may be waived, reduced, or deferred. In these cases, reduced fees shall be based upon the applicant supplying the Board with evidence and assurances that savings realized from the reductions will be passed on to future residents by way of reduced rent or purchase price for units.
- 3. Development Standards.** The following modifications may be approved for all qualified AH overlay zone projects in the DR (Design Residential) and PRD (Planned Residential Development) zones, ~~provided that the modifications are consistent with all applicable provisions of the Coastal Land Use Plan for projects in the Coastal Zone.~~
 - a. One side yard setback per lot may be reduced from the requirement of the applicable zone to a zero setback. The width of any setback thereby reduced shall be applied to the opposite side yard setback. In cases of corner lots, the side yard setback may be reduced to zero with no additional setback requirement for the opposite setback.
 - b. The total amount of common and/or public open space may be reduced to 30 percent of the gross acreage.

G. Affordable housing agreement. Prior to issuance of a ~~Coastal Development Permit (Section 35.472.050)~~ ~~or Land Use Permit (Section 35.472.110)~~ or ~~Zoning Clearance (Section 35.472.190)~~ for an AH overlay zone project, each project shall record an affordable housing agreement and resale and rental restrictive covenant, or other equivalent document approved as to form by the County Counsel, which outlines:

1. The sales and/or rental prices for the various types of units to be established; and
2. Provisions for the sale, resale, renting and restrictions that will be applicable to the project, to ensure the continued availability of units for purchase or occupancy by target households, in compliance with the Housing Element.

35.428.040 - Environmentally Sensitive Habitat (ESH) Overlay Zone

A. Purpose and intent. The Environmentally Sensitive Habitat Area (ESH) overlay zone is applied to areas with unique natural resources and/or sensitive animal or plant species, where existing and potential development and other activities may despoil or eliminate the resources. This overlay zone is intended to:

1. Protect and preserve specified areas in which plant or animal life or their habitats are either rare or especially valuable because of their role in the ecosystem, and that could be easily disturbed or degraded by human activities and developments; and
2. Ensure that each project permitted in the overlay zone is designed and carried out in a manner that will provide maximum protection to sensitive habitat areas.

B. Applicability.

1. **Determination of applicability.** The zoning map shall guide determining whether this overlay zone applies to any area of land or water. If a particular lot or lots within an ESH overlay zone are determined by the Director not to contain the pertinent species or habitat, the regulations of this overlay zone shall not apply.
2. **Identification of newly documented sensitive habitat areas.** If an environmentally sensitive habitat area is identified by the Director to be located onsite during permit application review, but the habitat area does not have an ESH overlay zone designation, the applicable requirements of Subsection C through Subsection O below, shall apply. The Director will periodically update the zoning map to apply the ESH overlay zone to the new habitat areas and applicable setback areas (including the 250-foot area around the habitat).
3. **Relationship to primary zone.** Each land use and proposed project within the ESH overlay zone shall comply with all applicable requirements of the primary zone in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the primary zone, the requirements of this Section shall control.
4. **Relationship to overlay zone.** Each land use and proposed project within the ESH overlay zone shall comply with all applicable requirements of any additional overlay zone, in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the any other overlay zone, the requirements of this Section shall control.

C. Permit and processing requirements. An application for a ~~Coastal Development Permit (Section 35.472.050)~~, [Conditional Use Permit \(Section 35.472.110\)](#) or [Land Use Permit \(Section 35.472.110\)](#) for a project located within the ESH overlay zone shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#) and the requirements of this Section.

1. ~~Coastal Development Permit or Land Use Permit requirement.~~ A ~~Coastal Development Permit approved in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit approved in compliance with Section 35.472.110 (Land Use Permits)~~ shall be required for the following activities, in addition to those activities required to have either a ~~Coastal Development Permit or Land Use Permit~~ by the primary zone:
 - a. The removal of vegetation along 50 linear feet or more of a creek bank or removal that, when added to the previous removal of vegetation within the affected habitat on the site, would total 50 or more linear feet of vegetation along a creek bank.
 - b. Grading in excess of 50 cubic yards of cut or fill.
 - c. Except for vegetation fuel management required for fire protection within 100 feet of an existing structure:
 - (1) The removal of vegetation over an area greater than 5,000 square feet or that, when added to the previous removal of vegetation within the affected habitat on the lot, would total an area greater than 5,000 square feet.
 - (2) The removal of any native tree greater than six inches in diameter measured 4.5 feet above existing grade and more than six feet in height, or non-native trees that are used as habitat by Monarch butterflies for roosting, or by nesting raptors, unless the Director makes one or more of the following findings:
 - (a) The tree is dead and is not of significant habitat value.
 - (b) The tree prevents the construction of a project for which a ~~Coastal Development Permit has been issued in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit has been issued in compliance with Section 35.472.110 (Land Use Permits)~~ and this Section, and project redesign is

not feasible.

- (c) The tree is diseased and poses a danger to healthy trees in the immediate vicinity. The Department may require evidence of this to be presented by an arborist, licensed tree surgeon, or other qualified person.
- (d) The tree is so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any injury so as to cause imminent danger to persons or property.

2. Conditional Use Permit requirement. Except for vegetation fuel management required for fire protection within 100 feet of an existing structure, a Conditional Use Permit approved in compliance with [Section 35.472.060](#) ~~(Coastal Development~~ [Conditional Use Permits](#)) is required where vegetation is proposed to be removed which would exceed one acre, or 500 linear feet of creek bank, or where grading would exceed 1,500 cubic yards of cut and fill.

3. Application review—~~Inland area.~~ Upon receipt of an application for a [Conditional Use Permit](#) ([Section 35.472.060](#) ~~110~~), [Land Use Permit](#) ([Section 35.472.110](#)) or [Zoning Clearance](#) ([Section 35.472.190](#)) for a project located within the ESH overlay zone in compliance with this section or sections governing the primary zone, the Director shall determine if the proposed project is located in or within 100 feet of an environmentally sensitive habitat area.

a. Site inspection.

- (1) If the Director determines that the proposed project is located in or within 100 feet of an environmentally sensitive habitat area, a site inspection shall be required, if the Director determines it necessary, by a qualified biologist to be selected jointly by the Director and the applicant. Upon completion of the site inspection, and if determined to be necessary, conditions shall be applied to the permit that will protect the environmentally sensitive habitat area to the maximum extent feasible, consistent with the applicable development standards in Subsection D. through Subsection ~~N~~**F**. below.
- (2) If the Director determines that the proposed project is not located in or within 100 feet of an environmentally sensitive habitat area, then a site inspection by a qualified biologist is not required.

~~**4. Application review—Coastal Zone.** Upon receipt of an application for a Coastal Development Permit ([Section 35.472.050](#)), Conditional Use Permit ([Section 35.472.110](#)) or Land Use Permit ([Section 35.472.110](#)) for a project located within the ESH overlay zone, the Director shall determine the potential of the proposed project to adversely impact an environmentally sensitive habitat area.~~

~~**a. Coastal Development Permits and Land Use Permits.**~~

- ~~(1) **Project with no adverse impact.** If the proposed project is determined by the Director to (1) be exempt from the California Environmental Quality Act, (2) have no potential for adverse impact on an environmentally sensitive habitat area and (3) meets all the other requirements for a Coastal Development Permit or Land Use Permit, the Director shall approve the permit in compliance with the applicable provisions of Subsection C.5 (Findings required for Coastal Development Permit, Conditional Use Permit or Land Use Permit approval) below.~~
- ~~(2) **Project with potential adverse impact.** If the proposed is determined by the Director to have the potential for adverse impacts on an environmentally sensitive habitat area, then the project shall require environmental review in compliance with the California Environmental Quality Act and, where necessary, a site inspection by a qualified biologist to be selected jointly by the County and the applicant shall be required.~~
 - ~~(a) If the environmental review indicates that the proposed project has no significant unavoidable adverse impacts on an environmentally sensitive habitat area and~~

~~meets all the other requirements for a Coastal Development Permit or Land Use Permit, the Director shall approve the permit in compliance with the applicable provisions of Subsection C.5 (Findings required for Coastal Development Permit, Conditional Use Permit or Land Use Permit approval) below, with appropriate conditions if necessary.~~

- ~~(b) If the environmental document indicates that the proposed project has significant unavoidable adverse impacts on an environmentally sensitive habitat area, then the Montecito Commission shall be the review authority for the application for the Coastal Development Permit or Land Use Permit.~~
 - ~~(i) The Montecito Commission shall hold at least one public hearing on the requested application and shall approve, conditionally approve or deny the request.~~
 - ~~(ii) Notice of the time and place of the hearing shall be given in compliance with Section 35.496.020 (Notice of Public Hearing and Review Authority Action) and the hearing shall be conducted in compliance with Section 35.496.100 (Hearing Procedure).~~
 - ~~(iii) The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~

~~b. Conditional Use Permits.~~

- ~~(1) **Project with no adverse impact.** If the proposed project is determined by the Montecito Commission to (1) be exempt from the California Environmental Quality Act (2) have no potential for adverse impact on an environmentally sensitive habitat area and (3) meets all the other requirements for a Conditional Use Permit, the Montecito Commission shall approve the permit in compliance with the applicable provisions of Subsection C.5 (Findings required for Coastal Development Permit, Conditional Use Permit or Land Use Permit approval) below.~~
- ~~(2) **Project with potential adverse impact.** If the proposed project is determined to have the potential for adverse impacts on an environmentally sensitive habitat area, then the project shall require environmental review in compliance with the California Environmental Quality Act and, where necessary, a site inspection by a qualified biologist to be selected jointly by the County and the applicant shall be required.~~
 - ~~(a) The Montecito Commission shall hold at least one public hearing on the requested application and shall approve, conditionally approve or deny the request.~~
 - ~~(b) 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).~~
 - ~~(c) The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~

- 34. Findings required for Coastal Development Permit, Conditional Use Permit, Land Use Permit or Zoning Clearance approval.** An application for a Coastal Development Permit (Section 35.472.050), Conditional Use Permit (Section 35.472.060), Land Use Permit (Section 35.472.110) or Zoning Clearance (Section 35.472.190) for a project that is subject to compliance with this section shall be approved or conditionally approved only if the review authority first finds that the proposed project will meet all applicable development standards contained in Subsection D through Subsection ~~Θ~~**F**, below, in addition to the findings required to be adopted by the review authority in compliance with ~~Section 35.472.050 (Coastal Development Permits), Section 35.472.060 (Conditional Use Permits),~~ Section 35.472.110 (Land Use Permits) and Section

35.472.190 (Zoning Clearances), as applicable.

45. Conditions of approval. A ~~Coastal Development Permit (Section 35.472.050), Conditional use Permit (Section 35.472.060), Land Use Permit (Section 35.472.110) or Zoning Clearance (Section 35.472.190)~~ may be approved with conditions of approval as determined by the Director to be necessary to ensure protection of the habitat areas. The conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, or require the alteration of the design of the project to ensure protection of the habitat. The conditions may also include deed restrictions and conservation and resource easements.

~~a. Coastal Zone.~~ The conditions may also expressly alter any regulation of the primary zone in furtherance of the purposes of the ESH overlay zone, except the land uses that are permitted or conditionally permitted by the primary zone.

~~b.a. Inland area.~~ The conditions may also expressly alter any regulation of the primary zone in furtherance of the purposes of the ESH overlay zone, except the land uses that are permitted or conditionally permitted by the primary zone, provided that the alteration is not less restrictive than the regulations of the primary zone.

D. Development standards - Monarch butterfly habitats.

1. Coastal Zone.

~~a. Butterfly trees shall not be removed except where they pose a serious threat to life or property, and shall not be pruned during roosting and nesting season.~~

~~b. Adjacent development shall be set back a minimum of 50 feet from the trees.~~

2. Inland area.

a1. Limitation on the timing of construction. Any construction, grading or development within 200 feet of known or historic butterfly roosts shall be prohibited between November 1 and April 1. This requirement may be modified or deleted on a case-by-case basis where either the Director or additional information or studies with the approval the Director concludes that one or more of these activities would not impact monarchs using the trees or where it would preclude reasonable development of the lot.

b2. Impact determination. Prior to approval of a Land Use Permit for development within 200 feet of known or historic butterfly roosts, the Director shall determine if the proposed project would have the potential to adversely impact monarch butterfly habitat. This shall be determined based on proximity to known or historic, or potential butterfly trees. The Montecito Biological Resources map shall be considered in determining proximity as well as other available information and maps. In the event the proposed project does have the potential to adversely impact monarch butterfly habitat, the applicant shall submit a Butterfly Roost Protection Plan to the Department. This plan shall be developed at the applicant's expense and shall be included on any grading designs. The plan shall include the following information and measures:

~~1a.~~ The mapped location of the windrow or cluster of trees where monarch butterflies are known, or have been known, to aggregate;

~~2b.~~ A minimum setback of 50 feet from either side of the roost shall be noted on the plan. Buffers surrounding potential roosts may be increased from this minimum, to be determined on a case by case basis. A temporary fence shall be installed outside of the buffer boundary. All ground disturbance and vegetation removal shall be avoided within the buffer; and

~~3c.~~ Native vegetation shall be maintained within this buffer.

e3. Trimming or cleanup plan. A trimming or clean-up plan shall be required for trimming or clearing associated with a Land Use Permit within 50 feet of a monarch butterfly habitat and shall be

approved by the Director and shall include supervision by a qualified biologist.

E. Development standards - Coastal sage scrub. ~~Inland area.~~

1. **Preservation requirement.** Each area of coastal sage scrub that is of one or more acres shall be preserved to the maximum extent feasible. Development shall avoid impacts that would isolate, interrupt, or cause a break in a contiguous habitat which would disrupt animal movement patterns, seed dispersal routes, or increase vulnerability of species to local extirpations such as fire, flooding, disease, etc.
2. **Native plant buffer.** Impacts shall be minimized by providing a 10-foot buffer vegetated with native plant species and placing the project on the outer edge of the buffer rather than in or through the middle of the habitat area, except where this would prevent reasonable development of the lot.
3. **Additional onsite mitigation measures.** Onsite mitigation such as revegetation, erosion and water quality protection, and other measures which would minimize the impact of development shall be included in project design as necessary.

F. ~~Development standards - Marine mammal rookery and hauling grounds - Coastal Zone.~~

1. ~~Recreational activities near or on areas used for marine mammal hauling grounds shall be carefully monitored to ensure continued habitat viability.~~
2. ~~Marine mammal rookeries shall not be altered or disturbed by recreational, industrial, or any other uses during the times of the year when the rookeries are in use for reproductive activities (i.e., mating, pupping, and pup care). These times of year are:~~
 - a. ~~Harbor seal - February through April.~~
 - b. ~~Northern Elephant seals - Mid December through February.~~
 - e. ~~Sea Lions and fur seals - May through September.~~

~~NOTE: At present, the only marine mammal rookeries in the County are harbor seal rookeries on the mainland and Santa Cruz and Santa Rosa Islands. There is the possibility that other species of marine mammals may establish rookeries in other areas in the future, particularly on the Channel Islands.~~

G. ~~Development standards - Native grasslands - Coastal Zone.~~

1. ~~Grazing shall be managed to protect native grassland habitats.~~
2. ~~Development shall be sited and designed to protect native grassland areas.~~

H. ~~Development standards - Native plant communities - Coastal Zone.~~ Examples of native plant communities are: coastal sage scrub, chaparral, coastal bluff, closed cone pine forest, California native oak woodland (also individual oak trees), endangered and rare plant species as designated by the California Native Plant Society, and other plants of special interest, such as endemics.

1. ~~Oak trees shall be protected because they are particularly sensitive to environmental conditions. All land use activities, including cultivated agriculture and grazing, should be carried out in a manner so as to avoid damage to native oak trees. The regeneration of oak trees on grazing lands is encouraged.~~
2. ~~When a site is graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.~~

I. ~~Development standards - Rocky points and intertidal habitats - Coastal Zone.~~

1. ~~No unauthorized vehicles shall be allowed on beaches adjacent to intertidal areas, to prevent the~~

~~destruction of organisms that thrive in the intertidal areas.~~

- ~~2. Only light recreational uses shall be permitted on public beaches which include or are adjacent to rocky points or intertidal areas.~~
- ~~3. Shoreline structures, including piers, groins, breakwaters, drainages, seawalls, and pipelines, should be sited or routed to avoid significant rocky points and intertidal areas~~

~~**J. Development standards – Seabird nesting and roosting sites – Coastal Zone.** Recreational activities near areas used for roosting and nesting shall be controlled to avoid disturbance to seabird populations, particularly during nesting season.~~

KF. Development standards - Streams.

- 1. Stream habitat buffer.** The minimum buffer strip for development near streams and creeks in Rural Areas as designated on the Comprehensive Plan maps shall be presumptively 100 feet from the top of bank and 50 feet for streams in Urban Areas as designated on the Comprehensive Plan maps. These minimum buffers may be adjusted upward or downward on a case-by-case basis but ~~within the Inland area~~ the buffer shall not preclude reasonable development of a lot. To protect the biological productivity and water quality of streams, each buffer shall be established based on an investigation of the following factors, and after consultation with the California Department of Fish and ~~Game~~ Wildlife and California Regional Water Quality Control Board:
 - a. Soil type and stability of stream corridors;
 - b. How surface water filters into the ground;
 - c. Slope of land on either side of the stream;
 - d. Location of the 100-year flood plain boundary; and
 - e. Consistency with adopted plans, particularly Biology/Habitat policies of the Montecito Community Plan.

~~Within the Coastal Zone, riparian vegetation shall be protected and shall be included in the buffer and where riparian vegetation has previously been removed, except in association with channelization, the buffer shall allow for the re-establishment of riparian vegetation to its prior extent to the greatest degree possible.~~

- 2. Prohibition on development within a riparian corridor.** No structure shall be located within a stream corridor except:
 - a. Public trails that would not adversely affect existing habitat;
 - b. Dams necessary for water supply projects;
 - c. Flood control projects where no other method for protecting existing structures in the floodplain is feasible, and where the protection is necessary for public safety;
 - d. Other development where the primary function is for the improvement of fish and wildlife habitat; and
 - e. ~~Within the Inland area, o~~Other development where this requirement would preclude reasonable development of a lot.

Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible to minimize the impact to the greatest extent.

- 3. Limitation on development, revegetation required.** All development, including dredging, filling, and grading within stream corridors shall be limited to activities necessary for the construction of uses specified in Subsection ~~KF.~~2 (Prohibition on development within a riparian corridor) above.

~~a. **Development within the Coastal Zone.** Development within the Coastal Zone shall be in compliance with the following:~~

- ~~(1) When development requires the removal of riparian plant species, re-vegetation with local native plants shall be required, except where undesirable for flood control purposes.~~
- ~~(2) The minor clearing of vegetation for hiking, biking, and equestrian trails shall be permitted.~~
- ~~(3) All permitted construction and grading within stream corridors shall be carried out in a manner that minimizes impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.~~
- ~~(4) Other than projects that are currently approved and/or funded, no further concrete channelization or other major alterations of streams shall be permitted unless in compliance with the Public Resources Code Section 30236.~~

~~b.a. **Development within the Inland area.** Development within the Inland area shall be in compliance with the following:~~

- ~~(1) When development requires the removal of riparian plant species, re-vegetation with local native plants shall be required on both banks and extending outward 25 feet from each top of bank, except where it would preclude reasonable development of a lot.~~

4. Riparian protection measures—Inland area. Riparian protection measures shall be based on the project's proximity to riparian habitat and the project's potential to directly or indirectly damage riparian habitat through activities related to a Land Use Permit such as grading, brushing, construction, vehicle parking, supply/equipment storage, or the proposed use of the property. Damage could include vegetation removal/disturbance, erosion/sedimentation, trenching, and activities which hinder or prevent wildlife access and use of habitat. Prior to issuance of a Land Use Permit, the applicant shall include a note on the grading and building plans stating the following riparian habitat protection measures:

- a. A setback of 50 feet from either side of top-of-bank of the creek, that precludes all ground disturbance and vegetation removal; and
- b. That protective fencing shall be installed along the outer buffer boundary at the applicant's expense prior to initiation of any grading or development activities associated with a Land Use Permit. Storage of equipment, supplies, vehicles, or placement of fill or refuse, shall not be permitted within the fenced buffer region.
 - (1) This measure may be modified or deleted in the event that the Director finds that it is not necessary to protect biological resources (e.g., due to topographical changes or other adequate barriers).

5. Onsite restoration required—Inland area. Onsite restoration of any project-disturbed buffer or riparian vegetation within a creek shall be mandatory. A riparian revegetation plan, approved by the Director, shall be developed by a County approved biologist (or other experienced individual acceptable to the Director) and implemented at the applicant's expense. The revegetation plan shall use native species that would normally occur at the site prior to disturbance. The plan shall contain planting methods and locations, site preparation, weed control, and monitoring criteria and schedules.

~~L. **Development standards—Subtidal reefs—Coastal Zone.**~~

- ~~1. Recreational and commercial uses shall be permitted as long as such uses do not result in depletion of marine resources.~~
- ~~2. If evidence of depletion is found, the Department shall work with the California Department of Fish~~

~~and Game, and sport and commercial fishing groups, to assess the extent of damage and implement mitigating measures.~~

~~M. Development standards – Vernal pools – Coastal Zone.~~

- ~~1. No mosquito control activity shall be carried out in vernal pools unless it is required to avoid severe nuisance.~~
- ~~2. Grass cutting for fire prevention shall be conducted in such a manner as to protect vernal pools. No grass cutting shall be allowed within the vernal pool area or within a buffer zone of five feet or greater.~~
- ~~3. Development shall be sited and designed to avoid vernal pool sites as depicted on the resource maps.~~

~~N. Development standards – Wetlands – Coastal Zone.~~

- ~~1. All diking, dredging, and filling activities shall comply with Public Resources Code Sections 30233 and 30607.1. Presently permitted maintenance dredging, when consistent with these provisions and where necessary for the maintenance of the tidal flow and continued viability of the wetland habitat, shall comply with the following requirements.

 - ~~a. Dredging shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.~~
 - ~~b. Dredging shall be limited to the smallest area feasible.~~
 - ~~c. Designs for dredging and excavation projects shall include protective measures such as silt curtains, diaphragms, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials. During permitted dredging operations, dredge spoils may only be temporarily stored on existing dikes, or on designated spoil storage areas. A project that results in the discharge of water into a wetland requires a permit from the California Regional Water Quality Control Board.~~~~
- ~~2. Dredge spoils shall not be deposited permanently in areas subject to tidal influence or in areas where public access would be significantly adversely affected. When feasible, spoils should be deposited in the littoral drift, except when contaminants would adversely affect water quality or marine habitats, or on the beach.~~
- ~~3. Boating shall be prohibited in all wetland areas, except for research or maintenance purposes.~~
- ~~4. A buffer strip with a minimum width of 100 feet shall be maintained in a natural condition along the periphery of all wetlands. No permanent structures shall be permitted within a wetland or buffer area, except minor structures (e.g., fences, or structures necessary to support the uses in Subsection N.5 below). Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or manmade features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within 100 feet of a wetland. The upland limit of a wetland shall be defined as:

 - ~~a. The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; or~~
 - ~~b. The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or~~
 - ~~c. In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not.~~~~

- ~~5. Light recreation including bird watching or nature study, and scientific and educational uses, shall be permitted with appropriate controls to prevent adverse impacts.~~
- ~~6. Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that the discharge improves the quality of the receiving water.~~
- ~~7. Wetland sandbars may be dredged, when permitted in compliance with Subsection N.1 above, and when necessary for maintenance of tidal flow to ensure the continued biological productivity of the wetland.~~
- ~~8. No unauthorized vehicle traffic shall be permitted in a wetland, and pedestrian traffic shall be regulated and incidental to the permitted uses.~~
- ~~9. New development adjacent to or in close proximity to a wetland shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.~~
- ~~10. Mosquito abatement practices shall be limited to the minimum necessary to protect health and prevent damage to natural resources. Spraying shall be avoided during nesting seasons to protect wildlife, especially the endangered light footed clapper rail and Belding's savannah sparrow. Biological controls are encouraged.~~
- ~~11. No grazing or other agricultural use shall be permitted in a coastal wetland.~~

~~**O. Development standards – White-tailed kite habitats – Coastal Zone.**~~

- ~~1. There shall be no development including agricultural development, structures and roads, within the area used for roosting and nesting.~~
- ~~2. Recreational use of the roosting and nesting area shall be minimal, i.e., walking, bird watching. Protective measures for this area should include fencing and posting so as to restrict, but not exclude, use by people.~~
- ~~3. Any development around the nesting and roosting area shall be set back sufficiently far as to minimize impacts on the habitat area.~~

35.428.050 - Flood Hazard (FA) Overlay Zone

- A. Purpose and intent.** The Flood Hazard (FA) overlay zone is intended to promote public health, safety and welfare and to minimize public and private losses due to flood conditions in area within the 100-year flood plain by alerting by alerting property owners that County Code Chapter 15A (Floodplain Management) applies to their property, and avoiding the exposure of new development to flood hazards, minimizing the need for future flood control protective works and resulting alteration of stream and wetland environments. This overlay zone serves as a mechanism whereby members of the public and staff can easily identify areas of special flood hazard that are subject to County Code Chapter 15A (Floodplain Management).
- B. Applicability.** The requirements of this Section apply to special flood hazard areas as defined in County Code Chapter 15A (Floodplain Management).
- 1. Additional standards.** Each land use shall comply with the requirements of the primary zone, and "development" as defined in County Code Chapter 15A shall also comply with the additional requirements in Chapter 15A.
 - 2. Flood Hazard Overlay Map.** The Flood Hazard Overlay Map shall reflect the boundaries of special flood hazard areas as shown on the current Federal Emergency Management Agency (FEMA) maps on file with the County Public Works Flood Control and Water Agency (referred to in this Section as the "Flood Control Agency").

3. **Relationship to primary zone.** Each land use and proposed development within the FA overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.

C. Permit and processing requirements.

1. **Referral and determination.** Prior to the approval of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) for all development subject to the FA Overlay Zone:
 - a. The applicant shall be referred to the Flood Control Agency for a determination as to whether the development is subject to the requirements of County Code Chapter 15A. If the Flood Control Agency determines that the proposed development is subject to Chapter 15A, then the development shall comply with the requirements of Chapter 15A.
 - b. The applicant shall obtain the appropriate clearance or receive a written exemption from the Flood Control Agency.

35.428.060 - Growth Management Ordinance (GMO) Overlay Zone

- A. **Purpose and intent.** The Growth Management Ordinance (GMO) overlay zone identifies areas where a growth management ordinance has been adopted due to infrastructure, public service, and resource constraints. The overlay zone defines development restrictions in addition to the other applicable requirements of this Development Code.
- B. **Applicability.**
 1. The GMO overlay zone is applied only to property that is subject to a growth management ordinance. All new development including subdivisions within the GMO overlay zone shall comply with the applicable growth management ordinance in addition to the requirements of the primary zone.
 2. The overlay zone shall continue to apply to the areas designated until the County determines that additional development can be accommodated by available infrastructure, public services, and resources such that a growth management ordinance is no longer necessary.
- C. **Permit and processing requirements.** The permit and processing requirements of the applicable growth management ordinance shall apply within the GMO overlay zone in addition to the requirements of this Development Code.

35.428.070 - Montecito Hillside (H-MON) Overlay Zone—~~Inland area~~

- A. **Purpose and intent.** The Montecito Hillside (H-MON) overlay zone is intended to preserve, enhance, and protect the visual and biological importance and natural mountainous setting of areas of Montecito that are steeply sloped and visually prominent. The overlay zone is also intended to protect mountainous areas and adjacent areas from erosion, scarring, flood and fire hazard and to promote safety, thereby implementing the policies of the Montecito Community Plan.
- B. **Applicability.** This overlay zone is applied to mountainous areas and areas adjacent to mountainous areas in the Montecito Community Plan area as shown on applicable Santa Barbara County Zoning Maps.
 1. **Exceptions.** The regulations of this overlay zone shall not apply to:
 - a. Existing lawful structures and their reconstruction if they are of the same or lesser size, height and location and;
 - b. Projects that have received preliminary or final approval from the Board of Architectural Review prior to June 15, 1995; and
 - c. Subdivisions which have received Tentative Parcel or Final Map approval and contain

specific conditions that mitigate size of structures, visibility, building materials and colors, erosion and flooding, as determined by the Director.

2. **Relationship to primary zone.** Each land use and proposed development within the H-MON overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.

C. Development standards. All residential development within the H-MON overlay zone shall comply with the development standards in Section IV.C (Hillside Development Standards) of the Montecito Architectural Guidelines and Development Standards, and as provided below:

1. The visual bulk of residential structures shall be minimized as viewed from scenic view corridors as shown on Figure 37, Visual Resources Map in the Montecito Community Plan EIR (92-EIR-03).
2. The height of the primary residence should not exceed 16 feet.
3. No elevation, including retaining walls adjacent to the structure, shall exceed an average height of 20 feet as measured at five-foot intervals from finished grade to the average height of the highest gable roof or to the top of the parapet of a flat roof. At no point shall the structure exceed 28 feet in height from any finished grade or existing grade, whichever is lower, to the highest gable, except for architectural features.
4. Accessory structures except barns and stables shall not exceed 16 feet in height.

5. **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, barns, and stables; however, an accessory structure shall not be attached to an 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.

b. Detached accessory buildings. The total gross floor area of all approved and proposed buildings located on a lot shall not exceed 40 percent of the gross lot area of the lot on which the proposed detached accessory building would be located.

- (1) For purposes of this Subsection C.5.b, “gross floor area” includes any fully enclosed, partially enclosed, or unenclosed floor area of the detached accessory building(s) covered by a solid roof or other permanent covering.
- (2) The gross floor area limitation in this Subsection C.5.b shall not apply to or otherwise limit the gross floor area of approved or proposed accessory dwelling units.
- (3) If an application includes an approved detached accessory dwelling unit and one or more detached accessory buildings, and the total gross floor area of all buildings located on the lot, both approved and proposed, would exceed 40 percent of the gross lot area,

then the floor area of the proposed detached accessory building(s) shall be reduced as necessary in order to comply with the 40 percent of gross lot area limitation.

- (4) For purposes of this Subsection C.5.b, “approved” means that a valid land use entitlement exists for a detached accessory building or accessory dwelling unit, but the building or unit has not been constructed, or that construction of the detached accessory building or accessory dwelling unit has been legally completed. “Proposed” means that an application for a detached accessory building or accessory dwelling unit has been submitted to the Department, and final action on the application has not been taken.
6. The floor area of guest houses, artist studios, or pool house/cabana shall not exceed 800 square feet; however, such structures may be attached to an accessory structure provided the building footprint of the combined structure does not exceed 800 square feet.
7. Project grading shall not exceed 1,500 cubic yards of cut or fill, unless additional grading is necessary to allow reasonable development of the property or to achieve reasonable vehicular access. Exception: Excavation not apparent from the exterior, such as for basements entirely below grade, crawl spaces, swimming pools, underground water storage tanks, etc., shall not be included in the grading calculations under this provision. Grading may exceed 1,500 cubic yards if the Montecito Board of Architectural Review can make all of the following findings:
 - a. The proposed grading respects the significant natural land forms of the site and blends with adjacent properties.
 - b. The graded slopes relate to the natural contours of the site.
 - c. The length and height of retaining walls have been minimized to the maximum extent feasible.
 - d. There are no other suitable alternative building sites available on the property that could be utilized with significantly less required grading for the primary residence and/or access road.
8. Fill for residential structures on downslope areas shall not be over 10 feet in height at the highest point (top of slope).
9. Cut over thirty (30) feet in total height shall be avoided to the extent feasible.
10. To the maximum extent feasible, freestanding vertical retaining walls shall not exceed eight feet in height. The height of the wall shall be measured from the natural or finished grade at the base of the lower side of the wall to the top edge of the wall material.
11. Building materials and color schemes of structures, walls and roofs shall blend with predominant colors and values of the surrounding natural landscape.
12. The design of new development shall protect, to the extent feasible, unique or special features of the site, such as landforms, rock outcroppings, mature trees, unique vegetative groupings, drainage courses, hilltops and ridgelines.
13. Landscape plans shall include appropriate planting to reduce fire hazard, stabilize cut/fill slopes, reduce erosion, retain moisture, repair areas of required fire department brush removal, and integrate architectural components.
14. Calculation of runoff from impervious surfaces shall be made by a licensed civil engineer prior to issuance of any permits for new residences or additions which exceed fifty (50) percent of existing floor area of the principal structure. Project review will include consideration of any increased runoff and its impact on offsite drainage courses. These calculations will be retained in County records for use in preparing a Master Drainage Plan.

Montecito Board of Architectural Review Adjustments: Adjustments to the development standards may be granted by the MBAR, not to exceed the regulations of the zoning ordinance, if all of the

following criteria are met:

- a. Allowing greater flexibility would better serve the interests of good design, without negatively affecting neighborhood compatibility or the surrounding viewshed.
- b. The project is not within 100 feet of an Environmentally Sensitive Habitat area as delineated on the County Zoning Map or the project complies with the requirements of [Section 35.428.040](#) of this Development Code.
- c. Drainage plans have been prepared which minimize erosional impacts.
- d. The project includes fire-retardant landscaping.

35.428.080 - Reserved

35.428.090 - Reserved

DIVISION 35.3

Montecito Site Planning and Other Project Standards

Chapter 35.430 - Standards for All Development and Land Uses	3-3
35.430.010 - Purpose	3-3
35.430.020 - Applicability	3-3
35.430.025 - Agricultural Buffers	3-3
35.430.030 - Bikeways	3-9
35.430.040 - Reserved	3-9
35.430.050 - Density	3-9
35.430.060 - Design Compatibility Standards	3-10
35.430.070 - Fences and Walls	3-10
35.430.080 - Flood Hazard Development Standards	3-11
35.430.090 - Height Measurement, Exceptions and Limitations	3-11
35.430.100 - Infrastructure Services, Utilities and Related Facilities	3-14
35.430.110 - Lot Line Adjustments	3-16
35.430.120 - Outdoor Lighting	3-18
35.430.125 - Reserved Medical Marijuana Cultivation and Dispensaries	3-18
35.430.130 - Performance Standards	3-18
35.430.140 - Reserved	3-19
35.430.150 - Setback Requirements and Exceptions	3-19
35.430.160 - Solar Energy Systems	3-23
35.430.170 - Solid Waste and Recycling Storage Facilities	3-25
35.430.180 - Storm Water Runoff Requirements	3-26
35.430.190 - Subdivisions, Lot Size	3-26
Chapter 35.432 - Density Bonus for Affordable Housing	3-29
35.432.010 - Purpose and Intent	3-29
35.432.020 - Eligibility for Density Bonus, Incentives or Concessions	3-29
35.432.030 - Allowed Density Bonuses	3-29
35.432.040 - Allowed Incentives or Concessions	3-29
35.432.050 - Siting Criteria	3-30
35.432.060 - Processing of Density Bonus and Incentive Request	3-30
Chapter 35.434 - Landscaping Standards	3-33
35.434.010 - Purpose	3-33
35.434.020 - Applicability	3-33
35.434.030 - Landscape Plans	3-33
35.434.040 - Landscape Agreement and Performance Security	3-33
35.434.050 - Reserved	3-34
35.434.060 - Residential Zones Landscaping Requirements	3-34
35.434.070 - Commercial Zones Landscaping Requirements	3-34
35.434.080 - Special Purpose Zones Landscaping Requirements	3-35
35.434.090 - Landscaping Requirements for Parking Areas	3-36
Chapter 35.436 - Parking and Loading Standards	3-37
35.436.010 - Purpose and Intent	3-37
35.436.020 - Applicability	3-37
35.436.030 - Recalculation of Parking Spaces Upon Changes of Use and Additions	3-37

35.436.040 - Required Number of Spaces: Agriculture Uses	3-37
35.436.050 - Required Number of Spaces: Residential Uses.....	3-37
35.436.060 - Required Number of Spaces: Nonresidential Uses	3-38
35.436.070 - Standards for All Zones and Uses.....	3-39
35.436.080 - Standards for Agricultural Zone and Uses	3-41
35.436.090 - Standards for Residential Zones and Uses	3-41
35.436.100 - Standards for Nonresidential Zones and Uses	3-44
Chapter 35.437 - Reasonable Accommodation	3-49
35.437.010 - Purpose	3-49
35.437.020 - Applicability	3-49
35.437.030 - Notice of Availability of Accommodation Process	3-49
35.437.040 - Contents of Application	3-50
35.437.050 - Processing	3-50
35.437.060 - Findings Required for Approval	3-51
35.437.070 - Effect of An Approved Reasonable Accommodation on Other Project Applications	3-52
Chapter 35.438 - Sign Standards	3-53
35.438.010 - Purpose	3-53
35.438.020 - Prohibited Signs.....	3-53
35.438.030 - Exempt Signs, Flags, and Devices	3-53
35.438.040 - Permit Requirements.....	3-54
35.438.050 - Requirements for All Signs.....	3-54
35.438.060 - Signs Allowed in All Zones.....	3-55
35.438.070 - Reserved Signs Allowed in Agricultural Zone	3-56
35.438.080 - Signs Allowed in Residential Zones	3-57
35.438.090 - Signs Allowed in Commercial Zones Outside of Shopping Centers	3-57
35.438.100 - Signs Allowed in Shopping Centers	3-59
35.438.110 - Nonconforming Signs	3-61
35.438.120 - Violations and Enforcement of Sign Regulations	3-62

CHAPTER 35.430 - STANDARDS FOR ALL DEVELOPMENT AND LAND USES

Sections:

- 35.430.010 - Purpose
- 35.430.020 - Applicability
- 35.430.025 - Agricultural Buffers
- 35.430.030 - Bikeways
- 35.430.040 - Reserved
- 35.430.050 - Density
- 35.430.060 - Design Compatibility Standards
- 35.430.070 - Fences and Walls
- 35.430.080 - Flood Hazard Development Standards
- 35.430.090 - Height Measurement, Exceptions and Limitations
- 35.430.100 - Infrastructure Services, Utilities and Related Facilities
- 35.430.110 - Lot Line Adjustments
- 35.430.120 - Outdoor Lighting
- 35.430.125 - ~~Reserved~~ Medical Marijuana Cultivation and Dispensaries
- 35.430.130 - Performance Standards
- 35.430.140 - Reserved
- 35.430.150 - Setback Requirements and Exceptions
- 35.430.160 - Solar Energy Systems
- 35.430.170 - Solid Waste and Recycling Storage Facilities
- 35.430.180 - Storm Water Runoff Requirements
- 35.430.190 - Subdivisions, Lot Size

35.430.010 - Purpose

This Division expands upon the standards of [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#) by addressing the details of site planning and project design. These standards are intended to ensure that development:

- A. Produces an environment of stable and desirable character;
- B. Is compatible with existing and future development; and
- C. Protects the use and enjoyment of neighboring properties, consistent with the Comprehensive Plan, including the Montecito Community Plan.

35.430.020 - Applicability

The requirements of this Chapter shall apply to all proposed development and new land uses, except as specified in [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#), and shall be considered in combination with the standards for the applicable zone in [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#), and those in [Division 35.4 \(Montecito Standards for Specific Land Uses\)](#). If there is a conflict, the standards in [Division 35.4 \(Montecito Standards for Specific Land Uses\)](#) shall control.

35.430.025 - Agricultural Buffers

- A. **Purpose and intent.** The purpose of agricultural buffers is to implement adopted Comprehensive Plan policies that assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County through establishing development standards that provide for the creation of buffers between agricultural uses and new non-agricultural development and uses. The intent of agricultural buffers is to minimize potential conflicts between agricultural and adjacent land uses that result from noise, dust, light, and odor incidental to normal agricultural operations as well as potential conflicts originating from residential and other non-agricultural uses (e.g., domestic pets, insect pests and invasive

weeds).

B. Applicability. This Section applies to all non-agricultural discretionary development and use applications (project) which satisfy all of the following criteria:

1. The project site is located within an Urban Area as designated on the Comprehensive Plan maps.
2. The project site is located immediately adjacent to land that is:
 - a. Located in a Rural Area as designated on the Comprehensive Plan maps, and
 - (1) Has an agricultural zone designation as identified in [Section 35.404.020 \(Zoning Map and Zones\)](#) or Article V of Ordinance No. 661, excluding state or federally owned land, or
 - (2) Is subject to a contract executed in accordance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones.

C. Exceptions. This Section does not apply to the following:

1. One-family dwellings, 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](#).

D. Agricultural buffer requirements. All applications subject to this Section shall designate and maintain an agricultural buffer on the project site in compliance with this Section.

1. **Agricultural buffer width.** The width of the agricultural buffer shall be in compliance with the range of agricultural buffer widths as shown in the following Table 3-1 (Range of Agricultural Buffer Widths). Ranges are provided because unique circumstances may require the buffer width to be adjusted; however, the agricultural buffer width as adjusted shall neither be less than the minimum buffer width nor greater than the maximum buffer width shown in the following Table 3-1 (Range of Agricultural Buffer Widths). If the proposed project is located adjacent to a lot that contains both Production Agriculture and Rangeland or Pastureland, then the most protective buffer:
 - a. Shall be applied adjacent to any portion of the common lot line between the project site and the adjacent agriculturally zoned lot where Production Agriculture is immediately adjacent; and,

- b. May be applied to any portion of the common lot line between the project site and the adjacent agriculturally zoned lot where Production Agriculture is not immediately adjacent, if Production Agriculture is located on the adjacent lot within the distance, as measured from the common lot line, that is equal to the width of the required buffer that would otherwise be applicable to the project site.

Refer to Section II.C. (Agricultural Buffer Width Adjustment) of the [Agricultural Buffer Implementation Guidelines \(Appendix HE\)](#) for guidance.

Table 3-1 - Range of Agricultural Buffer Widths

Project Land Use or Zoning	Project Location	Minimum Buffer Width (feet)	Maximum Buffer Width (feet)
Commercial or Industrial	Adjacent to production agriculture	100	300
	Adjacent to rangeland or pastureland	100	150
Residential, not located on a Small Lot located within an Urban Area	Adjacent to production agriculture	200	300
	Adjacent to rangeland or pastureland	100	150
Residential, located on a Small Lot located within an Urban Area	Adjacent to production agriculture	100	200
	Adjacent to rangeland or pastureland	100	150
Sensitive Non-agricultural Uses	Adjacent to production agriculture	300	400
	Adjacent to rangeland or pastureland	100	150

- 2. Agricultural buffer location.** The agricultural buffer shall be located:
- On the lot on which the non-agricultural project is proposed.
 - Adjacent to the common lot line between the project site and the adjacent agriculturally zoned lot.
- 3. Agricultural buffer width measurement.** The agricultural buffer width shall be measured from the common lot line between the project site and the adjacent agriculturally zoned lot. The agricultural buffer shall be coterminous with the length of the said common lot line.
- 4. Agricultural buffer width adjustment.** The following factors shall be considered when determining the agricultural buffer width in compliance with Subsection D.1 (Agricultural Buffer Width), above. See the [Agricultural Buffer Implementation Guidelines \(Appendix HE\)](#) for guidance in determining the appropriate agricultural buffer width.
- Site specific factors.** The following factors shall be considered when determining the agricultural buffer width:
 - Crop type/agricultural practices.
 - Elevation differences and topography.
 - Extent and location of existing non-agricultural development.
 - Location of existing roads or naturally occurring barriers.
 - Historical land use on the agricultural lot.
 - Future farming potential of the agricultural lot.
 - Site design of the non-agricultural proposal.
 - Non-agricultural lot size/configuration.
 - Prevailing wind direction.

- b. Vegetative screening adjacent to production agriculture.** Vegetative screening may be used to offset an increase in the buffer width for projects adjacent to Production Agriculture, as it may be adjusted in compliance with Subsection D.4.a (Site-specific factors). See Subsection F.3 for vegetative screening criteria and the [Agricultural Buffer Implementation Guidelines \(Appendix HE\)](#) for guidance.
- c. Constrained agricultural areas.** If the adjacent lot is used for production agriculture and contains land areas that are constrained by physical features or easements such that those land areas cannot be used for agriculture, then the agricultural buffer width may be reduced on the project site by an amount equal to the width of the constrained land area located on the adjacent agricultural lot, provided:
- (1) The physical feature is permanently part of the landscape (e.g., a protected riparian area, or rock out-cropping); and
 - (2) The physical feature or easement precludes any kind of agricultural use and be located adjacent to the non-agricultural project site.
- 5. Comprehensive Plan consistency.** Where Comprehensive Plan policies and this Section both address agricultural buffer requirements, the most protective agricultural buffer requirement shall prevail.
- 6. Reasonable use.** This Section is not intended, and shall not be construed as authorizing the review authority acting in compliance with this Section to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefore. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States or under this Development Code.
- 7. Buffer recordation.**
- a. Notice to Property Owner required.** Prior to the approval of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) following the approval of a discretionary planning permit, a Notice to Property Owner shall be required to be recorded by the property owner that will provide notification to all future owners and successors of the restrictions of this Section 35.430.025. Said Notice shall include:
- (1) An exhibit showing the location of the agricultural buffer by metes and bounds description or surveyor's description.
 - (2) The uses that are allowed within the agricultural buffer in compliance with Section 35.430.025.E (Allowable uses within agricultural buffers).
 - (3) The Landscape, Lighting and Irrigation Plan in compliance with Section 35.430.025.F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirements).
 - (4) The Maintenance Plan in compliance with Section 35.430.025.G (Agricultural buffer maintenance requirements).
- b.** The requirement to record said Notice in compliance with this Subsection D.7 shall be included as a condition of approval of an application for a discretionary planning permit subject to this Section.
- E. Allowable uses within agricultural buffers.** The property owner shall use his best efforts to consult with the adjacent agricultural land owner(s) to address food safety and agricultural production concerns with regard to landscape, lighting, and vegetative screening design and siting. See the [Agricultural Buffer Implementation Guidelines \(Appendix HE\)](#) for information on the purpose and intent of restricting uses within the agricultural buffers and how to incorporate site design and other features that are compatible

with agriculture.

1. **Unrestricted uses within agricultural buffers.** Subject to other provisions of this Section, or other provisions of the County Code, the following uses may be allowed within a designated agricultural buffer:
 - a. Drainage channels, irrigation canals, storm water retention basins and Low Impact Development (LID) drainage features.
 - b. Fences and walls.
 - c. Low-lying landscaping and vegetative screening that does not include trees or hedges exceeding three feet in height.
 - d. Natural waterways including rivers, creeks, lakes, ponds, and flood plains.
 - e. Signs.
 - f. Solar energy systems permitted in compliance with [Section 35.430.160 \(Solar Energy Systems\)](#)
 - g. Telecommunication facilities permitted in compliance with [Chapter 35.444 \(Telecommunication Facilities\)](#).
 - h. Utility lines and facilities.
 - i. Wind energy conversion systems permitted in compliance with [Chapter 35.446 \(Wind Energy Conversion Systems\)](#).
 - j. Any other use determined by the review authority to be consistent with the purpose and intent of the buffer requirement.
 - k. Modifications or additions to structures legally existing as of May 9, 2013 provided that any addition to a structure that is located within a buffer required by this Section shall not extend further towards the immediately adjacent agricultural lot.
2. **Restricted uses within agricultural buffers.** Subject to other provisions of this Section, or other provisions of the County Code, the following uses may be allowed within the agricultural buffer provided they are not located any closer to the common lot line between the project site and the adjacent agriculturally zoned lot than half the width of the buffer. This requirement may be modified by the review authority when it is determined that strict compliance with this section is not required to minimize conflicts with adjacent agriculture.
 - a. Commercial loading docks and rear service areas.
 - b. Landscaping and vegetative screening.
 - c. Lighting.
 - d. Non-habitable structures such as those used for storage.
 - e. Parking areas including carports and garages.
 - f. Public and private open space areas with limited passive recreational uses such as trails, bike paths and walking paths.
 - g. Roads and transportation infrastructure.
3. **Prohibited uses within agricultural buffers.** Recreational uses such as parks, picnic areas, playgrounds and ball fields shall not be allowed in an agricultural buffer.
4. **Open space credit.** The agricultural buffer may be counted toward open space requirements as long as the limits on allowed uses are consistent with the requirements of this Section and the

Development Code.

5. The unrestricted uses, restricted uses and prohibited uses within the designated agricultural buffer shall be included as a condition of approval of the approved project.

F. Agricultural buffer Landscape, Lighting and Irrigation Plan requirements.

1. A Landscape, Lighting and Irrigation plan (Plan) shall be required for all agricultural buffers. The Plan shall:
 - a. Graphically depict and label the agricultural buffer.
 - b. Graphically depict and label the following elements within the agricultural buffer:
 - (1) Erosion control measures.
 - (2) Hardscape.
 - (3) Irrigation systems.
 - (4) Landscaping, vegetation, and materials.
 - (5) Lighting.
 - c. Incorporate Low Impact Development (LID) measures to maximize runoff retention and groundwater infiltration on-site.
 - d. Incorporate a fence or other barrier that complies with the Development Code, with a minimum height of six feet, that discourages trespassing and domestic animals from crossing the common lot boundary between the project site and the adjacent agricultural land.
 - e. Prohibit the planting or installation of turf within 50 feet of the adjacent agricultural land unless required by County, State or Federal regulations.
 - f. Be compatible with the surrounding land uses and rural character of the agricultural area.
2. Landscaping, lighting and irrigation are not required within the agricultural buffer. However, if vegetation is included within the buffer, the plant palette shall meet the following requirements:
 - a. The plants shall be compatible with agriculture.
 - b. Shading of adjacent agricultural crops shall be minimized.
 - c. To the maximum extent feasible, the plants shall be fire resistant and drought-tolerant or low water use.
 - d. The plants shall not be considered noxious according to Section 4500 of the California Code of Regulations or considered invasive by the California Invasive Plant Council (Cal-IPC).
3. If a vegetative screen is used to offset an agricultural buffer width increase for production agriculture as described in Subsection D.4.b (Vegetative screening adjacent to production agriculture), the vegetative screen shall be consistent with the requirements in this Subsection F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirements) and shall be in compliance with the following additional criteria:
 - a. The vegetative screen shall consist of two staggered rows of vegetation consisting of a layered canopy with evergreen trees and shrubs with foliage extending from the base to the crown.
 - b. The plants shall thoroughly screen the agricultural use from the non-agricultural use within five years from time of installation.
 - c. The minimum height of trees at maturity shall be 15 feet.
 - d. The vegetative screen shall be at least 25 feet deep.

4. The Landscape, Lighting and Irrigation Plan shall be compatible with the requirements in Subsection E (Allowable uses within agricultural buffers).
5. The applicant shall provide a signed and notarized agreement and a performance security acceptable to the Director that guarantees the installation of landscaping, lighting and irrigation and provides for the successful establishment of the agricultural buffer for a minimum of five years. The performance security shall be released upon approval by the Director.

G. Agricultural buffer maintenance requirements.

1. A Maintenance Plan shall be required that provides for the maintenance of the agricultural buffer for the life of the project. The Maintenance Plan shall:
 - a. Include provisions for managing agricultural pests such as vertebrate pests, invasive weeds, and crop threatening insects. Integrated Pest Management practices shall be used to the extent feasible.
 - b. Include provisions for removing weeds, trash and debris.
 - c. Provide for regular fuel management and removal of accumulated plant matter within the agricultural buffer so as to minimize fire risk.
 - d. Be consistent with the requirements in Subsection F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirement).
 - e. Provide for the regular maintenance of the elements as described in Subsection F (Agricultural Buffer Landscape, Lighting and Irrigation Plan requirements).

H. Future conversion of adjacent agricultural land. If the underlying purpose for the agricultural buffer no longer exists, the review authority, upon application for permit revision in compliance with [Division 35.8, \(Planning Permit Procedures\)](#), may remove agricultural buffer requirements originally required in compliance with this Section.

I. Findings. In addition to other findings that may be required, the review authority shall not approve or conditionally approve any application subject to the requirements of this Section for which an agricultural buffer is required unless it first makes all of the following findings:

1. The design and configuration of the agricultural buffer minimizes, to the maximum extent feasible, conflicts between the adjacent agricultural and non-agricultural uses which are the subject of the permit application.
2. The Landscape, Lighting, Irrigation and Maintenance Plans are compatible with the character of the adjacent agricultural land and the rural setting.

35.430.030 - Bikeways

~~Within the Inland area, b~~ Bikeways shall be provided where determined by the review authority to be appropriate for recreational and commuting use.

35.430.040 - Reserved

35.430.050 - Density

- A. The densities specified in the Comprehensive Plan are maximums and may be reduced through discretionary project review if the review authority determines that a reduction is warranted by conditions specifically applicable to a site, including topography, geologic or flood hazards, habitat areas, or steep slopes.
- B. Density may be increased for an affordable housing project in compliance with Housing Element policies, ~~provided that any project in the Coastal Zone is found consistent with all applicable provisions~~

of the Local Coastal Program.

35.430.060 - Design Compatibility Standards

- A. Rural.** Within Rural areas as designated on the Comprehensive Plan maps, the height, scale, and design of each structure shall be compatible with the character of the surrounding natural environment, as determined by the review authority, except where the review authority determines that technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms, shall be designed to follow the natural contours of the landscape, and shall be sited so as not to intrude into the skyline as seen from public viewing places.
- B. Urban and Existing Developed Rural Neighborhoods.** Within Urban areas and Existing Developed Rural Neighborhoods (~~Inland area~~) or Rural Neighborhoods (~~Coastal Zone~~) as designated on the Comprehensive Plan maps, new structures conform to the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.

35.430.070 - Fences and Walls

- A. Purpose.** This Section provides regulations for the installation, construction, and placement of fences. For the purposes of this Section, the term "fence" includes fences, walls, gates, gateposts, and other structures in the nature of a fence, except where any of these are specifically identified and separately regulated by this Section.
- B. Measurement of fence height.** Fence height shall be measured as the vertical distance between the natural grade at the base of the lower side of the fence, and the top edge of the fence material. See Figure 3-1 (Measurement of Fence Height) below.

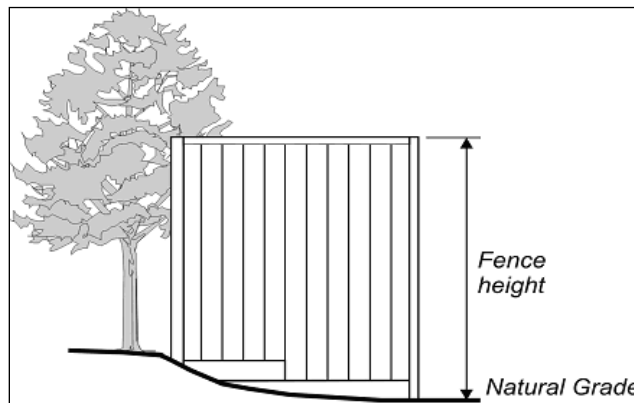


Figure 3-1 - Measurement of Fence Height

- C. Height limits and permit requirements.** Each fence shall comply with the height limits and permit requirements in Table 3-2 (Fence Height and Permit Requirements) below. In no case shall the height of the fence exceed the height limit established for the applicable zone district by [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#). Additionally, a fence on a corner lot shall also comply with the vision clearance requirements in [Section 35.430.090 \(Height Measurement, Exceptions and Limitations\)](#).
- 1. Exception to height limits.** A maximum of 10 percent of the total linear length of a wall or fence may be allowed to exceed the maximum height specified for exemption from a permit in Table 3-2 (Fence Height and Permit Requirements), where the review authority first determines that topographic or other unavoidable conditions will destroy its architectural integrity if held to the maximum height specified for its entire length.
 - 2. Retaining wall exemption.** A retaining wall (retaining earth only) that is not over four feet in height measured from the bottom of the footing to the top of the wall and does not require a Grading

Permit in compliance with County Code Chapter 14 is exempt from ~~Coastal Development Permit or Land Use Permit~~ requirements except when located ~~within 300 feet of the edge of a coastal bluff or the inland extent of any beach, or within an Environmentally Sensitive Habitat area.~~

Table 3-2 - Fence Height and Permit Requirements

Fence Location	Permit Requirement		
	Exempt from Planning Permit-(1)	Land Use Permit Required	Conditional Use Permit Required
Within front setback	Fence 6 ft or less in height; gatepost 8 ft or less in height.	Not applicable	Fence more than 6 ft high; gatepost more than 8 ft high.
Within side and rear setbacks	Fence 6 ft or less in height; gatepost 8 ft or less in height.	Not applicable	Fence more than 6 ft high; gatepost more than 8 ft high.
Within interior lot setback area or 20 ft or less from a street right-of-way	Fence 6 ft or less in height; gatepost 8 ft or less in height.	Not applicable	Fence more than 6 ft high; gatepost more than 8 ft high.
Outside of a required setback	Fence 6 ft or less in height; gatepost 8 ft or less in height	Fence more than 6 ft high; gatepost more than 8 ft high.	Not applicable.

Notes:

- (1) ~~Within the Coastal Zone, fences shall be exempt only if the fence will:~~
 - a. ~~Not be located within or adjacent to a wetland, beach, environmentally sensitive habitat or on or within 50 feet of a coastal bluff; and~~
 - b. ~~Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantive evidence of prescriptive rights); and~~
 - e. ~~Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.~~
- ~~If the fence does not meet the preceding criteria for an exemption, then a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) is required.~~

35.430.080 - Flood Hazard Development Standards

- A. **Purpose.** The intent of the Flood Hazard development standards is to avoid exposing new development to flood hazards and to reduce the need for future flood control protective works and resulting alteration of stream and wetland environments by regulating development within the 100-year flood plain.
- B. **Development within floodway.** All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway, as determined by the County Public Works Department, unless off-setting improvements in accordance with Housing and Urban Development regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, providing creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation as specified in County Code Chapter 15A (Floodplain Management).
- C. **Permitted development limitations.** Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, such as dams, stream channelizations, etc.

35.430.090 - Height Measurement, Exceptions and Limitations

- A. **Purpose.** This Section describes the required methods for measuring the height of structures to determine compliance with the height limits established by this Development Code and provides exceptions to those height limits.
- B. **Height limit of structures.** The height of each structure shall not exceed the applicable height limit established for the applicable zone by [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#) and/or other requirements of this Development Code, except as otherwise provided by this Section and this Development Code.

C. **Height measurement.** The following methodology shall be used to determine the height of a structure. Additionally, Subsection D. through Subsection I. below, provide or reference additional specific height measurement criteria and exemptions for specific types of development.

1. **Height of structures.** The height of a structure shall be the vertical distance between the existing grade and the uppermost point of the structure directly above that grade except as provided in Subsection C.1.a below. The height of any structure shall not exceed the applicable height limit except as provided in Subsection D. through Subsection I., below, see Figure 3-2 (Height Limit).

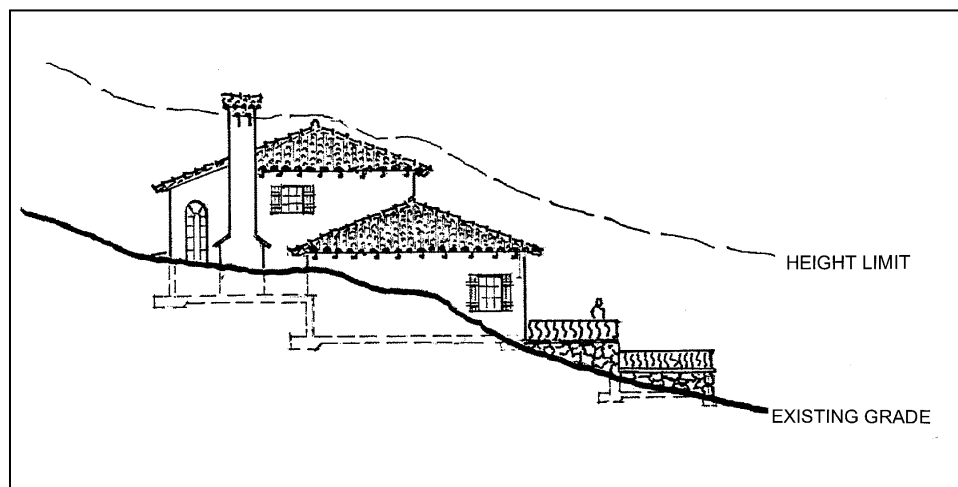


Figure 3-2 - Height Limit

a. **Measurement from finished grade.**

(1) **Located on fill.**

(a) ~~**Coastal Zone.** For lots located within the Coastal Zone, the height of a structure shall be the vertical distance between the finished grade and the uppermost point of the structure directly above that grade if any portion of the structure is located above an area of the site where the finished grade is 10 feet or more above existing grade.~~

(b) ~~**Inland area.** For lots located within the Inland area that are zoned AG-I, R-1/E-1, R-2 or PRD, the height of a structure shall be the vertical distance between the finished grade and the uppermost point of the structure directly above that grade for those portions of the structure located above an area of the site where the finished grade is 10 feet or more above the existing grade.~~

(2) ~~**View corridor.** For lots located within the View Corridor (VC) Overlay, the height of a structure shall be the vertical distance between the average finished grade and the uppermost point of the structure directly above that grade.~~

2. **Maximum height in ridgeline/hillside locations.** In addition to the height limit applicable to a structure as described in Subsection C.1 (Height of structures) above, a structure subject to [Chapter 35.452 \(Montecito Ridgeline and Hillside Development\)](#) or [Section 35.428.070 \(Montecito Hillside Overlay Zone\)](#) shall not exceed a maximum height of 28 feet as measured from the highest part of the structure, excluding chimneys, vents and noncommercial antennas, to the lowest point of the structure where an exterior wall intersects the finished grade or the existing grade, whichever is lower. In the case where the lowest point of the structure is cantilevered over the ground surface, then the calculated maximum height shall include the vertical distance below the lowest point of the structure to the finished grade or the existing grade, whichever is lower, ~~See~~ [Figure 3-3 \(Maximum Height\)](#).

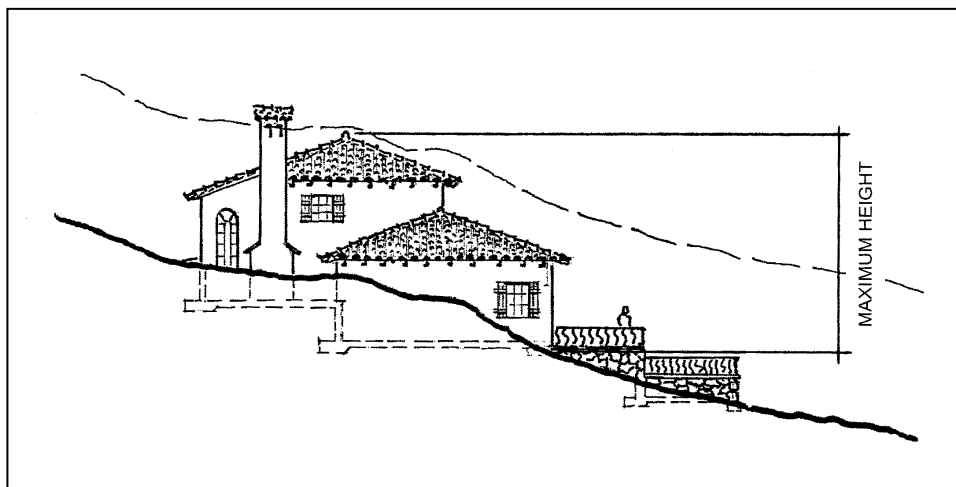


Figure 3-3 - Maximum Height

- D. General height limit exceptions.** The height of a structure may exceed the applicable height limit in compliance with the following:
1. Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, towers, vents, and similar structures which are not used for human activity may be up to 50 feet in height in all zones where the excess height is not prohibited by [Section 35.428.090 \(View Corridor Overlay\)](#). The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity. No such structure shall be employed for any commercial or advertising use unless specifically allowed by the applicable zone, except that antennas and associated equipment may be located within such structures.
 2. Portions of a structure may exceed the applicable height limit by no more than three feet where the roof exhibits a pitch of four in 12 (rise to run) or greater.
 3. In order to provide for architectural character, architectural elements, whose aggregate area is less than or equal to 10 percent of the total roof area of the structure or 400 square feet, whichever is less, may exceed the height limit by no more than eight feet when approved by the Montecito Board of Architectural Review.
 4. Allowances for exceeding the applicable height limit in compliance with Subsections D.2 and D.3 above are not cumulative.
- E. Accessory dwelling units.** See [Section 35.442.015 \(Accessory Dwelling Units\)](#) for height limits and exceptions for accessory dwelling units.
- F. Fences and walls.** A fence or wall shall comply with the height limits established by [Section 35.430.070 \(Fences and Walls\)](#).
- G. Guesthouses, artist studios and cabañas.** See [Section 35.442.120 \(Guesthouses, Artist Studios, and Cabañas\)](#) for height limits and exceptions for guesthouses, artist studios, and cabañas.
- H. Telecommunication facilities.** See [Chapter 35.444 \(Telecommunications Facilities\)](#) height limits and exception for commercial and noncommercial telecommunication facilities
- I. Vision clearance.** Structures and landscaping on a corner lot shall not exceed the height limits provided by this Subsection within a required vision clearance area.
1. **Measurement of vision clearance area.** See Figure 3-4 (Vision Clearance Area).
 - a. **Straight corners.** The boundaries of a vision clearance area are defined by drawing lines

from the point of intersection of a lot's street property lines at the corner to a point a minimum of 10 feet from the corner along the two property lines, and then connecting the two points with a straight line forming the hypotenuse of the triangle.

- b. Rounded corners.** In the case of rounded corners, the boundaries of a vision clearance area are defined by extending the street property lines from the tangents at the beginning and end of the curving corner to a point of intersection, then drawing lines from the point of intersection to a point a minimum of 10 feet from the point of intersection along the two property lines, and then connecting the two points with a straight line forming the hypotenuse of the triangle.
- 2. Height limits within vision clearance area.** No planting, fence, wall, or other structure shall exceed a height of two and one-half feet above the adjacent curb grade, or three feet above the adjacent surface of pavement, whichever is less, within a vision clearance area.

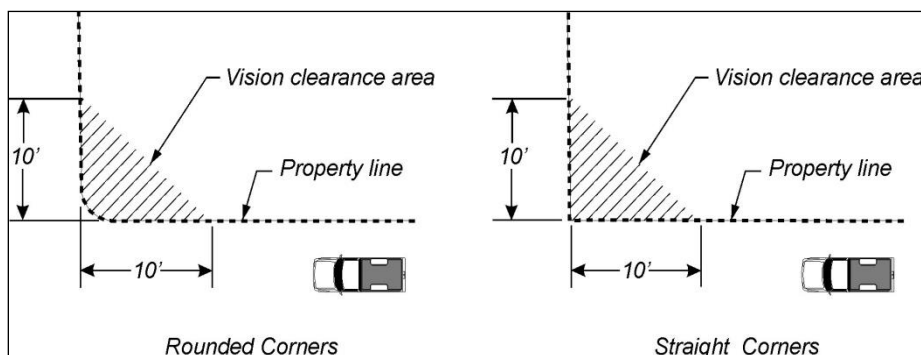


Figure 3-4 - Vision Clearance Area

~~**J. Small Wind Energy Facilities.** See Chapter 35.446 (Wind Energy Conversion Systems) height limits for Small Wind Energy Facilities.~~

- ~~1. Subsection 35.430.090.J of this Development Code shall remain in effect only until January 1, 2017, and is repealed as of that date, unless Article 2.11 (Wind Energy) of Chapter 4 of Division 1 of Title 7 of the Government Code (Section 65893 *et seq.*) is extended by statute enacted by the State of California prior to January 1, 2017.~~

35.430.100 - Infrastructure Services, Utilities and Related Facilities

- A. Adequacy of infrastructure required.** Approval of a Coastal Development Permit (Section 35.472.050) ~~or a Land Use Permit (Section 35.472.110) or Zoning Clearance (Section 35.472.190)~~ shall require that the review authority first find, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (e.g., water, sewer, roads) are available to serve the proposed development.
- B. Applicant responsibilities.** The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the Comprehensive Plan including the Montecito Community Plan.
- C. General requirement for water and sewer services.** Within Urban areas designated on the Comprehensive Plan maps, new development other than that for agricultural purposes shall be served by the appropriate public sewer and water district or an existing mutual water company, if such service is available.
- ~~**D. Services, utilities and related facilities located within the Coastal Zone.** The following standards apply to development within the Coastal Zone, in addition to those in Subsection A. through Subsection C.~~

above.

1. ~~Electrical transmission lines.~~

- ~~a. **Protection of viewshed and resources.** Transmission line rights of way shall be routed to minimize impacts on the viewshed, especially in scenic rural areas, and to avoid locations that are on or near archaeological, habitat, or recreational resources, whenever feasible.~~
- ~~b. **Vegetation.** Grading, scarring, or other vegetative removal shall be repaired, and the affected areas revegetated with plants similar to those in the area to the extent safety and economic considerations allow.~~
- ~~c. **Undergrounding.** In important scenic areas, where above ground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically feasible, unless it can be shown, to the satisfaction of the review authority, that other alternatives are less environmentally damaging.~~
- ~~d. **Compatibility.** When aboveground facilities are necessary, color and design of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow.~~

2. ~~Utility Lines.~~

- ~~a. Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding would be so high as to deny service.~~
- ~~b. Annexation of rural areas to a sanitary district or extensions of sewer lines into Rural areas designated on the Comprehensive Plan maps shall not be permitted unless required to prevent adverse impacts on an environmentally sensitive habitat, to protect public health, or as a logical extension of services.~~
- ~~c. Water, gas, sewer, or electrical transmission and distribution lines which cross fault lines shall be subject to additional safety standards, including emergency shutoff where applicable, in accordance with appropriate California Public Utilities Commission regulations.~~

3. ~~Water wells, public and private water and sanitary services.~~

- ~~a. The long term integrity of groundwater basins or sub-basins located wholly within the Coastal Zone shall be protected. To this end, the safe yield as determined by competent hydrologic evidence of such a groundwater basin or sub-basin shall not be exceeded except on a temporary basis as part of a conjunctive use or other program managed by the appropriate water district. If the safe yield of a groundwater basin or sub-basin is found to be exceeded for reasons other than a conjunctive use program, new development, including land division and any other use dependent upon private wells, shall not be permitted if the net increase in water demand for the development causes basin safe yield to be exceeded, but in no case shall any existing lawful lot be denied development of one one family residence. This standard shall not apply to appropriators or overlying property owners who wish to develop their property using water to which they are legally entitled pursuant to an adjudication of their water rights.~~
- ~~b. In the furtherance of better water management, the County may require applicants to install meters on private wells and to maintain records of well extractions for use by the appropriate water district.~~
- ~~c. Water conserving devices shall be used in all new development.~~
- ~~d. Where affordable housing projects proposed pursuant to the Affordable Housing Overlay regulation, special needs housing projects or other affordable housing projects which include at least 50 percent of the total number of units for affordable housing or 30 percent of the total~~

~~number of units affordable at the very low income level are to be served by entities that require can and will serve letters, such projects shall be presumed to be consistent with the water and sewer service requirements of this Section if the projects have, or are conditioned to obtain, all necessary can and will serve letters at the time of Final Map or Parcel Map recordation, or if no map, prior to issuance of Coastal Development Permits.~~

- ~~e. Within Urban areas designated on the Comprehensive Plan maps, new development other than that for agricultural purposes shall be served by the appropriate public sewer and water district or an existing mutual water company, if such service is available.~~

~~**E. Lot size – Coastal Zone.** Within the Coastal Zone, lots may be reduced in size below the area and width requirements of the specific zone regulations in Division 35.2 (Montecito Zones and Allowable Land Uses) with the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) where the use of such lots is limited to the siting of small scale public works, utilities and private service facilities.~~

35.430.110 - Lot Line Adjustments

A. Purpose and applicability. This Section establishes standards for the approval of a Lot Line Adjustment consistent with this Development Code, the Comprehensive Plan, and County Code Chapter 21 (Subdivision Regulations), in compliance with Map Act Section 66412. The provisions of this Section and the procedures and requirements in County Code Chapter 21 shall apply to all applications for Lot Line Adjustments.

B. Required findings for approval. The approval of a Lot Line Adjustment application shall require that the Montecito Commission first make all of the following findings;

1. The Lot Line Adjustment is in conformity with all applicable provisions of the Comprehensive Plan, including the Montecito Community Plan, and this Development Code.
2. **Minimum lot area.**
 - a. **Minimum lot area.** No lot involved in the Lot Line Adjustment whose area is equal to or greater than the minimum lot area requirement of the applicable zone shall become smaller than the minimum lot area requirement of the applicable zone as a result of the Lot Line Adjustment.
3. Except as provided in this Section, all lots resulting from the Lot Line Adjustment shall comply with the minimum lot area requirements of the applicable zone. A Lot Line Adjustment may be approved that results in one or more lots that are smaller than the minimum lot area requirement of the applicable zone provided that it complies with all of the following requirements.
 - a. The Lot Line Adjustment shall not result in increased subdivision potential for any lot involved in the Lot Line Adjustment.
 - b. The Lot Line Adjustment will not result in a greater number of residentially developable lots than existed prior to the adjustment. For the purposes of this Subsection B.3 only, a lot shall not be deemed residentially developable if the documents reflecting its approval and/or creation identify that 1) the lot is not a building site, or 2) the lot is designated for a non-residential purpose including well sites, reservoirs and roads. A lot shall be deemed residentially developable for the purposes of this Subsection B.3 if it has an existing one-family dwelling constructed in compliance with a valid County permit, or existing and proposed lots comply with all of the following criteria.
 - (1) **Water supply.** The lot shall have adequate water resources to serve the estimated interior and exterior needs for residential development as follows: 1) a letter of service from the appropriate district or company shall document that adequate water service is

available to the lot and that the service complies with the Company's Domestic Water Supply Permit; or 2) a Public Health Department or State approved water system.

- (2) **Sewage disposal.** The lot is served by a public sewer system and a letter of available service can be obtained from the appropriate district. A lot to be served by an onsite wastewater treatment system shall meet all applicable County requirements for permitting and installation, including percolation tests, as determined by the Public Health Department.
- (3) **Access.** The lot is currently served by an existing private road meeting applicable fire agency roadway standards that connects to a public road or right-of-way easement, or can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.
- (4) **Slope stability.** Development of the lot including infrastructure avoids slopes of 30 percent and greater.
- (5) **Agriculture viability.** Development of the lot shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the lot.
- (6) **Environmentally sensitive habitat.** Development of the lot avoids or minimizes impacts where appropriate to environmentally sensitive habitat and buffer areas, and riparian corridor and buffer areas.
- (7) **Hazards.** Development of the lot shall not result in a hazard to life and property. Potential hazards include flood, geologic and fire.
- (8) **Consistency with Comprehensive Plan and Development Code.** Development of the lot is consistent with the setback, lot coverage and parking requirements of the Development Code and consistent with the Comprehensive Plan and the public health, safety and welfare of the community.

To provide notification to existing and subsequent property owners when a finding is made that a lot is deemed not to be residentially developable, a statement of this finding shall be recorded concurrently with the deed of the lot, in compliance with County Code Section 21-92 (Procedures).

4. The Lot Line Adjustment will not increase any violation of lot width, setback, lot coverage, parking or other similar requirement of the applicable zone, or make an existing violation more onerous.
5. The affected lots are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Development Code, or the Lot Line Adjustment has been conditioned to require compliance with these rules and regulations, and any zoning violation fees imposed in compliance with applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the requirements of [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#).
6. Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.

C. Additional required findings for Lot Line Adjustments within an agricultural preserve. In addition to the findings required under Subsection B. (Required findings for approval) above, the approval of a Lot Line Adjustment proposed on agriculturally zoned lots that are subject to an Agricultural Preserve Contract in compliance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones shall require that the Montecito Commission also make the following findings:

1. The new contract or contracts will enforceably restrict the adjusted boundaries of the lot for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

2. There is no net decrease in the amount of the acreage restricted. In cases where two lots involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
3. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
4. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use.
5. The lot line adjustment would not compromise the long-term agricultural productivity of the lot or other agricultural lands subject to a contract or contracts.
6. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
7. The lot line adjustment does not result in a greater number of developable lots than existed prior to the adjustment, or an adjusted lot that is inconsistent with the Comprehensive Plan.

35.430.120 - Outdoor Lighting

- A. All exterior lighting shall be hooded and no unobstructed beam of exterior light shall be directed toward any area zoned or developed residential.
- B. Lighting shall be designed so as not to interfere with vehicular traffic on any portion of a street.
- C. Recreational court lighting is prohibited in all residential zones.

35.430.125 - ~~Reserved for Future Use~~

35.430.130 - Performance Standards

- A. ~~Inland area standards.~~ The following standards apply within all ~~Inland~~ areas.
 1. **Location of development.** No urban development shall be permitted outside of the Urban area as designated on the Comprehensive Plan maps.
 2. **Environmental Resource Management.** The standards in this Section are from the Environmental Resource Management Element, and serve to implement policies and key recommendations contained in other elements of the Comprehensive Plan (e.g., the Seismic Safety and Safety, Conservation, and Open Space Elements).
 - a. **Urbanization prohibited.** Urbanization should be prohibited in all cases on lands subject to one or more of the following environmental factors:
 - (1) Geologic Problems Index V (see Seismic Safety and Safety Element);
 - (2) Reservoirs and areas tributary to existing and proposed reservoirs;
 - (3) Slopes of 30 percent or greater;
 - (4) Existing croplands with a high agricultural suitability rating (see Environmental Resource Management Element) or a Class I or II soil capability classification. However, urban uses may be permitted within urban areas on lots of 10 acres or less;
 - (5) Mineral resource sites;
 - (6) Existing parks and recreation sites, historic sites, and archaeological sites; and
 - (7) Proposed scientific preserves.
 - b. **Urbanization limited.** Urbanization should be prohibited except in a relatively few special instances on lands subject to one or more of the following environmental factors:

- (1) Geologic Problems Index IV (see Seismic Safety and Safety Element);
- (2) Slopes of 20 percent or greater but less than 30 percent;
- (3) Existing croplands with a moderate or low agricultural suitability rating (see Environmental Resource Management Element) or a Class III or IV soil capability classification;
- (4) Land highly suitable for expansion of cultivated agriculture (see Environmental Resource Management Element);
- (5) Significant habitats and/or prime examples of common ecological communities (see Environmental Resource Management and Conservation Elements).

35.430.140 - Reserved

35.430.150 - Setback Requirements and Exceptions

- A. Purpose.** This Section provides standards for the use and minimum dimension of setbacks. These standards provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for landscaping and recreation.
- B. Setback requirements.**
- 1. General.** Each structure shall be located on its site so that it is set back from property lines and other structures in compliance with the setback requirements of the applicable zone in [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#), and with any setbacks established for specific uses by [Chapter 35.442 \(Standards for Specific Land Uses\)](#), except as otherwise provided by this Section or this Development Code.
 - 2. Property lines and rights-of-way.** No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line or into a public street right-of-way, except as provided by [Subsection 35.444.020.D.1.d \(Extension over neighboring property\)](#).
- C. Measurement of setbacks.** The setbacks required by Subsection B (Setback requirements) above shall be measured as follows.
- 1. Front setback.** A front setback shall be measured at right angles from the front line of the lot.
 - a. Corner lot.** A corner lot shall have a front setback along each property line adjacent to a street. If the corner lot has a lot width of 100 feet or more, then each front setback shall be considered to be a primary front setback. If the corner lot has a lot width of less than 100 feet, then the front setback adjacent to the front line (see definition of Front Line) of the lot shall be considered the primary front setback and the front setback that is not adjacent to the front line shall be considered a secondary front setback. See Figure 3-5 (Corner Lot Setbacks) below.

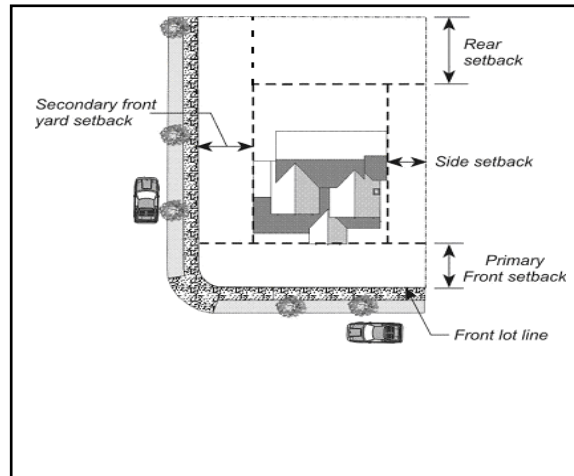


Figure 3-5 - Corner Lot Setbacks

- (1) **Corner lot 100 feet or greater in width.** There shall be a primary front setback along each street abutting the lot and all such setbacks shall conform to the front setback requirements of the applicable zone.
 - (2) **Corner lot less than 100 feet in width.** There shall be a primary front setback along the property line considered the front line of the lot. The secondary front setback along the property line not considered the front line shall be not less than 20 percent of the width of the lot, but in no case shall said secondary front setback be less than 10 feet.
- b. **Through lot.** A through lot shall provide front setbacks as required by the applicable zone adjacent to each abutting street.
 - c. **Sloping lot setback.** Where the elevation of the ground at a point 50 feet from the centerline of any street is seven feet or more below or above the grade of the centerline, the front setback for a private detached garage (not carport) may be decreased by 40 percent and the front setback for a dwelling may be decreased by 20 percent, provided that the front face of the garage is no closer than 10 feet to the abutting street right-of-way.
2. **Side setbacks.** A required side setback shall be measured at right angles from the side property line, establishing a setback line parallel to the side property line which extends between the front and rear setbacks.
 - a. **Side setback adjacent to alley.** In computing the width of a side setback, if the setback abuts an alley, and the owner of the lot owns all or one-half of the underlying fee of the alley, up to one-half of the width of the alley may be included in the side yard.
 - b. **Side setback variations in R-1/E-1 and R-2 zones.** The required side setback for portions of a structure may be varied subject to all of the following limitations.
 - (1) No portion of the structure shall be less than five feet from the side lines of the lot.
 - (2) No portion of an exterior wall of a structure containing non-fixed windows or doors opening into rooms of a structure (except a garage or other non-habitable space) shall be located closer to the side lines of a lot than the required side setback prior to any variation allowed by Subsection b.(3) below.
 - (3) A portion of a structure may be located within the required side setback provided that the footprint area of the portion of the structure that intrudes into the required side setback shall be compensated by an equal or greater area that is not covered by any footprint area located outside of and adjacent to the same side setback and the side

- setback line. The compensating area shall not be located farther from the adjacent side lot line than one-half of the lot width.
- (4) The compensating area used to vary a side setback shall not be used to vary a rear setback on the same lot.
- c. **Through lot.** On a through lot, the side setbacks shall extend the full depth of the lot between the front setbacks.
3. **Rear setback.** The rear setback shall be measured at right angles from the rear property line, establishing a setback line parallel to the rear property line.
- a. **Corner lot.** The rear setback for a corner lot backing upon a key lot may be reduced to the size of the required side setback for the key lot or 10 feet, whichever is greater, provided that the total front, side, and rear setback area required by the applicable zone is not reduced. An accessory structure on a corner lot backing on a key lot shall be set back from the rear property line by a distance equal to the side setback requirements applicable to the key lot.
- b. **Rear setback adjacent to alley.** In computing the depth of a rear setback, if the setback abuts an alley, and the owner of the lot owns all or one-half of the underlying fee of the alley, up to one-half of the width of the alley may be included in the rear setback.
- c. **Rear setback on triangular lot.** Where a triangular lot has no rear lot line because its side lot lines converge to a point, an assumed line 10 feet long within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed to be the rear lot line for the purpose of measuring the required rear setback. See Figure 3-6 (Triangular Lot Rear Setback MMeasurement).
- d. **Rear setback variations in R-1/ E-1 and R-2 zones.** The required rear setback for portions of a structure may be varied subject to all of the following limitations.
- (1) No portion of a structure used for dwelling purposes shall be closer than 15 feet to the rear line of the lot.
- (2) A portion of a structure may be located within the required rear setback provided that the footprint area of the portion of the structure that intrudes into the required rear setback shall be compensated by an equal or greater area that is not covered by any footprint area located outside of and adjacent to the rear setback and the rear setback line. The compensating area used to vary a rear setback shall not be located farther from the rear lot line than one-half of the lot depth.
- (3) The compensating area used to vary a rear setback shall not be used to vary a side setback on the same lot.

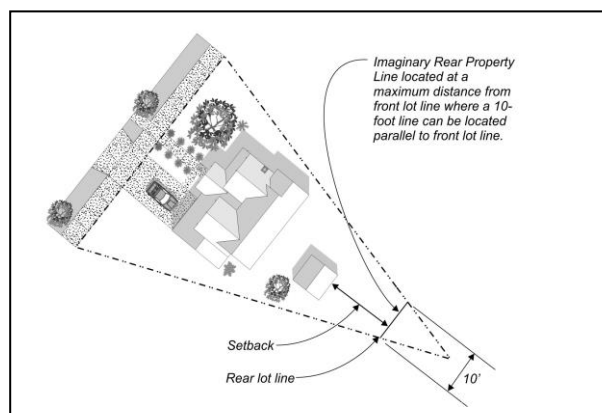
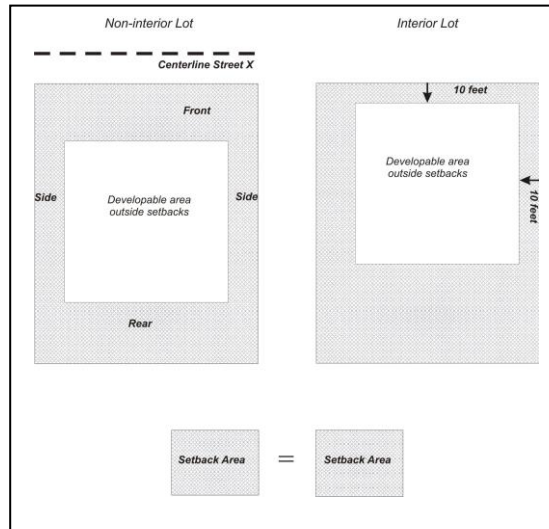


Figure 3-6 - Triangular Lot Rear Setback MMeasurement

4. Interior and odd-shaped lots.

- a. Interior lot.** The setback requirements of the applicable zone shall not apply, and any structure located on an interior lot shall have a setback of at least 10 feet from all property lines, and the total setback area shall equal the total area of all setbacks required by in the applicable zone. See Figure 3-7 (Interior Lot) below.
- b. Odd-shaped lots.** In the case of odd-shaped lots, the Director shall determine the required setbacks, which widths and depths shall approximate as closely as possible the required widths and depths of corresponding setbacks on rectangular lots in the applicable zone district.

**Figure 3-7 - Interior Lot**

- 5. Setback shown on Final Map or Parcel Map or Final Development Plan.** Where a setback line is called for or shown on a Final Map or Parcel Map or Final Development Plan, the required setback shall be that shown on the Final Map, Parcel Map, or Final Development Plan.

D. Limitations on the use of setbacks, allowable projections into setbacks. Every part of a setback shall be unobstructed from the ground to the sky, except as otherwise provided in this Section.

1. The ordinary projection of sills, belt courses, buttresses, cornices, chimneys, eaves, and ornamental features may extend into a required setback no more than three feet. Handrails on outdoor stairways may extend into the setback an additional six inches.
2. Fire escapes, balconies, and unroofed and unenclosed porches or landings, may extend into a setback as provided below when constructed and placed in a manner that shall not obstruct light to or ventilation of structures or the ready use of the setbacks for ingress or egress:
 - a. The front or rear setback by four feet.
 - b. A side setback by three feet;
3. Ornamental garden and landscaping structures without roofs (e.g., fountains, elevated ponds, planters) may be located within the front and side setbacks provided the feature is either:
 - a. Less than 30 inches high, or
 - b. Covers an area of 50 square feet or less and is less than either six feet in height and, if located within a vision clearance area, is consistent with the regulations of Subsection 35.430.090.I (Vision Clearance).

4. Decks less than 32 inches in vertical distance as measured from finished grade to the top of the decking material may be located within the front or side setback unless located in a designated Environmentally Sensitive Habitat area.
5. Non-habitable structures may be located in the side setback provided that the structures comply with all of the following:
 - a. Cumulatively the structures do not occupy an area greater than 10 percent of the side setback in which they are located, or 120 square feet, which ever is less.
 - b. Do not contain any utilities.
 - c. Are screened from view from abutting properties by a wall or fence at least as tall as the structure.
 - d. Are located no closer than five feet to any other structure located on the same lot.
6. Pedestals supporting utility meters no greater than four feet in height and 24 square feet in area may be located in a front or side setback provided they are completely screened from view from any public or private street and adjoining lots.

35.430.160 - Solar Energy Systems

~~A. Coastal Zone.~~

- ~~1. **Roof mounted.** Solar energy systems located on the roof of an existing structure are exempt from design review and do not require planning permit approval.~~
- ~~2. **Freestanding.** Freestanding solar energy systems shall require the issuance of either a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) as applicable.~~
 - ~~a. **Development that may be appealed to the Coastal Commission.** Applications for Coastal Development Permits for development which is defined as appealable development in compliance with State law (Public Resources Code Section 30603) that would normally be processed in compliance with Section 35.472.050.D.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)) shall, in compliance with Government Code Section 65805.5(b), instead be processed in compliance with Section 35.472.050.D.1 (Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals) or is not processed in conjunction with a Conditional Use Permit, Minor Conditional Use Permit, or Final Development Plan).~~
 - ~~(1) Notwithstanding the language of Section 35.496.020 (Notice of Public Hearing and Review Authority Action) and Section 35.496.030 (Coastal Development Permits and Land Use Permits within the Coastal Zone), notice of the application and pending decision on the application shall be in compliance with Section 35.496.020 (Notice of Public Hearing and Review Authority Action).~~
 - ~~(2) The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals), and shall also be subject to appeal to the Coastal Commission in compliance with Section 35.492.060 (Appeals to the Coastal Commission).~~
 - ~~b. **Development that may not be appealed to the Coastal Commission.** Applications for Coastal Development Permits for development which is not defined as appealable development in compliance with State law (Public Resources Code Section 30603) shall be processed in compliance with Section 35.472.050.D.1 (Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals) or is not processed in conjunction with a Conditional Use Permit, Minor~~

~~Conditional Use Permit, or Final Development Plan).~~~~(1) — Notice of the application and pending decision on the application shall be in compliance with Section 35.496.030 (Coastal Development Permits and Land Use Permits within the Coastal Zone).~~~~(2) — The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~

B. — Inland area. Solar energy systems located on the roof of an existing structure and freestanding solar energy systems are exempt from design review and do not require planning permit approval, however such systems do require the issuance of a Building Permit, Electrical Permit, Plumbing Permit and/or Solar Use Permit, as applicable, in compliance with Chapter 10 (Building Regulations) of the County Code.

1A. Solar Use Permit. If the Building Official has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, the Building Official may require the applicant to additionally apply for a Solar Use Permit in compliance with this Subsection. The decision of the Building Official to require the applicant to apply for a Solar Use Permit may be appealed to the Commission in compliance with [Chapter 35.492 \(Appeals\)](#).

a1. Contents of application. An application for a Solar Use Permit shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

b2. Processing.

~~(1)~~**a.** The Building Official shall review the Solar Use Permit application for compliance with this Development Code and approve, conditionally approve, or deny the request.

~~(a1)~~ The Building Official shall not deny an application for a Solar Use Permit unless the Building Official makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

~~(2)~~**b.** The action of the Building Official to approve, conditionally approve, or deny an application for a Solar Use Permit is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).

~~(3)~~**c.** No entitlement for development (e.g., building permit) shall be granted prior to the effective date of the Solar Use Permit. A Solar Use Permit shall not be issued and deemed effective:

~~(a1)~~ Prior to the expiration period of the appeal period, or, if appealed, prior to final action on the appeal by the review authority in compliance with [Chapter 35.492 \(Appeals\)](#).

~~(b2)~~ Until all conditions of the Solar Use Permit that are required to be satisfied prior to issuance of the Solar Use Permit have been satisfied.

~~(e3)~~ Until all necessary prior approvals have been obtained.

~~(4)~~**d.** Notice of the approval or conditional approval of a Solar Use Permit shall be given in compliance with [Section 35.496.050 \(Land Use Permits\)](#).

e3. Findings required for approval. A Solar Use Permit application shall be approved or conditionally approved only if the Building Official first makes all of the following findings. In compliance with the limitation on the ability of the Building Official to deny an application for a Solar Use Permit contained in Subsection B.1.b, the Building Official may approve the application subject conditions that will provide the basis for making the following findings.

~~(1)~~**a.** The proposed installation will not have a specific, adverse impact upon the public health or safety.

- (2)~~b~~. The proposed installation conforms with the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#).
- (3)~~c~~. The proposed installation is on a legally created lot.
- (4)~~d~~. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements for legal nonconforming uses and structures in compliance with [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#).

d4. Permit expiration.

- (1)~~a~~. A Solar Use Permit shall remain valid only as long as compliance with all applicable provisions of this Development Code and the Solar Use Permit conditions continues.

- 4B. Conditions.** Any conditions imposed on an application to install a solar energy system, including a Solar Use Permit, which are required to mitigate a specific, adverse impact upon the public health and safety shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

35.430.170 - Solid Waste and Recycling Storage Facilities

- A. Purpose.** This Section provides standards which recognize County support for and compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Section 42900 through 42911).
- B. Applicability.** These requirements apply to the following projects:
1. **Non-residential development.** Any new, non-residential development including commercial, industrial, or institutional buildings, or marina or any changes to such an existing non-residential development which requires a building permit.
 2. **Residential building.** Any new residential building having five or more dwelling units or any changes to such an existing residential building which requires a building permit.
 3. **Residential development.** Any new residential project where solid waste is collected and loaded in a location serving five or more dwelling units, or any changes to an existing residential project which requires a building permit.
 4. **One-family subdivision.** Any subdivision of one-family detached dwellings if, within such subdivisions there is an area where solid waste is collected and loaded in a location which serves five or more dwelling units. In such instances, recycling areas as specified in this Section are only required to serve the needs of the dwelling units which utilize the solid waste collection and loading area.
 5. **Public facility.** Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste.
- C. Standards for storage areas.** All projects identified in Subsection B (Applicability) above, shall be required to provide solid waste areas specifically identified for the storage of both trash and recycling containers in compliance with the following.
1. **Functional use.** Solid waste enclosures shall be properly located, exterior of living space, for functional use by occupants and by the disposal and hauling companies providing collection services.
 2. **Size and location.** The exact size and location of the solid waste and recycling facilities storage areas shall be determined by the review authority on a case-by-case basis taking into account types

and quantities of recyclable materials to be generated by the proposed land use and by the mode of collection.

3. **Screening requirements.** Solid waste enclosures shall be constructed to be as inconspicuous as possible and, in accordance with Santa Barbara County Code Chapter 17; the contents of enclosures shall be screened from public view.

D. Solid Waste Management Plan. A Solid Waste Management Plan shall be developed by the permittee as directed by the County Solid Waste Management Plan Guidelines, and may require review and approval by the County Public Works Department prior to the issuance of building permits by the Department.

35.430.180 - Storm Water Runoff Requirements

A. Applicability. The following development redevelopment is subject to the requirement that project-appropriate controls are in place to prevent or minimize water quality impacts:

1. Residential subdivisions with 10 or more dwelling units.
2. Commercial development of 0.5 acres or greater.
3. Parking lots of 5,000 square feet or more or have 25 or more parking spaces and are potentially exposed to storm water runoff.
4. Automobile repair shops.
5. Retail gasoline outlets.
6. Restaurants.
7. One-family dwellings located on slopes of 20 percent or greater.
8. Any new development or redevelopment exceeding one acre.

B. Processing. No permit for any development listed in Subsection A (Applicability) above, shall be approved except in compliance with the Comprehensive Plan, and the California Environmental Quality Act if applicable.

35.430.190 - Subdivisions, Lot Size

A. Minimum lot size. Except as otherwise permitted in this Development Code, no lot held under separate ownership at the time of adoption of this Development Code shall be separated in ownership or reduced in size below the minimum lot width or area required by the applicable zone, or other applicable provisions of this Development Code, nor shall any lot having a width or area less than that required by this Development Code be further reduced in any manner.

B. Area of lots.

~~1. **Building sites – Coastal Zone.** Within the Coastal Zone, a lot or group of lots in one ownership, legally created and existing prior to the effective date of any County zoning regulations applicable to the lots, and containing less area than the required lot or building site area of the applicable zone may be used as building sites for not more than two dwellings per lot, provided that:~~

- ~~a. The lot or group of lots were legally created prior to the effective date of any County zoning regulations applicable to the lots;~~
- ~~b. The lots or group of lots having a total combined area in one ownership less than 6,000 square feet exclusive of any portion within a street right-of-way may not be used for more than one dwelling per lot; and~~
- ~~c. The lots comply with all other applicable requirements of this Development Code.~~

21. Lot reconfiguration. Two or more legal lots with insufficient area to meet the minimum lot area

requirements of the applicable zone may be combined or resubdivided provided:

- a. All other regulations of this Development Code and County Code Chapter 21 are complied with;
- b. The combined or resubdivided lots are as large or larger than the original lots; and
- c. The minimum area of each new lot is 7,000 square feet.

C. Measurement of lot area.

1. The lot area or building site area of a lot shall be as defined in [Division 35.10 \(Glossary\)](#), provided that:
 - a. In any zone in which portions of a street right-of-way are specifically excluded, the lot or building site area of a lot shall be exclusive of the portion of the lot within the street right-of-way.
 - b. For the purpose of computing the lot area or building site area of a lot in any zone, any portion of a driveway or easement less than 40 feet in width and reserved for access to a public street, the length of which portion is not adjacent to any front, side, or rear yard of said lot shall be excluded.
2. For the purpose of computing the lot area or building site area of any lot, the boundaries of the lot shall be the boundaries established by the latest recorded deed, subdivision map, etc., provided that the recorded document does not create or attempt to create a lot in violation of any applicable California or County law or ordinance.

D. Measurement of lot width. For the purpose of computing the width of a lot having side lines that are not parallel, the lot width shall be the average width of the lot. An easement or corridor connecting the major portion of an irregularly shaped lot to a street shall not be used for the purpose of computing lot width.

~~**E. Findings for subdivision approval in the Coastal Zone.** Approval of a subdivision in the Coastal Zone shall require that the review authority first make the following findings, in addition to all findings required by County Code Chapter 21 (Subdivision Regulations):~~

- ~~1. The subdivider has demonstrated that adequate water is available to serve the newly created lots except for lots to be designated as "Not A Building Site" on the Final Map or Parcel Map; and~~
- ~~2. For a proposed subdivision of agricultural land designated as AG I, the long term agricultural productivity of the land will not be diminished by the proposed division.~~

CHAPTER 35.432 - DENSITY BONUS FOR AFFORDABLE HOUSING

Sections:

- [35.432.010 - Purpose and Intent](#)
- [35.432.020 - Eligibility for Density Bonus, Incentives or Concessions](#)
- [35.432.030 - Allowed Density Bonuses](#)
- [35.432.040 - Allowed Incentives or Concessions](#)
- [35.432.050 - Siting Criteria](#)
- [35.432.060 - Processing of Density Bonus and Incentive Request](#)

35.432.010 - Purpose and Intent

As required by Government Code Section 65915, this Chapter offers density bonuses, incentives or concessions for affordable and senior housing development as identified in [Section 35.432.020 \(Eligibility for Density Bonus, Incentives or Concessions\)](#) below. This Chapter is intended to implement the state mandated Density Bonus Program, including the requirements of Government Code Sections 65915 through 65918 or successor statute, Housing Element Policy 1.1 (Density Bonus Program), and the Housing Element Implementation Guidelines.

35.432.020 - Eligibility for Density Bonus, Incentives or Concessions

- A. Residential units.** The County shall grant a density bonus and other incentives or concessions to applicants for residential projects who agree to provide affordable or senior housing pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute, Housing Element Policy 1.1 and the Housing Element Implementation Guidelines.
- B. Land donations and child care facilities.** The County shall grant an additional density bonus or other incentives or concessions to applicants for residential projects who agree to donate land for affordable housing development and/or provide a child care facility pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute, Housing Element Policy 1.1 and the Housing Element Implementation Guidelines.
- C. Minimum project size.** The density bonus and incentives or concessions provided by this Chapter shall be available only to housing developments of five or more dwelling units.

35.432.030 - Allowed Density Bonuses

The amount of the density bonus granted shall be determined pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute, Housing Element Policy 1.1, and the Housing Element Implementation Guidelines.

- A. Bonus determination.** The County may choose to grant a density bonus greater than provided in the provisions of Government Code Sections 65915 through 65918 or successor statute for a development that exceeds the requirements of state law.
- B. Requirements for amendments or discretionary approval.** The granting of a density bonus shall not be interpreted, in and of itself, to require a Comprehensive Plan Amendment, ~~Local Coastal Program Amendment~~, zoning change or other discretionary approval separate from the discretionary approvals otherwise required for the project.

35.432.040 - Allowed Incentives or Concessions

- A. Applicant request and County approval.** An applicant may submit to the County a proposal for the specific incentives or concessions listed in Subsection B. (Types of incentives) below, that the applicant

requests in compliance with this Chapter. The County shall grant an incentive or concession request that complies with this Section unless the County makes specific findings pursuant to Government Code Sections 65915 through 65918 or successor statute.

- B. Types of incentives.** For the purposes of this Chapter, incentives or concessions include any of the following:
- 1. Modification of development standards.** A reduction in site development standards of this Development Code or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that result in identifiable, financially sufficient, and actual cost reductions.
 - 2. Mixed use project approval.** Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the housing project will be located.
 - 3. Other regulatory incentives.** Other regulatory incentives proposed by the applicant or the county that will result in identifiable, financially sufficient, and actual cost reductions.
- C. Additional parking incentives or concessions.** An applicant may request alternative vehicular parking, in addition to other incentives or concessions provided in this Section.
- D. Requirements for amendments or discretionary approval.** The granting of an incentive or concession shall not be interpreted, in and of itself, to require a Comprehensive Plan amendment, ~~Local Coastal Program Amendment~~, Development Code text amendment, Zoning Map amendment or other discretionary approval separate from the discretionary approval otherwise required for the project.

35.432.050 - Siting Criteria

Density bonus projects are encouraged to be sited based on the following criteria:

- A. Land use and development standards.** All uses of land should comply with the regulations of the primary zone. In cases where conflict occurs between the primary zone standards and the provisions of the Density Bonus Program, the provisions of the Density Bonus Program shall apply ~~except in the Coastal Zone, where the conflict shall be resolved in compliance with the provisions of the Coastal Land Use Plan.~~
- B. Location of project.** The site should be located within the existing Urban Boundary Line as shown on the Comprehensive Plan map.
- C. Access to transportation.** All proposed development should be sited to provide maximum access to transit and alternative transportation services and facilities.
- D. Water and sewer service.** Density bonus projects should be in areas served by municipal water providers and municipal sanitary service providers.

35.432.060 - Processing of Density Bonus and Incentive Request

- A. Preliminary proposal and formal application.** Consistent with Government Code Section 65915(d) and [Section 35.432.040 \(Allowed Incentives or Concessions\)](#) above, prior to the submittal of a formal application, an applicant should obtain pre-application and other preliminary consultations with the Department and other officials in order to obtain information and guidance before entering into binding commitments and incurring substantial expense in the preparation of plans, surveys and other data. The preliminary consultation should relate to a specific development proposal that outlines the concept and characteristics of the project, and the application shall contain the following information. If no preliminary

proposal is submitted, the applicant shall provide the following information at the time of formal application in addition to the County's standard application requirements. The County may, at its discretion, waive any of these submittal requirements.

1. **Site information.** The Assessor's Parcel Number, gross and net lot acreage, land use and zone designation of the project site.
2. **Number of units.** The total number of units proposed (not including the density bonus units).
3. **Density bonus units.** The number of density bonus units requested.
4. **Affordable units.** The number of very low income, low income, moderate income and/or senior units proposed.
5. **Incentives.** Any additional incentive requested.
6. **Financial information.** Complete financial information and projections for the project. The County may request and the applicant shall provide any additional information the County deems necessary to determine the financial feasibility of the income restricted units. The County may require the applicant to pay for a review by an independent consultant to assist the County in determining whether certain development incentives are necessary to make the income restricted units economically feasible.
7. **Site plan.** A site plan containing all required information as identified in the Department application for a site plan associated with a ~~Coastal Development Permit (Section 35.472.050) for sites located in the Coastal Zone or~~ Land Use Permit ([Section 35.472.110](#)) ~~for sites located in the Inland area.~~

Within 45 days of receipt of a complete written proposal, the Department shall notify the applicant in writing of: the types of incentives which may be recommended in order to comply with this Section; and whether staff may support the granting of a density bonus on the basis of required development standards and findings.

- B. **Affordable Housing (AH) overlay zone.** The Affordable Housing (AH) overlay zone provides density bonus and other incentives for projects that provide a significant amount of affordable housing. Density bonuses and other development incentives granted pursuant to the AH overlay zone shall be inclusive of the incentives offered in this Section, and shall not be in addition to the development incentives offered in this Section.
- C. **Density bonus distribution.** A project that includes multiple lots is not required to distribute the density bonus evenly over each of the lots. The density bonus units may be concentrated on only a portion of the project site with lower residential densities on other portions of the project site.
- D. **Affordable housing agreement.** Prior to the issuance of a ~~Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a~~ Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) for a density bonus project, each project shall record an affordable housing agreement and resale and/or rental restrictive covenant, or other equivalent document approved as to form by County Counsel, which outlines:
 1. The sales and/or rental prices for the various types of units to be established; and
 2. Provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by persons of very low, low and moderate incomes. All affordable units shall be restricted the maximum period allowed by Government Code Sections 65915 through 65918 or successor statute.

CHAPTER 35.434 - LANDSCAPING STANDARDS

Sections:

- 35.434.010 - Purpose
- 35.434.020 - Applicability
- 35.434.030 - Landscape Plans
- 35.434.040 - Landscape Agreement and Performance Security
- 35.434.050 - Reserved
- 35.434.060 - Residential Zones Landscaping Requirements
- 35.434.070 - Commercial Zones Landscaping Requirements
- 35.434.080 - Special Purpose Zones Landscaping Requirements
- 35.434.090 - Landscaping Requirements for Parking Areas

35.434.010 - Purpose

This Chapter establishes requirements for landscaping to enhance the appearance of development, provide shade, reduce heat and glare, control soil erosion, conserve water, screen potentially incompatible land uses, enhance the quality of neighborhoods, improve air quality, and improve pedestrian and vehicular traffic and safety.

35.434.020 - Applicability

The provisions of this Chapter apply to new, existing, and future development and land uses.

35.434.030 - Landscape Plans

- A. Landscape plans.** Landscape plans shall be required in compliance with Section 35.434.050 through Section 35.434.090 below, as a condition of an approved project, and where a Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) or a Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#) is required. A landscape design professional shall prepare landscape plans. Landscape plans shall be in compliance with the Department handout, "Landscape Plan and Performance Security Procedures."
- B. Plan review.**
1. **Director.** For landscape plans that do not require review and approval by the Montecito Board of Architectural Review in compliance with Subsection B.2 (Montecito Board of Architectural Review) below, the Director shall review the landscape plan and shall approve, conditionally approve, or deny the plan.
 2. **Montecito Board of Architectural Review.** The Montecito Board of Architectural Review shall approve, conditionally approve, or deny:
 - a. Landscape plans required by the Montecito Board of Architectural Review.
 - b. Landscape plans that require review and approval of the landscape plan by the Montecito Board of Architectural Review as a condition of approval of a planning permit.
- C. Duration.** Landscaping shall be installed and permanently maintained in accordance with the approved landscape plan.

35.434.040 - Landscape Agreement and Performance Security

- A. Landscape agreement and performance security required.** Prior to the issuance of a Coastal Development Permit in compliance with [Section 35.472.050 \(Coastal Development Permits\)](#), or a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#), or a Zoning Clearance in

compliance [Section 35.472.190 \(Zoning Clearances\)](#), a signed and notarized landscape agreement and a performance security that guarantees the installation of plantings, walls, and fences, in compliance with the approved landscape plan, and provides for adequate maintenance for a designated time period shall be filed with the Department in compliance with [Section 35.474.020 \(Performance Guarantees\)](#) and [Section 35.474.070 \(Post Approval Inspections\)](#).

- B. Performance security release.** Performance securities shall be released upon approval by the Director for the installation, and the remaining performance security for landscaping maintenance shall be released at the end of the designated time period, provided the planting has been adequately maintained in compliance with [Section 35.474.020 \(Performance Guarantees\)](#) and [Section 35.474.070 \(Post Approval Inspections\)](#).

35.434.050 - Reserved

35.434.060 - Residential Zones Landscaping Requirements

- A. Design Residential (DR) zone.** A landscape plan shall be approved for all development requiring a Development Plan within the DR zone. The landscape plan shall include, at a minimum, the following:
1. Uncovered parking areas shall be screened from the street and adjacent residences by hedges, dense plantings, shrubbery, solid fences or walls not less than four feet in height.
 2. A landscape area with a minimum width of five feet shall be provided between all lot lines and any driveway or uncovered parking area except for areas provided for site access.
 3. A landscape area with a minimum width of 10 feet shall be provided adjacent to the perimeter lot lines of a clustered residential development.
 4. Parking areas shall be landscaped in compliance with [Section 35.434.090 \(Landscaping Requirements for Parking Areas\)](#) below.
- B. Planned Residential Development (PRD) zone.** A landscape plan shall be approved for all development requiring a Development Plan within the PRD zone. The landscape plan shall include, at a minimum, the following:
1. An adequate buffer area comprised of fencing/walls, plant materials, or any combination thereof shall be provided adjacent to any portion of a lot line that abuts property zoned other than PRD to protect adjacent properties from impacts of noise or lighting and to provide separation between different uses. The buffer area shall be depicted on any Preliminary or Final Development Plan associated with the development project.
 2. Uncovered parking areas shall be screened from the street and adjacent residences by hedges, dense plantings, shrubbery, solid fences, or walls not less than four feet in height.
 3. Parking areas shall be landscaped in compliance with [Section 35.434.090 \(Landscaping Requirements for Parking Areas\)](#).

35.434.070 - Commercial Zones Landscaping Requirements

- A. Neighborhood Commercial (CN) zone.** A landscape plan shall be approved for all development within the CN zone. The landscape plan shall include, at a minimum, those items listed below. The Montecito Commission may alter the landscaping requirements listed below where it finds that such alterations are warranted by topographic conditions.
1. A minimum of five percent of the net lot area shall be landscaped.
 2. A landscape area with a minimum width of five feet and an ornamental wall not less than five feet in height extending to within 20 feet of the street right-of-way line of existing and proposed streets shall be provided adjacent to any portion of a lot that abuts a residential zone. The wall shall be

reduced in height to three feet when located within a front setback area.

3. An ornamental masonry wall not less than three feet in height shall be provided along and located a minimum of three feet from any street right-of-way line that abuts the project site where the property on the opposite side of the street has a residential zone.
 - a. The area between the wall and the street right-of-way line shall be landscaped.
 - b. This requirement shall not apply to areas provided for site access.
4. Parking areas shall be landscaped in compliance with [Section 35.434.090 \(Landscaping Requirements for Parking Areas\)](#) below.

B. Resort/Visitor Serving Commercial (CV) zone. A landscape plan shall be approved for all development within the CV zone. The landscape plan shall include, at a minimum, the following:

1. An adequate buffer area with a minimum width of 10 feet comprised of fencing, walls, plant materials, or any combination thereof, shall be provided adjacent to any portion of a lot line that abuts a residential zone to protect adjacent properties from impacts of noise or lighting and to provide separation between residential and commercial uses. The buffer area shall be depicted on any Preliminary or Final Development Plan associated with the development project.
2. Cottage units shall be separated by landscaping to minimize the bulk and scale of development.
3. Parking areas shall be landscaped in compliance with [Section 35.434.090 \(Landscaping Requirements for Parking Areas\)](#) below.

35.434.080 - Special Purpose Zones Landscaping Requirements

A. Public Utilities (PU) zone. A landscape plan shall be approved for all development within the PU zone. The landscape plan shall include, at a minimum, the following:

1. A landscape area with a minimum width of five feet shall be provided adjacent to any street right-of-way line except for areas provided for site access.
2. A landscape area with a minimum width of five feet and a masonry wall not less than six feet in height shall be provided adjacent to any portion of a lot line that abuts a residential or commercial zone.
3. Parking areas shall be landscaped in compliance with [Section 35.434.090 \(Landscaping Requirements for Parking Areas\)](#) below.

B. Recreation (REC) zone. A landscape plan shall be approved for all development within the REC zone. The landscape plan shall include, at a minimum, the following:

1. Landscaping, fencing, and/or walls adequate to properly screen the facilities (e.g., tennis courts, concession stands, restrooms, and other structures) shall be provided when the lot is adjacent to a residential zone.
2. Parking areas shall be landscaped in compliance with [Section 35.434.090 \(Landscaping Requirements for Parking Areas\)](#) below.

~~**C. Transportation Corridor (TC) zone – Coastal Zone.** A landscape plan shall be approved for all development within the TC zone. The landscape plan shall include, at a minimum, the following:~~

- ~~1. Landscaping shall not conflict with the safety and visibility requirements of Transportation Corridor uses.~~
- ~~2. Drought tolerant native species shall be utilized to the maximum extent feasible.~~
- ~~3. To the maximum extent feasible, development, including expansions of the U.S. Highway 101, shall incorporate provisions for landscaping to preserve the scenic and visual amenities that exist~~

~~along the affected transportation corridor, or to replace landscaping with comparable scenic and visual amenities. To the extent feasible, the existing historic landscaping scheme shall be preserved and maintained.~~

- ~~4. Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas) below.~~

35.434.090 - Landscaping Requirements for Parking Areas

In addition to the applicable landscaping requirements contained within [Section 35.434.050](#) through [Section 35.434.080](#) above, parking areas shall be landscaped in compliance with the following requirements. For the purpose of landscaping and screening requirements within this Chapter, parking area includes the parking spaces and the maneuvering space necessary for their use.

- A. Screening between residential and nonresidential uses.** Where nonresidential parking areas abut residentially zoned or developed property a wall or solid fence not less than five feet in height shall be constructed and maintained between the parking area and the adjoining residentially zoned or developed property.
- B. Existing trees.** The design of the parking area should make the best use of this growth and shade provided by existing trees on the project site.
- C. Screening requirements and authority.** Screening shall be provided adjacent to all lot lines consisting of a five-foot wide strip, planted with sufficient shrubbery to effectively screen the parking area, or a solid fence or wall not less than four feet in height. Fences or walls abutting streets shall be ornamental in texture, pattern, or shadow relief. Planting, fences, or walls abutting streets shall not exceed 30 inches in height for a distance of 25 feet on either side of entrances or exits to the property. This requirement for screening may be waived or modified by the review authority if the adjacent property already has provided a solid wall not less than four feet in height.
- D. Additional requirements for uncovered parking areas exceeding 3,600 square feet.** When the total uncovered parking area on the project site (including adjoining lots over which the project has parking privileges) exceeds 3,600 square feet, the following shall be required, in addition to other provisions of this Section, as part of a landscape plan:
 - 1. Trees, shrubbery, and ground cover shall be provided at suitable intervals in order to break up the continuity of the parking area. Planting islands for these trees and shrubs shall be protected from automobile traffic by either asphalt or concrete curbs.
 - 2. Landscape islands shall be provided at the ends of all parking lanes.

CHAPTER 35.436 - PARKING AND LOADING STANDARDS

Sections:

- [35.436.010 - Purpose and Intent](#)
- [35.436.020 - Applicability](#)
- [35.436.030 - Recalculation of Parking Spaces Upon Changes of Use and Additions](#)
- [35.436.040 - Required Number of Spaces: Agriculture Uses](#)
- [35.436.050 - Required Number of Spaces: Residential Uses](#)
- [35.436.060 - Required Number of Spaces: Nonresidential Uses](#)
- [35.436.070 - Standards for All Zones and Uses](#)
- [35.436.080 - Standards for Agricultural Zone and Uses](#)
- [35.436.090 - Standards for Residential Zones and Uses](#)
- [35.436.100 - Standards for Nonresidential Zones and Uses](#)

35.436.010 - Purpose and Intent

The purpose of this Chapter is to ensure the provision and maintenance of safe, adequate, well-designed, off-street parking facilities in conjunction with a use or development. The intent is to reduce street congestion and traffic hazards and to promote an attractive environment through design and landscaping standards for parking areas. The standards in this Chapter shall be considered minimums, and more extensive parking provisions may be required by the Montecito Commission as a condition of project approval when the Montecito Commission is the original review authority.

35.436.020 - Applicability

Every use, including a change or expansion of a use or structure, except as otherwise provided for in [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#) shall have appropriately maintained off-street parking and loading areas in compliance with the provisions of this Chapter. A use shall not be commenced and structures shall not be occupied until improvements required by this Chapter are satisfactorily completed.

35.436.030 - Recalculation of Parking Spaces Upon Changes of Use and Additions

- A. Change of use.** Upon the change of a use, the number of parking spaces to be provided shall be calculated according to the requirements of this Chapter for the new use. Previous parking modifications granted by the review authority shall be null and void.
- B. Addition to use or structure.** For additions to existing developments, the increased or decreased parking requirement shall be based on the aggregate total of the floor area and/or number of employees of existing and proposed structures and uses on the property.

35.436.040 - Required Number of Spaces: Agriculture Uses

Agricultural parking standards shall be in compliance with the provisions in this Section and [Section 35.436.070 \(Standards for All Zones and Uses\)](#) and [Section 35.436.080 \(Standards for Agricultural Zone and Uses\)](#) below.

Table 3-3 - Agriculture Parking Standards

Agriculture, Resource & Open Space Uses	Parking Spaces Required
Commercial greenhouses, hothouses, or other plant protection structures	2 spaces per acre of land in such use

35.436.050 - Required Number of Spaces: Residential Uses

Residential parking requirements shall be in compliance with the provisions in this Section, and in [Section](#)

35.436.070 (Standards for All Zones and Uses) and Section 35.436.090 (Standards for Residential Zones and Uses) below.

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).
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 Section 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.

35.436.060 - Required Number of Spaces: Nonresidential Uses

Nonresidential parking requirements shall be in compliance with the provisions in this Section, and in Section 35.436.070 (Standards for All Zones and Uses) and Section 35.436.100 (Standards for Nonresidential Zones and Uses) below.

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

Recreation, Education & Public Assembly Uses	Parking Spaces Required
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
Short-Term Rental	1 space per bedroom

35.436.070 - Standards for All Zones and Uses

Off-street parking areas in all zones and for all uses shall be developed in the compliance with the standards in this Section, and as provided in [Section 35.436.080](#) through [Section 35.436.100](#).

A. Bicycle parking requirements. For development (other than one-family dwellings or two-family dwellings) that is subject to the requirements of a Development Plan, the Montecito Commission shall determine if there is a need to provide bicycle parking. If a need exists, the Montecito Commission shall then determine the required number of bicycle parking spaces, bike racks, and locking devices that shall be provided.

B. Construction and design.

1. Parking areas shall be graded and drainage shall be provided so as to dispose of surface water without erosion, flooding, and other inconveniences or hazards.
2. Uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.
3. Parking spaces shall be marked and access lanes clearly defined. Bumpers and wheel stops shall be installed as necessary. Every stall designed to accommodate compact cars shall be clearly marked as a compact car stall.
4. Except for residential uses within the 20-R-1 through 7-R-1, and 7-R-2 zones, parking areas shall be designed so that no vehicle shall be required to encroach into a street or sidewalk when backing out of a parking space.
5. The design of parking areas shall not require the moving of a car to gain access to a required parking space unless the applicable zone regulations specifically allow tandem parking.

6. Parking areas serving uses operating at night shall be adequately lighted. Lighting shall be directed away from adjoining residences.
7. The design of parking spaces and the maneuvering space in connection with the spaces shall be in compliance with the requirements of Table 3-6 (Parking Dimensions: One-Way Traffic) and Table 3-7 (Parking Dimensions: Two-Way Traffic), below, and as illustrated in Figure 3-8 through Figure 3-10, below.

C. Driveways.

1. **Width, number, and location.** Unless otherwise provided in the specific, applicable zone, the width and number of driveways in relation to intersections, obstructions, other driveways, and property lines shall be in compliance with the engineering design standards adopted by the Board.
2. **Driveways to parking areas.** A driveway used for access to a parking area shall be a minimum of 10 feet wide in clear distance between any obstruction to vehicular traffic.
3. **Special requirements.** Upon recommendation of the Director or the Public Works Department, or upon their own initiative when considering a project, the Montecito Commission may place special requirements on an individual building site that will have the effect of reducing or increasing the number or width of driveways or prescribing their location on the building site when the Montecito Commission determines that special requirements either reduce or do not create traffic hazards or street parking problems. The imposition of these special requirements shall be final subject to appeal to the Board in compliance with [Chapter 35.492 \(Appeals\)](#).

D. Gross floor area measurement. For the purposes of this Chapter, gross floor area shall be the measure of the square footage for a project; however, stairways and open, unenclosed corridors shall be excluded.

E. Fractional space. Where the standards result in a fractional space, the next larger whole number shall be the number of spaces required.

F. Handicapped parking spaces. Parking areas shall provide handicap parking spaces as required under State and Federal law.

G. Joint use of parking facilities for mixed use development. In order to encourage efficient use of commercial parking space and good design practices, the total parking requirements for conjunctive uses and mixed uses shall be based on the number of spaces adequate to meet the various needs of the individual uses operating during the peak parking period.

H. Location. Off-street parking spaces shall not be located in the required front or side setback area unless specifically allowed in the applicable zone regulations. Provisions shall be made for direct access from the street to each parking space. The access shall be adequate for standard size automobiles unless the parking area is restricted to compact cars.

1. When a garage, carport, or covered parking structure, or portion thereof, is converted or demolished in conjunction with the construction of a new, detached accessory dwelling unit that is not connected by any means to another structure, any replacement parking spaces which are required to satisfy the parking requirement for the principal dwelling may be provided in any configuration on the same lot as the accessory dwelling unit, including covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.
 - a. A mechanical parking lift shall:
 - (1) Not be located on a driveway between the principal dwelling and any adjacent street.
 - (2) Be located a sufficient distance away from any structures in order to comply with any fire clearance requirements.
 - (3) Not be used to provide replacement parking spaces if the project site is located in a very high fire hazard severity zone.

- (4) Be rated for all-weather use unless located within a building.
 - (5) Be located so that the lift and any vehicles parked thereon are screened from view from any public road or other area of public use (e.g., park, trail), or any adjoining lot.
- I. Maintenance of minimum parking requirements.** The minimum number of parking spaces required in this Chapter shall be provided and continuously maintained.
- J. Maintenance of parking areas and parking spaces.** A parking area or parking space provided for the purpose of complying with the provisions of this Chapter shall not be eliminated, reduced, or converted unless equivalent facilities approved by the review authority are provided elsewhere in compliance with this Chapter. The permit for the use for which the parking was provided shall immediately become void upon the failure to comply with the requirements of this Section.
- K. Modifications of parking requirements.** Modifications to the parking requirement may be granted, in compliance with [Section 35.442.015 \(Accessory Dwelling Units\)](#), [Section 35.472.060 \(Conditional Use Permits\)](#), [Section 35.472.080 \(Development Plans\)](#), [Section 35.472.120 \(Modifications\)](#), or [Section 35.472.180 \(Variances\)](#).
- L. Parking requirement not listed.** Where the parking requirement for a use is not specifically provided in this Chapter, the parking requirement shall be determined by the Director based upon the requirement for the most comparable use specified in this Chapter.
- M. Size.** Parking space sizes shall comply with the following standards:
- 1. Residential parking spaces shall be a minimum of 8.5 feet wide by 16.5 feet long.
 - 2. Nonresidential parking spaces:
 - a. Compact spaces shall be a minimum of 8 feet wide by 14.5 feet long.
 - b. Standard spaces shall be a minimum of 9 feet wide by 16.5 feet long.

35.436.080 - Standards for Agricultural Zone and Uses

- A. Marking or striping.**
- 1. Agricultural developments not requiring Development Plan approval shall not be required to comply with design specifications for marking or striping, except for handicap parking spaces required under State and Federal law.
 - 2. Agricultural development projects requiring Development Plan approval may request that the review authority waive certain design specifications for marking or striping otherwise required in Subsection 35.436.070.B.3 above.
- B. Screening - Greenhouses.** Onsite parking areas for greenhouses, and other plant protection structures located shall be screened from the view of adjacent public streets in compliance with ~~Section 35.434.050 (Agricultural (AG-I) Zone Landscaping Requirements)~~ and [Section 35.434.090 \(Landscaping Requirements for Parking Areas\)](#).

35.436.090 - Standards for Residential Zones and Uses

- A. Location.** Required residential parking spaces shall be provided on the same site that the dwelling is located. For dwelling units containing two or more bedrooms in multiple-family residential developments, spaces shall be located within 200 feet of the dwelling that the space serves.
- B. Overnight parking of commercial vehicles, R-1/E-1 and R-2 zones.** For one-family and two-family dwelling units located on property zoned either R-1/E-1 or R-2, not more than one bus or non-passenger motor vehicle or trailer used in commerce may be parked overnight on a lot. The bus, motor vehicle, or trailer shall not exceed two axles, four tons, or eight feet in height. This restriction shall not apply to the

emergency overnight parking of disabled motor vehicles or trailers and the occasional overnight parking of moving vans, pickup, or delivery or construction vehicles or trailers when occasional overnight parking is reasonably serving the residential use of a particular lot.

- C. Storage of oversized vehicles, ~~Inland area, R-1/E-1 and R-2 zones.~~** On property zoned either R-1/E-1 or R-2 zone, no portion of an actual yard shall be used for a period of 48 or more consecutive hours for the storage of motor vehicles over seven feet in height, trailers, airplanes, boats, campers, or camper shells, unless screened from the abutting streets and adjacent properties by landscaping, fencing, or walls. Within this subsection, the term “yard” is defined as an open space that lies between any principal or accessory building and the nearest lot line.
- D. Tandem parking.** Tandem parking shall be allowed on residentially zoned lots of 7,000 square feet or less.
- E. Design Residential (DR) zone.**
- 1. Construction and design.** Parking areas shall be arranged to prevent through traffic to other parking areas.
 - 2. Landscape/screening of parking areas.** Uncovered parking areas shall be screened in compliance with [Subsection 35.434.060.A \(Design Residential \(DR\) zone Requirements\)](#) and [Section 35.434.090 \(Landscaping Requirements for Parking Areas\)](#).
 - 3. Location.** Parking lots, carports, and garages designed and used for individual units within a development may be either adjacent to the units or centrally located to serve a group of units.
 - 4. Setbacks.** Uncovered parking areas shall not be located closer than 15 feet to the street right-of-way line and, five feet to any other property line.
- F. Planned Residential Development (PRD) zone.**
- 1. Construction and design.** Parking areas shall be arranged to prevent through traffic to other parking areas.
 - 2. Landscape/screening of parking areas.** Uncovered parking areas shall be screened and landscaped in compliance with [Subsection 35.434.060.B \(Planned Residential Development \(PRD\) zone\)](#) and [Section 35.434.090 \(Landscaping Requirements for Parking Areas\)](#).
- G. Exterior parking.** The following standards apply to the keeping, parking, or storage (hereinafter referred to as “parked” or “parking” within the meaning of this Subsection G) of operative and inoperative motor vehicles and recreational vehicles outside of a fully enclosed or fully screened structure. A Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) is not required to establish exterior parking except when 1) this Subsection 35.436.090.G requires a permit, or 2) the parking involves construction of a new structure or alteration of an existing structure that is not exempt from a Land Use Permit in compliance with [Section 35.420.040 \(Exemptions from Planning Permit Requirements\)](#), or 3) the parking is not in compliance with [Section 35.420.040 \(Exemptions from Planning Permit Requirements\)](#). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Subsection 35.436.090.G shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.
- 1. Current registration or certificate of non-operation required.** All motor vehicles and recreational vehicles parked on a lot outside of a fully enclosed or fully screened structure shall either:
 - a. Have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street; or,

- b. Have a current, unexpired certificate of non-operation or planned non-operation on file with the California Department of Motor Vehicles.

2. Limitation on number.

- a. Not including the number of vehicles for which parking spaces are required to be provided in compliance with [Section 35.436.050 \(Required Number of Spaces: Residential Uses\)](#), the exterior parking of operative motor vehicles and recreational vehicles is allowed provided that the number of such vehicles parked on a lot outside of a fully enclosed or fully screened structure does not exceed one per each bedroom located within the dwelling(s) on the lot.

- (1) Parking allowed in compliance with this Subsection G.2.a. may be located on driveways including portions of driveways located within a required front setback or side setback area provided:
 - (a) Any portion of a driveway on which parking occurs shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.
 - (b) The width of any portion of a driveway located in a front setback area driveway shall not exceed 50 percent of the adjacent street frontage for each front setback area.
 - (c) All parking located within a required front setback shall be located within one contiguous area for each street frontage.

- b. **Additional parking allowed.** In addition to exterior parking allowed in compliance with Subsection G.2.a, above, the exterior parking of operative and inoperative motor vehicles and recreational vehicles that are registered with the California Department of Motor Vehicles to a person(s) residing on the lot on which the parking occurs outside of a fully enclosed or fully screened structure is allowed in compliance with the following standards.

- (1) The number of vehicles and the area used for the parking of said vehicles shall be limited to the following maximum number and area based upon the lot area of the lot on which the vehicles are parked:

Lot Area (net)	Maximum Allowed Number of Vehicles	Maximum Allowed Parking Area
Less than 10,000 sq. ft.	1	140 sq. ft.
10,000 sq. ft. to less than 20,000 sq. ft.	2	420 sq. ft.
20,000 sq. ft. or larger	3	700 sq. ft.

- (2) Any area used for parking shall be located so that vehicles parked thereon are not visible from any public road or other area of public use (e.g., park, trail), or any adjoining lot.
 - (a) Structures or other devices used to comply with this requirement shall not include awnings, fabric shelters, tents, vehicle covers and similar structures or other devices of a nonpermanent type of construction.
- (3) On lots having a net lot area of less than 20,000 square feet, vehicles shall not be parked in any area located between the front line of the lot and the principal dwelling.

- 3. **Additional standards for inoperative motor vehicles and recreational vehicles.** The parking of inoperative motor vehicles and recreational vehicles outside of a fully enclosed or fully screened structure shall also comply with the following standards in addition to the standards listed in Subsections G.1 and G.2, above:

- a. Vehicles shall not be parked on parking spaces required in compliance with [Section 35.436.050 \(Required Number of Spaces: Residential Uses\)](#).
 - b. Any area use for parking shall be designed and installed to prevent the discharge of pollutants onto adjacent lots and adjacent streets.
 - c. Vehicles that are parked for a period in excess of 14 consecutive days without being moved under their own motive power shall be drained of gasoline, oil and other flammable liquids.
 - d. The parking of inoperative motor vehicles regulated under [Subsection 35.423.050.C \(Motor vehicle assemble, dismantling, maintenance, repair, restoration, etc.\)](#) shall also be in compliance with the requirements of that Subsection.
- 4. Modifications to standards allowed with a Minor Conditional Use Permit.** Parking of motor vehicles and recreational vehicles that does not comply with the standards contained in Subsections G.1 through G.3, above, may be allowed in compliance with a Conditional Use Permit approved in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#).
- 5. Noncompliance deemed a violation of this Development Code.** The parking of motor vehicles and recreational vehicles that does not comply with the standards contained in Subsections G.1 through G.3, above, or is not allowed by a Conditional Use Permit approved in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#) as allowed by Subsection G.4, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with [Chapter 35.498 \(Enforcement and Penalties\)](#).

35.436.100 - Standards for Nonresidential Zones and Uses

- A. Compact spaces.** Thirty percent of the required parking for nonresidential uses may be provided as compact car spaces.
- B. Location.** For nonresidential structures or uses, the required parking spaces shall be provided within 500 feet of the principal structure, or site if there is no principal structure, as measured along streets excluding alleys.
- C. Off-street loading facilities.** Off-street loading facilities shall be in compliance with the following standards:
- 1. Number of loading spaces.** For every newly constructed structure to be occupied by commercial uses requiring the receipt or distribution by vehicles of materials and merchandise (e.g., retail store, market, restaurant, hotel), one off-street loading space shall be provided for every 3,000 or more square feet gross floor area.
 - 2. Dimensions.** Each loading space shall not be less than 10 feet in width, 30 feet in length, and with an overhead clearance of 14 feet.
 - 3. Setback restrictions.** The space may not be located in any part of any required front or side setback.
 - 4. Safety.** The space shall be designed to ensure that it will not interfere with vehicular circulation, parking, or with pedestrian circulation.
- D. Neighborhood Commercial (CN) zone.** Required parking spaces shall be provided as follows:
1. On the same lot or premises as the main structure;
 2. In public or private parking lots permanently committed to parking within 500 feet of the lot or premises on which the main structure is located as measured along streets not alleys.
- E. Resort/Visitor Serving Commercial (CV) zone.**
1. The Montecito Commission may require additional parking for projects that provide for public

access to and use of recreational facilities or open space.

2. Parking areas shall be broken into small groupings of parking spaces and shall be fully landscaped.

~~F. Public Works and Utilities and Private Service Facilities (PU) zone, Coastal Zone. Within the Coastal Zone, roads shall be paved with asphaltic concrete and parking areas may be surfaced with gravel.~~

**Table 3-6 - Parking Dimensions: One-Way Traffic
(All Dimensions in Feet)**

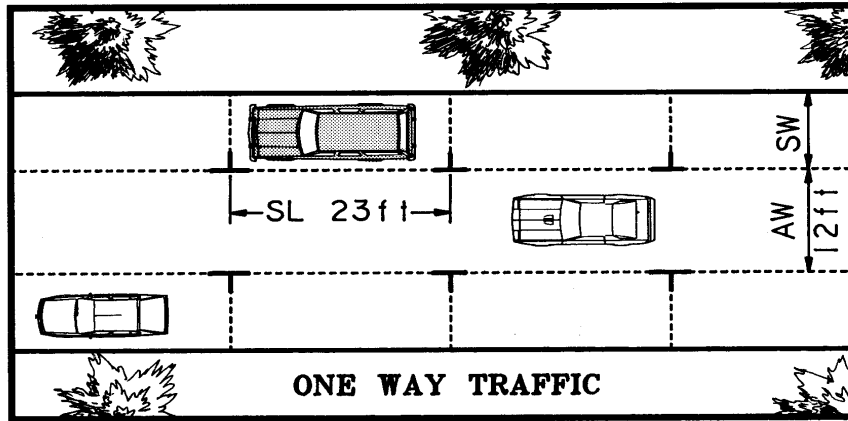
Angle	W1			W2			W3			W4		
	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width
30	24.0	25.0	25.0	36.0	38.5	38.5	33.5	36.0	36.0	31.0	33.0	33.0
35	24.5	26.0	26.0	37.5	40.5	40.5	35.5	38.0	38.0	33.0	35.5	35.5
40	25.5	26.5	26.5	39.0	42.0	42.0	37.0	40.0	40.0	35.0	37.5	37.5
45	26.0	27.5	27.5	40.5	43.5	43.5	38.5	41.5	41.5	36.5	39.0	39.0
50	26.5	28.0	28.0	41.5	45.0	45.0	39.5	43.0	43.0	38.0	41.0	41.0
55	27.0	29.0	28.5	42.5	46.5	46.0	40.5	44.5	44.0	39.0	42.5	42.0
60	28.0	31.5	30.0	43.5	49.5	48.0	42.0	47.5	46.5	41.0	46.0	45.0
65	30.0	34.0	33.0	46.0	52.0	51.0	44.5	51.0	48.5	43.5	49.5	48.0
70	32.0	36.5	35.0	48.0	54.5	53.0	47.0	53.5	52.0	46.0	52.5	51.0
75	34.0	38.5	37.5	50.0	56.5	55.5	49.0	56.0	54.5	48.5	55.0	54.0
80	36.0	41.0	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5
85	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5

Note: Specifications for any parking angle not specifically enumerated can be determined by interpolation from the above table.

**Table 3-7 - Parking Dimensions: Two-Way Traffic
(All Dimensions in Feet)**

Angle	W1			W2			W3			W4		
	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width
30	32.0	33.0	33.0	44.5	47.0	47.0	42.0	44.5	44.5	39.5	41.5	41.5
35	33.0	34.0	34.0	46.0	48.5	48.5	44.0	46.0	46.5	41.5	43.5	43.5
40	33.5	35.0	35.0	47.5	50.0	50.0	45.5	48.0	48.0	43.0	45.5	45.5
45	34.5	35.5	35.5	48.5	51.0	51.0	47.0	49.5	49.5	45.0	47.5	47.5
50	35.0	36.5	36.5	50.0	52.0	52.0	48.0	50.5	50.5	46.5	49.0	49.0
55	35.5	37.0	37.0	50.5	53.0	53.0	49.0	51.5	51.5	47.5	50.5	50.5
60	35.5	37.0	37.0	51.5	54.0	54.0	50.0	52.5	52.5	48.5	52.0	52.0
65	35.5	37.5	37.5	51.5	55.0	55.0	50.5	53.5	53.5	49.5	52.5	52.5
70	36.0	37.5	37.5	51.5	55.5	55.5	51.0	54.0	54.0	50.0	53.5	53.5
75	36.0	38.5	37.5	51.5	56.5	55.5	51.0	55.0	54.5	50.0	55.0	53.5
80	36.0	41.5	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5
85	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5

Note: Specifications for any parking angle not specifically enumerated can be determined by interpolation from the above table.



SL=STALL LENGTH SW=STALL WIDTH AW= AISLE WIDTH

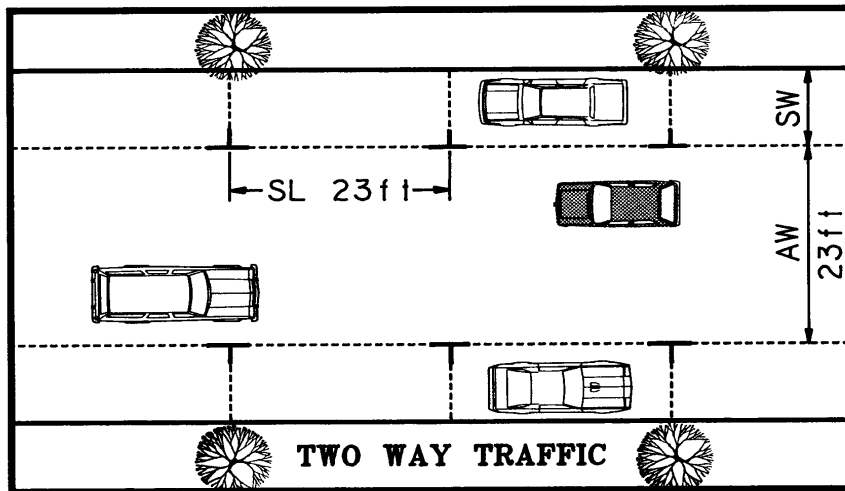


Figure 3-8 - Parallel Parking Diagram

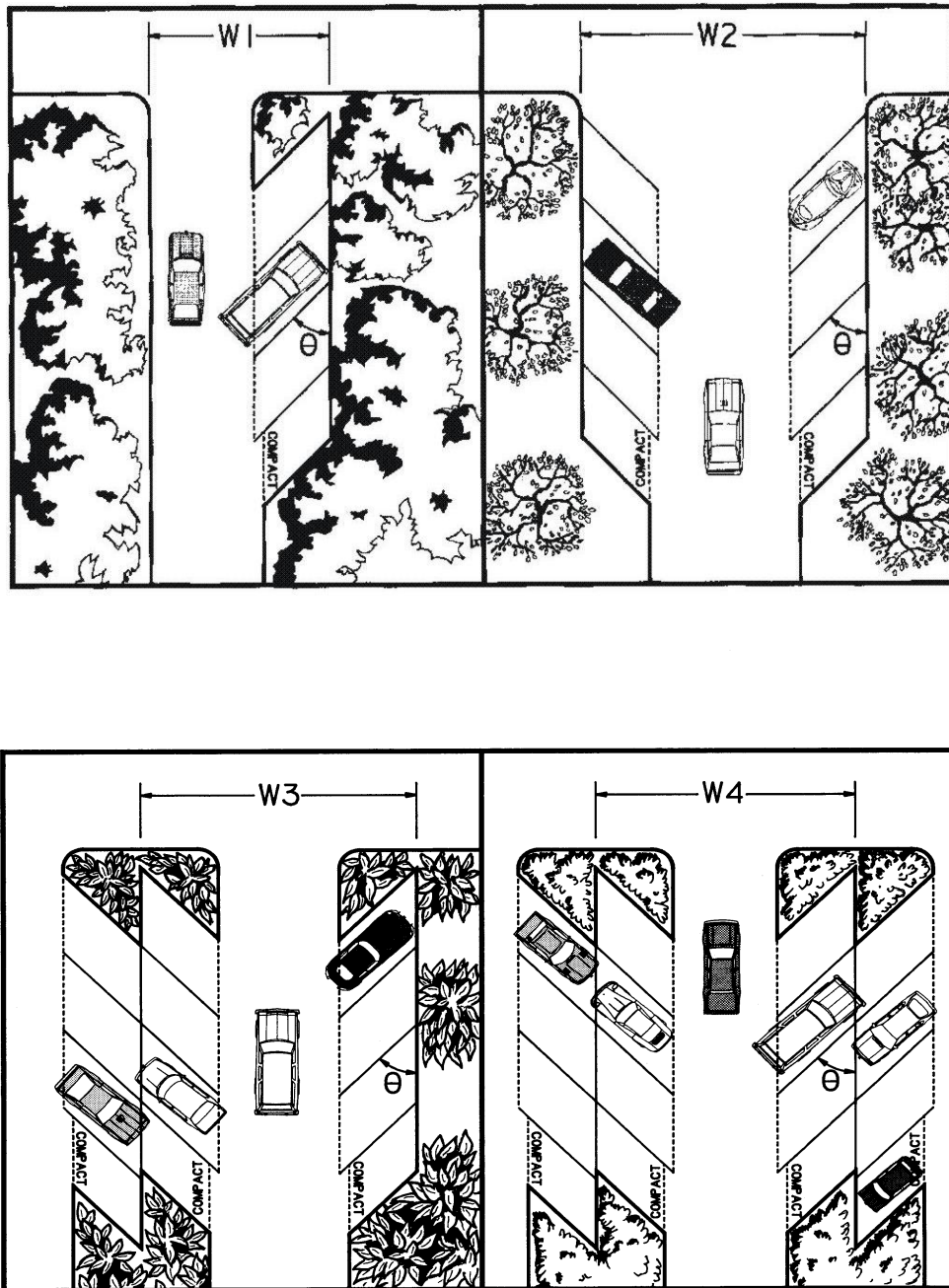


Figure 3-9 - Angle Parking One-Way Traffic Diagram

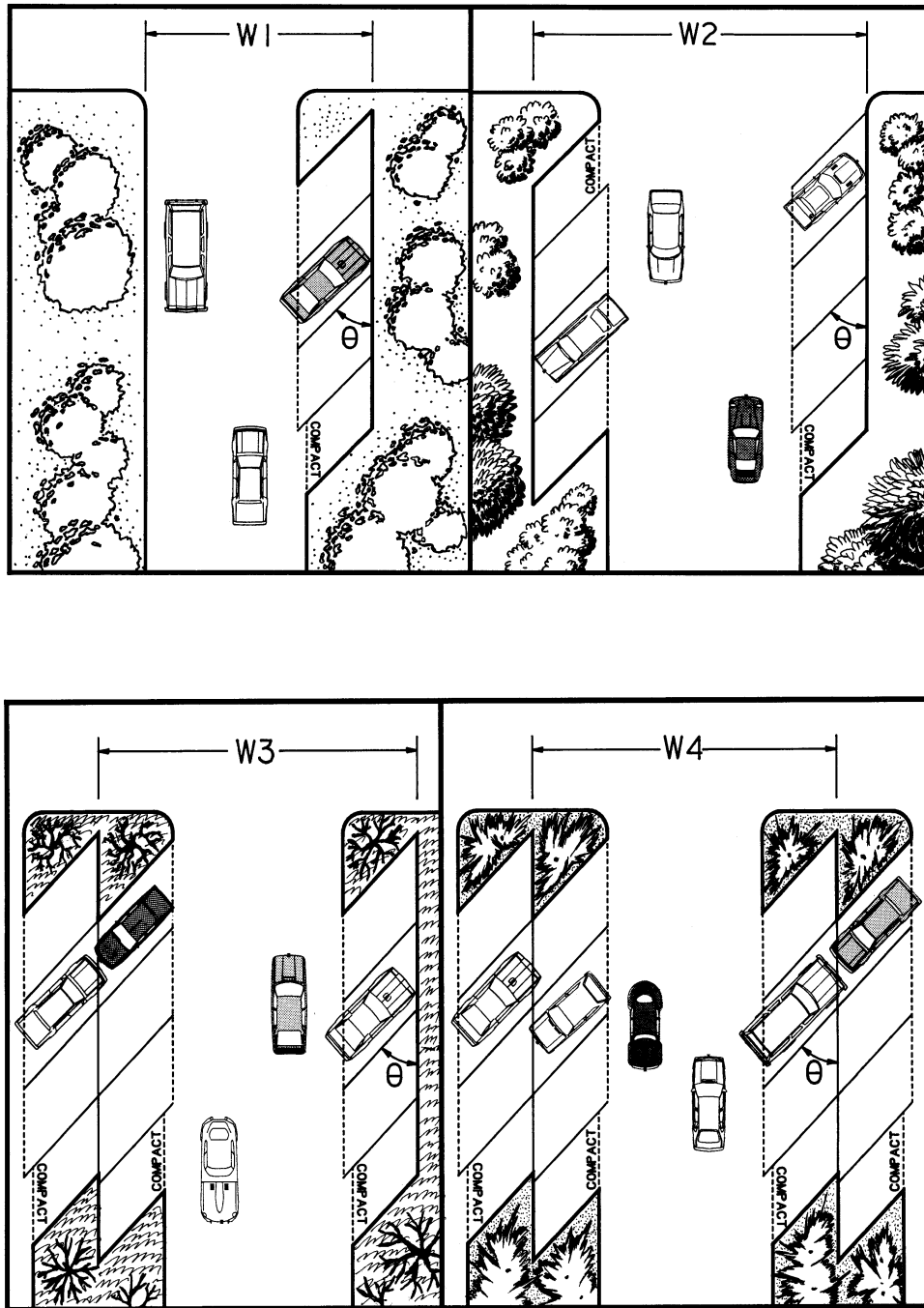


Figure 3-10 - Angle Parking Two-Way Traffic Diagram

CHAPTER 35.437 - REASONABLE ACCOMMODATION

Sections:

- [35.437.010 - Purpose](#)
- [35.437.020 - Applicability](#)
- [35.437.030 - Notice of Availability of Accommodation Process](#)
- [35.437.040 - Contents of Application](#)
- [35.437.050 - Processing](#)
- [35.437.060 - Findings Required for Approval](#)
- [35.437.070 - Effect of An Approved Reasonable Accommodation on Other Project Applications](#)

35.437.010 - Purpose

- A. The purpose and intent of this Chapter is to ensure equal access to housing and to remove barriers to fair housing opportunities for individuals with disabilities in compliance with the Federal Fair Housing Act and the California's Fair Employment and Housing Act (the Acts) by providing a procedure to request reasonable accommodation in the application of this Development Code and to establish relevant criteria to be used when considering such requests.
- B. Reasonable accommodation means providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.
- C. This Chapter shall be interpreted and applied in accordance with the Acts, and nothing in this Section shall be deemed to create greater rights than exist under the Acts.

35.437.020 - Applicability

- A. In order to make specific housing available to individuals with disabilities, any person, including an individual with a disability, his or her representative, or provider of housing for individuals with disabilities, may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities as regulated by this Development Code that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of their choice. This Chapter applies only to those individuals who qualify as disabled under the Acts.
- B. Typical improvements which may be considered for reasonable accommodation provisions include elevators or other mechanical access devices, handrails, ramps, walls, and other similar accessibility improvements necessary to accommodate an individual's disability. Reasonable accommodations include:
 1. Adjustments to encroachment allowances, floor area provisions, height and setback requirements.
 2. Adjustments to requirements for buffers, fences, walls and screening requirements.
 3. Allowing hardscape additions such as widening driveways, parking areas or walkways that would otherwise not comply with landscape, lot coverage, or open space provisions.
- C. The approval of a reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

35.437.030 - Notice of Availability of Accommodation Process

Notice of the availability of reasonable accommodation shall be displayed at the Department's public information counters. Forms for requesting reasonable accommodation shall be made available to the public at the Department.

35.437.040 - Contents of Application

- A. An application for reasonable accommodation shall be submitted in compliance with [Chapter 35.470 \(Permit Application and Filing and Processing\)](#).
1. An application for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing.
 2. If the project for which the application is being made also requires some other discretionary approval under this Development Code, the applicant shall file the application for reasonable accommodation concurrent with the application for the discretionary approval.
- B. **Additional submittal requirements.** The application shall include the following in addition to the standard submittal requirements.
1. Verification by the applicant that the property is or will be the primary residence of the individual for whom the accommodation is requested.
 2. The regulation or procedure from which accommodation is being requested.
 3. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual with the disability.
 4. The basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities) is considered disabled under the Acts.

35.437.050 - Processing**A. Review authority and processing procedures.**

1. If the project for which the application for reasonable accommodation is requested requires ministerial approval in compliance with this Development Code, then the Director shall be the review authority for the application for reasonable accommodation and the related application, and the application for reasonable accommodation shall be submitted and reviewed concurrently with the related ministerial application.
 - a. Notice of the application for reasonable accommodation and pending decision by the Director shall be given in the same manner as a Land Use Permit in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 - b. The Director shall review the application for reasonable accommodation for compliance with the Comprehensive Plan including any applicable community or area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing is not required.
 - c. The action of the Director is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
 - d. The Director may take action on the application for reasonable accommodation prior to taking an action on any companion application.
2. If the project for which the application for reasonable accommodation is requested requires discretionary approval in compliance with this Development Code, then:
 - a. The review authority for the related discretionary application shall be the review authority for the application for reasonable accommodation.
 - b. The application for reasonable accommodation shall be processed concurrently and in compliance with the applicable processing requirements for the related discretionary

application, including noticing and public hearing requirements.

- c. The review authority shall review the application for reasonable accommodation for compliance with the Comprehensive Plan including the Montecito Community Plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. The review authority shall take action on the application for reasonable accommodation concurrently with taking action on any related discretionary application.
- d. The action of the review authority is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).

B. Standards for approval.

1. The review authority shall approve or conditionally approve the application if, based upon all of the evidence presented to the County, the findings required for approval in compliance with [Section 35.437.060 \(Findings Required for Approval\)](#) can first be made.
2. An application for reasonable accommodation granted in compliance with this Chapter shall not require the approval of any Modification in compliance with [Section 35.472.120 \(Modifications\)](#) or Variance in compliance with [Section 35.472.180 \(Variances\)](#) as to the reasonable accommodation.

C. Conditions of approval. The review authority may impose conditions on the approval of an application for reasonable accommodation that are consistent with the purpose of the Acts and this Chapter to further fair housing. Such conditions include:

1. That the reasonable accommodation shall only be applicable to the specific use for which the application is made.
2. That a reasonable accommodation involving an exterior physical improvement or structure is designed to be substantially similar to the architectural character, colors, and texture of materials of the existing structure (if applicable) and other structures on the project site and in the neighborhood.
3. That the reasonable accommodation is subject to any and all Building Code permit and inspection requirements of the County.

D. Written determination. The review authority shall issue a written determination, which shall be mailed to the applicant by first class mail, of the action on the application for reasonable accommodation that:

1. Explains the basis of the decision and includes the findings required in compliance with [Section 35.437.060 \(Findings Required for Approval\)](#).
2. Includes notice of the right to appeal and the appeals process.

E. Other required approvals. If the final action by the County results in the approval or conditional approval of the requested accommodation, other required approvals of the County (e.g., building permits) still apply.

35.437.060 - Findings Required for Approval

An application for reasonable accommodation shall be approved or conditionally approved only if the review authority, in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts), first makes all of the following findings:

- A. The project that is the subject of the request for reasonable accommodation:
 1. Conforms to the applicable provisions of the Comprehensive Plan including the Montecito Community Plan.
 2. Conforms to the applicable provisions of this Development Code and other applicable zoning conditions and regulations that apply to the subject project, except as modified by the

accommodation.

- B. The project that is the subject of the request for reasonable accommodation will be occupied as the primary residence by an individual with a disability under the Acts.
- C. The accommodation is necessary to make specific housing available to an individual with a disability protected under the Acts.
- D. The accommodation will not impose an undue financial or administrative burden on the County and the community.
- E. The accommodation will not require a fundamental alteration of the regulations or procedures of this Development Code.
- F. The accommodation will not waive a requirement for a Land Use Permit, Building Permit or Encroachment Permit, or result in approved uses otherwise not allowed by this Development Code.
- G. Any adverse impact that results from the accommodation is minimized to the extent feasible.
- H. The accommodation is limited to the minimum necessary to accommodate the needs of the individual with a disability and reasonable alternatives are not available that will provide an equivalent level of benefit without requiring a modification or exception to regulations or procedures of this Development Code.
- I. The project that is the subject of the request for reasonable accommodation:
 - 1. Will not be detrimental to the general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding areas.
 - 2. Will not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on.
 - 3. Will not require extensive alteration of the topography with the exception of only those design modifications which are necessary to provide the accommodation.
 - 4. If located in a Rural area as designated on the Comprehensive Plan maps, will be compatible with and subordinate to the rural and scenic character of the area with the exception of only those design modifications which are necessary to provide the accommodation.

35.437.070 - Effect of an Approved Reasonable Accommodation on Other Project Applications

If the project for which the application for reasonable accommodation is submitted also requires design review approval in compliance with [Section 35.472.070 \(Design Review\)](#), then any approval or conditional approval of the project by the Montecito Board of Architectural Review shall not have the effect of rendering an approved reasonable accommodation infeasible.

CHAPTER 35.438 - SIGN STANDARDS

Sections:

- 35.438.010 - Purpose
- 35.438.020 - Prohibited Signs
- 35.438.030 - Exempt Signs, Flags, and Devices
- 35.438.040 - Permit Requirements
- 35.438.050 - Requirements for All Signs
- 35.438.060 - Signs Allowed in All Zones
- 35.438.070 - ~~Reserved~~ Signs Allowed in Agricultural Zone
- 35.438.080 - Signs Allowed in Residential Zones
- 35.438.090 - Signs Allowed in Commercial Zones Outside of Shopping Centers
- 35.438.100 - Signs Allowed in Shopping Centers
- 35.438.110 - Nonconforming Signs
- 35.438.120 - Violations and Enforcement of Sign Regulations

35.438.010 - Purpose

This Chapter provides standards that balance the legitimate private purpose of signs (e.g., the identification and promotion of the seller to the buyer) with the public purpose of protection of the health, safety and welfare of the County. Public purposes most directly expressed in the regulation of signs in the County are traffic safety as related to the diversion of a vehicle driver's attention from the road and the economic and aesthetic welfare of the County as related to existing and future economic interests that depend in large measure upon the County's ability to maintain its well-established reputation as an attractive area, both as to natural and man-made features, in which to visit and to live.

See "Signs" within [Division 35.10 \(Glossary\)](#) for definitions related to signage as used within this Chapter.

35.438.020 - Prohibited Signs

The following signs are prohibited in all zones within the unincorporated area of the County.

- A. Animated signs.
- B. Marquee signs.
- C. Portable signs.
- D. Roof signs.

35.438.030 - Exempt Signs, Flags, and Devices

The following signs, flags, and devices are exempt from the provisions of this Chapter:

- A. Flags of a governmental entity (e.g., United States, California, Santa Barbara County, municipalities within Santa Barbara County, other governmental entities).
- B. Signs and devices erected by a governmental entity, including public schools.
- C. Signs erected by a public utility or common carrier to warn of dangers (e.g., the location of underground facilities and railroad crossings).
- D. Signs required to be maintained or posted by law or governmental order, rule, or regulation.
- E. Signs located entirely within structures.

35.438.040 - Permit Requirements

A. Permit requirements.

1. Sign Certificates of Conformance required.

- a. Except for the exempt signs identified in [Section 35.438.030 \(Exempt Signs, Flags, and Devices\)](#) above, and the signs identified in Subsection 1.c below, a sign shall not be erected, applied, installed, affixed, altered, relocated, or projected as an image and a copy shall not be changed without a Sign Certificate of Conformance issued in compliance with [Section 35.472.150 \(Sign Certificates of Conformance\)](#) and, if required, [Section 35.472.130 \(Overall Sign Plans\)](#).
- b. Sign Certificates of Conformance are not required to change the copy in an approved changeable copy sign and off-site sign or to repair, maintain or clean an existing sign.
- c. The following signs shall comply with the regulations of this Chapter but may be erected, installed, affixed, altered, or relocated without a Sign Certificate of Conformance:
 - (1) For sale, lease, or rent signs.
 - (2) Farm organization signs.
 - (3) Sale of farm products signs.
 - (4) Combination farm signs.
 - (5) Temporary identification signs for recorded subdivisions.

2. **Application.** The required permit application shall be filed in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

35.438.050 - Requirements for All Signs

A. Architectural projections and sign structures.

1. Architectural projections or sign structures shall not increase the number or area of allowed signs, nor shall they be used as a device that is, in itself, a sign, unless the sign is allowed under this Chapter.
2. Sign structures shall be free of unsightly supporting features (e.g., bracing, angle iron, guy wires, and cables).

B. Height and setback requirements. Signs and sign structures shall meet the height and setback regulations of the specific zone in which they are located. Freestanding signs are structures for the purposes of the Development Code.

C. Measuring sign area. In applying the sign area standards of this Chapter, the periphery of the sign shall be established by drawing not more than eight straight lines encompassing the extremities of the sign within the smallest possible area. In the case of freestanding signs, the entire background area shall be included in the sign area measurements. In the case of a double-faced sign, only one face of the sign shall be included in the sign area measurement. Supporting structures so designed to perform an advertising function shall be included in the sign area. In the case of wall signs, the background area shall be included in the sign area measurements only if it is of a distinctive color, material, texture, or shape, the primary purpose of which is to enhance the advertising value of the sign, as determined by the Director.

D. Measuring sign height. The height of a sign is the vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest.

- E. Measuring street frontage.** If the property abuts two or more streets, the length of the street frontage of the street carrying the greatest amount of traffic shall be used to determine if the property may be allowed to have freestanding sign unless the traffic is equal on two or more streets, in which case the length of the longest street frontage shall be used.

35.438.060 - Signs Allowed in All Zones

A. Changeable copy signs.

1. **Religious institutions.** Each religious institution may be allowed one onsite changeable copy sign using perimeter lighting, not exceeding 24 square feet in area, and not exceeding a height of 10 feet above ground level.
2. **Service stations.** Service stations may utilize changeable copy only for displaying gas prices.

- B. Construction signs.** On a building site during construction and to be removed prior to final building inspection: one onsite, temporary, unlighted sign not exceeding eight square feet.

C. Directional and informational signs.

1. County owned official signs in compliance with the following:

- a. The content, design, shape and size, shall be subject to final approval by the Board; however, in no case shall such signs exceed 400 square feet in total area for any one sign.
- b. The informational content of the sign shall be limited to the name of the area within the County, its distance from the sign and other directional and informational matter designed to inform the traveling public of the accommodations, points of interest, or resources existing in the area.
- c. The sign shall not mention, or be used in any way to for the advertising of any individual business.
- d. The sign shall be placed so as to be visible by the traveling public but shall not be placed as to interrupt a traveler's view of the skyline from the highway or obstruct any desirable view of the public from the highway.
- e. Signs within 10 miles of any area or within 10 miles of the point of departure from the freeway to such area will be allowed in each of two directions from the area.
- f. It is the Board's intention that such signs will be few in number, simple in content, no larger than is necessary to accomplish the purpose, aesthetically pleasing, and that they will genuinely add the public in providing needed information concerning County resources.
- g. Such signs shall be constructed or installed only along freeways within the unincorporated area of the County.
- h. Prior to any installation, construction, moving, removing, replacing, destruction, modification, or redesigning of any such official signs, the Board shall hold a public hearing in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).

2. Other directional and informational signs.

- a. Subject to obtaining a Conditional Use Permit approved in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#) that specifies the size and location of the directional and informational signs.
- b. Limited to those which, in the opinion of the review authority, are necessary to direct or inform the public as to the location of:
 - (1) Publicly owned facilities.

- (2) Governmentally (i.e., federal, state, county, or municipality) designated historical points of interest.
 - (3) Hospitals.
 - (4) Service Club Meetings.
 - (a) The review authority may require that the permittee erect a structure designed to hold more than one service club sign.
 - (b) The permittee shall allow additional service club signs to be placed on the same structure when so required by the review authority.
 - (5) Onsite or off-site parking areas if the location is not readily apparent to the public.
- D. Entrance/exit signs.** One onsite sign for each entrance and exit but not exceeding three feet in height and two square feet in sign area. The sign may be freestanding.
- E. Institutional signs.** Each facility shall be allowed one onsite institutional sign not exceeding 20 square feet in area.
- F. Safety sign.** Onsite signs, not exceeding two square feet in sign area, and subject to the approval of the Director as to the necessity for, number, location, and height of these signs.
- G. Subdivision signs.** For each subdivision of five or more lots where the Tentative Map has been approved by the County, the following signs shall be allowed.
- 1. One temporary onsite advertising sign.**
 - a. Not exceeding 32 square feet in area.
 - b. Allowed for a one-year period.
 - 2. One additional temporary onsite advertising sign.**
 - a. Where the subdivision abuts upon two or more streets that do not intersect at or near the subdivision.
 - b. Subject to the same conditions as the first sign.
 - 3. Not to exceed three temporary off-site directional and informational signs.**
 - a. Each not exceeding 12 square feet in area.
 - b. Allowed for a one-year period.
 - 4. One temporary lot identification sign.**
 - a. For each undeveloped lot in the subdivision.
 - b. Not exceeding one square foot in area.
 - c. Containing only the subdivision lot number.
 - d. Allowed until the lot is sold.

35.438.070 - ~~Reserved~~ Signs Allowed in Agricultural Zones

~~A. Farm organization signs.~~

- ~~1. Two onsite signs.~~
- ~~2. Each sign not to exceed four square feet in sign area.~~

~~B. Sale of farm products signs.~~

- ~~1. Advertising the allowed sale of farm products grown on the premises.~~

~~2. One onsite, freestanding sign not to exceed 25 square feet in sign area.~~

~~**C. Identification signs.**~~

~~1. Limited to identifying a ranch, farm, or other use existing and permitted on the property.~~

~~2. Two onsite signs, each not to exceed 25 square feet in sign area.~~

~~**D. Combination farm signs.**~~

~~1. One for each farm or ranch.~~

~~2. An onsite, freestanding sign not to exceed 25 square feet in sign area.~~

~~**E. For sale, lease, or rent signs.**~~

~~1. To advertise the sale, lease, or rent of a farm or ranch.~~

~~2. One temporary, onsite, unlighted sign not to exceed 25 square feet in sign area.~~

35.438.080 - Signs Allowed in Residential Zones

A. For sale, lease, or rent sign.

1. On a residential lot except for the initial sale in a subdivision.

2. One temporary, onsite, unlighted sign not exceeding six square feet in sign area.

B. Identification sign.

1. Limited to wall signs.

2. Not to exceed two square feet of sign area per residential dwelling unit.

3. Not to exceed a total of 20 square feet of sign area per building.

C. Gate or entrance sign.

1. Not to exceed two signs at any one entrance.

2. Not to exceed 20 square feet in aggregate sign area at any one entrance.

3. Subject to issuance of a Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#).

35.438.090 - Signs Allowed in Commercial Zones Outside of Shopping Centers

A. Identification and gate or entrance signs. Identification signs and gate or entrance signs in compliance with Subsection 35.438.080.B (Identification sign) and Subsection 35.438.080.C (Gate or entrance sign) above.

B. For sale, lease, or rent signs.

1. To advertise the sale, lease, or rent of a lot or premises.

2. One temporary, onsite, unlighted sign not to exceed 25 square feet in sign area.

C. Wall signs.

1. For each enterprise, one on each street frontage.

a. The sign area on each frontage shall not exceed one-eighth of the square footage of the structure façade of that portion of the floor occupied by the enterprise and upon which façade the wall sign is to be located.

b. In the case where an enterprise occupies more than one floor of a structure, then the sign area

shall not exceed one-eighth of the structure façade of that portion of one floor occupied by the enterprise.

- c. Each sign shall not exceed 100 square feet in sign area unless a Sign Modification is approved in compliance with [Section 35.472.160 \(Sign Modifications\)](#).
- d. For places of public entertainment or assembly where the public attraction is constantly changing (e.g., theaters, auditoriums, sports arenas) changeable copy may be used on a wall sign and wall signs may exceed the allowed size subject to the approval of a Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#).

D. Under canopy signs.

1. One for each enterprise having entrance under or offering service under the canopy.
2. Not exceeding six square feet in sign area.
3. Lower edge of the sign shall be at least eight feet above finished ground level.

E. Projecting signs.

1. One projecting sign on each street frontage consisting of only a symbol with or without words relating to the activity on the premises.
2. Shall not project more than three feet beyond the structure façade.
3. Shall not exceed three square feet in sign area.
4. The lower edge of the sign shall be at least eight feet above finished ground level.
5. Shall not be lighted.

F. Arcade signs.

1. One sign per street frontage may be located on an arcade where an arcade obstructs the view from the street of a wall sign located under the arcade and the arcade exists under a valid encroachment permit.
2. Shall not exceed 10 square feet in sign area.
3. Shall not be lighted.

G. Menu boards for drive-through restaurants. In addition to signs allowed in compliance with Subsection C. (Wall signs) above and Subsection H. (Freestanding signs) below, menu boards for drive-through restaurants subject to the following:

1. Not to exceed two onsite, single face signs.
2. Limited to locations adjacent to a vehicle queuing lane for the service point of the drive-through restaurant.
3. Free-standing menu boards shall not exceed eight feet in height as measured from the finished elevation of the vehicle queuing lane.
4. Menu board wall signs shall not exceed the height of the eave of the roof over the wall on which the sign is located.
5. Not to exceed 36 square feet in the total combined area of both signs unless a Sign Modification is approved in compliance with [Section 35.472.160 \(Sign Modifications\)](#).

H. Freestanding signs.

1. One on each lot occupied by an enterprise, if the lot has a street frontage of at least 125 feet.
 - a. Not more than two separate signs may be placed on each freestanding sign structure.

- b. If only one sign is placed on a freestanding sign structure, it shall not exceed 100 square feet in sign area.
- c. If two signs are placed on a freestanding structure, the lower sign shall not exceed 20 square feet in sign area, and the total area of both signs shall not exceed 100 square feet. The lower sign area may be a changeable copy sign or a multiple copy sign.
- d. The height of a freestanding sign shall not exceed 30 feet. Height shall be measured from the centerline of the improved portion of the public right-of-way to which the property has access and more specifically, from that point in the centerline that is closest to the sign. If the sign is located an equal distance from several centerlines, the 30 feet shall be measured from the highest of these centerlines.
- e. A part of the sign or supporting structure shall not project over the street right-of-way.
- f. The base of the supporting structure shall comply with the front setback of the applicable zone and shall be set back at least five feet from the street right-of-way.
- g. For places of public entertainment or assembly where the public attraction is constantly changing (e.g., theaters, auditoriums, sports arenas) changeable copy may be used whether one or two signs are placed on the freestanding sign. The sign may exceed the allowed size with approval of a Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#).

35.438.100 - Signs Allowed in Shopping Centers

- A. Conformance with Overall Sign Plan.** All signs located within a shopping center, except service station signs, shall conform to an Overall Sign Plan approved in compliance with [Section 35.472.130 \(Overall Sign Plans\)](#). Signs for service stations may be allowed compliance with [Section 35.438.090 \(Signs Allowed in Commercial Zones Outside of Shopping Centers\)](#) above.
- B. Wall signs.**
 1. For each enterprise, one on each frontage or an area open to the public.
 - a. The sign area on each frontage shall not exceed one-eighth of the square footage of the structure façade of that portion of the floor occupied by the enterprise and upon which façade the wall sign is to be located.
 - b. In the case where an enterprise occupies more than one floor of a structure, then the sign area shall not exceed one-eighth of the structure façade of that portion of one floor occupied by the enterprise.
 - c. Not to exceed a 100 square feet of sign area unless a larger sign area is allowed within an Overall Sign Plan approved in compliance with [Section 35.472.130 \(Overall Sign Plans\)](#).
 - d. For places of public entertainment or assembly where the public attraction is constantly changing (e.g., theaters, auditoriums, sports arenas) changeable copy may be used whether one or two signs are placed on wall signs and wall signs may exceed the permitted size with approval of a Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#).
- C. Under canopy signs.**
 1. One for each enterprise having entrance under or offering service under the canopy.
 2. Not to exceed six square feet in area unless otherwise provided in the Overall Sign Plan approved in compliance with [Section 35.472.130 \(Overall Sign Plans\)](#).
 3. Lower edge of the sign shall be at least eight feet above finished ground level.

D. Projecting signs.

1. One for each enterprise on each street frontage to which the lot has access when specifically allowed in the Overall Sign Plan approved in compliance with [Section 35.472.130 \(Overall Sign Plans\)](#).
2. Sign copy shall consist of only a symbol, with or without words, relating to the activity on the premises.
3. Shall not project more than three feet beyond the structure façade.
4. Not to exceed three square feet in sign area.
5. Lower edge of the sign shall be at least eight feet above finished ground level.
6. Sign shall not be lighted.

E. Menu boards for drive-through restaurants. In addition to signs allowed in compliance with Subsection B. (Wall signs) above and Subsection F. (Freestanding signs) below, menu boards for drive-through restaurants shall be allowed subject to the following:

1. Not to exceed two onsite, single face signs.
2. Limited to locations adjacent to a vehicle queuing lane for the service point of the drive-through restaurant.
3. Freestanding menu boards shall not exceed eight feet in height as measured from the finished elevation of the vehicle queuing lane.
4. Menu board wall signs shall not exceed the height of the eave of the roof over the wall on which the sign is located.
5. Not to exceed 36 square feet in the total combined area of both signs unless a larger area is allowed in compliance with [Section 35.472.130 \(Overall Sign Plans\)](#).

F. Freestanding signs.

1. One for each shopping center if the shopping center has a street frontage of at least 125 feet, not including any street frontage occupied by a service station.
2. Not more than one sign may be placed on each freestanding sign structure.
3. Sign shall only identify the shopping center and may not advertise or identify an enterprise or service conducted or merchandise sold within the shopping center.
4. Changeable copy shall not be used.
5. Sign shall not exceed 100 square feet in area.
6. The height of the sign shall not exceed 30 feet. Height shall be measured from the centerline of the improved portion of the public right-of-way to which the property has access and more specifically, from that point in the centerline that is closest to the sign. If the sign is located an equal distance from several centerlines, the 30 feet shall be measured from the highest of these centerlines.
7. No part of the sign or sign structure shall project over the street right-of-way.
8. The base of the supporting structure shall comply with the front setback of the applicable zone and shall be set back at least five feet from the street right-of-way.
9. More than one freestanding sign, a larger sign, or a higher sign may be allowed in compliance with [Section 35.472.130 \(Overall Sign Plans\)](#).

35.438.110 - Nonconforming Signs

- A. Nonconforming signs.** A sign that was lawfully erected and maintained before May 28, 1970 or the effective date of any applicable amendment to sign regulations of this Chapter, including predecessor ordinances, but that does not comply with the provisions of this Chapter or any amendments, is a nonconforming sign.
1. “Lawfully erected” shall include:
 - a. Signs erected before a sign regulation was applicable to the property.
 - b. Signs erected in compliance with the then applicable sign regulations, but for which a permit or other clearance was not required.
 - c. Signs erected in compliance with an approved Development Plan, Sign Modification, Variance, or a Conditional Use Permit.
 2. “Lawfully maintained” shall include:
 - a. Signs maintained in compliance with the applicable sign regulations existing immediately before May 28, 1970, including signs maintained in compliance with Development Plans, Sign Modification, Variances, or Conditional Use Permits.
 - b. Signs maintained as nonconforming signs without a termination date under an operative amortization period.
 3. “Nonconformance” may include:
 - a. Sign use.
 - b. Type of sign.
 - c. Height.
 - d. Location.
 - e. Number.
 - f. Size.
 - g. Failure to comply with an approved Overall Sign Plan for a shopping center.
 4. “Nonconformance” does not include failure to obtain any permit or other clearance required at the time the sign was erected.
- B. Abatement.** Nonconforming signs may be continued and maintained for a nine-year period of amortization from the date of any amendment rendering them nonconforming. At the end of the nine-year amortization period, nonconforming signs lose their status as nonconforming signs and become illegal signs in violation of the provisions of this Chapter and shall be removed or brought into conformance by obtaining a permit, if allowed.
- C. New signs during nine-year amortization period.**
1. **Outside of shopping centers and for service stations.** In all zones, except for non-service station uses in shopping centers, during a nine-year amortization period for nonconforming signs, signs may be erected, installed, affixed, altered, relocated, applied, and projected as an image and copy may be changed on that lot, provided:
 - a. The signs will be in compliance with this Chapter.
 - b. When added together, the nonconforming and conforming signs on the lot will not exceed either the total number of signs or the total sign area for all signs allowed by this Chapter.
 - c. A Sign Certificate of Conformance, if required, is issued by the Director.

2. **Within shopping centers, except for service stations, without an Overall Sign Plan.** If an Overall Sign Plan has not been adopted for a shopping center, during a nine-year amortization period, signs may be erected, installed, affixed, altered, relocated, applied, and projected as an image and copy may be changed in the shopping center, and the signs or copy may be maintained for the remainder of the amortization period provided:
 - a. A Sign Certificate of Conformance, if required effective for the remainder of the nine-year amortization period is issued by the Director.
 - b. The signs, except for the nonconformance to an Overall Sign Plan, will be in conformance with this Chapter.
 - c. When added together, the nonconforming and conforming signs on the premises, either the premises of an individual business or those of the management controlled common premises, will not exceed either the total number of the signs or the total sign area for all signs allowed by this Chapter.
3. **Within shopping centers, with an Overall Sign Plan.** If an Overall Sign Plan has been adopted for a shopping center, during a nine-year amortization period for nonconforming signs, signs may be erected, installed, affixed, altered, relocated, applied, and projected as an image and copy may be changed in the shopping center, provided:
 - a. A Sign Certificate of Conformance, if required is issued by the Director.
 - b. The signs will be in compliance with this Chapter.
 - c. When added together, the nonconforming and conforming signs on the premises, either the premises of an individual or those of the management controlled common premises, will not exceed the total number of signs or the total sign area for all signs allowed by this Chapter.

35.438.120 - Violations and Enforcement of Sign Regulations

- A. **Violations.** A sign set up, applied, erected, constructed, altered, affixed, repaired, installed, relocated, enlarged, converted, maintained, or projected as an image contrary to the provisions of this Chapter, shall be and is declared to be unlawful and a public nuisance and shall be subject to the provisions of [Chapter 35.498 \(Enforcement and Penalties\)](#).
- B. **Enforcement.** Enforcement of the provisions of this Chapter shall be in compliance with [Chapter 35.498 \(Enforcement and Penalties\)](#).

DIVISION 35.4

Montecito Standards for Specific Land Uses

Chapter 35.440 - Reserved	4-3
Chapter 35.442 - Standards for Specific Land Uses	4-5
35.442.010 - Purpose and Applicability.....	4-5
35.442.015 – Accessory Dwelling Units.....	4-6
35.442.020 - Accessory Structures and Uses.....	4-13
35.442.030 - Reserved.....	4-16
35.442.040 - Animal Keeping.....	4-16
35.442.050 - Automobile Service Stations.....	4-21
35.442.055 – Cannabis Regulations.....	4-21
35.442.060 - Caretaker or Employee Housing.....	4-23
35.442.070 - Community Care Facilities.....	4-23
35.442.080 - Reserved.....	4-27
35.442.090 - Reserved.....	4-27
35.442.100 - Drive-through Facilities.....	4-27
35.442.105 - Farmworker Housing.....	4-27
35.442.110 - Greenhouses.....	4-29
35.442.120 - Guesthouses, Artist Studios, and Cabañas.....	4-30
35.442.130 - Home Occupations.....	4-33
35.442.135 - Homestays.....	4-36
35.442.140 - Mobile Homes on Permanent Foundations.....	4-38
35.442.150 - Residential Project Convenience Facilities.....	4-39
35.442.160 - Short-Term Rentals.....	4-39
35.442.170 - Spa Facilities – Inland area.....	4-39
35.442.180 - Temporary Uses and Trailers.....	4-40
Chapter 35.444 - Telecommunications Facilities	4-53
35.444.010 - Commercial Telecommunications Facilities.....	4-53
35.444.020 - Noncommercial Telecommunications Facilities.....	4-66
Chapter 35.446 - Reserved Wind Energy Conversion Systems	4-69
35.446.010 Purpose and Intent.....	4-69
35.446.020 Applicability.....	4-69
35.446.030 Allowed Uses and Permit Requirements.....	4-69
35.446.040 Application Filing, Processing and Review.....	4-70
35.446.050 Development Standards for Small Wind Energy Systems.....	4-72
35.446.060 Project Abandonment.....	4-75
35.446.070 Repeal.....	4-76

Reserved

CHAPTER 35.440 - RESERVED

CHAPTER 35.442 - STANDARDS FOR SPECIFIC LAND USES

Sections:

- 35.442.010 - Purpose and Applicability
- 35.442.015 - Accessory Dwelling Units
- 35.442.020 - Accessory Structures and Uses
- 35.442.030 - Reserved
- 35.442.040 - Animal Keeping
- 35.442.050 - Automobile Service Stations
- 35.442.055 - Cannabis Regulations
- 35.442.060 - Caretaker or Employee Housing
- 35.442.070 - Community Care Facilities
- 35.442.080 - Reserved
- 35.442.090 - Reserved
- 35.442.100 - Drive-through Facilities
- 35.442.105 - Farmworker Housing
- 35.442.110 - Greenhouses
- 35.442.120 - Guesthouses, Artist Studios, and Cabañas
- 35.442.130 - Homestays
- 35.442.135 - Home Occupations
- 35.442.140 - Mobile Homes on Permanent Foundations
- 35.442.150 - Residential Project Convenience Facilities
- 35.442.160 - Residential Second Units
- 35.442.160 - Short-Term Rentals
- 35.442.170 - Spa Facilities — ~~Inland area~~
- 35.442.180 - Temporary Uses and Trailers

35.442.010 - Purpose and Applicability

- A. Purpose.** This Chapter provides site planning, development, and/or operating standards for certain land uses allowed by [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#) within individual or multiple zones that require special standards.
- B. Applicability.** A land use and/or activity addressed by this Chapter shall comply with the provisions of each Section applicable to the specific use, in addition to all other applicable provisions of this Development Code.
- 1. Where allowed.** The uses that are subject to the standards in this Chapter shall be located only where allowed by [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
 - 2. Planning permit requirements.** The uses that are subject to the standards in this Chapter shall be authorized by the planning permit required by [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#), except where a planning permit requirement is established by this Chapter for a specific land use.
 - 3. Development standards.** The standards for specific uses in this Chapter supplement and are required in addition to those in [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#) and [Division 35.3 \(Montecito Site Planning and Other Project Standards\)](#). In the event of any conflict between the requirements of this Chapter and those of [Division 35.2](#) or [Division 35.3](#), the requirements of this Chapter shall control. ~~Within the Coastal Zone, conflicts shall be resolved in a manner which on balance is the most protective of significant coastal resources.~~

35.442.015 – Accessory Dwelling Units

- A. Purpose and intent.** The purpose of this Section is to establish permit procedures and development standards for attached and detached accessory dwelling units in compliance with California Government Code Section 65852.2. The intent is to encourage the development of accessory dwelling units that contribute needed housing to the community's housing stock.
- B. Applicability.** An application for an accessory dwelling unit may be approved on a lot as allowed in compliance with [Table 2-41](#) (Allowed Land Uses and Permit Requirements for Resource Protection Zone), and [Table 2-74](#) and ~~Table 2-8~~ (Allowed Land Uses and Permit Requirements for Residential Zones).
- C. Allowed density and use.**
1. In compliance with Government Code Section 65852.2, an accessory dwelling unit shall:
 - a. Be deemed to be an accessory use or an accessory building.
 - b. Not be considered to exceed the allowable density for the lot upon which it is located.
 - c. Be deemed to be a residential use that is consistent with the existing Comprehensive Plan and zoning designation for the lot the accessory dwelling unit is located on.
 - d. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.
 2. A lot may contain no more than one accessory dwelling unit, and shall be accessory to and be located on the same lot as an existing or proposed one-family or multiple-family dwelling.
- D. Application and processing requirements.**
1. **Permit required.**
 - a. Prior to the development or use of a building or portion thereof as an accessory dwelling unit, an application for an Exemption or Zoning Clearance, as applicable, shall be submitted in compliance with [Section 35.470.030 \(Application Preparation and Filing\)](#), and the Exemption or Zoning Clearance shall be issued in compliance with [Section 35.420.040 \(Exemptions from Planning Permit Requirements\)](#) or [Section 35.472.190 \(Zoning Clearances\)](#), as applicable.
 - (1) **Exemption required.** An application for an accessory dwelling unit that is in compliance with the development standards of Subsection E (Accessory dwelling units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use) or Subsection F (Accessory dwelling units located entirely within existing one-family or multiple-family buildings on lots zoned for one-family or multiple-family use), below, may be allowed with an Exemption.
 - (2) **Zoning Clearance required.** An application for an accessory dwelling unit that is in compliance with the development standards of Subsection G (Accessory dwelling units located either partially within existing buildings or within new buildings on lots zoned for one-family or multiple-family use), below, may be permitted with a Zoning Clearance.
 2. **Ministerial review and review period.** The Director shall consider an application for a Zoning Clearance for an accessory dwelling unit ministerially without discretionary review or hearing.
 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), 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.

- E. Accessory dwelling units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use.** An accessory dwelling unit that is proposed entirely within an existing one-family dwelling or an existing accessory building shall be exempt from the planning permit requirements of this Development Code when in compliance with all of the following standards:
1. The lot contains no more than one accessory dwelling unit.
 2. The primary use of the lot is a one-family dwelling.
 3. The accessory dwelling unit is proposed to be located in one of the following zones:
 - a. Single Family Residential (R-1/E-1) zone
 - b. Design Residential (DR) zone
 - c. Planned Residential Development (PRD) zone
 4. The accessory dwelling unit has independent exterior access from the existing one-family dwelling.
 5. The existing side and rear setbacks are sufficient for fire safety purposes in compliance with the current, adopted edition of the California Fire Code.
 6. Additional parking spaces are not required to be provided for accessory dwelling units permitted in compliance with this Subsection E.
 7. Accessory dwelling units allowed in compliance with this Subsection E shall also comply with the development standards in Subsection H (Additional development standards that apply to accessory dwelling units).
 8. Accessory dwellings units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use that do not meet all of the standards in this Subsection E may be allowed in compliance with Subsection F (Accessory dwelling units located entirely within existing one-family or multiple-family buildings on lots zoned for one-family or multiple-family use), below.
- F. Accessory dwelling units located entirely within existing one-family or multiple-family buildings on lots zoned for one-family or multiple-family use.** Excluding accessory dwelling units that comply with Subsection E (Accessory dwelling units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use), above, an accessory dwelling unit proposed entirely within an existing one-family or multiple-family dwelling or existing accessory building shall be exempt from the planning permit requirements of this Development Code when in compliance with all of the following development standards:
1. Accessory dwelling units allowed in compliance with this Subsection F shall also comply with the development standards in Subsection H (Additional development standards that apply to accessory dwelling units).
 2. **Appearance and style.** Any exterior alterations to an existing building that result from the conversion of all or a portion of the existing building to an accessory dwelling unit shall be limited to minor alterations such as the addition of doors and windows.
 3. **Maximum and minimum living area requirements.** As used in [Section 35.442.020 \(Accessory Structures and Uses\)](#), living area means the interior habitable area of a dwelling unit including basements and attics but not including an attached garage or any other attached accessory structure.
 - a. **Maximum living area.** The living area of the accessory dwelling unit shall not exceed the following standards:

- (1) **Attached accessory dwelling unit:** 50 percent of the living area of the principal dwelling that exists at the time of application for the accessory dwelling unit, provided that the living area of the accessory dwelling unit does not exceed 1,200 square feet.
 - (2) **Detached accessory dwelling unit:** 1,200 square feet.
- b. Minimum living area.** The living area of an accessory dwelling unit shall be a minimum of 300 square feet unless the accessory dwelling unit qualifies as an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1208.4.
- 4. Parking requirements.** Additional parking spaces are not required to be provided for accessory dwelling units permitted in compliance with this Subsection F.
 - 5. Setbacks.** Except as provided below in Subsection F.5.a, no additional setbacks shall be required provided the existing side and rear setbacks are sufficient for fire safety purposes in compliance with the current, adopted edition of the California Fire Code.
 - a. No setback shall be required for an accessory dwelling unit that is proposed to be located entirely within an existing garage.
- G. Accessory dwelling units located either partially within existing buildings or within new buildings on lots zoned for one-family or multiple-family use.** An accessory dwelling unit proposed either partially or wholly within an addition to an existing one-family or multiple-family dwelling or existing accessory building, or is attached to a new one-family or multiple-family dwelling, or is located within a new accessory building, shall be issued a Zoning Clearance when in compliance with all of the following development standards:
1. Accessory dwelling units allowed in compliance with this Subsection G shall also comply with the development standards in Subsection H (Additional development standards that apply to accessory dwelling units).
 - 2. Accessory to a principal dwelling.** If an application for an accessory dwelling unit is submitted for a lot that does not contain a principal dwelling at the time of application, then the application for a principal dwelling shall be submitted in conjunction with an application for an accessory dwelling unit.
 - a. Final building permit inspection for the proposed principal dwelling shall be approved prior to final building permit inspection approval for the accessory dwelling unit.
 - 3. Appearance and style.**
 - a. The exterior appearance and architectural style of the proposed accessory dwelling unit shall be in compliance with the following.
 - (1) The design of an accessory dwelling unit that will be attached to an existing building reflects the exterior appearance and architectural style of the existing building and uses the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
 - (2) The design of an accessory dwelling unit that will not be attached to an existing building reflects the exterior appearance and architectural style of the existing or proposed principal dwelling and uses the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
 - (3) The entrance to an accessory dwelling unit that will be attached to the existing or proposed principal dwelling is structurally shielded so that the entrance is not visible when viewed from any street abutting the lot on which the accessory dwelling unit is

located. This standard may be waived by the Director if it would prohibit the construction of an attached accessory dwelling unit on the lot.

- (4) All exterior lighting complies with [Section 35.430.120 \(Outdoor Lighting\)](#).
 - (5) Proposed landscaping will screen the accessory dwelling unit, including any architectural elements such as foundations and retaining walls, mechanical equipment, and parking required to be provided for the accessory dwelling unit, from public viewing areas (e.g., public road, trails, recreation areas). Said landscaping shall be compatible with existing landscaping on the lot in terms of plant species and density of planting.
- b. The Chair of the Montecito Board of Architectural Review, or designee, may review the exterior appearance and architectural style of the proposed accessory dwelling unit and provide comments to the Director regarding whether the application is in compliance with the design criteria listed above in Subsection G.3.a.
- 4. Environmentally sensitive habitat areas.** The development of an accessory dwelling unit shall be in compliance with the requirements of [Section 35.428.040 \(Environmentally Sensitive Habitat \(ESH\) Overlay Zone\)](#).
- 5. Height limit.**
- a. An accessory dwelling unit shall be in compliance with the following height limits as applicable. However, these height limits may be exceeded when the portion of the accessory dwelling unit that is proposed to exceed these height limits is located within:
- (1) The existing space of a one-family or multiple-family dwelling or an accessory building.
 - (2) A proposed addition to an existing building and increased height is necessary to allow the roofline of the addition to match the roofline of the existing building that is being added to.
- b. **Attached accessory dwelling units.**
- (1) **Located below another floor.** The height of an accessory dwelling unit that is proposed to be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.
 - (2) **Located above another floor or on-grade where there is no floor above.** The height of an accessory dwelling unit that is proposed to be located above another floor or on-grade where there is no floor above shall not exceed a vertical distance of 16 feet as determined in compliance with [Section 35.430.090 \(Height Measurement, Exceptions and Limitations\)](#).
- c. **Detached accessory dwelling units.**
- (1) **Connected to a detached accessory structure.**
 - (a) **Located above or below another floor.**
 - (i) **Located above another floor.** The height of an accessory dwelling unit that is proposed to be located above another floor shall not exceed a vertical distance of 16 feet as determined in compliance with [Section 35.430.090 \(Height Measurement, Exceptions and Limitations\)](#).
 - (ii) **Located below another floor.** The height of an accessory dwelling unit that is proposed to be connected to a detached accessory structure and

would be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.

(iii) Notwithstanding the above, the height of the combined structure shall not exceed a height of 25 feet as determined in compliance with [Section 35.430.090 \(Height Measurement, Exceptions and Limitations\)](#).

(b) **Located above another floor or on grade where there is no floor above.** The height of an accessory dwelling unit that is proposed to be located above another floor or on-grade where there is no floor above shall not exceed a vertical distance of 16 feet as determined in compliance with [Section 35.430.090 \(Height Measurement, Exceptions and Limitations\)](#).

(2) **Not connected to a detached accessory structure.** The height of an accessory dwelling unit that is not connected by any means to another structure shall not exceed a height of 16 feet as determined in compliance with [Section 35.430.090 \(Height Measurement, Exceptions and Limitations\)](#).

6. **Historic Landmarks Advisory Commission review.** If the Director determines that the accessory dwelling unit is proposed to be located entirely or partially within a building that is historically significant, then the Director may require that the application for an accessory dwelling unit be submitted to the Historic Landmarks Advisory Commission for review and comment as to the compatibility of the proposed development with the historical context of the building, whether the development will result in a detrimental effect on any existing or potential historical significance of the building, and other factors on which the Historic Landmarks Advisory Commission may choose to comment.

7. **Location on lot.**

- a. 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.
- b. 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 boundary 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.
- c. 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 building envelopes.

8. **Maximum and minimum living area requirements.** As used in Section 35.442.015 (Accessory Dwelling Units), living area means the interior habitable area of a dwelling unit including basements and attics but not including an attached garage or any other attached accessory structure.

a. **Maximum living area.** The living area of the accessory dwelling unit shall not exceed eight percent of the net lot area of the lot on which the accessory dwelling unit will be located, provided that living area of the accessory dwelling unit does not exceed 1,200 square feet.

(1) **Attached accessory dwelling unit.** In addition to the maximum living area specified above in Subsection G.8.a (Maximum living area), the living area of an attached accessory dwelling unit shall not exceed 50 percent of the living area of:

- (a) The existing principal dwelling that exists at the time of application for the accessory dwelling unit, or

- (b) The proposed principal dwelling if an application for the principal dwelling is submitted concurrently with the application for the accessory dwelling unit.
- b. Minimum living area.** The living area of an accessory dwelling unit shall be a minimum of 300 square feet unless the accessory dwelling unit qualifies as an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1208.4.
- 9. Parking requirements.**
- a. Except as provided in Subsection G.9.b, below, in addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot on which the new, detached accessory dwelling unit is located. The additional parking shall be provided as specified in the base zone and in [Chapter 35.436 \(Parking and Loading Standards\)](#) except that said parking may be provided as tandem parking on a driveway and in compliance with the following:
- (1) The additional parking may be permitted in the side or rear setback areas, or through tandem parking, unless:
- (a) The Director finds that parking in setback areas or tandem parking is infeasible based upon specific site or regional topographical or fire and life safety conditions, or
- (b) The project site is located in a very high fire hazard severity zone, in which case tandem parking is not allowed.
- b. Additional off-street parking spaces are not required to be provided for new, detached accessory dwelling units that comply with any of the following criteria:
- (1) The accessory dwelling unit is located within one-half mile of public transit (e.g., a bus stop).
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (4) When there is a car share vehicle located within one block of the accessory dwelling unit.
- 10. Setbacks.** Except as provided below, an accessory dwelling unit shall comply with the setback regulations that apply to the principal dwelling.
- a. A setback of five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above an existing garage.
- b. No setback shall be required for an accessory dwelling unit that is proposed to be located partially within an existing garage.
- 11. Tree protection.** An application for an accessory dwelling unit shall be in compliance with the following standards.
- a. To the maximum extent feasible, all development associated with the accessory dwelling unit shall avoid the removal of or damage to all native trees including native oak trees, and specimen trees. For the purposes of this Subsection G.11 (Tree protection), specimen trees are defined as mature non-native trees that are healthy and structurally sound and have grown into the natural stature particular to the species. Trees that may be removed or damaged shall be relocated or replaced onsite.

- b. No grading, paving, and other site disturbance shall occur within the dripline of the tree including the area six feet outside of tree driplines unless the conclusion of a report submitted by the applicant and prepared by a licensed arborist is that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s).

H. Additional development standards that apply to accessory dwelling units. The following development standards shall also apply to accessory dwelling units in addition to the development standards contained in Subsection E (Accessory dwelling units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use), Subsection F (Accessory dwelling units located entirely within existing one-family or multiple-family buildings on lots zoned for one-family or multiple-family use), or Subsection G (Accessory dwelling units located either partially within existing buildings or within new buildings on lots zoned for one-family or multiple-family use), as applicable.

1. **Fees.** The applicant will be required to pay development impact mitigation fees in compliance with ordinances and/or resolutions adopted by the County. The amount of the required fee shall be based on the fee schedules in effect when paid.
2. **Passageway not required.** A passageway shall not be required to be provided in conjunction with the construction of an accessory dwelling unit.
3. **Private and public services.**
 - a. **Potable water.** Where service by a public water district or mutual water company is not available, the accessory dwelling unit may be served by a private water system subject to review and approval by the Public Health Department or State as applicable.
 - b. **Wastewater.** Where public sewer service is not available, the accessory dwelling unit may be served by an onsite wastewater treatment system subject to review and approval by the Public Health Department.
4. **Rental and sale.**
 - a. An accessory dwelling unit may be used for rentals provided that the length of any rental shall be longer than 30 consecutive days.
 - b. An accessory dwelling unit shall not be sold separately from the principal dwelling.

35.442.020 - Accessory Structures and Uses

A. Purpose and applicability. This Section provides standards for accessory structures and uses, where allowed by [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#). Accessory structures, including agricultural accessory structures, shall comply with the requirements of this Section.

B. Development standards.

1. **Sequence of construction.** Except in agricultural zones, accessory structures shall not be constructed on a lot until construction of the principal structure has begun or the principal use has been established and commenced, and an accessory structure shall not be used unless the principal structure on a lot is also being used or the principal use has been established and commenced.
2. **Standards for attached structures.** An accessory structure attached to the principal structure shall comply with the use, setback, and height requirements applicable to the principal structure.
3. **Height restrictions.** Accessory structures shall conform to the following height limits:
 - a. **Accessory structures.** Except as provided below, the height limit for accessory structures is 16 feet unless located in the rear setback, in which case the height limit is 12 feet.
 - (1) **Accessory dwelling units.** See Section [35.442.015 \(Accessory Dwelling Units\)](#) for height limits for accessory dwelling units.

- (2) **Barns and stables.** Barns and stables shall comply with the height limit of the applicable zone unless located in the rear setback, in which case the height limit is 12 feet.
 - (3) **Fences and walls.** See Section 35.430.070 (Fences and Walls) for height limits for fences and walls.
 - (4) **Guesthouses, artist studios and cabañas.** See [Section 35.442.120 \(Guesthouses, Artist Studios, and Cabañas\)](#) for height limits for guesthouses, artist studios and cabañas.
 - b. **Telecommunication facilities.** See [Chapter 35.444 \(Telecommunications Facilities\)](#) height limits and exception for commercial and noncommercial telecommunication facilities.
 4. **Setback requirements.** Accessory structures, including swimming pools, spas, and appurtenant equipment, shall comply with the front and side setback requirements of the applicable zone unless otherwise specifically allowed in compliance with this Development Code.
 - a. **Location in rear setback.**
 - (1) **Accessory dwelling units.** An accessory dwelling unit may be located in the required rear setback only when allowed in compliance with [Section 35.442.015 \(Accessory Dwelling Units\)](#).
 - (2) **Other accessory structures.** Except as provided in Subsection B.4.a.(1), above, an accessory structure, other than guesthouses, artist studios and cabañas ([Section 35.442.120](#)) may be located in the required rear setback provided that:
 - (a) It is not attached to the principal structure.
 - (b) It is not located closer than 10 feet to the principal structure.
 - (c) The cumulative footprint of all accessory structures that encroach into the setback does not exceed 30 percent of the required rear setback.
 - (d) It does not exceed a height of 12 feet.
 - (e) If located on a corner lot backing on a key lot, the accessory structure shall be set back from the rear property line by a distance equal to the side setback requirement applicable to the key lot.
 - (f) A swimming pool, spa, and appurtenant equipment shall not be located closer than five feet to any property line.
 - (g) An accessory structure may otherwise be located adjacent to the rear property line provided that all other provisions (e.g., building code or fire code requirements for separation between structures) are complied with.
 - b. **Corner lot setbacks.** Accessory structures located on a corner lot having a width of less than 100 feet shall not be located closer to the front line of the lot than the principal structure on that lot.
 - c. **Swimming pools and spas in setback area.** Swimming pools, spas, and appurtenant equipment shall not be located:
 - (1) **Lots other than interior lots.** In the required front or side setback areas and, if located within the rear setback, shall not be located closer than five feet to any property line.
 - (2) **Interior lots.** Closer than 10 feet to any property line.
 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). 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, barns, and stables; however, an accessory structure shall not be attached to an 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.

b. Detached accessory buildings. The total gross floor area of all approved and proposed buildings located on a lot shall not exceed 40 percent of the gross lot area of the lot on which the detached accessory building is proposed to be located.

- (1) For purposes of this Subsection B.6.b, “gross floor area” includes any fully enclosed, partially enclosed, or unenclosed floor area of the detached accessory building covered by a solid roof or other permanent covering.
- (2) The gross floor area limitation in this Subsection B.6.b shall not apply to or otherwise limit the gross floor area of approved or proposed accessory dwelling units.
- (3) If an application includes a proposed detached accessory dwelling unit and one or more detached accessory buildings, and the total gross floor area of all buildings located on the lot, both approved and proposed, would exceed 40 percent of the gross lot area, then the floor area of the proposed detached accessory building(s) shall be reduced as necessary in order to comply with the 40 percent of gross lot area limitation.
- (4) For purposes of this Subsection B.6.b, “approved” means that a land use valid entitlement exists for a detached accessory building or accessory dwelling unit, but the building or unit has not been constructed, or that construction of the detached accessory building or accessory dwelling unit has been legally completed. “Proposed” means that an application for a detached accessory building or accessory dwelling unit has been submitted to the Department, and final action on the application has not been taken.

7. Plumbing devices.

a. Agricultural accessory structures. Agricultural accessory structures that serve as a primary place of employment or that are used by the public may include a bathroom and wetbar area, provided that a Notice to Property Owner that specifies the allowable uses of the agricultural accessory structure is recorded in the County public records. Wetbars shall be limited to the following features:

- (1) A counter area with a maximum total length of seven feet.
- (2) The counter area may include a bar sink.
- (3) The counter area may include an overhead cupboard area not to exceed seven feet in

- length.
- (4) The counter area shall be located against a wall, or if removed from the wall, it shall not create a space between the counter and the wall of more than four feet in depth. The seven foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.
 - (5) Refrigerators are limited to an under-counter unit located within the counter area.
 - (6) No cooking facilities (e.g., ovens including microwave ovens, hot plates) shall be included in the wetbar area.
- b. Other accessory structures.** Plumbing devices in accessory structures shall be limited to toilets and washbasins, and no bathing facilities or wetbars shall be allowed, unless specifically otherwise allowed by this Development Code.
- 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) accessory structures shall not be used for overnight accommodations.
- 9. Determination that an accessory structure constitutes a dwelling.**
- a. An accessory structure, or portion of a structure, including guesthouses, artist studios and cabañas, may be determined to constitute a dwelling by the Director when it:
 - (1) Is configured or occupied for residential purposes, whether permanent or temporary.
 - (2) Contains elements evidencing separate residential occupancy.
 - b. Elements to be considered by the Director include:
 - (1) Proximal arrangement and various combinations of
 - (a) Bathing facilities.
 - (b) Closets.
 - (c) Countertops or cupboards.
 - (d) Dishwashers.
 - (e) Exterior entrances.
 - (f) Exterior staircases.
 - (g) Garbage disposals.
 - (h) Interior locking doors.
 - (i) Sleeping lofts.
 - (j) Toilets and sinks or bar sinks.
 - (2) Separate address/mail box designations.
 - (3) Separate balconies, decks, patios or yards.
 - (4) Separate cable lines, phone lines or utility lines.
 - (5) Separate carports, garages or parking areas (covered or uncovered).
 - (6) Other elements at the discretion of the Director.
 - c. Issuance of a building permit or other approval shall not, of itself, establish that a structure, or portion of a structure, is not a dwelling unit.

- d. The Director's determination that the accessory structure or portion of structure constitutes a dwelling may be appealed in compliance with [Chapter 35.492 \(Appeals\)](#). If the Director's determination is upheld on appeal, then the dwelling may be subject to an enforcement action in compliance with [Chapter 35.498 \(Enforcement and Penalties\)](#).

35.442.030 - Reserved

35.442.040 - Animal Keeping

- A. Purpose and intent.** This Section identifies the locations, types, and numbers of animals that may be kept, and the methods by which animals shall be kept, raised and maintained, under the circumstances specified. The intent of this Section is to ensure that animal keeping does not create an adverse impact on adjacent properties (e.g., dust, fumes, insect infestations, noise, odor, pollution of streams, creeks and wetlands due to soil erosion and sedimentation, propagation of flies and other disease vectors, visual blight) by providing standards for maintaining animals.
- B. Applicability.** This Section applies to any keeping of animals as either an accessory and incidental use or principal use, except for pet stores, animal clinics, animal hospitals and veterinarian offices. This Section shall not apply to animals that are less than six months in age.
- C. In general.**
 1. Animal keeping uses shall comply with the standards in Subsection F. (Specific animal keeping standards) below, and other applicable standards and requirements of this Development Code.
 2. Animal keeping activities are subject to the requirements of this Section regardless of whether a permit is required.
 3. Additional permits may be required by other provisions of this Development Code for structures used to enclose or house animals.
 4. Certain animal keeping activities may also be subject to the permit requirements of County departments other than the Department in compliance with the County Code.
- D. Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping.** Table 4-1 through Table 4-4 identifies the type of animal or animal keeping activity allowed in each zone, the permit requirements, the maximum allowable number of animals per lot, and the minimum required site area. Where the last column in a table ("Additional Regulations") includes a Section number, the referenced Section may establish other requirements and standards applicable to the animal keeping activity.
- E. Use of property for animals different in species or greater in number.** In all zones, a lot may be used for the keeping of animals that are of a different species than those identified in Table 4-1 through Table 4-4 or where the number of animals is greater than that specified in Table 4-1 through Table 4-4 in compliance with a Conditional Use Permit approved in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#).
- F. Specific animal keeping standards.** The following requirements apply to the keeping of animals identified in Subsection D. (Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping) above, in addition to other applicable standards of this Section and Development Code.
 1. **Household pets.** Where allowed in Table 4-1 through Table 4-4, household pets shall be kept in compliance with the following standards. The restrictions contained in this Subsection F.1 shall not apply if an animal may be kept in compliance with a different "Type of Animal or Animal Keeping Activity" listed in Table 4-1 through Table 4-4 for the applicable zone.
 - a. The keeping of household pets shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs

- b. There shall be no more than three dogs permitted on a single lot.
- c. Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
- d. The keeping of such animals shall not be injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
- e. Enclosures for such animals shall be located no closer than 25 feet to any dwelling located on another lot.
- f. No rooster or peacock shall be kept or raised on the lot.

2. Special standards and requirements for animal keeping in the R-1/E-1, R-2, and DR zones.

a. Accessory use.

- (1) The animal keeping shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs.
- (2) The animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.

b. Animal enclosures for large animals.

- (1) No stable, barn or other enclosure for large animals (e.g., paddock, corral) shall be located on a single lot having a gross area of less than 20,000 square feet.
- (2) No portion of a stable, barn or other enclosure for large animals shall be located closer than:
 - (a) 40 feet to any dwelling located on another lot.
 - (b) 70 feet to any street centerline and 20 feet to any street right-of-way.
 - (c) 15 feet from the rear property line.
 - (d) 10 feet from the side property lines.
 - (e) 10 feet from the property lines of an interior lot.

c. Limitation on dogs. No more than three dogs shall be allowed on a lot unless a Conditional Use Permit approved in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#) for either a commercial or non-commercial kennel is first obtained.

d. Small non-hoofed animals. Small non-hoofed animals (e.g., bees, chickens, birds, ducks, rabbits) may be allowed provided that:

- (1) The keeping of such animals is not injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
- (2) Enclosures for such animals shall be located no closer than 25 feet to any dwelling located on another lot.
- ~~(3) Within the Coastal Zone, no rooster or peacock shall be kept or raised in a residential zone except on a lot of one acre (gross) or more where all adjoining lots are of equivalent size or larger.~~

e. Odor and vector control. Animal enclosures shall be maintained free from litter, garbage and the accumulation of manure, in order to discourage the proliferation of flies, other disease vectors, and offensive odors. Sites shall be maintained in a neat and sanitary manner.

- f. Storage and disposal of animal waste.** Animal waste shall be removed and disposed of or stored in a manner that prevents unsanitary conditions and breeding of flies. Manure shall not be allowed to accumulate so as to cause a hazard to the health, welfare, or safety of humans and animals, or to contaminate surface or subsurface water quality.
- g. Erosion and sedimentation control.** In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel. In the event such sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement in compliance with [Chapter 35.498 \(Enforcement and Penalties\)](#).
- i. Drainage.** Where livestock are kept in enclosed corrals or barns, provisions shall be made for proper drainage and control of runoff to prevent stagnant, standing water, or the flow of contaminated water in surface or subsurface water supplies.
- 3. Special standards and requirements for animal keeping in the RMZ zone.** In the RMZ zone, except for agricultural grazing, animal keeping shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs and shall be limited to non-commercial uses only.
- 4. Wildlife species rehabilitation.** The rehabilitation of wildlife species that commonly occur within the County is allowed in all zones subject to the following requirements. For the purposes of this Section, the rehabilitation of wildlife species shall mean the provision of nursing care to sick or injured wildlife prior to returning the animal to the wild.
- a. Permit requirements.** No permit is required for wildlife species rehabilitation activities except that permits may be required by other provisions of this Development Code (e.g., for structures used to enclose or house animals) and by other chapters of the County Code. However, such structures shall not be allowed on lots zoned RMZ.
- b. Development standards.** Wildlife species rehabilitation activities shall comply with the standards of Subsection 2.b, Subsection 2.e, and Subsection 2.f, above.
- c. Cessation of wildlife rehabilitation activities.** The wildlife species rehabilitation shall be conducted in a manner that is not injurious to the health, safety, or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department. If the Director determines that the wildlife species rehabilitation is injurious to the health, safety, or welfare of the neighborhood and/or does create offensive noise or odor, the Director may order the cessation of the wildlife species rehabilitation activities. The decision of the Director is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
- G. Multiple animal types.** More than one species of animals allowed in compliance with Subsection D. may be kept on a single lot provided that:
1. The requirements of Subsection D and Subsection F and all other applicable provisions of this Section are satisfied for each species.
 2. Where multiple proposed animal species have equivalent animal density requirements (maximum number of animals per lot) established by Subsection D., the total number of animals shall not exceed the density requirement (e.g., in the R-1/E-1 zone, cattle and horses are both limited to a density of one animal per 20,000 square feet of site area with a maximum of five such animals per lot. A lot with two acres could have as many as four horses or cows, or any combination of horses and cows, as long as the total did not exceed four.)

Table 4-1 Animal Keeping in Agricultural and Resource Protection Zones: AG-I, RMZ		E	Allowed use, no permit required (Exempt)
		P	Permitted use, Land Use or Coastal Permit required
		CUP	Conditional Use Permit required
		S	Permit requirement set by Specific Use Regulations
		—	Use not allowed
Type of Animal or Animal Keeping Activity	Zone and Permit Requirement ⁽¹⁾	Maximum Number of Animals per Lot ⁽²⁾	Additional Regulations
Cattle, not involving a commercial livestock feed or sales yard, or dairy; horses; llamas, mules and alpacas; ostriches ⁽³⁾	AG-I	E	1 animal per 20,000 sf
	RMZ	E	None
Commercial boarding and raising of animals for members of the public	AG-I	CUP	None
	RMZ	—	
Dogs ⁽³⁾	AG-I	E	3
	RMZ	E	
Goats and sheep ⁽³⁾	AG-I	E	3 animals per 20,000 sf
	RMZ	E	None
Hogs and swine ⁽³⁾	AG-I	E	3 animals per 20,000 sf; maximum 3 per lot
	RMZ	E	None
Household pets	AG-I	E	35.442.040.F.1
	RMZ	E	
Kennel, Commercial	AG-I	CUP	None
	RMZ	—	
Kennel, Non-Commercial ⁽³⁾	AG-I	E	None
	RMZ	E	
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits ⁽³⁾	AG-I	E ⁽⁴⁾	None
	RMZ	E	
Wildlife species rehabilitation	AG-I	E	None
	RMZ	E	

Notes:

(1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., AG-I and AG-ICZ).

(2) See Subsection 35.442.040.G (Multiple animal types) above.

(3) Does not include commercial boarding or raising of animals where such services are offered to members of the public.

(4) Exempt "E" only if limited to reasonable family use on a non-commercial basis. CUP required if constitutes a commercial operation.

Table 4-2		E	Allowed use, no permit required (Exempt)	
Animal Keeping in Residential Zones:		P	Permitted use, Land Use or Coastal Permit required	
R-1/E-1, R-2, DR, PRD		CUP	Conditional Use Permit required	
		S	Permit requirement set by Specific Use Regulations	
		—	Use not allowed	
Type of Animal or Animal Keeping Activity	Zone and Permit Requirement ⁽¹⁾	Maximum Number of Animals per Lot ⁽²⁾	Additional Regulations	
Cows, goats, horses, mules and similar size animals, not kept for commercial purposes ⁽³⁾	R-1/E-1	E	1 animal per 20,000 sf; maximum 5 animals per lot ⁽⁴⁾	35.442.040.F.2
	R-2	E		
	DR	E		
	PRD	—		
Dogs ⁽³⁾	R-1/E-1			
	R-2			
	DR			
	PRD			
Goats and sheep ⁽³⁾	R-1/E-1	E	1 animal per 20,000 sf; maximum 5 animals per lot ⁽⁴⁾	35.442.040.F.2
	R-2	E		
	DR	E		
	PRD	—		
Hogs and swine ⁽³⁾	R-1/E-1	E	1 animal per 20,000 sf; maximum 5 animals per lot ⁽⁴⁾	
	R-2	E		
	DR	E		
	PRD	—		
Household pets	R-1/E-1	E	35.442.040.F.1	35.442.040.F.1
	R-2	E		
	DR	E		
	PRD	E		
Kennel, Commercial	R-1/E-1	—	None	
	R-2 [†]	—		
	DR	CUP		
	PRD	—		
Kennel, Non-Commercial ⁽³⁾	R-1/E-1	CUP	None	
	R-2	CUP		
	DR	CUP		
	PRD	—		
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits ⁽³⁾	R-1/E-1	E	None	35.442.040.F.2
	R-2	E		
	DR	E		
	PRD	—		
Wildlife species rehabilitation	R-1/E-1	E	None	35.442.040.F.4
	R-2	E		
	DR	E		
	PRD	E		

Notes:

- (1) ~~The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., R-2 and R-2 CZ).~~
- (2) See [Subsection 35.442.040.G \(Multiple animal types\)](#) above.
- (3) Does not include commercial boarding or raising of animals where such services are offered to members of the public.
- (4) ~~Within the Coastal Zone, goats, sheep, hogs and swine shall be limited to a maximum of 3 animals per lot.~~

Table 4-3		E	Allowed use, no permit required (Exempt)
Animal Keeping in Commercial Zones:		P	Permitted use, Land Use or Coastal Permit required
CN, CV		CUP	Conditional Use Permit required
		S	Permit requirement set by Specific Use Regulations
		—	Use not allowed
Type of Animal or Animal Keeping Activity	Zone and Permit Requirement ⁽¹⁾	Maximum Number of Animals per Lot ⁽²⁾	Additional Regulations
Household pets	CN	E	35.442.040.F.1
	CV	E	
Wildlife species rehabilitation	CN	E	None
	CV	E	

Notes:

- (1) ~~The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., CV and CV CZ).~~
- (2) See [Subsection 35.442.040.G \(Multiple animal types\)](#) above.

Table 4-4		E	Allowed use, no permit required (Exempt)
Animal Keeping in Special Purpose Zones:		P	Permitted use, Land Use or Coastal Permit required
PU, REC		CUP	Conditional Use Permit required
		S	Permit requirement set by Specific Use Regulations
		—	Use not allowed
Type of Animal or Animal Keeping Activity	Zone and Permit Requirement ⁽¹⁾	Maximum Number of Animals per Lot ⁽²⁾	Additional Regulations
Household pets	PU	—	35.442.060.F.1
	REC	E	
Wildlife species rehabilitation	PU	E	None
	REC	E	

Notes:

- (1) ~~The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., PU and PU CZ).~~
- (2) See [Subsection 35.442.040.G \(Multiple animal types\)](#) above.

35.442.050 - Automobile Service Stations

- A. Purpose and applicability.** This Section establishes standards for automobile service stations, where allowed by [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
- B. Development standards.**
 1. Gas or gasoline shall not be stored above ground.
 2. The sale of new or used automobiles, trailers, boats, and other products not related to motorist needs shall not be allowed.
 3. Tire recapping, battery repair or rebuilding, radiator repair, and steam cleaning shall not be allowed.

35.442.055 - Cannabis Regulations

- A. Purpose and applicability.**
 1. **Purpose.** This Section establishes standards that are designed to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls, as a result of and in compliance with State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment, by establishing minimum land use requirements for medicinal and adult use cannabis activities including cultivation, processing, distribution, manufacturing, testing and sales.

- 2. Applicability.** The standards of this Section shall apply to all commercial cannabis activities as defined in Section 35-2 (Glossary).
- a. Nothing in this Section is intended, nor shall it be construed, to allow persons to engage in conduct that endangers others or causes a public nuisance.
 - b. Nothing in this Section is intended, nor shall it be construed, to exempt the cultivation of cannabis from compliance with all other applicable County zoning and land use regulations, as well as other applicable provisions of the County Code, State and local cannabis licensing requirements, or compliance with any applicable State laws.
 - c. All persons operating facilities and conducting cannabis activities, as defined in this Section, are subject to possible federal prosecution, regardless of State licensure. Any land use or other entitlement from the County does not assert or provide any federal protections.
 - d. The provisions of this Section shall not be construed to protect any person from prosecution pursuant to any laws that may prohibit the cultivation, sale, distribution, possession, use of and/or any other activity associated with controlled substances, or to authorize conduct that is unlawful under State or Federal law. Moreover, cultivation, sale, possession, distribution, and use of cannabis remain violations of Federal law as of the date of adoption of the ordinance creating this Section and this Section is not intended to, and does not authorize conduct or acts that violate Federal law and does not protect any person from arrest or prosecution under those Federal laws. Persons engaged in cannabis activities assume any and all risk and any and all liability that may arise or result under State and Federal laws from the cultivation, sale, possession, distribution, use of cannabis and/or any other cannabis activity.

B. Cultivation for personal use allowed. The cultivation of cannabis for personal use is allowed without a land use entitlement, provided that it complies with the following standards:

- ~~a~~1. Only adults 21 years or older may cultivate cannabis for personal use.
- ~~b~~2. Cultivation of cannabis for individual use shall only occur within:
 - ~~a~~(1) a legally established private residence, or
 - ~~b~~(2) an enclosed, legally established building that is accessory to the private residence.
 Outdoor cultivation is prohibited.
- ~~e~~3. Possession, storage, and/or cultivation of cannabis shall only be exclusively for the cultivator's personal use, and the cannabis shall not be provided, donated, sold, and/or distributed to any other person except, as allowed by and as described in the Compassionate Use Act for primary caregivers who cultivate medicinal cannabis.
- ~~d~~4. Personal cultivation of cannabis is limited to six plants per legally established dwelling, unless otherwise allowed by State law in the Compassionate Use Act for medicinal cannabis.
- ~~e~~5. The area dedicated to cultivation shall not be located in an area that is designated for a use that is required in order to comply with a regulation of this ordinance (e.g., in a garage if the growing area would occupy required parking spaces for the residential use of the property).
- ~~f~~6. None of the cannabis cultivation or consumption activities shall be detectable (e.g., due to odor or lighting) outside of the dwelling or building in which the activities occur.

C. Commercial cannabis activities prohibited. All commercial cannabis activities for medicinal and/or adult use are prohibited. Commercial cannabis activities that are subject to this prohibition include, but are not limited to, all cannabis activities that require the issuance of a State license.

35.442.060 - Caretaker or Employee Housing

- A. Purpose and applicability.** This Section provides standards for caretaker and employee housing where allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
- B. Development standards.** Caretaker or employee housing shall be occupied by the owner, manager or caretaker of the lot who oversees or operates the principal use of the property or provides security (e.g., night watchmen).

35.442.070 - Community Care Facilities

- A. Purpose and applicability.** This Section establishes standards for community care facilities where allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#). Community care facilities shall be in operated in compliance with State law and in a manner that recognizes the needs of community care operators and minimizes the effects on surrounding properties. Licensing by the appropriate State agency is required for community care facilities unless they are able to operate legally without a license in compliance with State law.

B. Family day care.**1. Processing.**

- a. Family day care homes may be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
- b. The review of an application for a family day care home shall be a ministerial action.
- c. If required, notice of the application and pending decision on a permit for a family day care home shall be given in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).

2. Standards that apply to all family day care homes. Family day care homes shall comply with the following standards:

- a. During the operation of the family day care home the provider shall have a valid license or a statement of exemption from licensing requirements from the California State Department of Social Services if such license or exemption is required in compliance with State law.

3. Additional standards that apply to large family day care homes. Large family day care homes shall also comply with the following standards in addition to the standards of Subsection B.2, above:

- a. The large family day care home shall be located more than 300 feet from any other large family day care home.

C. Day care centers.**1. Processing.**

- a. Day care centers may be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
- b. If required, notice of the application and pending decision on a permit for a day care center shall be given in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).

2. Standards that apply to all day care centers. Day care centers shall comply with the following standards:

- a. During the operation of the day care center the provider shall have a valid license or a statement of exemption from licensing requirements from the California State Department of Social Services if such license or exemption is required in compliance with State law.

- 3. Additional standards that apply to non-residential day care centers.** Non-residential day care centers shall also comply with the following standards in addition to the standards of Subsection C.2, above:
- a. Nonresidential day care centers shall be accessory and subordinate to the principle permitted use on the project site.
 - b. The day care center shall be sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent lots, as determined by the Department.
 - c. **DR and PRD zones.** Non-residential day care centers in the DR and PRD zones shall be for use solely by onsite residents and/or employees of the development.
 - d. **CN and CV zones.** Non-residential day care centers in the CN and CV zones shall be for use solely by onsite employees of the development.

D. Special care homes.

1. In general.

- a. Special care homes are residential care facilities (including group homes) licensed by the State that provide non-medical care on a 24-hour basis to persons who require special care or services including assistance with daily living activities.
 - (1) A special care home may provide incidental medical services such as the giving of medication that can normally be self-administered.
- b. The requirements of this Development Code may be modified in compliance with [Chapter 35.437 \(Reasonable Accommodation\)](#) if necessary to comply with the Federal Fair Housing Act and the California Fair Employment and Housing Act relating to accommodations for persons with disabilities including allowances for structural installations that are necessary to accommodate disabled residents (e.g., handrails, lifts, ramps).
- c. During the operation of a special care home the provider shall have a valid license or a statement of exemption from licensing requirements from the California State Department of Social Services in compliance with State law.

2. Special care homes serving six or fewer persons. For the purposes of this Subsection D.2, the term family dwelling includes single-family dwellings, units in multifamily dwellings, including units in duplexes and units in apartment dwellings, mobilehomes, including mobilehomes located in mobilehome parks, units in cooperatives, units in condominiums, units in townhouses, and units in planned unit developments.

- a. **Considered a residential use.** In compliance with California Health and Safety Code Section 1566.3, a special care home licensed by the State that serve six or fewer persons shall be considered a residential use of property, and the residents and operators of the facility shall be considered a family as this term is used in this Development Code in relation to the residential use of property.
- b. **Allowable restrictions.**
 - (1) Restrictions on structure height, setbacks, lot dimensions or placement of signs of a special care home that serves six or fewer persons may be applied as long as such restrictions are identical to those applied to other family dwellings of the same type in the same zone.
 - (2) A special care home that serves six or fewer persons shall comply with County ordinances that deal with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of the County including the imposition of fines and other penalties associated with violations of local ordinances

provided the ordinance:

- (a) Does not distinguish special care homes that serve six or fewer persons from other family dwellings of the same type in the same zone; and,
 - (b) Does not distinguish residents of the special care home from persons who reside in other family dwellings of the same type in the same zone.
- c. Considered a dwelling.** Special care homes that serve six or fewer persons are considered a dwelling and shall be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#). Such facilities shall not be included within the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community residence, or other similar term that implies that the special care home is a business run for profit or differs in any other way from a family dwelling.
- d. Fees.** Such facilities shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other dwellings of the same type in the same zone are not likewise subject.
- e. Not a change in occupancy.** Use of a family dwelling for purposes of a special care home serving six or fewer persons shall not constitute a change of occupancy for purposes of local building codes.
- f. Processing.**
- (1) Special care homes that serves six or fewer persons may be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#). The review of an application for such a special care home shall be a ministerial action and no Conditional Use Permit, Variance, or other planning permit shall be required the special care home that is not required of a dwelling of the same type in the same zone
 - (2) If required, notice of the application and pending decision on a permit for a special care home shall be given in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 - (3) When a special care home serving six or fewer persons is proposed to be located in a zone where the residential use requires a Conditional Use Permit, an additional Conditional Use Permit is not required for the special care home if the residential use has obtained the necessary Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#).

3. Special care homes serving seven or more persons.

- a. Conditional Use Permit required.** A special care home serving seven or more ~~clients~~ persons shall be required to obtain a Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#) and [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#) prior to the operation of the special care home.
- b. Development standards.**
 - (1) There shall be only a single kitchen.
 - (2) Off-street parking shall be provided in compliance with [Chapter 35.436 \(Parking and Loading Standards\)](#).

E. Transitional and supportive housing.

- 1. Considered a residential use.** In compliance with Government Code Section 65583(a)(5), transitional and supportive housing shall be considered residential uses of property, and the

residents and operators of the housing shall be considered a family as this term is used in this Development Code in relation to the residential use of property.

2. **Dwelling types.** For the purposes of this Subsection E (Transitional and supportive housing), the term dwelling includes one-family dwellings, two-family dwellings, multiple dwellings, accessory dwelling units, special care homes, agricultural employee housing, farmworker housing, caretaker units, mobilehomes, including mobilehomes located in mobilehome parks, and including units in stock cooperatives, community apartments, condominiums, townhouses, and planned unit developments.
3. **Subject to same permit requirements and development standards.** Transitional housing and supportive housing shall be allowed in any dwelling (residential use) allowed in a specific zone, subject to the same permit requirements (e.g., Land Use Permit or Conditional Use Permit) and the same development standards and occupancy restrictions as other dwellings of the same type in the same zone.
4. **Reasonable accommodation.** The requirements of this Development Code may be modified in compliance with Chapter 35.437 (Reasonable Accommodation) if necessary to comply with the Federal Fair Housing Act and the California Fair Employment and Housing Act relating to accommodations for persons with disabilities including allowances for structural installations that are necessary to accommodate disabled residents (e.g., handrails, lifts, and ramps).
5. **Allowable restrictions.**
 - a. Transitional and supportive housing shall comply with County ordinances, including restrictions on structure height, setbacks, lot dimensions, and placement of signs, as long as such restrictions are identical to those applied to other dwellings of the same type in the same zone.
 - b. Supportive services provided onsite shall only serve residents of that particular housing project who are members of the target population.
 - c. Pursuant to Government Code Section 65589.5(d), the County shall not disapprove a transitional or supportive housing project for very low, low-, or moderate-income households, or condition approval in a manner that renders the project infeasible for development for the use of very low, low-, or moderate-income households, including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record, as to one of the findings in Government Code Sections 65589.5(d)(1) through (5).
6. **Fees.** Transitional and supportive housing shall not be subject to any local business taxes, local registration fees, use permit fees, or other fees to which other dwellings of the same type in the same zone are not likewise subject.
7. **Not a change in occupancy.** The use of a dwelling for purposes of transitional or supportive housing shall not constitute a change of occupancy for purposes of local building codes.
8. **Processing.**
 - a. Transitional and supportive housing shall be considered residential uses and may be allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses) and Government Code Section 65583(a)(5). No Conditional Use Permit, Variance, or other planning permit shall be required of transitional or supportive housing that is not required of a dwelling of the same type in the same zone.
 - b. If required, notice of the application and pending decision on a permit for transitional or supportive housing shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).

- c. When transitional or supportive housing is proposed to be located in a zone where the residential use requires a Conditional Use Permit, an additional Conditional Use Permit is not required for the housing if the residential use has obtained the necessary Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).

35.442.080 - Reserved**35.442.090 - Reserved****35.442.100 - Drive-through Facilities**

A. Purpose and applicability. This Section provides standards for the operation of drive-through facilities where allowed in conformance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).

B. Standards.

1. A drive-through facility shall be accessory to a permitted use where allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
2. A drive-through facility shall have no greater adverse impact upon air quality than the same use without the drive-through facility.

35.442.105 - Farmworker Housing

A. Purpose. As stated in Government Code Section 65580(a), the State Legislature has declared that the availability of housing, including farmworker housing, is of vital statewide importance. Furthermore, California Health and Safety Code Section 17000, *et seq.*, known as the Employee Housing Act, includes regulations that require local jurisdictions to allow the development of farmworker housing provided such housing complies with the Employee Housing Act. Therefore, the purpose of this Section is to promote the development of, and establish development standards for, farmworker housing consistent with this legislative declaration and in compliance with the California Health and Safety Code.

B. Applicability. The standards of this Section shall apply to the development of Farmworker Employee Housing as that use is defined in [Section 35.500.020 \(Definition of Specialized Terms and Phrases\)](#) and as may be allowed in compliance with the approval of the applicable permit identified in [Chapter 35.422 \(Resource Protection Zones\)](#), [Chapter 35.423 \(Residential Zones\)](#) and [Chapter 35.424 \(Commercial Zones\)](#).

C. Farmworker housing requirements.

1. **State regulations.** All farmworker housing shall also comply, where applicable, with all of the following:
 - a. California Health and Safety Code Section 17000 through 17062.5, also known as the Employee Housing Act.
 - b. California Health and Safety Code Section 18200 *et seq.*, also known as the California Mobilehome Parks Act.
 - c. California Health and Safety Code Section 18860 *et seq.*, also known as the California Special Occupancy Parks Act.
2. Farmworker housing may be developed and/or maintained for the purpose of providing permanent, seasonal or temporary employee housing for farmworkers.
3. Farmworker housing may be allowed, but not required, to be:
 - a. Developed or provided by the employer(s) of the farmworker; and/or
 - b. Located on the same property where the qualifying farm work is being performed.
4. If farmworker housing is developed and/or provided by a person or entity other than the

farmworker's employer, the farmworker housing shall consist only of:

- a. Seasonal or temporary farmworker housing, or
 - b. A manufactured home, mobilehome, travel trailer, or recreational vehicle, if such housing is intended to be permanent (i.e., permanent employee housing).
5. Prior to the approval of a Building Permit for a farmworker housing complex, the applicant shall submit all required information to, and obtain all applicable approvals from, the following County departments:
- a. Fire Department.
 - b. Planning and Development Department.
 - c. Public Health Department.
 - d. Public Works Department.
6. Within 30 days after obtaining the appropriate permit from the California Department of Housing and Community Development (HCD) to operate farmworker housing, and annually thereafter, the applicant shall submit a completed verification form to the Director describing all of the following:
- a. The farmworker housing, including the number of units, spaces or beds.
 - b. The number and employment status of the residents of the farmworker housing, and any other employment information regarding the residents required by the Director.
 - c. Proof that the HCD permit for the farmworker housing is current and valid.

D. Development standards. All farmworker housing shall comply with all of the following development standards unless otherwise indicated.

1. **Allowed farmworker housing complex housing types.** The following housing types may be permitted in farmworker housing complexes in compliance with the required permit(s) specified in the applicable allowed land uses and permit requirements table in [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
 - a. **Resource Protection zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the RMZ zone.
 - b. **Residential zones.**
 - (1) **R-1/E-1 and R-2 zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the R-1/E-1 zones.
 - (2) **DR zone.** The following housing types may be permitted as a farmworker housing complex in the DR zone in compliance with the required permit(s) as specified in Table 2-84 (Allowed Land Uses and Permit Requirements for Residential Zones) in [Section 35.423.030 \(Residential Zones Allowable Land Uses\)](#):
 - (a) Dwelling, multiple.
 - (b) A two-family dwelling.
 - (c) Multiple detached single-family units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 *et seq.*
 - (d) Farmworker housing complexes other than those housing types listed in Subsections D.1.b.(2)(a) through D.1.b.(2)(c), above, subject to the approval of a Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use](#)

Permits).

2. **Farmworker dwelling unit density requirements.** Development of a farmworker dwelling unit shall be in compliance with the dwelling unit density requirements of the applicable zone. If there is an existing single-family dwelling located on a lot, then a farmworker dwelling unit shall not be allowed in addition to the existing single-family dwelling unless additional single-family dwelling units are allowed in compliance with the applicable dwelling unit density requirement.
 3. **Parking.** The following requirements shall apply to all farmworker housing in addition to all other applicable parking requirements in this Development Code that would normally apply to the use and location in which the farmworker housing is proposed. In the case of a conflict between the standards of this Subsection D.3 and other applicable parking requirements of this Development Code, the standards of this Subsection D.3 shall prevail.
 - a. Parking spaces for farmworker dwelling units and farmworker housing complexes may be uncovered and may be located in a tandem arrangement.
 - b. Any living quarters such as a manufactured home, mobilehome, recreational vehicle, tent, travel trailer, or other housing accommodation designed for use by a single family or household shall be considered a one-family dwelling for determining the parking requirement in compliance with Table 3-4 (Residential Parking Standards).
 - c. A farmworker housing complex consisting of any group living quarters, such as barracks or a bunkhouse, shall provide one parking space for every four beds in the complex.
 - d. Parking requirements for employees as listed in Table 3-4 (Residential Parking Standards) is not required to be provided.
- E. Covenant and agreement.** Within 30 days after approval of an application for farmworker housing, the applicant shall record with the County Recorder a covenant that runs with the lot on which the farmworker housing is located and is for the benefit of the County, declaring that:
1. The farmworker housing will continuously be maintained in compliance with this [Section 35.442.105 \(Farmworker Housing\)](#) and all other applicable sections of the Development Code;
 2. The applicant will obtain and maintain, for as long as the farmworker housing is operated, the appropriate permit(s) from California Department of Housing and Community Development pursuant to the Employee Housing Act and the regulations promulgated thereunder;
 3. The improvements required by the County Fire Department, the Planning and Development Department, the Public Health Department, and the Public Works Department, related to the farmworker housing shall be constructed and/or installed, and continuously maintained by the applicant;
 4. The applicant will submit the annual verification form to the Director as required by [Section 35.442.105.C.6](#); and
 5. Any violation of the covenant and agreement required by this section shall be subject to the enforcement procedures of [Chapter 35.498 \(Enforcement and Penalties\)](#).

35.442.110 - Greenhouses

- A. Purpose and applicability.** This Section provides standards for the establishment of greenhouses, where allowed by [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
- ~~**B. Greenhouses in the AG-I zone.** The following requirements and standards shall apply to greenhouses and greenhouse related development (e.g., packing sheds, storage areas):~~
- ~~1. **Development Plan required.** Approval of a Development Plan shall be required in compliance with [Section 35.472.080 \(Development Plans\)](#) for greenhouses and greenhouse related development~~

~~that are 20,000 square feet or more in area and all additions, which when added to existing development, total 20,000 square feet or more.~~

- ~~2. **Landscaping.** Landscaping plans shall be required in compliance with Section 35.434.050 (Agricultural (AG-I) Zone Landscaping Requirements).~~
- ~~3. **Lot coverage.** The maximum net lot coverage for all greenhouses and greenhouse related development shall be as follows:~~

Lot Size	Maximum Lot Coverage
Less than 5 acres	75 percent
5 to 9.99 acres	70 percent
10 acres or more	65 percent

- ~~4. **Setbacks.** No greenhouse or greenhouse related structure shall be located within 30 feet of the right of way line of any street nor within 50 feet of the lot line of a lot zoned residential. On lots containing five or more gross acres, an additional setback of 30 feet from the lot lines of the lot on which the structure is located shall be required.~~

CB. Greenhouses in residential zones.

- 1. **300 square feet or less in size.** In the R-1/E-1, R-2, and DR zones, the following standards shall apply to greenhouses not exceeding 300 square feet in area:
 - a. Greenhouse structures shall be used only for the propagation and cultivation of plants.
 - b. No advertising signs, commercial display rooms, or sales stands shall be maintained.
 - c. Greenhouse structures shall be accessory to the primary residential or agricultural use.
- 2. **Greenhouses exceeding 300 square feet and less than 800 square feet.** In the R-1/E-1 and R-2 zones, no advertising signs, commercial display rooms, or sales stands shall be maintained in association with greenhouses that exceed 300 square feet and are less than 800 square feet.

~~**D. Greenhouses in TC zone – Coastal Zone.** In the TC zone, greenhouses, hothouses, other plant protection structures and related development (i.e., packing sheds, parking, driveways) shall be subject to the requirements applicable to greenhouses in the AG-I zone as outlined in Subsection B. (Greenhouses in the AG-I zone) above.~~

35.442.120 - Guesthouses, Artist Studios, and Cabañas

- A. Purpose and applicability.** This Section provides standards for the establishment of guesthouses, artist studios, and cabañas, where allowed by [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
- B. Accessory structure and use.** Guesthouses, artist studios, and cabañas are accessory structures and their use shall be accessory to a primary residential use of the lot.
- C. Lot size.**
 - ~~1. **Coastal Zone.** Within the Coastal Zone, a guesthouse shall not be located on a lot containing less than one gross acre.~~
 - ~~2. **Inland area.** Within the Inland area, a **Δ** guesthouse shall not be located on a lot containing less than two gross acres.~~
- D. Number on a lot.**
 - 1. Except as provided in Subsection D.2 (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.** If an accessory dwelling unit exists or is approved for development on a lot, a guesthouse or artist studio shall not also be approved.

E. Floor area. The net floor area of a guesthouse, artist studio, or cabaña shall not exceed 800 square feet. However, the guesthouse, artist studio, or cabaña structure may be attached to other accessory structures provided the building footprint area of the combined structure does not exceed 800 square feet and interior access does not exist between the guesthouse, artist studio, or cabaña and the other accessory structure(s).

(1.) For the purposes of this Subsection E, building footprint area is measured to the interior surface of the exterior, perimeter walls, posts, columns, or other supports. 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.

(2.) **Detached accessory buildings.** The total gross floor area of all approved and proposed buildings located on a lot shall not exceed 40 percent of the gross lot area of the lot on which the detached accessory building is proposed to be located.

- (a.) For purposes of this Subsection E.(2), “gross floor area” includes any fully enclosed, partially enclosed, or unenclosed floor area of the detached accessory building covered by a solid roof or other permanent covering.
- (b.) The gross floor area limitation in this Subsection E.(2) shall not apply to or otherwise limit the gross floor area of approved or proposed accessory dwelling units.
- (c.) If an application includes a proposed detached accessory dwelling unit and one or more detached accessory buildings, and the total gross floor area of all buildings located on the lot, both approved and proposed, would exceed 40 percent of the gross lot area, then the floor area of the proposed detached accessory building(s) shall be reduced as necessary in order to comply with the 40 percent of gross lot area limitation.
- (d.) For purposes of this Subsection E.(2), “approved” means that a valid land use entitlement exists for a detached accessory building or accessory dwelling unit, but the building or unit has not been constructed, or that construction of the detached accessory building or accessory dwelling unit has been legally completed. “Proposed” means that an application for a detached accessory building or accessory dwelling unit has been submitted to the Department, and final action on the application has not been taken.

F. Height limitations. A guesthouse, artist studio, or cabaña:

1. Shall not exceed a height of 16 feet.
2. Shall not contain more than one story. A loft shall be counted as a story.
3. May be located above or below another accessory structure in areas where the H-MON overlay does not apply, provided the height of the combined accessory structure does not exceed 25 feet.

G. Kitchen and cooking facilities prohibited. There shall not be a kitchen or cooking facilities (e.g., ovens including microwave ovens, hot plates) within a guesthouse, artist studio, or cabaña.

- H. Wetbars.** Guesthouses, artist studios, and cabañas may contain a wetbar limited to the following features:
1. A counter area with a maximum total length of seven feet.
 2. The counter area may include a bar sink.
 3. The counter area may include an overhead cupboard area not to exceed seven feet in length.
 4. The counter area shall be located against a wall, or if removed from the wall, it shall not create a space between the counter and the wall of more than four feet in depth. The seven-foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.
 5. A refrigerator limited to an under-counter unit located within the counter area.
- I. Plumbing facilities.**
1. **Guesthouses and cabañas.** Guesthouses and cabañas may contain a bar sink associated with a wetbar as described in Subsection H. (Wetbars) above, and bathrooms (e.g., toilet, sink, and bathing facilities).
 2. **Artist studios.** Artist studios may contain a bar sink associated with a wetbar as described in Subsection H. (Wetbars) above, and a restroom (i.e. toilet and washbasin). Bathing facilities shall not be allowed in artist studios.
- J. Setbacks.** Guesthouses, artist studios, and cabañas shall comply with setback requirements applicable to the principal dwelling.
- K. Use restrictions.**
1. A guesthouse shall be used on a temporary basis only by the occupants of the principal dwelling or their nonpaying guests or employees and is not intended to be rented, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. Temporary is defined as occupying the guesthouse for not more than 120 days in any 12-month period.
 2. Artist studios and cabañas shall not be used as a guesthouse or as a dwelling and shall not be used for overnight accommodations.
 3. Commercial sales or transactions shall not occur within an artist studio or on the lot containing the artist studio unless allowed under a ~~Coastal Development Permit (Section 35.472.050)~~ or [Land Use Permit \(Section 35.472.110\)](#) for a home occupation issued in compliance with [Section 35.442.130 \(Home Occupations\)](#).
 4. Guesthouses, artist studios, or cabañas may be determined to constitute a dwelling by the Director in compliance with [Subsection 35.442.020.B.9 \(Determination that accessory structure constitutes a dwelling\)](#).
- L. Notice to property owner.** Before issuance of a ~~Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits)~~ or a [Land Use Permit in compliance with Section 35.472.110 \(Land Use Permits\)](#) for a guesthouse, artist studio, or cabaña, a Notice to Property Owner that specifies at a minimum the allowable uses of the structure shall be recorded by the property owner.
- M. Cabaña.** A cabaña may be approved as an accessory structure provided that its use is accessory to a sports court or swimming pool, or is located on a lot directly adjacent to the sea.
1. **Definition of swimming pool.** For the purposes of this Subsection M (Cabaña), swimming pool is defined a structure containing a body of water, whether above or below the ground, having a minimum length, width and depth of 45 feet, eight feet and 42 inches, respectively, and which shall be designed for and used or intended to be used for swimming by individuals. The following shall be excluded from this definition:
 - a. Hot tubs, spas, including swim spas, and similar facilities.

- b. Ornamental ponds or water features, developed as landscape design features where swimming is not intended and does not occur.
 - c. Portable, inflatable, and wading pools.
2. **Restrictions on use.** The cabaña may be maintained and used as a cabaña provided that the sports court or swimming pool that the cabaña is accessory to is also maintained on the lot. If the sports court or swimming pool to which the cabaña is accessory to is abandoned or removed, then the use of the cabaña shall cease and the structure shall either be removed or lawfully converted to an allowed accessory structure within 90 days following the abandonment or removal of the sports court or swimming pool.
 3. **Sequence of construction.** A cabaña may be approved in conjunction with a proposed pool or sports court provided that construction of the proposed pool or sports court is completed before or simultaneously with completion of the cabaña.
- N. **Artist studios.** Issuance of a ~~Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits)~~ or a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) for a home occupation in compliance with [Section 35.442.130 \(Home Occupations\)](#) shall be required prior to the issuance of a ~~Coastal Development Permit or Land Use Permit~~ for an artist studio.

35.442.130 - Home Occupations

- A. **Purpose and applicability.** This Section provides development and operational standards for home occupations where allowed by [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#). The intent is to prevent any adverse effects on the residential enjoyment of surrounding residential properties.
- B. **Applicability.** The provisions of this Section shall apply to all home occupations which include Cottage Food Operations and In-home Retail Sales. Home occupations may be permitted in any dwelling in any zone including nonconforming dwellings.
- C. **Permit requirements.**
 1. Before the commencement of a home occupation within a dwelling or artist studio, a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) shall be issued for the home occupation unless the occupation qualifies for an exemption as stated in Subsection E. (Exceptions to permit requirements for home occupations) below.
 2. Prior to the issuance of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) for a home occupation within a dwelling or artist studio, a Notice to Property Owner certifying that the home occupation will be conducted in compliance with the development standards of Subsection D. (Development standards), below, and any other conditions as may be made part of the Land Use Permit shall be recorded by the property owner.
- D. **Development standards.** A home occupation shall comply with all of the following development standards:
 1. **Home occupations other than cottage food operations.** A home occupation shall comply with all of the following development standards, except that if the home occupation qualifies as a cottage food operation then the development standards of Subsection D.2 (Cottage food operations) shall apply instead.
 - a. Only one home occupation shall be allowed on any one lot. The home occupation shall be conducted either entirely within not more than one room of the dwelling, not including garages, or entirely within an artist studio. A home occupation may not be conducted outside of the dwelling or the artist studio.
 - b. The home occupation shall not alter the residential character of the dwelling or the lot that contains the home occupation. There shall be no internal or external alterations to the

- dwelling that are not customarily found in residential structures, and the existence of the home occupation shall not be discernible from the exterior of the dwelling.
- c. The home occupation shall be conducted solely by the occupant(s) of a dwelling located on the lot that contains the home occupation. No employees other than the dwelling occupant(s) shall be permitted for business purposes on the lot that contains the home occupation. The home occupation may have off-site employees or partners provided they do not report for work at the lot that contains the home occupation.
 - d. No displays or signs naming or advertising the home occupation shall be permitted on or off the lot that contains the home occupation. All advertising for the home occupation (e.g., telephone directories, newspaper or other printed material) or on equipment or vehicles associated with the home occupation shall not divulge the location of the home occupation. Business cards and letterhead may list the address of the home occupation.
 - e. There shall be no more than five customers, patients, clients, students, or other persons served by the home occupation upon the lot that contains the home occupation at any one time except for in-home retail sales as allowed in compliance with Subsection E.1.a, below.
 - f. A home occupation shall not use electrical or mechanical equipment that would create any visible or audible radio or television interference or create noise audible beyond the boundaries of the lot that contains the home occupation. Noise levels associated with the home occupation shall not exceed 65 dBA outside the dwelling that contains the home occupation.
 - g. No smoke or odor shall be emitted that occurs as a result of the home occupation.
 - h. There shall be no outdoor storage of materials related to the home occupation.
 - i. No vehicles or trailers, except those incidental to the residential use and those allowed under [Subsection 35.436.090.B \(Overnight parking of commercial vehicles\)](#), shall be kept on the lot that contains the home occupation.
 - j. A home occupation shall be strictly secondary and subordinate to the primary residential use and shall not change or detrimentally affect the residential character of the dwelling, the lot that contains the home occupation, or the neighborhood.
 - k. Where a home occupation will be conducted within a dwelling or artist studio that relies on a septic system, written clearance from the Public Health Department shall be required prior to approval of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#).
 - l. No hazardous materials other than those commonly found within a residence shall be used or stored on the site. Hazardous materials and equipment shall be limited to quantities that do not constitute a fire, health, or safety hazard.
 - m. Business-related deliveries shall be limited to a maximum of two per week. United States Mail and commercial parcel carriers' deliveries shall be exempt from this limitation.
 - n. A home occupation shall not create vehicular or pedestrian traffic that changes the residential character of the neighborhood and dwelling unit where the business is being conducted, or create a greater demand for parking than can be accommodated onsite or on the street frontage abutting the lot that contains the home occupation.
- 2. Cottage food operations.** A cottage food operation shall comply with all of the following development standards.
- a. **Allowed locations.**
 - (1) No more than one cottage food operation shall be allowed within any one dwelling unit.

- (2) Only one cottage food operation may be allowed on a lot.
- b. Allowed location within the dwelling and the lot containing the cottage food operation.** All food preparation, packaging, sales, storage and handling of cottage food products and related ingredients, and equipment, shall be located within the registered or permitted area consisting of the dwelling's private kitchen and one or more attached rooms within the dwelling in which the cottage food operation is operated that are used exclusively for storage.
- c. Cottage food operators and cottage food employees.**
- (1) The cottage food operation shall be conducted by the cottage food operator within the dwelling where the cottage food operator resides as their primary residence. Said dwelling shall be a legally established dwelling.
- (2) Up to one full-time equivalent employee as defined by California Health and Safety Code Section 113758(b)(1) may participate in a cottage food operation in addition to those individuals residing within the dwelling as their primary residence.
- d. Parking.** All parking of vehicles and trailers associated with the cottage food operation on the lot on which the cottage food operation occurs shall be maintained in compliance with [Chapter 35.436 \(Parking and Loading Standards\)](#).
- (1) Customers and non-resident cottage food employees shall not park their vehicles within or upon a parking space that is required to satisfy the parking requirement for the primary use of the lot.
- (2) On R-1/E-1 and R-2 zoned lots, the overnight parking of commercial vehicles on the lot shall be in compliance with [Section 35.436.090.B \(Overnight parking of commercial vehicles\)](#).
- e. Sales.** Food items may only be sold, or offered for sale, from the dwelling to customers present at the dwelling between the hours of 9:30 a.m. to 3:30 p.m.
- f.** A cottage food operation shall not create vehicular or pedestrian traffic or other public nuisance that changes the residential character of the neighborhood and dwelling unit where the business is being conducted, or create a greater demand for parking than can be accommodated onsite or on the street frontage abutting the lot on which the home occupation occurs.
- g.** The cottage food operation shall at all times be conducted in compliance with:
- (1) The conditions and limitations of this Subsection D.2. and any other conditions and/or limitations that may be part of the Land Use Permit issued to allow the cottage food operation.
- (2) California Health and Safety Code Section 113758.
- (3) All other applicable State and County laws, regulations and requirements.
- h.** The cottage food operation shall be registered or permitted by the County Public Health Department in compliance with Section 114365 of the California Health and Safety Code. Prior to the issuance of a Land Use Permit for a cottage food operation the cottage food operator shall present proof of receipt of registration or permit for the cottage food operation from the County Public Health Department.
- E. Exceptions to permit requirements for home occupations.** A Land Use Permit shall not be required for home occupations that are in compliance with all of the following criteria:
1. The development standards of Subsection D.1 or D.2, above, as applicable to the specific home occupation except that:

- a. Clients or customers shall not be served at the lot that contains the home occupation except for in-home retail sales provided that these sales do not exceed four times within a calendar year and that there are no more than 25 customers at each sales event.
- b. Business advertisements, except for business cards and letterhead, shall not list the address of the artist studio or dwelling in which the home occupation occurs.
- c. Business transactions occurring on the lot that contains the home occupation shall occur by internet, telephone, facsimile, computer modem or other telecommunication medium, or written correspondence.

F. Violations of home occupation regulations.

1. It shall be unlawful for a person, firm, or corporation, to establish, cause, allow, or maintain a type of business, profession or other commercial occupation (collectively to be referred to as a "home occupation") within a dwelling before the issuance of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) allowing the home occupation unless the home occupation does not require the issuance of a Land Use Permit in compliance with Subsection E (Exceptions to permit requirements for home occupations), above.
2. The home occupation shall at all times be conducted in compliance with the conditions and limitations of Subsection D (Development Standards), above, any other conditions and/or limitations that may be part of the Land Use Permit issued in compliance with [Section 35.472.110 \(Land Use Permits\)](#) to allow the home occupation, and it shall be unlawful for a person to conduct a home occupation for which a Land Use Permit has been issued without complying with all conditions attached to the permit.
3. Failure to comply with conditions and limitations of the Land Use Permit shall be cause for revocation of the Land Use Permit in compliance with [Section 35.474.060 \(Revocations\)](#).
4. Occupations that cannot comply with all of the development standards listed in Subsection D (Development Standards), above, shall not be permitted as home occupations. Examples of prohibited occupations include:
 - a. Automotive repair or service.
 - b. Painting of vehicles, trailers, boats or machinery.

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. Regardless of the number of properties a property owner owns, in no case shall a property owner possess more than one homestay permit at any given time.
- C. Permitted structures.** Homestays shall only be allowed in up to three bedrooms of a legal dwelling unit 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 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 minor children.
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. In addition, the owner must sign any permit application that the long-term tenant submits.
11. **Nuisance response plan.**
 - a. **Call response availability.**
 - (1) The owner or long-term tenant shall submit their name, address, and telephone number and/or a local contact who will respond to calls regarding the Homestay.
 - (2) The owner or long-term tenant and/or local contact shall be available by telephone on a 24-hour basis to respond to calls regarding the Homestay.
 - (3) Failure to respond to calls in a timely and appropriate manner may result in revocation

of the permit issued to allow the use of a Homestay.

- (4) For purposes of this Subsection 11, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.

- b. **Local contact.** The owner or long-term tenant is required to immediately notify the County with any changes to their or the local contact's information.

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.

35.442.140 - Mobile Homes on Permanent Foundations

- A. Purpose and applicability.** This Section provides standards for mobile homes on permanent foundations that are certified under the National Mobile Home Construction and Safety Standards Act of 1974 (52 U.S.C. 5401 et seq.) in compliance with Health and Safety Code Section 18551, where allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
- B. Development standards.** Mobile homes on permanent foundations allowed in compliance with this section shall be subject to the following requirements:
 1. The mobile home shall have a roof overhang unless waived by the Director because the absence of a roof overhang would be appropriate and of good design in relation to other structures on the site and in the immediately affected surrounding area.
 2. Roofing and siding shall be non-reflective.

3. Siding shall extend to the ground level.

35.442.150 - Residential Project Convenience Facilities

- A. **Purpose and applicability.** This Section provides standards for residential project convenience facilities, where allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
- B. **DR and PRD zones.** In the DR and PRD zones the following residential project convenience facilities may be allowed for the exclusive use by residents of the development:
 1. Laundromat.
 2. Meeting rooms.
 3. Accessory uses and structures customarily incidental and subordinate to the residential project.

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 Division 35.2 (Montecito 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 35.498 (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-00000-00011). 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.

35.442.170 - Spa Facilities—~~Inland Area~~

- A. Purpose and applicability.** The purpose of this Section is to provide development standards for spa facilities and the related use of unique mineral springs located ~~within the Inland area~~ at or in the immediate vicinity of their source while placing appropriate limitations and conditions on the use. The intent is to ensure compatibility with surrounding existing or permitted development and to preserve the unique aesthetic values and features of the areas involved.
- B. Development standards.** Spa facilities shall comply with the following standards:
1. The property shall be designated Mountainous Area on the Comprehensive Plan and located within an RMZ zone.
 2. The spa shall be located on a lot or contiguous lots under one ownership containing a minimum of 300 acres.
 3. The primary area of use shall be defined by the Department and shall not exceed 20 acres. The primary area is that area containing the source of the mineral spring and any buildings, or uses operated as part of the spa, but excluding access roads, utilities, and equestrian and hiking trails.
 4. The spa shall not provide overnight facilities nor allow overnight use of the site.
 5. The Conditional Use Permit shall establish a maximum limit on the number of persons that may use the property at one time.
 6. The Montecito Commission may impose any additional conditions it deems necessary or appropriate to protect the public safety, health, and welfare.

35.442.180 - Temporary Uses and Trailers

- A. Purpose and intent.** The purpose of this Section is to provide permit requirements and development standards for temporary uses and structures, including the semi-permanent use of trailers, where allowed by [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#). This section also provides standards for determining which types of temporary uses are exempt from the requirement to obtain a planning permit. The intent is to give special consideration to temporary uses and structures in order to prevent adverse effects on surrounding properties through the application of appropriate conditions.
- B. Applicability.**
1. ~~Does not apply to amusements regulated separately—Inland area.~~ ~~Within the Inland area,~~ This Section shall not apply to any use of property that is regulated by Chapter 6 (Amusements) of the County Code.
 2. **Permits required.** Each temporary use of land including trailers identified in Table 4-6 through Table 4-9 below, may be allowed in compliance with the approval of the applicable permit identified in the table.
 3. **Similar temporary events/uses.**
 - a. **Exempt from permit requirements.** Other temporary uses that are not included in Table 4-6 through Table 4-9 may be allowed without the requirement for a permit when the Director determines that the proposed temporary use:
 - (1) Is similar to those identified in this Section as being exempt from permit requirements; and
 - (2) The proposed temporary use does not have the potential to result in an adverse effect on surrounding properties.
 - b. ~~Coastal Development or Land Use Permit required.~~ Other temporary uses that are not

included in Table 4-6 through Table 4-9 may be allowed by a ~~Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits)~~ or a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) if the Director determines that the proposed temporary use is similar to those uses allowed by a ~~Coastal Development Permit or Land Use Permit.~~

4. **Other approvals required.** All temporary electrical facilities, temporary toilet and plumbing facilities, and temporary shelters or structures shall receive all necessary approvals from the Director, the Public Health Department, and the County Fire Department or applicable fire protection district.
- C. **Contents of application.** An application for a temporary use shall be filed in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).
- D. **Permit processing.**
1. **Compliance with development standards.** Permits for temporary uses and trailers subject to the provisions of this Section shall not be approved or issued except in compliance with the requirements of this Section and other applicable development standards of this Development Code. Temporary uses that are exempt from a planning permit shall still comply with any applicable development standards of this Development Code.
 2. ~~**Exempt temporary uses within the Coastal Zone.** The temporary use of property or structures within the Coastal Zone are exempt from a planning permit in compliance with Table 4-6 through Table 4-9 provided the temporary use complies with all of the following:~~
 - a. ~~The temporary use will not occupy any portion of a sandy beach, public park area, public pier, or public beach parking area between the Memorial Day weekend and Labor Day unless either:~~
 - (1) ~~The period of the use will be of less than one day in duration, including set up and take down; or,~~
 - (2) ~~The location is remote with minimal demand for public use.~~
 - b. ~~A fee will not be charged for general public admission and/or seating if the temporary use will occupy any portion of a sandy beach, public park area, public pier, or public beach parking area where no fee is currently charged for the use of the same area, or if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use.~~
 - e. ~~The proposed temporary use has been reviewed in advance by the Director and the Director determined that it meets all of the following criteria:~~
 - (1) ~~The temporary use will result in no adverse impact on opportunities for public use of, or access to, the area due to the proposed location and/or timing of the event either individually or together with other temporary events scheduled before or after the particular event.~~
 - (2) ~~There will be no direct or indirect impacts from the temporary use and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources pursuant to the policies and section of the certified Local Coastal Program.~~
 - (3) ~~The temporary use has not previously required a Coastal Development Permit to address and monitor associated impacts to coastal resources.~~
 - d. ~~The Director may determine that a temporary use shall be subject to a Coastal Development permit in compliance with Section 35.472.050 (Coastal Development Permits) and/or a~~

~~Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) even if the development meets all of the criteria in Subsection 2.a through Subsection 2.e above, if the Director determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources.~~

- ~~32.~~ **Timeline to approve Coastal Development Permit or Land Use Permit.** Except for trailers allowed in compliance with Subsection G. (Trailer use), the Director shall approve, conditionally approve, or deny an application for a Coastal Development Permit or Land Use Permit within 30 days of submittal of a complete application to the Department.
- ~~43.~~ **Notification of Supervisor.** Except for trailers allowed in compliance with Subsection G. (Trailer use), a Coastal Development Permit, Conditional Use Permit, or Land Use Permit that allows the establishment of a temporary use shall not be approved (in the case of a Conditional Use Permit) or issued (in the case of a Coastal Development Permit or Land Use Permit) until the Supervisor of the Supervisorial District in which the temporary use/event is proposed, or his or her designated representative, has been notified of the application.
- ~~54.~~ **Notice.** Notice of a Coastal Development Permit, Conditional Use Permit, or Land Use Permit for a temporary use shall be provided in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
- ~~65.~~ **Appeal.** The action of the review authority to approve, conditionally approve, or deny a Coastal Development Permit, Conditional Use Permit, or Land Use Permit for a temporary use is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).

Table 4-6 Allowed Temporary Uses and Permit Requirements for the Resource Management Zone	E	Allowed use, no permit required (Exempt)
	ZC	Permitted use, Zoning Clearance required
	P	Permitted use, Land Use Permit required
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED	
	RMZ	Specific Use Regulations

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	35.442.180.F.4
Public property	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	35.442.180.F.6
Seasonal sales lots	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	P	35.442.180.F.8
Trailer (watchman during construction)	P	35.442.180.G.9
Trailer (after destruction of dwelling)	P	35.442.180.G.6
Trailer (during construction of new dwelling)	P	35.442.180.G.5

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	35.442.180.G.3
Trailer (construction office, shop, storage, etc.)	S	35.442.180.G.4
Trailer (mobile communications temporary facility)	ZC	35.442.180.G.8
Trailer (storage as accessory to dwelling)	E	35.442.180.G.7

Key to Zone Symbols

RMZ	Resource Management
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Notes:

(1) See [Division 35.10 \(Glossary\)](#) for land use definitions.

Table 4-7 Allowed Temporary Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	ZC	Permitted use, Zoning Clearance required			
	P	Permitted use, Land Use Permit required			
	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	<u>DR</u>	<u>PRD</u>	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	<u>CUP</u>	<u>CUP</u>	35.442.180.F.2
Charitable and other noncommercial functions	E	E	<u>E</u>	<u>E</u>	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	<u>E</u>	<u>E</u>	35.442.180.F.4
Public property	E	E	<u>E</u>	<u>E</u>	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	<u>CUP</u>	<u>CUP</u>	35.442.180.F.6
Seasonal sales lots	P	P	<u>P</u>	<u>P</u>	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	<u>P</u>	<u>P</u>	35.442.180.F.8
Trailer (watchman during construction)	P	P	<u>P</u>	<u>P</u>	35.442.180.G.9
Trailer (after destruction of dwelling)	P	P	<u>P</u>	<u>P</u>	35.442.180.G.6
Trailer (during construction of new dwelling)	P	P	<u>P</u>	<u>P</u>	35.442.180.G.5

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	<u>CUP</u>	<u>CUP</u>	35.442.180.G.3
Trailer (construction office, shop, storage, etc.)	S	S	<u>S</u>	<u>S</u>	35.442.180.G.4
Trailer (mobile communications temporary facility)	ZC	ZC	<u>ZC</u>	<u>ZC</u>	35.442.180.G.8
Trailer (storage as accessory to dwelling)	E	E	<u>E</u>	<u>E</u>	35.442.180.G.7

Key to Zone Symbols

R-1/E-1	Single-Family Residential	<u>DR</u>	<u>Design Residential</u>
R-2	Two-Family Residential	<u>PRD</u>	<u>Planned Residential Development</u>

Notes:

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions.

Table 4-7--Continued Allowed Temporary Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)	
	ZC	Permitted use, Zoning Clearance required	
	P	Permitted use, Land Use Permit required	
	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	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	35.442.180.F.4
Public property	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	35.442.180.F.8
Trailer (watchman during construction)	P	P	35.442.180.G.9
Trailer (after destruction of dwelling)	P	P	35.442.180.G.6
Trailer (during construction of new dwelling)	P	P	35.442.180.G.5

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	35.442.180.G.3
Trailer (construction office, shop, storage, etc.)	S	S	35.442.180.G.4
Trailer (mobile communications temporary facility)	ZC	ZC	35.442.180.G.8
Trailer (storage as accessory to dwelling)	E	E	35.442.180.G.7

Key to Zone Symbols

DR	Design Residential
PRD	Planned Residential Development

Notes:

(1) – See Division 35.10 (Glossary) for land use definitions

Table 4-8 Allowed Temporary Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)	
	ZC	Permitted use, Zoning Clearance required	
	P	Permitted use, Land Use Permit required	
	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	

TEMPORARY EVENTS

Car washes	S	S	35.442.180.F.1
Certified farmers market	CUP	—	
Certified farmers market (incidental)	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	35.442.180.F.4
Public property	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	—	P	35.442.180.F.8
Trailer (watchman during construction)	P	P	35.442.180.G.9
Trailer (after destruction of dwelling)	P	P	35.442.180.G.6
Trailer (during construction of new dwelling)	P	P	35.442.180.G.5

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	35.442.180.G.3
Trailer (construction office, shop, storage, etc.)	S	S	35.442.180.G.4
Trailer (mobile communications temporary facility)	ZC	ZC	35.442.180.G.8
Trailer (storage as accessory to dwelling)	E	E	35.442.180.G.7

Key to Zone Symbols

CN	Neighborhood Commercial	CV	Visitor Serving Commercial
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Notes:

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions.

Table 4-9 Allowed Temporary Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)	
	ZC	Permitted use, Zoning Clearance required	
	P	Permitted use, Land Use Permit required	
	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
	PU	REC	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	35.442.180.F.4
Public property	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	—	P	35.442.180.F.8
Trailer (watchman during construction)	P	P	35.442.180.G.9
Trailer (after destruction of dwelling)	—	P	35.442.180.G.6
Trailer (during construction of new dwelling)	—	P	35.442.180.G.5

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	35.442.180.G.3
Trailer (construction office, shop, storage, etc.)	S	S	35.442.180.G.4
Trailer (mobile communications temporary facility)	ZC	ZC	35.442.180.G.8
Trailer (storage as accessory to dwelling)	—	E	35.442.180.G.7

Key to Zone Symbols

PU	Public Utilities
REC	Recreation

Notes:

(1) See [Division 35.10 \(Glossary\)](#) for land use definitions.

E. Development standards for all temporary uses. Except for trailers allowed in compliance with Subsection G. (Trailer use) below, temporary uses allowed in Subsection B. (Applicability) shall comply with the following development standards:

1. **Time limit.** Temporary uses shall not continue for more than five consecutive days unless otherwise specified in the approved permit or in Subsection F. (Permit requirements and development standards for specific temporary uses) below.
2. **Compliance with regulations.** The applicant for the temporary use shall comply with all provisions of the laws of the County, including the County Business License Ordinance and any conditions imposed in compliance with this Section or other requirements of this Development Code.
3. **Conditions of approval.** The review authority shall have the right to impose reasonable conditions upon the operation of the temporary use in order to protect and preserve the public health, safety, and welfare. Noncompliance with any conditions of approval of a permit for a temporary use shall constitute a violation of this Development Code. Conditions may include:
 - a. Special setbacks and buffers.
 - b. Regulation of outdoor lighting.
 - c. Regulation of points of vehicular ingress and egress, the location of parking areas, and implementation of a parking plan, including:
 - (1) The requirement for a parking coordinator to be present at all times during any temporary event attended by 100 or more persons to manage and direct vehicular movement.

- (2) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site.
 - (3) Appropriate signage placed onsite prior to the commencement of each event, directing visitors to and indicating the location of parking areas.
 - d. Regulation of noise, vibration, odors, etc.
 - e. Regulation of the number, height and size of temporary structures, equipment, and signs.
 - f. Limitation on the hours and days of operation.
 - g. Limitation on the location where sales of goods may occur, the number of vendors, and the scope of goods to be sold.
 - h. Obtaining all the appropriate Public Health Department permits and authorizations if food sales are involved.
 - i. Review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district, if required.
 - j. Obtaining a County Business License if necessary.
- 4. Clearing of site following event.** The area used as a temporary event shall be left in a clean and orderly manner with all structures, signs, and other material removed within three days following the cessation of the event.
- 5. Additional findings.** A permit for a temporary use shall be approved only if all of the following findings, in addition to the findings required for approval of a ~~Coastal Development Permit~~, Conditional Use Permit, or Land Use Permit in compliance with ~~Section 35.472.050 (Coastal Development Permits)~~, [Section 35.472.060 \(Conditional Use Permits\)](#) and [Section 35.472.110 \(Land Use Permits\)](#) are first made:
- a. The site is adequate in size and shape to accommodate the proposed temporary use.
 - b. The proposed temporary use will not adversely interfere with existing uses on the subject property, and will not impede or adversely impact pedestrian access ways or vehicular circulation patterns.

F. Permit requirements and development standards for specific temporary uses. This Section provides the permit requirements and development and operational standards for specific temporary uses of property, except for trailers allowed in compliance with Subsection G. (Trailer use) below, in addition to the permit requirements and development standards identified in Table 4-6 through Table 4-9. The temporary uses of property may include the erection of temporary structures (e.g., fences, booths, tents, or the parking of trailers) for use during the period of time that the temporary use is operating.

- 1. Car washes.** Car washes, located on property with a commercial zone designation, with sponsorship limited to educational, fraternal, religious, or service institutions and organizations directly engaged in civic, charitable and philanthropic efforts, may be allowed in compliance with the following permit requirements and development standards.

Permit Requirement	Development Standards
Exempt	Limited to two days per month at each location, for each sponsoring organization.
Coastal Development Permit or Land Use Permit	Operating for more than two days per month at each location, for each sponsoring organization.

- 2. Certified Farmers Markets, incidental.** Certified farmers markets when incidental to a conference center, meeting facility, schools, or government or philanthropic institutions.

3. **Charitable and other noncommercial functions.** The use of a lot for charitable and other noncommercial functions where the owner or tenant of the lot receives no remuneration, including fundraisers, parties, receptions, weddings and other similar gatherings, is exempt from permit requirements, however, the following development standards shall apply:
 - a. The use of the lot for charitable functions does not exceed three times within the same calendar year.
 - b. The number of persons present at the event at any one time does not exceed 300.
4. **Public assembly facilities.** Events occurring in approved convention centers, meeting halls, theaters, or other permitted public assembly facilities are exempt from the permit requirements of this section provided the event is consistent with the uses allowed in that facility in compliance with the planning permit approved and/or issued for the facility.
5. **Public property.** Events held at a County park or on other County-owned land are exempt from permit requirements when conducted with the approval of the County.
6. **Reception and similar gathering facilities.** Reception facilities providing indoor or outdoor facilities that are accessory and incidental to the principal use of the property on a temporary, commercial basis for receptions, parties, weddings, or other similar gatherings that are not included in Subsection F.4 (Public assembly facilities) above.
7. **Seasonal sales lots.** Seasonal temporary sales activities (e.g., Christmas trees, Halloween pumpkins, Thanksgiving materials) not subject to the regulations of [Section 35.421.060.B](#) (Agricultural Product Sales) including temporary residence/security trailers, located on non-residentially zoned land, or on residentially zoned land utilized by an institution (e.g., religious institution, educational facility), may be allowed provided they do not continue for more than 60 consecutive days.
8. **Temporary dwellings during the construction of a new dwelling.** An existing structure may be used for dwelling purposes on a temporary basis during the construction on the same lot of a new principal dwelling provided:
 - a. An agreement is recorded by the owner prior to the issuance of a ~~Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits)~~ or Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) for the new principal dwelling specifying that said existing structure will be removed, converted or reconverted to an allowed accessory structure within 90 days following commencement of the occupancy of the newly constructed dwelling.
 - b. Said agreement shall include the granting of access to the lot to the Department as necessary to ensure that performance of said owner's obligations set forth in said agreement.

G. Trailer use.

1. **Permit requirements and development standards.** This Section provides the permit requirements and development standards for specific temporary and semi-permanent uses of trailers in addition to the permit requirements and development standards identified in Table 4-6 through Table 4-9.
2. **Limitations on use.** Trailers shall only be allowed for the uses and activities described in this Section, except as otherwise expressly allowed in [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).
3. **Air quality monitoring stations.** Trailers may be used as air quality monitoring stations for a time period that is adequate to meet the specific air quality monitoring needs of the project, as recommended by the Air Pollution Control District and determined by the Montecito Commission provided:
 - a. The Montecito Commission shall approve the Conditional Use Permit only if the following

additional findings are first made:

- (1) That the stations are either required or approved by the Air Pollution Control District.
 - (2) The zone setbacks are complied with.
 - (3) The trailers are adequately screened from public view by landscaping or other measures.
- b. The trailer, including any foundation, permitted in compliance with this Section shall be promptly removed upon completion of the permanent structure or after the authorized use of the trailer is discontinued.
- c. The Montecito Commission may include, as a condition of approval of the Conditional Use Permit, that a performance security, in compliance with Section 35.474.020 (Performance Guarantees) be deposited with the County to guarantee the removal of the trailer and foundation to ensure compliance with this requirement.

4. Construction trailers.

- a. **Allowed uses.** Trailers used as construction offices, tool storage, or for particular work (e.g., electrical shops, cabinet shops, and other similar uses) that are not used for human habitation during the night may be allowed on a building site during periods of construction of structures on the site in compliance with the following permit requirements and development standards, provided:
- (1) Building permits have been issued for the structures being constructed on the site; and
 - (2) The trailer is removed promptly upon completion of construction.
- b. **Permit requirements.**
- (1) Up to three construction trailers may be located on a building site without a ~~Coastal Development Permit or Land Use Permit~~.
 - (2) More than three such construction trailers per building site may be permitted with a Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#) for an initial period not to exceed two years provided the Montecito Commission finds that:
 - (a) The need for the trailers has clearly been demonstrated; and
 - (b) A time frame for their removal has been provided.
 - (3) Renewals for additional two-year periods for trailers approved in compliance with Subsection 5.b(2) above, may be granted through the approval of a subsequent Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#) if the request is filed before the expiration date of the previously approved Conditional Use Permit for the same use.

5. Dwelling use of trailers during construction of dwellings.

- a. A trailer may be used as a one-family dwelling during construction of a dwelling ~~in all zones within the Coastal Zone or within the R-1/E-1 and RMZ zones in the Inland area~~ provided:
- (1) The use of the trailer is limited to a period of 12 months or until 30 days after the final building permit inspection has been completed by the County Building Official, or the new dwelling is occupied, whichever is earliest.
 - (a) If a trailer located on the building site has been illegally occupied, then the 12-month period shall be reduced by the period of time during which the trailer has been illegally occupied on the site.

- (2) The building permit has been issued for the dwelling and the foundation has been inspected and approved.
 - (3) The permittee complies with the State Mobile Home Act.
 - (4) The trailer complies with the setbacks and distances between structures required for structures.
- b. The period of time that the trailer is allowed to be used as a dwelling may be extended by the approval of a Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#).
- 6. Dwelling use of trailers after destruction of dwelling.** A ~~Coastal Development Permit or Land Use Permit~~ may be issued to allow the emergency use of the trailer as a dwelling if an occupied dwelling is destroyed by fire, flood, earthquake, vandalism or other calamity beyond the control of the owner, provided:
- a. The ~~Coastal Development Permit or Land Use Permit~~ shall only be valid for a 180-day period; and
 - b. A trailer is not illegally located on the lot.
- 7. Storage of trailers as accessory to a residential use.** Trailers may be stored on a lot, as accessory to the residential use of the lot provided all the following standards are complied with. Watercraft may be kept on the trailer that is stored on the lot.
- a. Trailers shall not be kept, parked or stored in:
 - (1) Required front setback areas.
 - (2) Parking spaces required in compliance with [Section 35.436.050 \(Required Number of Spaces: Residential Uses\)](#).
 - b. Trailers, including anything that is stored in or on the trailer, shall not exceed 8.5 feet in width, 13.5 feet in height (as measured from the surface upon which the vehicle stands to the top of the roof of the trailer), and 40 feet in length.
 - c. Trailers, including anything that is stored in or on the trailer, shall be screened from view from abutting streets.
 - d. The trailer shall not be used for human habitation while kept, parked or stored on the lot.
 - e. Trailers holding vehicles or used to store materials shall be in compliance with [Subsection 35.423.050.B \(Accessory Storage\)](#).
 - f. Any recreational vehicle that is parked outside of a fully enclosed or fully screened structure shall be in compliance with Subsection G, Exterior parking, of [Section 35.436.090](#), Standards for Residential Zones and Uses.
- 8. Mobile communications temporary facility.** Where unplanned or uncontrollable events cause an immediate need for service due to reasonable public health and safety concerns, a temporary facility may be allowed, in compliance with the following:
- a. The facility qualifies as a mobile telecommunications temporary facility.
 - b. The Director in consultation with the County Sheriff and Fire Departments has determined a reasonable public health and safety issue would exist without the operation of a temporary telecommunications facility.
 - c. The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.

- d. The facility would only be permitted onsite for the duration of the event or emergency, not to exceed two weeks, or other period of time, as approved by the Director.
- 9. Watchman trailers during construction.** A trailer, usable for or designed for human habitation, may be maintained on a building site for use as a watchman's quarters during periods of construction of structures on the site, provided:
- a. Building permits have been issued for the structure.
 - b. Only one watchman's trailer shall be allowed on a site.
 - c. The trailer shall be promptly removed upon completion of construction of the structures or within one year from the issuance of the ~~Coastal Development Permit~~ or Land Use Permit for the trailer, whichever occurs first.

CHAPTER 35.444 - TELECOMMUNICATIONS FACILITIES

Sections:

[35.444.010 - Commercial Telecommunications Facilities](#)

[35.444.020 - Noncommercial Telecommunications Facilities](#)

35.444.010 - Commercial Telecommunications Facilities

- A. Purpose and intent.** This Section establishes the permit requirements and standards for the siting and development of commercial telecommunication facilities. The intent is to promote their orderly development and ensure they are compatible with surrounding land uses in order to protect the public safety and visual resources.
- B. Applicability.**
- 1. Affected facilities and equipment.** The provisions of this Section shall apply to commercial telecommunication facilities that transmit or receive electromagnetic signals (e.g., radio, television, and wireless communication services including personal communication, cellular, and paging). This Section shall not be construed to apply to handheld, vehicular, or other portable transmitters or transceivers, including cellular phones, CB radios, emergency services radio, and other similar devices.
 - 2. Allowable zones and permit requirements.** Table 4-10 (Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities) below establishes the allowable zones, permit requirements, and development standards applicable to commercial telecommunications facilities as allowed by this Section. Different permit processes shall be required depending on the type of the commercial telecommunication facility being proposed and whether the facility complies with different development standards.

Table 4-10 - Allowable Zones and Permit Requirements for Commercial Telecommunication Facilities

Project Level Tier	Zones Where Allowed	Permit Requirements	Development Standards
Tier 1 (a) Project - Temporary Facilities	All zones	Coastal Development Permit or Zoning Clearance	35.442.180.G
Tier 1 (b) Project – Spectrum Act Facility Modifications	<u>All zones</u>	<u>Zoning Clearance</u>	<u>35.444.010.C.1.(b)</u> <u>35.444.010.D</u>
Tier 1 (bc) Project - Hub sites	All zones	Coastal Development Permit or Land Use Permit	35.444.010.C.1.(bc) 35.444.010.D
Tier 2 (a) Project - Very small wireless facilities	Nonresidential <u>All zones</u>	Development Plan approved by the Director	35.444.010.C.2.(a) 35.444.010.D
Tier 2 (b) Project - Tenant improvements	Nonresidential zones	Development Plan approved by the Director	35.444.010.C.2.(b) 35.444.010.D
Tier 2 (c) Project - Collocated Facilities	Nonresidential zones	Development Plan approved by the Director	35.444.010.C.2.(c) 35.444.010.D
Tier 2 (d) Project - Facilities that comply with the zone height limit (1)	Nonresidential zones, except not allowed in the Recreation (REC) zone	Development Plan approved by the Director	35.444.010.C.2.(d) 35.444.010.D
Tier 3 (a) Project - Facilities not exceeding 50 ft. in height (1)	Nonresidential zones, except not allowed in the Recreation (REC) zone	Conditional Use Permit	35.444.010.C.3.(a) 35.444.010.D
Tier 3 (b) Project - Satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception	Nonresidential zones	Conditional Use Permit	35.444.010.C.3.(b) 35.444.010.D
Tier 4 (a) Project - Facilities that are not allowed in compliance with Tier 1 through Tier 3	All zones	Conditional Use Permit	35.444.010.C.4.(a) 35.444.010.D
Tier 4 (b) Project - Other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations	Nonresidential zones	Conditional Use Permit	35.444.010.C.4.(b) 35.444.010.D

Notes:

(1) Not allowed in or within 300 feet of a residential zone.

C. Processing. Permits for commercial telecommunication facilities shall be approved in compliance with the following requirements, including the requirements of Subsection D. through Subsection H. below, unless otherwise specified. Modifications to zone regulations in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#) or [Section 35.472.080 \(Development Plans\)](#) may be allowed only as specified in this Section.

1. Tier 1 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 1 commercial facility:

a. Standards for Tier 1 projects, temporary facilities. Temporary telecommunications facilities may be permitted in compliance with [Section 35.442.180.G](#).

b. Standard for Tier 1 projects, Spectrum Act facilities. Pursuant to Section 6409 of the federal Spectrum Act (47 U.S.C. Section 1455) and its implementing regulations (47 C.F.R. Section 1.6100), as amended, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station shall be allowed. The terms used in this subsection shall have the meaning ascribed to them in 47 C.F.R. Section 1.6100(b), as amended.

(1) Pursuant to 47 C.F.R Section 1.6100, as amended, the request shall comply with the following:

(a) Eligible facilities request. The project must be a request for modification to an

existing wireless tower or base station that involves:

(i) Collocation of new transmission equipment;

(ii) Removal of transmission equipment; or

(iii) Replacement of transmission equipment.

(b) The wireless tower or base station is existing at the time of permit application, supports existing antennas, and was permitted in compliance with this Development Code.

(c) The wireless tower is any structure built for the sole purpose of supporting any Federal Communications Commission (FCC)-licensed antennas and associated facilities.

(2) Substantial change. Pursuant to 47 C.F.R Section 1.6100, as amended, a modification shall not be allowed pursuant to this section if it substantially changes the physical dimensions of an existing wireless tower or base station. A modification substantially changes the physical dimensions if it meets any of the following criteria:

(a) Wireless towers not located within the public right-of-way.

(i) The modification increases the height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest antenna not to exceed 20 feet, whichever is greater.

(ii) The modification adds an appurtenance to the body of the tower that would protrude from the edge of the tower by more than 20 feet, or by more than the width of the tower structure at the level of the appurtenance, whichever is greater.

(b) Wireless towers located within the public right-of-way and base stations.

(i) The modification increases the height of the structure by more than 10 percent, or by more than 10 feet, whichever is greater.

(ii) The modification adds an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.

(iii) The modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure.

(iv) The modification involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure.

(c) The modification involves installation of more than the standard number of equipment cabinets for the technology involved, but not to exceed four cabinets.

(d) The modification entails excavation or deployment outside of the current site.

(e) The modification would defeat the concealment elements of the support structure.

c. Standards for Tier 1 projects, hub sites. Wireless telecommunication facilities that comply with the following may be allowed:

(1) The facility qualifies as a hub site.

(2) No antennas are proposed except as follows:

(a) One Global Positioning System (GPS) may be allowed.

(3) The facility is located within a permitted building.

2. **Tier 2 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 2 commercial facility:

~~a. **Standards for Tier 2 projects, very small facilities.** Wireless telecommunication facilities that comply with the following may be allowed:~~

~~(1) Antennas shall be limited to panel antennas or omnidirectional antennas. Antennas and associated above ground equipment shall not exceed a combined volume of one cubic foot.~~

~~(2) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., street light, traffic light, telephone pole, existing wooden pole) that is not being considered for removal, as determined by the Director, or the roof of an existing structure or vaulted underground.~~

~~(a) More than two antennas shall not be located on a single utility pole or similar structure unless it is determined by the review authority that there will not be a negative visual impact. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the facility shall be removed prior to undergrounding and the permit for the facilities shall be null and void.~~

~~(3) The highest point of the antenna either does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.~~

~~(4) The placement of multiple, interconnected, very small facilities to establish a new network (i.e. four or more within a square mile) shall be reviewed as a whole project including all components that result in a physical change to the environment (e.g. antennas, equipment, cabling, trenching, boring, vaults, poles, hub sites.)~~

a. **Standards for Tier 2 projects, small wireless facilities.** “Small wireless facilities,” as that term is defined in 47 C.F.R. Section 1.6002(1), as amended, that comply with the following may be allowed.

(1) The facilities:

(a) are mounted on structures 50 feet or less in height including antennas as defined in 47 C.F.R. Section 1.1320(d);

(b) are mounted on structures no more than 10 percent taller than other adjacent structures; or

(c) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.

(2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume.

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.

(4) The facility does not require antenna structure registration under Part 17 of Title 47 C.F.R., or its successor regulations (i.e., Federal Communications registration due to extreme height or proximity to an airport).

- (5) The facility is not located on Tribal lands, as defined under 36 C.F.R. Section 800.16(x), or its successor regulation.
- (6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b), or its successor regulation.
- (7) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., street light, traffic light, telephone pole, existing wooden pole) that is not being considered for removal, as determined by the Director, or the roof of an existing structure, or vaulted underground, unless technical requirements dictate otherwise.
 - (a) If technical requirements dictate that the antenna cannot be mounted on an existing operational public utility pole or similar support structure, the antenna may be mounted on a new pole or similar support structure provided the new pole or support structure replicates the materials, color, and finish of existing infrastructure nearby.
- (8) The placement of multiple, interconnected, small wireless facilities to establish a new network (i.e. four or more within a square mile) may be reviewed as a whole project including all components that result in a physical change to the environment (e.g. antennas, equipment, cabling, trenching, boring, vaults, poles, hub sites.)
- (9) **Colors and materials.** Colors and materials shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.
- (10) **Facade-mounted antennas.** Antennas mounted to the façade of a building or structure shall be architecturally integrated into the building or structure design and otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not protrude more than two feet horizontally from the façade.

b. Standards for Tier 2 projects, tenant improvements. Wireless telecommunication facilities that comply with the following may be allowed: ~~Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with the following development standards:~~

- (1) The facility qualifies as a tenant improvement that does not otherwise qualify as a small wireless facility under C.2.a, above.
- (2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. ~~If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location.~~ Modifications to the height limit in compliance with [Subsection 35.472.080.H](#) (Conditions, restrictions, and modifications) shall not be allowed.
- (3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under any of the following circumstances:
 - (a) The antenna, associated antenna support structure, and equipment shelter is located within an existing structure.
 - (b) The antenna is mounted on an exterior wall of an existing structure, and the highest point of either the antenna or the antenna support structure does not

extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.

- (c) The antenna or equipment shelter is located on the roof of an existing structure behind a parapet wall or architectural façade and the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
- (d) The portion of the facility that would exceed the height limit is located within an addition that qualifies as an architectural projection.

- (4) Antennas and associated antenna support structures proposed to be installed on the roof or directly attached to an existing structure shall be fully screened or architecturally integrated into the design of the structure. The highest point of the antenna and associated antenna support structure shall not extend above the portion of the structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure. If mounted on the roof of an existing structure the highest point of the antenna shall not extend above the parapet wall or architectural façade.
- (5) Equipment shelters proposed to be installed on the roof of an existing or proposed structure shall be fully screened or architecturally integrated into the design of the structure (e.g., located behind a parapet wall or architectural façade) and the highest point of the equipment shelter shall not protrude above the parapet wall or architectural façade.

(6) Colors and materials. Colors and materials shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.

~~(67)~~ Access to the facility shall be provided by existing roads or driveways.

- c. **Standards for Tier 2 projects, collocated facilities.** Wireless telecommunication facilities that comply with the following may be allowed: ~~Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with applicable development standards.~~

(1) The facility qualifies as a collocated telecommunications facility that does not otherwise qualify as a small wireless facility under C.2.a, above.

(2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. ~~If the facility is located in the AG I zone, the height limit is that which applies to residential structures in that location.~~ Modifications to the height limit in compliance with [Subsection 35.472.080.H](#) (Conditions, restrictions, and modifications) shall not be allowed.

~~(3a)~~ Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under the following circumstances:

~~(a)~~ As provided in Subsection C.2.b.(3).

~~(b)~~ The highest point of the any portion of the new facility proposed to be located on an existing facility does not extend above the existing antenna support structure or the portion of any other structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure.

- d. **Standards for Tier 2 projects, facilities that comply with the zone height limit.** Wireless

telecommunication facilities that do not otherwise qualify as small wireless facilities under C.2.a. above and that comply with the following may be allowed:-

- (1) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in except as provided below. ~~If the facility is located in the AG I zone, the height limit is that which applies to residential structures in that location.~~ Modifications to the height limit in compliance with [Subsection 35.472.080.H](#) (Conditions, restrictions, and modifications) shall not be allowed.
 - (a) Antennas, associated antenna support structures and equipment shelters may exceed the height limit of the zone that the project is located under the following circumstances:
 - (i) As provided in [Subsection C.2.c.\(3\)\(a\)](#).
 - (ii) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard), as determined by the Director, provided that the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
- (2) The height of the antenna and associated antenna support structure shall not exceed 15 feet above the highest point of the structure on which the antenna and support structure is located. Architectural projections shall not be used in determining the highest point of the structure. If located on a flat roof of an existing structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.
- (3) The base of a new freestanding antenna support structure shall be set back from a lot with a residential zone designation a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.

3. Tier 3 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 3 commercial facility:

a. Standards for Tier 3 projects, facilities not exceeding 50 feet in height that do not otherwise qualify as a small wireless facility under C.2.a. above. Wireless telecommunication facilities that comply with the following may be allowed:

- (1) Antennas, the associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions as provided below. ~~If the facility is located in the AG I zone, the height limit is that which applies to residential structures in that location.~~ A modification to the height limit in compliance with [Subsection 35.472.060.I](#) (Conditions, restrictions, and modifications) may be allowed. However, the highest point of the antenna and associated antenna support structure shall not exceed 50 feet.
- (2) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in without the approval of a modification in compliance with [Subsection 35.472.060.I](#) (Conditions, restrictions, and modifications) under the following circumstances:
 - (a) As provided in [Subsection C.2.d.\(1\)\(a\)](#).
 - (b) The antenna and antenna support structure are mounted on an existing structure and the height of the antenna and antenna support structure does not exceed 15 feet above the highest point of the structure provided the highest point of the

antenna does not exceed 50 feet. Architectural projections shall not be used in determining the highest point of the structure.

- (3) New freestanding antenna support structures and associated antennas that do not utilize an existing operational public utility pole or similar support structure, as determined by the Director, shall not exceed a height of 50 feet.
- (4) The base of a new freestanding antenna support structure shall be set back from a residentially zoned lot a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.

b. Standards for Tier 3 projects, satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception. Other telecommunication facilities or structures, including satellite ground station facilities, relay towers, towers or antennas for the transmission and/or reception of radio, television, and communication signals that comply with the following may be allowed:

- (1) Are not located in a residential zone as identified in [Section 35.404.020 \(Zoning Map and Zones\)](#).
- (2) Do not exceed 50 feet in height.

4. Tier 4 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 4 commercial facility:

a. Standards for Tier 4 projects, facilities that are not allowed in compliance with Tier 1 through Tier 3. Wireless telecommunication facilities that may not be permitted in compliance with Subsections C.1 through C.3 above, but do comply with the following development standards, under Subsection D below, may be allowed provided the height of the antenna and associated antenna support structures shall not exceed 75 feet.

b. Standards for Tier 4 projects, other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations. Other telecommunication facilities as follows are allowed in nonresidential zones as identified in [Section 35.404.020 \(Zoning Map and Zones\)](#). These do not include wireless telecommunication facilities that are subject to the provisions of Subsection C.4.a above, or amateur radio facilities that are subject to the provisions of [Section 35.444.020 \(Noncommercial Telecommunication Facilities\)](#).

- (1) Facilities that are subject to regulation by the ~~Federal Communications Commission~~ FCC or the California Public Utilities Commission (e.g., AM/FM radio stations, television stations). Such facilities may include: equipment shelters, antennas, antenna support structures, and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals.
- (2) Other commercial telecommunication facilities that exceed 50 feet in height.

D. Additional development standards for telecommunication facilities. In addition to the development standards in Subsection C. (Processing) above, all commercial telecommunication facilities except temporary mobile telecommunications facilities, shall also comply with the following development standards unless otherwise indicated below.

1. Telecommunication facilities shall comply in all instances with the following development standards:
 - a. Setbacks.** The facility shall comply with the setback requirements of the zone in which the facility is located except as follows:
 - (1) Antennas may be located within the setback area without approval of a modification in compliance with Subsection [35.472.060.I](#) (Conditions, restrictions, and modifications)

- or Subsection 35.472.080.H (Conditions, restrictions, and modifications) provided they are installed on an existing, operational, public utility pole, or similar existing support structure.
- (2) Underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress or egress.
 - (3) A modification to the setback is granted in compliance with Subsection 35.472.060.I (Conditions, restrictions, and modifications), or Section 35.472.080.H (Conditions, restrictions, and modifications).
- b. Height limits and exceptions.** The height of antennas and associated antenna support structures (e.g., lattice towers, monopoles) are limited to 50 feet in height and shall comply with the height limits specified in Subsection C. (Processing) above.
- (1) The height limit may be increased to a maximum of 75 feet when technical requirements dictate.
 - (2) Antennas and support structures used in connection with wireless communication facilities may exceed 75 feet if:
 - (a) The antenna is mounted on or within an existing structure and the highest point of the antenna does not protrude above the highest point of the structure, including parapet walls and architectural façades, that the antenna is mounted on; or,
 - (b) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by the Director provided the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
- c. Fencing.** The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated antenna support structure, and equipment shelter.
- d. Historical landmarks.** Facilities proposed to be installed in or on a structure or site that has been designated by the County as a historical landmark shall be reviewed and approved by the Historical Landmarks Advisory Commission, or the Board on appeal.
- e. Compliance with ~~Federal Communication Commission~~ FCC.** The facility shall comply at all times with all ~~Federal Communication Commission~~ FCC rules, regulations, and standards.
- f. Access roads and parking areas.** The facility shall be served by roads and parking areas consistent with the following requirements:
- (1) New access roads or improvements to existing access roads shall be limited to the minimum required to comply with County regulations concerning roadway standards and regulations.
 - (2) Existing parking areas shall be used whenever possible, and new parking areas shall not exceed 350 square feet in area.
 - (3) Newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other allowed uses.
- g. Lighting.** The facility shall be unlit except for the following:
- (1) A manually operated light or light controlled by motion-detector that includes a timer located above the equipment structure door that shall be kept off except when personnel are present at night.
 - (2) Where an antenna support structure is required to be lighted, the lighting shall be

shielded or directed to the greatest extent possible so as to minimize the amount of light that falls onto nearby residences.

- h. **Exterior finish.** The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in non-reflective materials.
- i. **Painted surfaces.** Structures, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and repainted as necessary with a non-reflective paint. The lessee shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by a review authority in approving a subsequent permit for development.
- j. **Landscaping.** The facility shall be constructed so as to maintain and enhance existing vegetation, without increasing the risk of fire hazards, through the implementation of the following measures:
 - (1) Existing trees and other vegetation that screens the facility and associated access roads, power lines and telephone lines that are not required to be removed in order to construct the facility or to achieve fire safety clearances, shall be protected from damage during the construction period and for the life of the project.
 - (2) Underground lines shall be routed to avoid damage to tree root systems to the maximum extent feasible.
 - (3) Additional trees and other native or adapted vegetation shall be planted and maintained in the vicinity of the project site, and associated access roads, power lines, and telephone lines, under the following situations:
 - (a) The vegetation is required to screen the improvements from public viewing areas.
 - (b) The facility or related improvements are likely to become significantly more visible from public viewing areas over time due to the age, health, or density of the existing vegetation.

Required landscape plans shall be comprised of appropriate species and should be prepared by a botanist, licensed landscape contractor, or licensed landscape architect ~~unless the project is located within the Coastal Zone in which case a botanist, licensed landscape contractor or licensed landscape architect shall prepare the landscape plan.~~ A performance security shall be required to guarantee the installation and maintenance of new plantings.

- (4) Existing trees or significant vegetation used to screen the facility that die in the future shall be replaced with native trees and vegetation of a comparable size, species, and density. The facility may be required to be repainted during the time required for the newly planted vegetation to mature and provide adequate screening.
- (5) The vegetation that exists when the project is initially approved that is required to provide screening for the facility shall not be altered in a manner that would increase the visibility of the facility and associated access roads, power lines, and telephone lines, except:
 - (a) Where the alteration is specifically allowed by the approved project; or
 - (b) Where necessary to avoid signal interference to and from the approved facility.

Alteration of vegetation shall be done under the direction of a licensed arborist.

- ~~(6) In the Coastal Zone, vegetation proposed and/or required to be planted in association with a commercial telecommunications facility shall consist of non-invasive plant species only.~~

2. Telecommunication facilities shall comply with the following development standards in all instances, except that the review authority may exempt a facility from compliance with one or more of the following development standards if requested by the applicant. However, an exemption may only be granted if the review authority finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance either will not increase the visibility of the facility or decrease public safety, or it is required due to technical considerations ~~that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or it would avoid or reduce the potential for environmental impacts.~~

- a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated during power outages and for testing and maintenance purposes. New utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead line would not be visible from a public viewing area. New underground utilities shall contain additional capacity (e.g., multiple conduits) for additional power lines and telephone lines if the site is determined to be suitable for collocation.
- b. ~~In the Inland area, d~~Disturbed areas associated with the development of a facility shall not occur within the boundaries of an environmentally sensitive habitat area. ~~See Subsection D.3.e below regarding allowance for disturbance within environmentally sensitive habitat areas located within the Coastal Zone.~~
- c. Collocation on an existing support structure shall be required for facilities allowed in compliance with Subsection C.2, through Subsection C.4. of this Section, unless:
 - (1) The applicant can demonstrate that reasonable efforts, acceptable to the review authority, have been made to locate the antenna on an existing support structure and these efforts have been unsuccessful; or
 - (2) Collocation cannot be achieved because there are not existing facilities in the vicinity of the proposed facility; or
 - (3) The review authority determines that collocation of the proposed facility would result in greater visual impacts than if a new support structure were proposed.

Proposed facilities shall be assessed as potential collocation facilities or sites to promote facility and site sharing so as to minimize the overall visual impact. Sites determined by the Department to be appropriate as collocated facilities or sites shall be designed in a way that antenna support structures and other associated features (e.g. parking areas, access roads, utilities, equipment buildings) may be shared by site users. Criteria used to determine suitability for collocation include the visibility of the existing site, potential for exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs in the surrounding area, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the ~~Federal Communications Commission~~ FCC. Additional requirements regarding collocation are located in Subsection E.3 (Collocation) below.

- d. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas).
- e. ~~In the Coastal Zone, disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon a showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils.~~

- ~~f. In the Coastal Zone, facilities shall be prohibited in areas that are located between the sea and the seaward side of the right of way of the first through public road parallel to the sea, unless a location on the seaward side would result in less visible impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize visual impacts.~~
3. Telecommunication facilities shall comply with the following development standards in all instances, except that the review authority may exempt a facility from one or more standards if requested by the applicant. If an exemption from one or more of the following standards is requested, then the facility shall require a Conditional Use Permit approved by the Montecito Commission in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#). An exemption shall only be granted if the Montecito Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance shall not increase the visibility of the facility or decrease public safety, or is required due to technical considerations ~~and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility~~, or it would avoid or reduce the potential for environmental impacts.
- a. A facility shall not be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor as designated on the Comprehensive Plan maps.
- b. A facility shall not be installed on an exposed ridgeline unless it blends with the surrounding existing natural or manmade environment in a manner that ensures that it will not be substantially visible from public viewing areas (e.g., public road, trails, recreation areas) or is collocated in a multiple user facility.
- c. A facility that is substantially visible from a public viewing area shall not be installed closer than two miles from another substantially visible facility unless it is an existing collocated facility situated on a multiple user site.
- d. Telecommunication facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility shall be designed to look like the natural or manmade environment (e.g., designed to look like a tree, rock outcropping, or streetlight) or designed to integrate into the natural environment (e.g., imbedded in a hillside). These facilities shall be compatible with the existing surrounding environment.
- ~~e. In the Coastal Zone, disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of an environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program. Associated landscaping in or adjacent to environmentally sensitive habitat areas shall be limited to locally native plant species appropriate to the habitat type and endemic to the watershed. Invasive, nonindigenous plant species that tend to supplant native species shall be prohibited.~~

E. Project installation and post installation provisions.

1. **FCC Compliance.** The facility shall be operated in strict conformance with: (i) all rules, regulations, standards and guidance published by the ~~Federal Communications Commission (FCC)~~, including but not limited to, safety signage, Maximum Permissible Exposure (MPE) Limits, and any

other similar requirements to ensure public protection and (ii) all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction.

- a. **Demonstration of compliance.** Compliance with all applicable standards shall be demonstrated with a report prepared by a qualified professional acceptable to the County to perform radio-frequency (RF) field testing to evaluate compliance with current federally established MPE standards. Compliance shall be demonstrated as needed to address changes in setting, technology and FCC regulations.
- b. **Conditions of approval.** The approved planning permit for the facility may include conditions of approval as determined to be appropriate by the review authority to ensure that the facility is operated in a manner that does not pose, either by itself or in combination with other facilities, a potential threat to public safety. Said conditions of approval may include the following requirements:
 - (1) **Initial verification.** The Permittee shall submit a report prepared by a qualified professional acceptable to the County (wholly independent of Permittee) that includes a RF field test that measures actual RF electromagnetic exposure at the site within 30 days of Final Building Permit Clearance.
 - (a) This RF field-testing shall measure all ambient sources of RF energy at the site and report the cumulative RF exposure, including contributions from the site together with other sources of RF energy in the environment as a whole.
 - (b) The field test should include the author's/professional's findings with respect to compliance with federally established MPE standards.
 - (c) Should the facility exceed the applicable standards, the facility shall cease and desist commercial operations until it complies with, or has been modified to comply with, applicable RF standards.
 - (2) **Continued compliance.** The Permittee shall demonstrate continued compliance with the MPE limits through submittal of regular ~~radio frequency~~ ("RF") field test reporting in compliance with the following:
 - (a) Every five years, or other time period as specified by the review authority as a condition of approval of the project, a report prepared by a qualified professional acceptable to the County to perform RF field testing to evaluate compliance with current federally established MPE standards shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. The report shall be submitted by the newest carrier operating at the facility to the Director. If the level of RF emissions has changed since permit approval, measurements of RF levels in nearby inhabited areas shall be taken and submitted with the report.
 - (3) **Facility upgrades.** Prior to the addition/replacement of equipment which has the potential to increase RF emissions at any public location beyond that estimated in the initial application and is within the scope of the project description, Permittee shall submit a report providing the calculation of predicted maximum effective radiated power including the new equipment as well as the maximum cumulative potential public RF exposure expressed as a percentage of the public MPE limit attributable to the site as a whole. Once the new equipment has been installed, Permittee shall perform Initial Verification as stated above.
 - (4) **Updated standards.** In the event the federally established RF public exposure standards change, the Permittee shall submit a report with calculations of the maximum potential public RF exposure from the Project with respect to the revised RF public exposure standards within 90 days of the date the change becomes effective. If

calculated levels exceed 80 percent of the applicable RF standards, Permittee shall notify the County and submit a MPE compliance verification report with the results from current RF field-testing at the site.

- c. **Failure to supply reports.** Failure to supply the reports required in compliance with this Subsection E.1 within 30 days following the date that written notice is mailed by the Director that such compliance report is due or failure to remain in continued compliance with the MPE limit shall be grounds for revocation of the ~~Coastal Development Permit or Land Use Permit~~ or other entitlement of use by the Director. The decision of the Director to revoke the ~~Coastal Development Permit or Land Use Permit~~ or other entitlement of use is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
2. **Project Review.** The County reserves the right to undertake inspection of the facility and require the ~~p~~Permittee to modify its facilities should a more effective means of ensuring aesthetic compatibility with surrounding uses have become available as a result of subsequent technological advances, changes in circumstance from the time the project was initially approved, or the project fails to achieve the intended purposes of the development standards listed in Subsection D. (Additional development standards for telecommunication facilities).
3. **Collocation.** The Permittee shall avail its facility and site to other telecommunication carriers and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following parameters:
 - a. The party seeking collocation shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs, and permit processing.
 - b. The Permittee shall not be required to compromise the operational effectiveness of its facility or place its prior approval at risk.
 - c. The Permittee shall make its facilities and site available for collocation on a non-discriminatory and equitable cost basis.
 - d. The County retains the right to verify that the use of the Permittee's facilities and site conforms to County policies.
4. **Abandonment-Revocation.**
 - a. The Permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within one year of discontinuing use of the facility or upon permit revocation.
 - b. Should the Permittee require more than one year to complete removal and restoration activities the Permittee shall apply for a one-time time extension.
 - c. In the event the Owner requests that the facility or structures remain, the Owner shall apply for necessary permits for those structures within one year of discontinued use.
 - d. If use of the facility is discontinued for a period of more than one year and the facility is not removed the County may remove the facility at the Permittee's expense.
5. **Transfer of ownership.** In the event that the Permittee sells or transfers its interest in the telecommunications facility, the Permittee and/or succeeding carrier shall assume all responsibilities concerning the Project and shall be held responsible by the County for maintaining consistency with all conditions of approval. The succeeding carrier shall immediately notify the County and provide accurate contact and billing information to the County for remaining compliance work for the life of the facility.
6. **Color compatibility.** Prior to the issuance of a Zoning Clearance, ~~Coastal Development Permit~~ or Land Use Permit, the applicant shall erect an onsite demonstration structure of sufficient scale and

height to allow the Director to determine that the proposed exterior color is aesthetically compatible with the surrounding area. If the applicant elects not to erect this demonstration structure prior to issuance of the Zoning Clearance, ~~Coastal Development Permit~~ or the Land Use Permit, the Director may determine within 30 days of the facility becoming operational that the exterior color is not aesthetically compatible with the surrounding area and require that the exterior color be changed.

F. Public notice. Notice of the approval of any ~~Coastal Development Permit~~ or Land Use Permit, or the pending decision of the Director on a Development Plan, or a public hearing on a Conditional Use Permit or Development Plan shall be given in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).

G. Additional findings. In addition to the findings required to be adopted by the review authority in compliance with ~~Section 35.472.050 (Coastal Development Permits)~~, [Section 35.472.060 \(Conditional Use Permits\)](#), [Section 35.472.080 \(Development Plans\)](#) and [Section 35.472.110 \(Land Use Permits\)](#) in order to approve an application to develop a telecommunication facility, the review authority shall also make the following findings:

1. The facility will be compatible with the existing and surrounding development in terms of land use and visual qualities.
2. The facility is located to minimize its visibility from public view.
3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.
4. The facility complies with all required development standards unless granted a specific exemption by the review authority as provided in Subsection D. (Additional development standards for telecommunication facilities) above.
 - a. An exemption to one or more of the required development standards may be granted if the review authority additionally finds that in the specific instance that the granting of the exemption:
 - (1) Would not increase the visibility of the facility or decrease public safety, or
 - (2) Is required due to technical considerations ~~and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility,~~ or
 - (3) Would avoid or reduce the potential for environmental impacts.
5. The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the ~~Federal Communications Commission~~ [FCC](#) and complies with all other applicable safety standards.
- ~~6. The applicant has demonstrated a need for service (i.e. coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.~~
- ~~7. The applicant has demonstrated that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.~~

H. Application requirements.

1. An application for a ~~Coastal Development Permit~~, Conditional Use Permit, Development Plan, Land Use Permit or Zoning Clearance to permit the development of a commercial telecommunication facility regulated by this Section shall be filed and processed in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).
2. The Director is authorized at their discretion to employ on behalf of the County independent technical experts to review technical materials submitted including materials required under this Chapter ~~and in those cases where a technical demonstration of unavoidable need or unavailability of~~

~~alternatives is required.~~ Proprietary information disclosed to the County or the hired expert shall remain confidential and shall not be disclosed to a third party.

3. Commercial telecommunication facilities shall be subject to Design Review in compliance with [Section 35.472.070 \(Design Review\)](#) under the following circumstances:
 - a. The facility includes the construction of a new structure or the remodel of or addition to an existing structure that is otherwise subject to Design Review in compliance with [Section 35.472.070 \(Design Review\)](#).
 - b. The Montecito Commission is the review authority for the facility.
- ~~4. The applicant must demonstrate a need for service (i.e. coverage or capacity) as part of the project application and provide reasonable evidence that the area proposed to be served would not otherwise be served by the carrier proposing the facility.~~
- ~~5. The applicant must demonstrate as part of the application that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.~~

35.444.020 - Noncommercial Telecommunications Facilities

- A. Purpose and intent.** This Section establishes the permit requirements and standards for the siting and development of noncommercial telecommunication facilities. The intent is to promote their orderly development and to ensure that they are compatible with surrounding land uses in order to protect the public safety and visual resources through the use of development standards that allow for maximum flexibility in amateur radio operations while protecting the public interest. It is recognized that there are local, state, national, and international interests in services provided by the amateur radio community and the provision of these services shall be protected. However, this shall be balanced with local interests regarding public safety and welfare.
- B. Applicability.**
1. **Affected facilities and equipment.** The provisions of this Section shall apply to all noncommercial telecommunication facilities that transmit or receive electromagnetic signals (e.g., amateur radio stations, other noncommercial telecommunication signals).
 2. **Allowable zones and permit requirements.** Table 4-11 (Allowable Zones and Permit Requirements for Noncommercial Telecommunication Facilities) below establishes the allowable zones, permit requirements, and development standards applicable to noncommercial telecommunications facilities as allowed by this Section. Different permit processes shall be required depending on the type of the noncommercial telecommunication facility being proposed and whether the facility complies with different development standards.
- C. Processing.** Permits for Tier 1 or Tier 2 noncommercial telecommunication facilities shall be approved in compliance with the requirements of Subsection D. through Subsection F. below, unless otherwise specified.
- D. Development standards.**
1. ~~Coastal Zone and Inland area.~~ The following standards shall apply to the construction or erection of antennas and antenna support structures associated with amateur radio stations.
 - a. **Access.** An antenna and its support structure shall not impede access by fire or other safety personnel to portions of the lot that the antenna and support structure is located on. Where this access would be impeded, a minimum of three feet clearance shall be provided between the antenna support structure and another structure or other obstacle.
 - b. **Location on roofs.** Antenna support structures that are located on roofs shall be located on the portion of that structure that faces away from public viewing areas (e.g., public streets, parks) whenever technically feasible.
 - c. **Permit requirements.** Required Building and Electrical Permits shall be obtained before erecting or operating the antenna support structure and associated antenna.
 - d. **Extension over neighboring property.** An antenna, regardless of height, shall be located to ensure that it does not extend over neighboring lot without the express written, notarized consent of the affected lot owner. If the affected lot changes ownership, then written, notarized consent shall be obtained from the new owner within 120 days from the transfer of ownership. If a new agreement cannot be reached within this time period, then the antenna shall be modified so that it does not extend over the lot line. If the antenna support structure must be relocated, then a new ~~Coastal Development Permit or Land Use Permit or Zoning Clearance~~ shall be obtained in compliance with ~~Section 35.472.050 (Coastal Development Permits)~~ or [Section 35.472.110 \(Land Use Permits\)](#) or [Section 35.472.190 \(Zoning Clearance\)](#) before relocation of the antenna support structure.
 2. ~~Coastal Zone.~~ In the Coastal Zone, noncommercial telecommunication facilities shall comply with the following additional development standards only to the extent that the requirements do not

~~preclude amateur service communications and reasonably accommodate amateur service communications. If an exemption from one or more of the following standards is requested, then the facility shall require a Conditional Use Permit approved by the Montecito Commission in compliance with Section 35.472.060 (Conditional Use Permits).~~

- ~~a. The visible support facilities shall be finished in nonreflective materials.~~
- ~~b. The components of the facility shall be of a color that blends with the surrounding environment to the maximum extent feasible.~~
- ~~c. If the facility is visible from public viewing areas, native vegetation shall be planted to screen the facility.~~
- ~~d. A facility shall not be located to silhouette against the sky if substantially visible from a state designated scenic highway or other public viewing area.~~
- ~~e. Facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed, or located behind earth berms in order to minimize their profile and minimize intrusion into the skyline. If it is necessary for the facility, or portion of the facility, to extend above an exposed ridgeline, the facility shall be designed to blend with the surrounding existing natural or manmade environment in a manner so as to not be substantially visible from public viewing areas (e.g., public roads, trails, recreational areas).~~
- ~~f. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of an environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas and would allow operator to meet the same communication goal. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate the impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program.~~

3. Height limits and exceptions. Amateur radio antennas, including support structures, are limited to 50 feet in height except that this height limit may be increased to a maximum of 75 feet in height where technical requirements dictate.

- a. Amateur radio antennas, including support structures, may exceed 75 feet in height provided the review authority finds that the increased height is necessary in order to allow for the operational needs of the operator.

E. Public notice. Notice of the approval of any ~~Coastal Development Permit or Land Use Permit~~ or the pending decision of the Director on a Development Plan, or a public hearing on a Development Plan shall be given in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).

F. Application requirements. An application for a ~~Coastal Development Permit, Conditional Use Permit, Development Plan or Land Use Permit~~ to permit the development of a noncommercial telecommunication facility regulated by this Section shall be filed and processed in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

Table 4-11 - Allowable Zones and Permit Requirements for Noncommercial Telecommunication Facilities

Project Level Tier	Zones Where Allowed	Permit Requirements	Development Standards
Exempt Projects: Receive-only satellite dish or wireless television antennas one meter or less in diameter. (1) (2)	All zones	None	None
Exempt Projects: Inland area only —Amateur radio antennas, including support structure, where value is less than \$2,000.00 (1)(2)	All zones	None	35.444.020.D
Tier 1 Project: Receive-only satellite dish antennas or wireless television antennas greater than one meter but less than or equal to two meters in diameter. (1) (2)	All zones	Coastal Development Permit or Land Use Permit	35.444.020.D
Tier 1 Project: Amateur radio antennas, including support structure, 65 feet or less in height. (3) (4)	All zones	Coastal Development Permit or Land Use Permit	35.444.020.D
Tier 2 Project: Receive-only satellite dish antennas or wireless antennas greater than two meters in diameter. (1) (2)	All zones	Development Plan (5)	35.444.020.D
Tier 2 Project: Amateur radio antennas, including support structure, greater than 65 feet in height. (3) (4)	All zones	Development Plan (5)	35.444.020.D

Notes:

- (1) The antenna shall be used solely by the occupants of the lot on which the antenna is located.
- (2) The antenna may be located on the ground or attached to a structure.
- (3) Where the height of the antenna including the support structure is adjustable (e.g., a retractable, telescoping or tilt-over antenna), the height of the antenna with support structure shall be measured when it is at the lowest position, provided the antenna with support structure is maintained at the lowest position unless the associated antenna radio station is operating.
- (4) The amateur radio antenna shall be used in conjunction with a licensed amateur radio station, including Military Affiliated Radio Stations, operated principally by the occupant of the lot on which the amateur radio antenna and station is located.
- (5) The Director shall act as the review authority unless a public hearing is requested in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#) in which case the Montecito Commission shall be the review authority.

CHAPTER 35.446 - ~~RESERVED~~ WIND ENERGY CONVERSION SYSTEMS

Sections:

- ~~35.446.010 Purpose and Intent~~
- ~~35.446.020 Applicability~~
- ~~35.446.030 Allowed Uses and Permit Requirements~~
- ~~35.446.040 Application Filing, Processing, and Review~~
- ~~35.446.050 Development Standards for Small Wind Energy Systems~~
- ~~35.446.060 Project Abandonment~~
- ~~35.446.070 Repeal~~

35.446.010 – Purpose and Intent

~~This Chapter identifies the types of wind energy conversion facilities that are allowed and the zones in which they are allowed, determines the required types of permits, and provides regulations for their location and operation. The intent of these regulations is to encourage wind energy development while protecting public health and safety.~~

35.446.020 – Applicability

~~The provisions of this Chapter shall apply to wind energy conversion systems used for electrical power generation. Wind machines used for climate control or water pumping are considered accessory uses to agriculture and are not regulated by this Chapter.~~

35.446.030 – Allowed Uses and Permit Requirements

- ~~**A. General permit requirements.** Table 4-12 (Allowed Uses and Permit Requirements for Wind Energy Conversion Systems) identifies the types of wind energy conversion systems that are allowed by this Development Code in each zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements). A wind energy conversion system that is not listed in the table is not allowed.~~
- ~~**B. Requirements for certain wind energy conversion systems.** Where the last column (Specific Use Regulations) in Table 4-12 (Allowed Wind Energy Conversion Systems) includes a section number, the referenced Section may establish other requirements and standards applicable to the wind energy conversion system.~~

Table 4-12 Allowed Wind Energy Conversion Systems	E	Allowed use, no permit required (Exempt)			
	P	Permitted Use, Land Use or Coastal Permit required (1)			
	MCUP	Minor Conditional Use Permit required (1)			
	CUP	Conditional Use Permit required (1)			
	S	Permit requirement set by Specific Use Regulations			
	—	Use not allowed			
Type of Wind Energy Conversion System	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	Resource Protection Zones: RMZ	Residential Zones: R-1/E-1	Commercial Zones: C-V	Special Purpose Zones: PU	
Small Wind Energy Systems (SWES) Total site maximum power output = 50 KW or less (2)	CUP	CUP	CUP	CUP	35.446.050

Notes:

(1) Development Plan approval may be required in compliance with Section 35.446.040.B., below.

(2) A SWES may only be located on a lot having a minimum area of three acres located outside of urbanized areas as defined in Chapter 35.500 (Definitions).

35.446.040 – Application Filing, Processing, and Review

A. Application submittal requirements. All applications for permits required by this Chapter shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing) and shall also include the following:

1. A site plan that includes:
 - a. The height of structures and trees within 300 feet of the proposed wind turbines.
 - b. The location of existing and proposed structures within 500 feet of the turbine(s), including a description of their use and floor area.
2. Elevations of the components of the proposed wind energy conversion system.
3. The maximum rated power output and maximum blade rotation rate of proposed wind turbines.
4. The intended use of the generated power.
5. If deemed necessary by the Director based on site specific considerations including proximity to inhabited areas and public use areas:
 - a. A visual analysis of the proposed system as installed, which may include a computerized photographic simulation, demonstrating any visual impacts from one or more strategic vantage points.
 - (1) The analysis shall include an analysis of the zone of potential shadow flicker in relation to the project site’s property lines and residences located on lots adjacent to the project site.
 - (2) The analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.
 - b. A noise analysis, including documentation of the dB(A) level and characteristics of the noise generated by the wind turbine over the range of wind speeds between turbine cut in and cut out speeds, and including a noise level contour map showing worst case modeling of noise levels at the project site’s property lines and residences located on lots adjacent to the project site.

6. ~~Documentation of:

 - a. ~~Any overspeed protection devices.~~
 - b. ~~The maximum noise levels generated by the wind turbine, if available.~~~~
7. ~~A description of the measures taken to minimize adverse noise, transmission interference, and visual and safety impacts to adjacent land uses including but not limited to overspeed protection devices and methods to prevent public access to the structure.~~
8. ~~Written evidence that:

 - a. ~~The proposed height of a tower does not exceed the height recommended by the manufacturer or distributor of the system.~~
 - b. ~~The electricity utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer owned electricity generator. If the applicant does not plan to connect the system to the electricity grid, the applicant shall include a statement to that effect in the application.~~~~
9. ~~Standard drawings and an engineering analysis of the system's tower and foundation, showing compliance with the California Building Standards Code and certification by a professional mechanical, structural, or civil engineer licensed by California. A wet stamp shall not be required on the drawings and analysis, if the application demonstrates that the system is designed to meet the most stringent wind requirements (Uniform Building Code wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, or other relevant information normally required by the Department.~~
10. ~~A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.~~
11. ~~Sufficient information demonstrating that the system will be used primarily to reduce onsite consumption of electricity, including a complete listing of onsite electrical demands.~~

B. ~~Development Plan required.~~ The approval of a Final Development Plan in compliance with Section 35.472.080 (Development Plans) may be required in compliance with the following:

1. ~~In compliance with Section 35.421.030 (Agricultural Zone Allowable Land Uses) for projects located in Agricultural Zones.~~
2. ~~In compliance with Section 35.422.030 (Resource Protection Zone Allowable Land Uses) for projects located in Resource Protection Zones.~~
3. ~~In compliance with Section 35.423.030 (Residential Zones Allowable Land Uses) for projects located in Residential Zones.~~
4. ~~In compliance with Section 35.424.030 (Commercial Zones Allowable Land Uses) for projects located in Commercial Zones.~~
5. ~~In compliance with Section 35.425.030 (Special Purpose Zones Allowable Land Uses) for projects located in Special Purpose Zones.~~

C. ~~Coastal Development Permit required.~~

1. ~~If an application for a Conditional Use Permit or Final Development Plan is submitted for property located in the Coastal Zone, then an application for a Coastal Development Permit for the development requested by the Conditional Use Permit or Final Development Plan application shall also be submitted and shall be processed concurrently and in conjunction with a Conditional Use Permit or Final Development Plan application except when the Coastal Commission is the review authority for the Coastal Development Permit because the development is located:~~

- a. ~~Within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b); or~~
 - b. ~~In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.~~
2. ~~The application for the Coastal Development Permit shall contain all of the submittal requirements for a Coastal Development Permit in compliance with Section 35.472.050.C that the Director determines to be applicable to the request.~~

D. Notice.

1. ~~Notice of an application for a small wind energy system shall be provided in compliance with Chapter 35.496 (Noticing and Public Hearings) and shall, at a minimum, provide notice to owners and residents of property located within a 300 foot radius of the lot on which the system is proposed to be located.~~
2. ~~If deemed necessary by the Director due to circumstances specific to the proposed installation, notice shall also be provided by placing a display advertisement of at least one eighth page in at least one newspaper of general circulation within Santa Barbara County. Examples of such circumstances include when the system would be significantly visible from public viewing areas, or where the standard notice requirement would not provide notice to nearby residential areas that might be adversely impacted by the system.~~
3. ~~If a county receives an application to install a small wind energy system on a site that is within 1,000 feet of a military installation, within special use airspace, or beneath a low level flight path as defined by Section 21098 of the Public Resources Code, then the county shall promptly comply with Section 65944. If the governing authority of any military installation, special use airspace, or low level flight path provides written comments regarding that application, the county shall consider those comments before acting on the application.~~
4. ~~If a small wind energy system is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes, the county shall take reasonable steps, concurrent with other notices issued pursuant to this subdivision, to notify pest control aircraft pilots registered to operate in the county pursuant to Section 11921 of the Food and Agricultural Code.~~

35.446.050 – Development Standards for Small Wind Energy Systems

Small Wind Energy Systems shall be in compliance with the following standards:

A. Permitted areas. Wind energy systems that qualify as Small Wind Energy Systems may be located outside of urbanized areas unless prohibited by any of the following:

1. ~~The Local Coastal Program and any implementing regulations.~~
2. ~~The California Coastal Commission, pursuant to the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).~~
31. ~~The Santa Barbara County Airport Land Use Plan and any implementing regulations adopted by the Santa Barbara County Airport Land Use Commission pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9 of Part 1 of the Public Utilities Code.~~
42. ~~The Alquist Priolo Earthquake Fault Zoning Act, Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code.~~
53. ~~Any regulation adopted by the Santa Barbara County Board of Supervisors to protect the scenic appearance of the scenic highway corridor designated pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.~~
64. ~~The terms of a conservation easement entered into pursuant to Chapter 4 (commencing with Section~~

~~815) of Division 2 of Part 2 of the Civil Code.~~

~~75. The terms of an open space easement entered into pursuant to the Open space Easement Act of 1974, Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5 of the Government Code.~~

~~86. The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act, Division 10.2 (commencing with Section 10200) of the Public Resources Code.~~

~~97. The terms of a contract entered into pursuant to the Williamson Act, Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code.~~

~~108. The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.~~

~~**B. Development Standards.** All Small Wind Energy Systems shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this Development Code that are not in conflict with the requirements contained in this Section 35.446.050.~~

~~1. **Minimum lot size.** A system shall be located on a lot a minimum of three acres in size.~~

~~2. **Number allowed per lot.** Only one small wind energy system tower per lot shall be allowed, and the system shall be used primarily to reduce the onsite consumption of electricity.~~

~~3. **Tower height.** All tower heights shall not exceed the applicable limits established by the Federal Aviation Administration.~~

~~a. Tower heights may be allowed as follows:~~

~~(1) Up to 65 feet or less on lots less than five acres.~~

~~(2) Up to 80 feet or less on lots of five or more acres.~~

~~b. The allowed height shall be reduced if necessary to comply with Section 35.428.090 (View Corridor Overlay).~~

~~4. **Setbacks.** The location of the base of the tower shall be in compliance with the following provided that the location also complies with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code:~~

~~a. The base of the tower shall be setback from all property lines a minimum distance equal to the system height.~~

~~b. The base of the tower shall be setback from all power lines, public roads and other public areas a minimum distance equal to one and one-half time the system height~~

~~c. The base of the tower shall be located no closer than 10 feet to any other structure.~~

~~5. **Noise levels.** The following standards may be modified by the review authority based on site specific characteristics including proximity to inhabited areas and public use areas.~~

~~a. Noise levels generated by Small Wind Energy Systems shall not exceed the noise levels established for noise sensitive uses by the Noise Element of the Santa Barbara County Comprehensive Plan, or 50 decibels (dBA), whichever is less, as measured at or beyond the project site's property lines, and at residences located on lots adjacent to the project site, except during short term events such as utility outages and severe wind storms.~~

~~b. The wind turbine noise characteristics shall not include noticeable tonality to minimize potential annoyance on adjacent lots.~~

~~e. The turbines shall be properly maintained throughout operations to ensure these standards continue to be met.~~

6. View protection.

~~a. The system's tower and blades shall be finished in a non-reflective, unobtrusive color, and incorporate non-reflective surfaces, in order to blend the system and its components into the surrounding landscape, and to minimize any visual disruption, to the maximum extent feasible.~~

~~b. The system shall not substantially obstruct views of adjacent property owners and shall be located to minimize potential shadow flicker on adjacent properties.~~

~~e. When visible from any County or State designated scenic highway corridor, the system:~~

~~(1) Shall be placed or constructed below any major ridgeline.~~

~~(2) Shall not cause a significant adverse visual impact to a scenic vista as viewed from any County or State designated scenic highway corridor.~~

~~d. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible a small wind energy system:~~

~~(1) Shall not project above the top of ridgelines.~~

~~(2) If visible from public viewing areas, shall use natural landforms and existing vegetation for screening.~~

~~(3) Shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.~~

~~e. Exterior lighting on any structure associated with the system shall not be allowed except for:~~

~~(1) Lighting that is specifically required by the Federal Aviation Administration.~~

~~(2) Lighting that is specifically required by the review authority because the system is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes.~~

~~f. All onsite electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified by the review authority if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.~~

7. System Manufacture. The system shall use a wind turbine that has been approved by the Energy Commission as qualifying under its Emerging Renewables Program pursuant to Section 25744 of the Public Resources Code or has been certified by a national program recognized and approved by the Energy Commission.

8. Electromagnetic interference. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.

9. Signage.

a. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery.

- b. ~~No advertising, brand names, logos or signs shall be affixed to, or placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.~~

10. ~~Safety.~~

- a. ~~Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:~~
- ~~(1) No climbing apparatus attached to the system shall be located less than 12 feet above the ground and the system shall be designed to prevent climbing within the first 12 feet.~~
 - ~~(2) A locked anti-climb device installed on the tower.~~
 - ~~(3) A locked, protective fence at least six feet in height that encloses the tower.~~
- b. ~~Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.~~
- c. ~~To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250 foot radius. The review authority may modify this standard when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.~~
- d. ~~All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building Code and National Electric Code.~~
- e. ~~All Small Wind Energy Systems shall be equipped with manual and automatic over speed controls. The conformance of rotor and over speed control design and fabrication with good engineering practices shall be certified by the manufacture.~~
- f. ~~The system shall comply with all applicable Federal Aviation Administration requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code). A system that complies with this subdivision shall be deemed to meet the applicable health and safety requirements regarding civil aviation.~~

- 11. ~~Access.~~** ~~Construction of onsite access roadways shall be minimized. Temporary access roads utilized for initial installation shall be re graded and re vegetated to the pre-existing natural condition after completion of installation.~~

35.446.060 – Project Abandonment

- A. ~~If the use of a Small Wind Energy System remains inoperable for a period of 12 consecutive months, the facility shall be considered abandoned and shall be removed.~~
- B. ~~The review authority responsible for reviewing and making a decision on the application for the Small Wind Energy System in compliance with Table 7-1 (Review Authority) may extend this 12 month period one time for good cause shown, provided a written request, including a statement of reasons for the time extension, is filed with the Department prior to the expiration of the 12 month period.~~
- C. ~~The facility shall be removed and the site shall be restored to its natural state unless the landowner~~

~~requests that the facility remain and obtains the necessary permits. The landowner shall remove all structures, equipment, and associated improvements, and restore the site to its natural preconstruction state within 90 days of the date that the facility is considered abandoned.~~

- ~~D. If the facility is not removed by the landowner and the site returned to its original condition within the specified time period, the lot shall be considered to be in violation of this Development Code and the County shall pursue all available remedies to abate the violation in compliance with Chapter 35.498 (Enforcement and Penalties).~~
- ~~E. Compliance with these requirements may be imposed as a condition of approval of the permit(s) authorizing the construction of the Small Wind Energy System.~~

35.446.070 – Repeal

Chapter 35.446 of this Development Code shall remain in effect only until January 1, 2017, and is repealed as of that date, unless Article 2.11 (Wind Energy) of Chapter 4 of Division 1 of Title 7 of the Government Code (Section 65893 *et seq.*) is extended by statute enacted by the State of California prior to January 1, 2017.

DIVISION 35.5

Montecito Resource Management

Chapter 35.450 - Montecito Resource Protection Standards	5-3
35.450.010 - Purpose	5-3
35.450.020 - Applicability	5-3
35.450.030 - Archaeological Resources.....	5-3
35.450.040 - Reserved	5-3
35.450.050 - Reserved	5-3
35.450.060 - Reserved	5-3
35.450.070 - Reserved	5-3
Chapter 35.452 - Montecito Ridgeline and Hillside Development	5-5
35.452.010 - Purpose	5-5
35.452.020 - Applicability	5-5
35.452.030 - Reserved	5-5
35.452.040 - Ridgeline and Hillside Development Guidelines.....	5-5
Chapter 35.454 - Montecito Transfer of Development Rights.....	5-7
35.454.010 - Program Purpose and Intent, Description and Goals	5-7
35.454.020 - Applicability	5-8
35.454.030 - Definitions	5-8
35.454.040 - Program Administration	5-9
35.454.050 - Sending Sites	5-9
35.454.060 - Receiving Sites	5-10
35.454.070 - Reserved	5-13
35.454.080 - Amenity Funds.....	5-13
35.454.090 - Transfer of Development Rights Authority	5-13
35.454.100 - Inter-Jurisdictional Agreements.....	5-15
35.454.110 - General Limitations	5-15

CHAPTER 35.450 - MONTECITO RESOURCE PROTECTION STANDARDS

Sections:

- 35.450.010 - Purpose
- 35.450.020 - Applicability
- 35.450.030 - Archaeological Resources
- 35.450.040 - Reserved
- 35.450.050 - Reserved
- 35.450.060 - Reserved
- 35.450.070 - Reserved

35.450.010 - Purpose

This Chapter provides standards for resource protection ~~and coastal access~~.

35.450.020 - Applicability

The standards in this Chapter apply to proposed development and land uses ~~only on sites within the Coastal Zone~~ unless specifically stated otherwise.

35.450.030 - Archaeological Resources

- A. Development proposed on a lot where archaeological or other cultural sites are located shall be designed to avoid impacts to the cultural sites if possible.
- B. When sufficient planning flexibility does not permit avoiding construction on an archaeological or other cultural site, adequate mitigation shall be required. Mitigation shall be designed in compliance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.
- C. Native Americans shall be consulted when development proposals are submitted that impact significant archaeological or cultural sites.
- D. All available measures, including purchase of the site, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.

35.450.040 - Reserved**35.450.050 - Reserved****35.450.060 - Reserved****35.450.070 - Reserved**

CHAPTER 35.452 - MONTECITO RIDGELINE AND HILLSIDE DEVELOPMENT

Sections:

- [35.452.010 - Purpose](#)
- [35.452.020 - Applicability](#)
- [35.452.030 - Reserved](#)
- [35.452.040 - Ridgeline and Hillside Development Guidelines](#)

35.452.010 - Purpose

This Chapter describes the County's requirements for development on sloping lots and ridgeline sites.

35.452.020 - Applicability

The requirements of this Section apply ~~within the Coastal Zone and the Inland area~~ except where specifically stated otherwise.

35.452.030 - Reserved

35.452.040 - Ridgeline and Hillside Development Guidelines

The following standards are applicable ~~within the Coastal Zone and the Inland area~~.

- A. Purpose and Intent.** This Chapter provides for the visual protection of the Montecito's ridgelines and hillsides by requiring that the Montecito Board of Architectural Review evaluate each proposed structure within the areas identified in Subsection B. (Applicability) below, in terms of the guidelines in Subsection C. (Development Guidelines) below. The intent of this Section is to encourage architectural designs and landscaping that conform to the natural topography on hillsides and ridgelines.
- B. Applicability.** Each structure proposed where there is a 16-foot drop in elevation within 100 feet in any direction from the proposed building footprint shall be subject to Design Review in compliance with [Section 35.472.070 \(Design Review\)](#) for conformity with the development guidelines in Subsection C. (Development Guidelines) below.
 - 1. Exempt structures.** The following structures are exempt from these guidelines.
 - a. Windmills and water tanks for agricultural purposes.
 - b. Poles, towers, antennas, and related facilities of public utilities used to provide electrical, communications, or similar services.
 - 2. Exemptions allowed by Montecito Board of Architectural Review.** The Montecito Board of Architectural Review may exempt a new structure or an alteration to an existing structure from compliance with these guidelines, in compliance with [Section 35.472.070 \(Design Review\)](#) provided that in their review of the structure they find that one or more of the following situations applies to the proposed development:
 - a. Due to unusual circumstances, strict adherence to these guidelines would inordinately restrict the building footprint or height below the average enjoyed by the neighborhood. For example, significant existing vegetation, lot configuration, topography or unusual geologic features may necessitate exceeding the height limit in order to build a dwelling comparable to other structures in the neighborhood.
 - b. In certain circumstances, allowing greater flexibility in the guidelines will better serve the interests of good design without negatively affecting neighborhood compatibility or the surrounding viewshed.

3. **Exemptions allowed by the Director.** The Director may exempt a new structure or an alteration to an existing structure from compliance with these guidelines if the Director determines that the proposed site is on or adjacent to a minor topographic variation (e.g., gully) such that the 16-foot drop in elevation is not the result of a true ridgeline or hillside condition.
- C. **Development Guidelines.** Ridgeline and hillside development shall comply with the following guidelines as specified in Subsection C.1 (Guidelines - Application and interpretation) except where a project is exempted from the guidelines in compliance with Subsection B. (Applicability) above.
1. **Guidelines - Application and interpretation.** The Montecito Board of Architectural Review shall have the discretion to interpret and apply the following guidelines.
- a. **Urban areas.** The following guidelines apply within Urban areas as designated on the Comprehensive Plan maps.
- (1) The height of a structure should not exceed 25 feet wherever there is a 16-foot drop in elevation within 100 feet of the proposed structure's location.
 - (2) Proposed structures should be in character with adjacent structures.
 - (3) Large understories and exposed retaining walls should be minimized.
 - (4) Landscaping should be compatible with the character of the surroundings and the architectural style of the structure.
 - (5) Development on ridgelines shall be discouraged if suitable alternative locations are available on the lot.
- b. **Rural areas.** The following guidelines apply within Rural areas as designated on the Comprehensive Plan maps.
- (1) The height of any structure should not exceed 16 feet wherever there is a 16-foot drop in elevation within 100 feet of the proposed structure's location.
 - (2) Building rake and ridge line should conform to or reflect the surrounding terrain.
 - (3) Materials and colors should be compatible with the character of the terrain and natural surroundings of the site.
 - (4) Large, visually unbroken and/or exposed retaining walls should be minimized.
 - (5) Landscaping should be used to integrate the structure into the hillside, and shall be compatible with the adjacent vegetation.
 - (6) Grading shall be minimized, in compliance with the Comprehensive Plan.
 - (7) Development on ridgelines shall be discouraged if suitable alternative locations are available on the lot.

CHAPTER 35.454 - MONTECITO TRANSFER OF DEVELOPMENT RIGHTS

Sections:

- 35.454.010 - Program Purpose and Intent, Description and Goals
- 35.454.020 - Applicability
- 35.454.030 - Definitions
- 35.454.040 - Program Administration
- 35.454.050 - Sending Sites
- 35.454.060 - Receiving Sites
- 35.454.070 - Reserved
- 35.454.080 - Amenity Funds
- 35.454.090 - Transfer of Development Rights Authority
- 35.454.100 - Inter-Jurisdictional Agreements
- 35.454.110 - General Limitations

35.454.010 - Program Purpose and Intent, Description and Goals

- A. Purpose and Intent.** The provisions of this Chapter implement the Transfer of Development Rights program. The intent of this program is to transfer development potential from eligible Naples lots to eligible receiving sites along the South Coast of Santa Barbara County in furtherance of Coastal Land Use Plan Policy 2-13. The overriding purpose is to extinguish the rights to develop Naples lots determined to have the greatest public benefit by the Board.
- B. Description.**
1. The Transfer of Development Rights program is a market-driven program involving willing sellers and willing buyers. Landowners are not obligated to use the program but may participate voluntarily. The Transfer of Development Rights program allows eligible sending site (lots targeted for preservation) landowners to sever the development right(s), as defined in this Chapter, from rights associated with land ownership. Sending site landowners that choose to participate in the program are compensated at fair market value for the lost development potential through market sales of those development rights. Once the development rights are sold, the land is protected from future development in perpetuity through conservation easements. Sending site landowners are incentivized to participate since they can forego the lengthy and often costly development approval and building process yet receive payments commensurate with the realized profits of their property built to its highest and best use.
 2. Eligible receiving sites (lots to accommodate development) in the unincorporated areas of the County may be developed at higher densities than otherwise allowed under current zoning with requisite purchases of “density credits.” So called receiving site developers are incentivized to participate since they are able to realize greater profits through enhanced entitlements.
 3. Participating Entities that adopt plans and ordinances to allow for increased density on receiving sites may opt to participate in the County’s Transfer of Development Rights program through legally binding inter-jurisdictional agreements.
- C. Goals.**
1. The primary goal of the Transfer of Development Rights program shall be to transfer the maximum number of development rights from Naples lots that serve one or a combination of the following objectives onto properties more suitable for development that lie within Urban areas designated on the Comprehensive Plan maps that are located within the South Coast and provide for the:
 - a. Preservation of Naples lots most visible from Highway 101.
 - b. Preservation of Naples lots located within the Coastal Zone.

- c. Preservation of Naples lots located on or adjacent to a coastal bluff.
 - d. Preservation of Naples lots located on prime agricultural land.
 - e. Preservation of Naples lots within or near environmentally sensitive habitat areas.
 - f. Preservation of Naples lots within or near culturally or archaeologically sensitive areas.
 - g. Preservation of Naples lots for other conservation purposes as the Board may direct, upon a recommendation of the Montecito Commission.
2. The preservation objectives appearing in Section 35.454.010 C.1. are listed without regard to order of priority. For funds derived from the purchase of transferable development credits, the Board, upon a recommendation from the Montecito Commission, shall designate and prioritize transfers by Resolution at such intervals as it may so determine is appropriate in relation to funds available to effectuate transfers. For all other funds deposited with the TDR Authority pursuant to Section 35.454.090, priorities may be designated by the contributor (e.g., Participating Entity, private donor, etc.); if priorities are not so established by the contributor, the priorities established by Board Resolution shall apply.

35.454.020 - Applicability

The provisions of this Chapter shall apply to eligible Naples Townsite sender lots and designated receiving sites along the South Coast of Santa Barbara County.

35.454.030 - Definitions

The Section provides definitions of terms and phrases used in this Chapter that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Section conflict with definitions in other sections of this Development Code or other provisions of the County Code, these definitions shall control for the purposes of this Chapter.

Amenity funds. A percent of the revenue collected from TDR Authority sales of Transferable Development Credits that are set aside to fund infrastructure and park/recreational enhancements in receiving site neighborhoods as both an incentive and reward for accepting increased density.

Base density. The number dwelling units allowed on the receiving site under the property's current zoning.

Conservation easement. A legal deed restriction recorded on the title to the property that severs in perpetuity the right to develop dwelling unit(s), commercial, and/or industrial facilities on said property.

Development right. One of the rights associated with land ownership that entitles a landowner to develop his property in compliance with the local government Comprehensive Plan and zoning regulations. For purposes of this Chapter, a development right is limited to principal permitted uses (i.e., uses that do not require the approval of a Conditional Use Permit or Minor Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) that entail physical alteration of real property including residential, commercial and industrial uses; however open space, grazing and agricultural crop production are expressly excluded.

Grid lots. Legal lots recognized under the Official Map.

Inter-jurisdictional agreement: A legal agreement to transfer development potential between the County and a Participating Entity. The agreement articulates the conditions tied to the transfer of development rights to ensure that both jurisdictions mutually benefit.

Naples lots. One or a combination of: (a) grid lots; or (b) reconfigured lots resulting from lawful mergers, line adjustments and re-divisions approved by the County in connection with rezoning of all or part of the Naples Townsite pursuant to Coastal Land Use Plan Policy 2-13.

Naples Townsite. The area encompassed by the Official Map.

Neighborhood Enhancement Projects. Infrastructure and park/recreational enhancements constructed in receiving site neighborhoods as an incentive or concession to approving receiver sites which are in addition to any developer impact fees or mitigation otherwise required in compliance with the California Environmental Quality Act.

Official Map. The Official Map of Naples approved by the Board on October 3, 1995, and filed for the record on December 19, 1995, in Book 99, at Pages 4 through 9 of Maps.

Participating Entity. A governmental organization having land use authority within Santa Barbara County (e.g., incorporated Cities, University of California, California Division of Fairs and Expositions, United States Government, etc.) that has entered into an inter-jurisdictional agreement to participate in the Transfer of Development Rights program.

Pre-screen. A preliminary application and non-binding advisory determination of the appropriate density for a potential receiver site.

Receiving site. Legal lot(s) the County (or Participating Entity) has determined to be appropriate for increased development density with the purchase of transferable development credits.

Rural and Urban areas. Rural and Urban areas as designated on the Comprehensive Plan maps.

Sending site. Legal lots identified by the County pursuant to [Section 35.454.050 \(Sending Sites\)](#), the underlying development rights to which, at the landowner's discretion, may be severed and sold to the TDR Authority.

South Coast. The unincorporated area located east of Highway 101 at Gaviota, south of the ridge of the Santa Ynez Mountains, and west of the Ventura County line.

TDR Authority. The Transferable Development Rights Authority established pursuant to [Section 35.454.090](#), which may be a governmental agency, or a non-governmental agency such as a local land trust or national conservation organization, established and given authority by the County to buy transferable development rights and sell transferable development credits.

Transferable Development Credit. A certificate which grants one additional dwelling unit above base density, on specified receiving sites, that can only be purchased from the TDR Authority.

Transferable Development Credit Density Bonus. The number of additional units above base density that can be built in association with a County approved receiving site project with the purchase of transferable development credits.

Transferable Development Rights. Development rights, as defined in this Chapter, from sending sites that can voluntarily severed from the associated with the property's ownership at the initiation of the landowner and sold to the TDR Authority.

35.454.040 - Program Administration

The Department and Director shall have principal responsibility for administration of Transfer of Development Rights under the provisions of this Chapter. Except or unless otherwise noted, the provisions of this Chapter are expressly applicable to the County. Terms, conditions and procedures applicable to Participating Entities shall be clarified through inter-jurisdictional agreements.

35.454.050 - Sending Sites

A. Sending site eligibility. Properties that meet all the criteria listed below shall qualify as eligible sending sites:

1. Lots within the Naples Townsite that the Board prioritizes for transfer in compliance with goal number one of [Subsection 35.454.010.C](#).

2. If lots have not received approval for rezoning from their current agricultural designation pursuant to Coastal Land Use Plan Policy 2-13, then only the development rights that correspond to the lot arrangement shown on the Official Map shall be transferred. If rezoning occurs as provided under Coastal Land Use Plan Policy 2-13, then the development rights associated with the rezoning and lot reconfigurations (if any such lot reconfigurations are concurrently approved) shall be subject to transfer.
3. All eligible Naples lots shall be ranked as to their priority for transfer by resolution of the Board. The rank shall determine the order by which the TDR Authority purchases transferable development rights from sending sites.

B. Allocation of transferable development rights to sending sites. Each eligible Naples lot shall be entitled to one transferable development rights. Each transferable development right shall represent the legal right to build a primary and secondary dwelling unit on a legal lot which can be voluntarily severed from the rights associated with the property's ownership at the initiation of the landowner. Sending site transferable development rights shall only be sold to the TDR Authority.

C. Sending site application process.

1. **Application.** Landowners of lots that meet the eligibility requirements under [Subsection 35.454.040.A](#) and desiring to sell their transferable development rights shall file with the Department an application containing two copies of a preliminary title report no older than six months concerning the lot.
2. **Notice of eligibility.** Following submittal of an application, the Department shall prepare a written notice to the applicant that confirms the lot(s) as those the Board has approved, the lots priority rank, and a statement of the number of transferable development rights that can be allocated to each approved Naples sending lot.
3. **Issuance of sending site certificate.** Following recordation of a conservation easement(s), a certificate allocating transferable development rights shall be issued to the owner(s) of the property by the Department. A transferable development rights certificate shall be issued for each transferable development rights assigned to a legal lot as determined by [Subsection 35.454.030.B](#) that has a recorded a conservation easement. The certificate shall include a full legal lot description and its respective priority ranking.
4. **Sending site transferable development rights.** Sending site transferable development rights shall only be available for purchase by the TDR Authority, in order of their respective prioritization, after a certificate allocating transferable development rights has been issued to the lot owner(s) by the Department.
5. **Record of conservation easement.** As a condition prerequisite to the TDR Authority's purchase of transferable development rights, evidenced by certificates issued pursuant to this section, a conservation easement shall be recorded as a deed restriction on the property's title (or equivalent legally enforceable mechanism). The conservation easement (or equivalent legally enforceable mechanism) shall be reviewed and approved by County Counsel prior to its recordation or execution. The easement (or equivalent legally enforceable mechanism) must sever, in perpetuity, the development right(s) from ownership of the property.

35.454.060 - Receiving Sites

A. Receiving site eligibility.

1. **Unincorporated County sites.** Unincorporated properties that qualify as eligible receiving sites to exceed base zoning density through the purchase of transferable development credits as defined in [Section 35.454.030 \(Definitions\)](#) of this Chapter must comply with all the following criteria:
 - a. The site must be located within the County's South Coast Housing Market Area as delineated

in the County's Housing Element.

- b. The site must be within an Urban area as designated on the Comprehensive Plan maps.
 - c. The developable footprint of the site must have less than 30 percent slope.
 - d. The developable footprint of the site must not be located in a designated flood or geologic hazard area.
 - e. The developable footprint of the site must not be under agricultural production or contain any land rated as Class I or Class II in the Natural Resource Conservation Service land use capability classifications.
 - f. The developable footprint of the site must not be located in an environmentally sensitive habitat area.
 - g. The developable footprint of the site must not be located in a culturally or archaeologically sensitive area.
2. **Participating Entity sites.** Properties within the land use authority of a Participating Entity that qualify as eligible receiving sites to exceed base zoning density through the purchase of transferable development credits, as defined in [Section 35.454.030 \(Definitions\)](#) of this Chapter, shall be determined by the Participating Entity in accordance with the terms and conditions of the inter-jurisdictional agreement.

B. Receiving site application process/determination of density bonus. The processing of applications for receiver site designation and award of density bonus shall be expedited to the maximum extent feasible. The following procedure shall be used to approve receiving sites and identify the density bonuses obtainable on eligible receiving sites through transferable development credit purchases.

1. Landowners seeking designation of their properties as eligible receiving sites must file an application with the Department. The application must include the lot(s) Assessor's Parcel Number(s), current property ownership, preliminary title report not more than six months old, current zone designation and evidence supporting that the site meets the eligibility criteria.
2. The Department shall, within 30 days of the date an application is accepted as complete, notify the applicant if the site is an eligible receiving site based on the criteria of [Subsection 35.454.050.A](#).
3. Sites that are determined to be eligible receiving sites shall require a pre-screen by the Commission, upon recommendation of the Director, to set: (a) the base density, and (b) the maximum allowable density obtainable on the site with transferable development credit purchases. The applicant must submit a preliminary draft conceptual plan and processing fee for the pre-screen analysis. The Director shall evaluate the application and report its findings to the Commission in the form of a recommendation as follows:
 - a. The matter shall be considered by the Commission at a noticed, public hearing with notice provided in the time and manner required for Development Plans in compliance with [Section 35.472.080 \(Development Plans\)](#).
 - b. The base density shall represent the number of dwelling units allowed on the property under its existing zone designation;
 - c. The Director shall recommend an assignment of maximum density based upon neighborhood compatibility and existing surrounding land uses. This preliminary staff study shall serve as an initial assessment in an eventual environmental review in compliance with the California Environmental Quality Act to achieve final receiving site approval in compliance with Subsection B.4, below.
 - d. The Commission may accept, reject or modify the recommendation of the Director. The Commission's determination of maximum density is not vested "by right" to the property;

- rather, it shall only represent a maximum number of additional units not be exceeded with transferable development credit purchases. The actual additional transferable development credit density granted to the property shall be determined in compliance with Subsection B.4, below.
- e. The action of the Commission to determine the maximum density is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
4. Following the determination of density in compliance with [Subsection 35.454.060.B.3](#), the applicant may submit a development application seeking a density less than or equal to the maximum density determined in compliance with [Subsection 35.454.060.B.3](#). The application shall encompass all permits required for the project as specified in this Development Code and shall include, at a minimum, a Development Plan that provides details on the physical attributes of the project and environmental data necessary to conduct an initial study evaluation.
 - a. The matter shall be considered by the Montecito Commission at a noticed, public hearing with notice provided in the time and manner required in compliance with this Development Code. All permit applications associated with the proposed project, as well as the related environmental documents, shall be noticed and heard concurrently.
 - b. If and when the development application is approved or conditionally approved, the Department will calculate the transferable development credit density bonus which shall reflect the number of transferable development credits available to the project based on the difference between the previously determined base density and the project density as approved by the County. The following criteria shall apply in calculating the transferable development credits density bonus:
 - (1) One transferable development credit shall equal one additional dwelling unit above base density.
 - (2) The vested transferable development credit density bonus shall be an option in addition to State density bonus law for receiving site applicants to achieve greater density. Where a receiving site applicant has requested a density bonus under both State housing law and this Transfer of Development Rights program, and such request exceeds the maximum allowable density obtainable on the site with transferable development credit purchases, State density bonus awards must be made before determining whether transferable development credits can be granted under this Transfer of Development Rights program.
 - c. Affordable units required under the Inclusionary Housing Policy of the County's Housing Element shall only apply to the base density of the receiving site that is determined in compliance with [Subsection 35.454.050.B.3.b](#).
 5. Within the 30 calendar days following the County's final action on the project, the Department shall issue to the receiving site applicant transferable development credit certificates for each of the additional dwelling units, obtainable through transferable development credit purchase, that are granted by the Commission. The issuance of transferable development credits by the County to projects that may be appealed to the Coastal Commission may also be appealed to the Coastal Commission. If the project and/or the issuance transferable development credits is appealed to the Coastal Commission, the County shall not issue the transferable development credit certificates until the Coastal Commission takes final action.
 6. The receiving site applicant shall be allowed to purchase, only from the TDR Authority, a commensurate number of transferable development credits that are granted by the Commission for each receiving site.

7. The Department shall only grant authority to construct (e.g., Coastal Development Permit, Land Use Permit, or Zoning Clearance, and Building Permits) to a receiving site applicant for a project with additional units that have certificates possessing official TDR Authority approval as indicated in [Subsection 35.454.090.E](#). The TDR Authority approval shall be evidence to in-whole payment(s) by the receiving site applicant for the transferable development credit(s).

35.454.070 - Reserved

35.454.080 - Amenity Funds

The Transfer of Development Rights program shall require the TDR Authority, subject to agreement between the County and TDR Authority pursuant to [Section 35.454.100.A](#), to allocate amenity funds, as defined in [Section 35.454.030 \(Definitions\)](#), as both an incentive and reward for accepting increased density in receiving site neighborhoods.

- A. Upon recommendation of the Montecito Commission, amenity funds may only be allocated by the TDR Authority for infrastructure enhancements in neighborhoods with receiving sites built at greater densities than would normally be allowed under the zone designation. The designated use of Amenity Funds, if any, shall:
 1. Be made in conjunction with the receiver site application process pursuant to [Section 35.454.060.B.](#);
 2. not exceed a maximum allocation of 10 percent of the value of the transferable development credits that are approved for a particular project;
 3. only be used to fund projects benefiting the area where the receiver site is located; and
 4. shall be in addition to any developer impact fees and mitigation required in compliance with the California Environmental Quality Act.
- B. The TDR Authority, upon the recommendation of the Montecito Commission (or Participating Entity, as the case may be), shall allocate a maximum of 10 percent of the revenue received from the purchase of transferable development credits for a particular project into an enterprise fund managed by the TDR Authority (for receiver sites within unincorporated areas) or the Participating Entity (for receiver sites within incorporated municipal jurisdictions), the monies in which shall be expressly and solely pledged to plan, design, construct, install and administer infrastructure and park/recreational enhancements in receiving site neighborhoods.
- C. For receiver sites outside of the land use jurisdiction of the County, Participating Entities shall establish their own process and procedures for receiving and allocating Amenity Funds subject to the terms and conditions set forth in the Inter-Jurisdictional Agreement pursuant to [Section 35.454.100](#).

35.454.090 - Transferable Development Rights Authority

- A. **Purpose.** The County shall create a TDR Authority. The purpose of the TDR Authority shall be to:
 1. Act as the sole intermediary between transferable development rights/transferable development credit sellers and buyers to facilitate the market between the often disparate values of sending site transferable development rights and receiving site transferable development credits;
 2. Manage a fund for continued land preservation with the Transfer of Development Rights program;
 3. Hold and/or transfer conservation easements to a third party trustee;
 4. Manage and allocate amenity funds;
 5. Maintain records of all commodity transactions; and
 6. Facilitate the drafting of inter-jurisdictional transferable development rights agreements between County and Participating Entities.

- B. Administration of the TDR Authority.** The County shall designate, by resolution of the Board, the entity which shall be empowered and authorized to serve as the TDR Authority. The entity designated by the County shall be a non-profit organization, among whose purpose it is to conserve open space and/or natural resources of the conservation easement, preferably with experience in administrating TDR programs and conservation easements. The designation may be changed from time to time at the convenience of the Board and shall be formalized by written agreement between the County and the TDR Authority which stipulates the terms and conditions of participation, including, at a minimum, compliance with the provisions of this Chapter.
- C. Voluntary participation.** The purchase and selling price of transferable development rights and credits shall be mutually agreed-upon by the TDR Authority and the seller/buyer of such rights and credits. The valuation methodology shall be established under rules approved by the Board pursuant to [Section 35.454.090.J.](#), and neither the TDR Authority, nor the seller/buyer of the transferable development rights or credits shall be obligated to participate in transactions if one or both parties find the valuation inappropriate. For the specific purpose of transferable development credits, the maximum price for each such credit shall calculated as a percentage of land value, sufficiently discounted to induce participation, and shall be established in connection in [Section 35.454.090.J.](#)
- D. Conservation easements.** As part of each transaction involving the purchase of development rights, the TDR Authority shall record a conservation easement on the title of the sending site property (or equivalent legally enforceable mechanism). The conservation easement (or equivalent legally enforceable mechanism) must sever, in perpetuity, all rights to develop or use the property except for open space, grazing and agricultural crop production. The TDR Authority shall hold, or transfer to a third party trustee (the "Trustee") the conservation easement from said property (or equivalent legally enforceable mechanism). The Trustee shall be designated by the Board and shall be a conservation organization, among whose purposes it is to conserve open space and/or natural resources of the conservation easement.
- E. Sender site priorities.** The TDR Authority shall obtain transferable development rights from sending sites in order of priority as set forth by resolution of the Board in [Subsection 35.454.050.A.3.](#) In so doing, the TDR Authority shall be required to purchase transferable development rights from lots with higher priority ranking before purchasing transferable development rights from lots with lower priority ranking. As an example, and by way of illustrative purposes only, if the preservation of bluff lots is selected by the Board as the top priority and the overall estimated development right value of such lots is \$115 million, the purchase of development rights shall be restricted to bluff lots until the amount of funds on deposit with the TDR Authority exceed this threshold. Once funds exceed the amount of \$115 million, development rights can be purchased from the next highest priority category. In the event no secondary priority is selected, any lot at Naples would be eligible.
- F. Transferable development credit seller authorization.** The TDR Authority can be designated as the sole seller of transferable development credits and shall be allowed to sell transferable development credits to applicants of approved receiving sites as determined in [Section 35.454.060 \(Receiving Sites\)](#) or other interested parties.
- G. TDR Authority expenditures of funds.** The TDR Authority shall only use the revenue collected from the sales of transferable development credits in the following ways:
1. Purchase transferable development rights from Naples sending sites.
 2. Allocation of amenity funds.
 3. Cover administrative and overhead costs.
 4. Repay investment contract obligations made with the TDR Authority.
 5. Purposes explicitly agreed to by any contract between the County and the TDR Authority.
- H. TDR Authority management of investment funds.** The TDR Authority Board, in addition to buying transferable development rights and selling transferable development credits, may seek to attract private

capital and public loans or grants to capitalize the TDR Authority's revolving fund for continued land preservation.

- I. Facilitate inter-jurisdictional agreements.** The TDR Authority shall serve to facilitate and negotiate with Participating Entities the terms and conditions of any inter-jurisdictional agreement involving the transfer of transferable development rights and/or transferable development credits. The TDR Authority Board shall, prior to finalization of an inter-jurisdictional agreement, seek Board approval of the conditions put forth.
- J. Adoption of rules.** The TDR Authority Board shall adopt bylaws or operating guidelines that include rules for the transaction of business and shall keep a public record of its resolutions, transactions and investments. The bylaws and rules adopted by the TDR Authority Board shall be subject to review and approval by the Board of Supervisors.

35.454.100 - Inter-Jurisdictional Agreements

- A. Purpose.** The County and any jurisdictions that voluntarily participate in the County's Transfer of Development Rights program shall enter into an inter-jurisdictional agreement. The purpose of such an agreement shall be to ensure that each jurisdiction can condition development right transfers such that both parties mutually benefit.
- B. Key components.** A binding inter-jurisdictional agreement between the County and Participating Entity shall address at minimum the following components:
 1. Specific sending sites mutually-agreed upon by the County and the Participating Entity from which to transfer development rights.
 2. The ways by which the Participating Entity interfaces with the TDR Authority; at minimum these shall include:
 - a. The terms by which the Participating Entity and the TDR Authority negotiate to determine the transferable development rights purchase price.
 - b. The terms by which the Participating Entity agrees to transfer funds to the TDR Authority.
 - c. The terms by which the Participating Entity uses the TDR Authority, if at all, to sell density credits in its jurisdiction.
 3. The process by which the TDR Authority pays receiving site amenity funds, if any, to the Participating Entity; this shall address at minimum:
 - a. The amount of money the County is to pay the Participating Entity.
 - b. The purposes for which the money will be used and how it will be expended.
 - c. The timeframe for the Participating Entity to exercise the County's funds.
 4. Notification process for the Participating Entity and County to inform each other.
 5. The effective date and duration of the agreement.
 6. The conditions that would terminate the agreement.
 7. The situations that constitute Participating Entity and/or County negligence.

35.454.110 - General Limitations

- A. Functional Separation.** The TDR Authority's designation and appointment [Section 35.454.090](#) shall be subject to and contingent upon the TDR Authority's acceptance of the provisions of [Section 35.454.090](#) and other such terms as the parties may agree to including, but not limited to, liability and indemnification.

- B. Applicable Law.** Nothing in this chapter shall abrogate, limit, expand or otherwise affect any powers, rights, or duties granted to, or imposed on, the Board by Division 3 of Title 3 of the Government Code or any other applicable law.
- C. Severability.** If any section, subsection, clause or provision of this Chapter is held invalid, the remainder of this Chapter shall not be affected by such invalidity.

DIVISION 35.6

Montecito Site Development Regulations

Chapter 35.460 - Road Naming and Address Numbering	6-3
35.460.010 - Purpose	6-3
35.460.020 - Applicability	6-3
35.460.030 - Areawide Address Numbering System	6-3
35.460.040 - Road Name and Status Index	6-4
35.460.050 - Road Names - Procedure, Standards, and Signs	6-4
35.460.060 - Address Numbers - Procedures, Standards, and Display	6-7
35.460.070 - Administration	6-10
35.460.080 - Enforcement	6-10

CHAPTER 35.460 - ROAD NAMING AND ADDRESS NUMBERING

Sections:

- [35.460.010 - Purpose](#)
- [35.460.020 - Applicability](#)
- [35.460.030 - Areawide Address Numbering System](#)
- [35.460.040 - Road Name and Status Index](#)
- [35.460.050 - Road Names - Procedure, Standards, and Signs](#)
- [35.460.060 - Address Numbers - Procedures, Standards, and Display](#)
- [35.460.070 - Administration](#)
- [35.460.080 - Enforcement](#)

35.460.010 - Purpose

This Chapter provides procedures for naming and renaming of existing or proposed roads and a road naming and address numbering plan for the County. These regulations are intended to protect and promote the public health, safety, and welfare of those who live and work within the County by improving response times for emergency vehicles, expediting business and postal delivery services, and assisting in the timely location of specific businesses and dwellings.

35.460.020 - Applicability

- A. Affected roads and structures.** The address numbering system will be implemented through the adoption of specific areawide systems by resolution of the Board after recommendation by the Montecito Commission. The address numbering areawide systems are applicable to:
1. All roads and structures located within the boundaries of adopted areawide address numbering systems (see also [Section 35.442.020 \(Accessory Structures and Uses\)](#)); and
 2. All roads shown on subdivision maps approved for recording regardless of their location within or outside the boundaries of adopted areawide address numbering system.
- B. Existing road standards.** The adoption and implementation of this Chapter shall not affect or supersede County standard details relative to road standards, as adopted by Board resolution, and shall not limit the authority of the Director of the Public Works Department relative to activities within public road rights-of-way.

35.460.030 - Areawide Address Numbering System

- A. Boundaries.** The boundaries of each areawide system shall be established by Board resolution after a recommendation by the Montecito Commission. The adopted boundaries shall be identified on the Countywide Official Address Numbering Plan Base Map prepared by the County of Santa Barbara Fire Department, hereinafter referred to as the Fire Department.
- B. Maps.**
1. The Countywide Official Address Numbering Plan Base Map shall delineate the boundaries of the areawide address numbering systems.
 2. Each adopted areawide address numbering system shall include a set of maps that identify base lines, grid index lines, and the address numbers assigned to particular structures and the address ranges assigned to particular areas.
 3. Each map adopted in compliance with this Chapter is available for public review in the Fire Department.

35.460.040 - Road Name and Status Index

The Fire Department shall maintain a Road Name Index that shall identify the existing names of all roads, and also indicate whether each road is public or private.

35.460.050 - Road Names - Procedure, Standards, and Signs

- A. Road names required.** A road name shall be required for all public and private roads and for any other roads when deemed necessary by the Department; except that a private road located entirely within a contiguous ownership of more than 200 acres shall be exempt from this requirement, unless the property owner files a written request for road naming with the Department.
- B. Naming or renaming an existing road.**
1. **Initiation.** The naming or renaming of a public or private road may be initiated by the owner of abutting property, the Board, Montecito Commission, Department, or other public agency or County department.
 2. **Contents of application.** An application for naming or renaming of an existing road shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#) and the initiating property owner or agency shall file a Road Name Petition with the application.
 - a. When a naming or renaming is initiated by a property owner, the Road Name Petition shall be completed with the signatures of the property owners or tenants representing at least two-thirds of the dwellings or businesses located along the road segment to be named or renamed.
 - b. When a naming or renaming is initiated by a public agency and the affected road segment is a continuation of a previously named road, the Road Name Petition shall be completed with the signature of a representative from the initiating agency.
 - c. When a naming or renaming is initiated by a public agency and the affected road segment is not a continuation of a previously named road, the Road Name Petition shall be completed with signatures of the property owners or tenants representing two-thirds of the dwellings or businesses located along the unnamed portion of the road, or shall include other verification of support deemed appropriate by the Montecito Commission.
 3. **Public hearing.**
 - a. **Public hearing.** The Montecito Commission shall hold at least one noticed public hearing on the request, unless waived in compliance with Subsection 3.c, below, and approve, conditionally approve or deny the request.
 - b. **Notice.** Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#). Additionally, notice shall be provided in compliance with the following:
 - (1) **Posted notice.** At least 10 days before the public hearing, notice of the hearing shall be posted by the Department in a minimum of three public places along the affected road.
 - (2) **Mailed notice.** Notice of the public hearing shall be sent to all property owners or tenants of lots abutting the affected road in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 - c. **Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:
 - (1) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).

- (a) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the road naming or renaming application.
- (2) A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with [Subsection 35.460.050.B.3.c.\(1\)](#), above, is mailed.

If the requirement for a public hearing is waived, then the Director shall be the review authority for the road naming or renaming application. A listing of pending road naming or renaming applications for which the public hearing may be waived shall be provided on the Montecito Commission's hearing agendas.

d. Action of review authority.

- (1) **Action of the Montecito Commission.** The action of the Montecito Commission is final subject to appeal in compliance with [Section 35.492 \(Appeals\)](#).
- (2) **Action of the Director.**
 - (a) The action of the Director to approve or conditionally approve the road naming or renaming application is final and not subject to appeal.
 - (b) The action of the Director to deny the road naming or renaming application is final subject to appeal by the applicant in compliance with [Section 35.492 \(Appeals\)](#).

e. Recording action. Upon the naming or renaming of the road, the review authority shall enter in its minutes the officially designated name of the road. Thereafter the road shall be known by the designated name.

4. Notification after change. After adoption of the road name, the Department shall notify all the appropriate public agencies and the property owners and tenants of the dwellings and businesses along the affected road of the road name change.

C. Naming a road created by a subdivision. The naming of a road created by a subdivision shall be in compliance with Subsection D.2, below. This procedure shall also apply to the naming of an unnamed existing road contained within a proposed subdivision. See also Subsection D.3 (Continuity) below.

1. Continuation of existing named road. A road created by a proposed subdivision that continues an existing named road shall bear the name of the existing road.

2. Procedure.

a. Naming of a road in conjunction with the approval of a tentative map.

- (1) **Submittal of application.** An application for naming a road either created by a proposed subdivision or naming an existing unnamed road contained within a proposed subdivision shall be filed concurrently with the application for the tentative map.
- (2) **Contents of application.** An application for naming a road in conjunction with the approval of a tentative map shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).
- (3) **Review and approval.** A proposed road name shall be shown on the tentative map and shall be approved by the Montecito Commission at the time of tentative map approval in compliance with Subsection D. (Road name selection) below. The approved names shall be shown on the Final Map or Parcel Map as submitted for County approval and recordation.
- (4) **Appeal.** The decision of the Montecito Commission may be appealed in compliance

with [Chapter 35.492 \(Appeals\)](#).

b. Naming of a road following the approval of a tentative map.

- (1) **Initiation.** The naming of a road created by a proposed subdivision shall be initiated by the property owner or an authorized agent of the owner.
- (2) **Contents of application.** An application for naming a road following the approval of a tentative map shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#) and shall be filed following the approval of the tentative map.
- (3) **Review and approval.** A proposed road name shall be approved by the Director upon verification of compliance with Subsection E. (Road name selection) below. The approved names shall be shown on the Final Map or Parcel Map as submitted for County approval and recordation.
- (4) **Appeal.** The decision of the Director may be appealed in compliance with [Chapter 35.492 \(Appeals\)](#).

D. Road name selection. Each selected road name should comply with the following standards.

1. **Objectives.** A proposed road name should be pleasant sounding; easy to read (so that the public, and children in particular, can readily pronounce the name in an emergency); and add to pride of home and community.
2. **Criteria.** Each road name shall comply with the following criteria:
 - a. A road names shall not be duplicated within the area served by the same post office, or fire or police department. No name should duplicate another road name used elsewhere in the County. Similar sounding names are considered duplicates regardless of spelling.
 - b. A road shall not be named after a living person, except that a road may be named with a family surname prominent in County history, even if a family member still resides in the area.
 - c. A road name shall have less than 24 letters, including punctuation, spacing, and road classification (e.g., lane, street, way).
 - d. A road name shall be easy to pronounce and spell.
 - e. A road name shall be grammatically correct whether in English or a foreign language.
 - f. A road name shall include the appropriate road classification (e.g., lane, street, way).
3. **Continuity.**
 - a. A continuous road, or one proposed to be continuous, shall have the same name throughout its complete length.
 - b. If an otherwise continuous road is interrupted by a drainage channel, freeway, or railroad, etc. with no planned connection, the interrupted segments shall have different names.
 - c. Where roads intersect at an interior angle of 110 degrees or less, each segment shall be given a different name if doing so will reduce confusion when locating an address.
4. **Extra words.** Unnecessary words shall be avoided. Words that may be used are limited to the following:
 - a. "East," "North," "South," and "West," indicating direction for a numbering base line; and
 - b. "Lane," "Place," "Road," "Street," "Way," indicating the road classification in English.

E. Road name signs.

1. **Objectives.** Road name signs should be clearly visible to passing motorists. The letters and numbers used should contrast with the background color and should be large enough to be legible from a vehicle on the roadway.
2. **Signs for private roads.** Abutting property owners shall install and maintain permanent road name signs for private roads, as follows.
 - a. Each road name sign shall be installed in compliance with current County Standard requirements.
 - b. Each road name sign for a private road shall comply with Subsection F.3 (Signs for public roads) below, with the exception that the background color shall be dark blue.
 - c. The property owners responsible for private road maintenance are responsible for providing and maintaining road name signs.
 - d. Before the acceptance of a private road into the County Maintained Road System, the affected property owners shall replace existing road name signs and install all required road name signs in compliance with County Standards Requirements and Subsection F.3 (Signs for public roads) below.
3. **Signs for public roads.**
 - a. Agencies responsible for road maintenance are responsible for providing road name signs for all roads within their jurisdictions. Road name signs for public roads shall comply with the requirements for County Standard Street Name Signs as approved by the Director of the Public Works Department. The Public Works Department is responsible for providing road name signs for all County roads in compliance with these standards.
 - b. The Board may allow an owners' association to design, specify, install, replace, and remove road name signs of a standard not in compliance with this Subsection. Sign maintenance shall be the responsibility of the association.
4. **Signs for existing roads affected by subdivision.** The property owner shall install road name signs at unsigned intersections to provide identification for the subdivision, as determined by the subdivision review process:
 - a. Road name signs shall be required for each road created by the subdivision.
 - b. Road name signs may be required for existing roads providing access to the subdivision.
 - c. Road name signs shall comply with the requirements of the County Standard Street Name Signs as approved by the Director of the Public Works Department.

35.460.060 - Address Numbers - Procedures, Standards, and Display**A. Procedure for assigning address numbers.**

1. **Assignment of numbers.** The Fire Department shall determine and assign all address numbers and shall issue the numbers to property owners and occupants. A record of all assigned numbers shall be maintained by the Fire Department and shall be available for public review during regular business hours.
2. **Notification of change.** If an address number is changed, the owner and tenant in charge of a dwelling or business to which a number has been assigned will be notified in writing by the Fire Department at least 10 days before the effective date of the change.

- B. Standards for address numbers.** Address numbers shall be determined in compliance with the incremental distance between system grid lines and the following Subsection standards when applicable.

1. **Developed lots.** Developed lots shall be assigned street addresses as follows. See Subsection B.2 (Vacant lots) below regarding vacant lots.
 - a. **Lot greater than one acre.** A lot greater than one acre (gross) shall be assigned an address where the driveway intersects the lot frontage.
 - b. **Lot of one acre or less.** A lot that is one acre or less in area (gross) shall be assigned an address at the center point of the lot frontage.
 - c. **Corner lot.** A corner lot shall be assigned an address on the road upon which the principal building entrance faces; except that when the principal entrance is not visible from that road or is inaccessible for fire access from that road, the lot shall be addressed from the road intersected by the driveway.
 - d. **Unnamed road serving less than five dwellings or lots.** For unnamed roads serving less than five dwellings or lots, the address number shall be assigned corresponding to the numbering on the road where the unnamed road originated.
 - e. **Multiple units.** Separate internal units within residential and business complexes may be identified by a suffix (e.g., apartment, space, suite, unit) as determined by the Fire Department in consultation with the property owner, emergency service agencies, and the U.S. Postal Service.
2. **Vacant lots.** A vacant lot may be assigned an address number at the center point of the lot frontage. This pre-assigned address may be changed at the time a Building Permit is issued in order to comply with Subsection B.1.a through Subsection B.1.c above.
3. **Accessory structures.** Except as provided below, an accessory structure shall not be issued a street address number unless the property owner can demonstrate to the satisfaction of the Fire Department that special circumstances justify a separate number.
 - a. A street address number shall be issued for an accessory dwelling unit if required by the Fire Department.

C. Display of address numbers.

1. **New construction.** The property owner shall display the assigned address number before requesting a final Building Permit inspection. The address number shall be displayed in compliance with Subsection C.4 through Subsection C.6 below.
2. **Existing structure.** Within 30 days after receiving written notification of an address change, the owner or tenant shall display the new number in compliance with Subsection C.4 through Subsection C.6 below and shall remove any obsolete number.
3. **Size and color of numbers.** Each address number shall be a minimum height of three inches, reflective, and a color contrasting with the background color.
4. **Number location objectives.** Address numbers shall be placed at front doors, on mailboxes, on private lamp posts, near garage doors, at driveway entrances, or other place of similar proximity so that the number is visible from the public right-of-way. See Figure 6-1 (Display of Address Numbers) below, illustrating the correct manner of display.
5. **Number location for obscured structures.** Where a dwelling or business is not clearly visible from the road, address numbers shall be posted on a marker other than a mailbox. The address number shall be elevated at least three feet from the ground for clear visibility and easy directional identification, see Figure 6-2 (Display of Address Numbers) below. This Subsection also applies to the names of roads with private driveways or forks. The address numbers of the homes on a private driveway shall be posted on the named road and shall include a directional arrow to indicate location of the dwelling or business.

6. **Mailboxes.** When the mailbox of a dwelling or business is located on the same road as the dwelling or business, only the number need be posted on the box. When the mailbox and the structure it serves are located on separate roads, both the road name and address number are required to be placed on the mailbox, see Figure 6-3 (Address Numbers on Mailboxes) below.

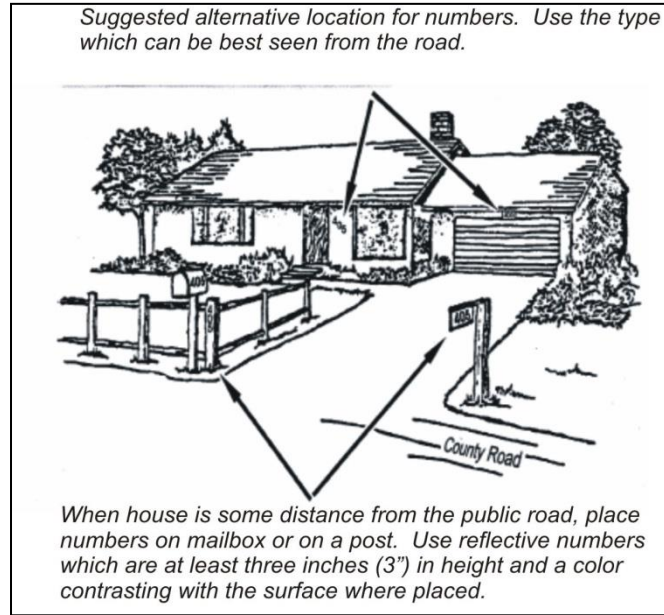


Figure 6-1 - Display of Address Numbers

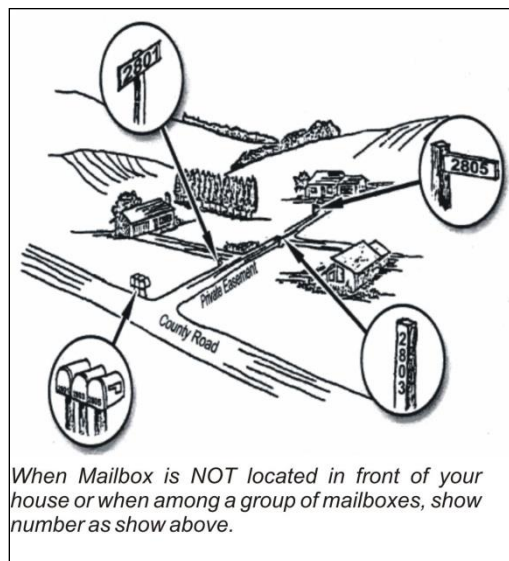


Figure 6-2 - Display of Address Numbers

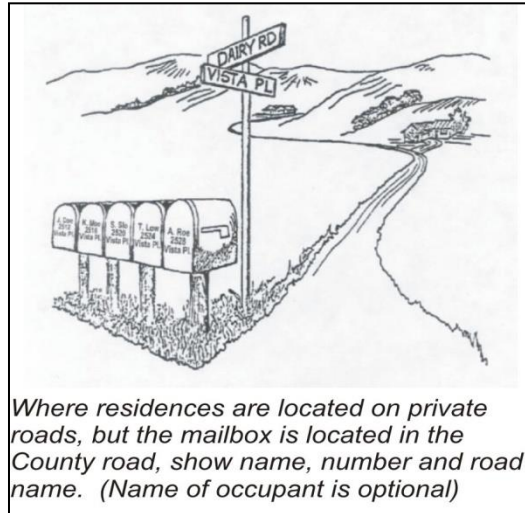


Figure 6-3 - Address Numbers on Mailboxes

35.460.070 - Administration

All road names and address numbers shall be issued by the County Fire Department in compliance with this Chapter. Road name signs along County-maintained roads shall be installed by the Public Works Department or at its direction, in compliance with [Section 35.460.050 \(Road Names - Procedure, Standards, and Signs\)](#).

35.460.080 - Enforcement

- A. Enforcement responsibility.** The County Fire Department shall enforce this Chapter and all of its provisions.
- B. Citation and penalties.** A person who fails to comply with the requirements of this Chapter shall be issued a citation as provided in County Code Section 1-8 (Citation to Appear in Court). Penalties for a violation of this Chapter are established by County Code Section 1-7 (General Penalty).

DIVISION 35.7

Montecito Planning Permit Procedures

Chapter 35.470 - Permit Application Filing and Processing	7-3
35.470.010 - Purpose and Intent	7-3
35.470.020 - Authority for Land Use and Zoning Decisions	7-3
35.470.030 - Application Preparation and Filing	7-5
35.470.040 - Application Fees	7-5
35.470.050 - Initial Application Review	7-5
Chapter 35.472 - Permit Review and Decisions	7-7
35.472.010 - Purpose and Intent	7-7
35.472.020 - Effective Date of Permits	7-7
35.472.030 - Applications Deemed Approved	7-8
35.472.040 - Permits to Run with the Land	7-8
35.472.050 - Recordable Documents Reserved	7-8
35.472.060 - Conditional Use Permits	7-8
35.472.070 - Design Review	7-13
35.472.080 - Development Plans	7-16
35.472.090 - Emergency Permits	7-22
35.472.100 - Hardship Determinations	7-23
35.472.110 - Land Use Permits	7-23
35.472.120 - Modifications	7-25
35.472.130 - Overall Sign Plans	7-28
35.472.140 - Reclamation and Surface Mining Permits	7-29
35.472.150 - Sign Certificates of Conformance	7-39
35.472.160 - Sign Modifications	7-40
35.472.170 - Use Determinations	7-41
35.472.180 - Variances	7-42
35.472.190 - Zoning Clearances	7-43
Chapter 35.474 - Post Approval Procedures	7-45
35.474.010 - Purpose and Intent	7-45
35.474.020 - Performance Guarantees	7-45
35.474.030 - Time Extensions	7-45
35.474.040 - Changes to an Approved Project	7-49
35.474.050 - Reapplications	7-53
35.474.060 - Revocations	7-53
35.474.070 - Post Approval Inspections	7-54
Chapter 35.476 - Development Agreements	7-55
35.476.010 - Purpose and Intent	7-55
35.476.020 - Application Requirements	7-55
35.476.030 - Notices and Hearings	7-55
35.476.040 - Standards of Review, Findings, and Decision	7-56
35.476.050 - Development Agreement Amendment or Cancellation	7-57
35.476.060 - Recordation	7-57
35.476.070 - Periodic Review	7-57
35.476.080 - Modification or Termination	7-57
Chapter 35.478 - Specific Plans	7-59
35.478.010 - Purpose and Intent	7-59

35.478.020 - Initiation..... 7-59
35.478.030 - Contents of Application 7-59
35.478.040 - Processing of Specific Plans 7-59
35.478.050 - Findings Required for Approval 7-60

CHAPTER 35.470 - PERMIT APPLICATION FILING AND PROCESSING

Sections:

- [35.470.010 - Purpose and Intent](#)
- [35.470.020 - Authority for Land Use and Zoning Decisions](#)
- [35.470.030 - Application Preparation and Filing](#)
- [35.470.040 - Application Fees](#)
- [35.470.050 - Initial Application Review](#)

35.470.010 - Purpose and Intent

This Chapter provides procedures and requirements for the preparation, filing and initial processing of the planning permit applications required by this Development Code.

35.470.020 - Authority for Land Use and Zoning Decisions

- A. Review Authority.** Table 7-1 (Review Authority) identifies the review authority responsible for reviewing and making decisions on each type of application required by this Development Code.
- B. Application subject to more than one review authority.**
1. When two or more discretionary applications that relate to the same development project are submitted, and the individual applications are under the separate jurisdiction of more than one review authority in compliance with Table 7-1 (Review Authority) below, all applications for the project shall be under the jurisdiction of the review authority with the highest jurisdiction in compliance with the following descending order:
 - a. Board;
 - b. Montecito Commission and;
 - c. Director
 2. If the Board is the review authority for a project due to a companion discretionary application (e.g., Zoning Map Amendment) the Montecito Commission shall make an advisory recommendation to the Board on each project.
 3. This Section shall not apply to applications for:
 - ~~a. Coastal Development Permits submitted in compliance with Section 35.472.050 (Coastal Development Permits) that do not require a public hearing in compliance with Section 35.472.050 (Coastal Development Permits).~~
 - a. Design Review submitted in compliance with [Section 35.472.070 \(Design Review\)](#).
 - b. Emergency Permits submitted in compliance with [Section 35.472.090 \(Emergency Permits\)](#).
 - c. Land Use Permits submitted in compliance with [Section 35.472.110 \(Land Use Permits\)](#).
 - d. Sign Certificates of Compliance required in compliance with [Chapter 35.438 \(Sign Standards\)](#).
 - e. Zoning Clearances submitted in compliance with [Section 35.472.190 \(Zoning Clearance\)](#).

Table 7-1 - Review Authority

Type of Action	Role of Review Authority (1)		
	Director	Montecito Planning Commission	Board of Supervisors
Administrative and Legislative			
Development Code Amendment		Recommend	Decision
Comprehensive Plan Amendment		Recommend (2)	Decision
Interpretations	Decision	Appeal	Appeal
Reasonable Accommodation	See Chapter 35.437 (Reasonable Accommodation) for applicable Review Authority		
Specific Plans and Amendments		Recommend	Decision
Zoning Map Amendment		Recommend (3)	Decision
Planning Permits			
Conditional Use Permits		Decision	Appeal
Design Review	See Footnote (4) below		
Development Plan	See Subsection 35.472.080.B.3 (Review Authority)		Appeal
Emergency Permits	Decision		
Hardship Determinations		Decision	Appeal
Land Use Permit	Decision	Appeal	Appeal
Modification		Decision	Appeal
Overall Sign Plans		Decision	Appeal
Reclamation and Surface Mining (5)		Decision	Appeal
Road Namings/Renamings	See Chapter 35.460 (Road Naming and Address Numbering)		Appeal
Sign Certificates of Conformance	Decision	Appeal	Appeal
Sign Conditional Use Permits		Decision	Appeal
Sign Modifications		Decision	Appeal
Use Determinations		Decision	Appeal
Variance		Decision	Appeal
Zoning Clearance	Decision		

Notes:

- (1) "Recommend" identifies that the review authority makes a recommendation to a higher decision-making body; "Decision" identifies that the review authority makes the final decision on the matter; "Appeal" identifies that the review authority may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with [Chapter 35.492 \(Appeals\)](#).
- (2) In situations where the Comprehensive Plan Amendment would also have effect outside of the Montecito Community Plan Area, then the recommendation of the Montecito Planning Commission shall be to the County Planning Commission who shall make a recommendation to the Board.
- (3) The decision of the Montecito Commission to recommend denial of a Zoning Map Amendment is not transmitted to the Board absent the filing of an appeal or a written request for a hearing is filed with the Clerk of the Board within the five calendar days after the Montecito Commission files its recommendation with the Board.
- (4) The Montecito Board of Architectural Review shall make decisions on all Design Reviews; the decision of the Montecito Board of Architectural Review is appealable to the Montecito Commission; the decision of the Montecito Commission is appealable to the Board.
- (5) The Director shall be the review authority on amendments to Reclamation Plans that are required in order to incorporate an interim management plan that is required due to a surface mining operation becoming idle.

~~C. Applications subject to review by the Coastal Commission. In addition to the review authority identified in Table 7-1 (Review Authority), final decisions by the County on the following are within the jurisdiction of the California Coastal Commission.~~

- ~~1. Amendments to the certified Local Coastal Program.~~
- ~~2. Permit decisions that may be appealed to the Coastal Commission in compliance with Section 35.492.060 (Appeals to the Coastal Commission).~~

35.470.030 - Application Preparation and Filing

A. Application contents. Each application for a permit, amendment, or other matter pertaining to this Development Code shall be filed with the Director on a Department application form, together with required fees and/or deposits and all other information and materials as identified in the Department application for the specific type of application. Submittal requirements may be increased or waived on a project specific basis as determined necessary or appropriate by the Director. It is the responsibility of the applicant to establish evidence in support of the findings required by the applicable permit, amendment, or other matter pertaining to this Development Code.

1. Defense and indemnification agreement.

- a. Unless disallowed by State law, at the time of the filing of an application, the Owner and/or Applicant shall agree, as part of the application, to defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, an approval of the application by the County.

- (1) A defense and indemnification agreement completed by the applicant on a form provided by the Department shall be submitted with the application at the time of filing the application with the Director. An application will not be accepted for processing and processing of an application will not commence unless a executed defense and indemnification agreement acceptable by the County is submitted with the application.

B. Eligibility for filing. An application may only be filed by the owner of the subject property, or other person with the written consent of the property owner, or as otherwise authorized by this development Code.

35.470.040 - Application Fees

A. Fee schedule. The Board shall establish by resolution a schedule of fees and/or deposits for the processing of the various applications required by this Development Code, hereafter referred to as the Board's Fee Resolution.

B. Timing of payment. Required fees and/or deposits shall be paid at the time of filing the application with the Director and no processing shall commence until the fee/deposit is paid.

C. Refunds and withdrawals. The required application fees and/or deposits cover County costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Therefore, a refund due to a denial is not required. In the case of an expiration or withdrawal of an application, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of expiration or withdrawal.

35.470.050 - Initial Application Review

A. Filing and acceptance of an application. An application is considered to be filed after it has been accepted for processing by the Department and required fees and/or deposits have been paid. The Director shall review each application for receipt of all submittal requirements and accuracy prior to acceptance of the application. The Director's acceptance of an application for processing shall be based on the

Department's list of required application contents (see [Section 35.470.030 \(Application Preparation and Filing\)](#) above).

B. Special provisions for applications subject to review under the California Environmental Quality Act. Projects subject to environmental review as required by the California Environmental Quality Act shall be subject to the following requirements:

- 1. Notification of applicant.** As required by Government Code Section 65943, within 30 calendar days of either the initial application filing or subsequent filings after a determination of application incompleteness has been made, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the Incomplete letter shall be provided.
- 2. Appeal of determination.** After an initial determination of application incompleteness, where the Director has determined for a second or additional time that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the Director's determination in compliance with [Chapter 35.492 \(Appeals\)](#).
- 3. Time for submittal of additional information.** When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness or incompleteness shall occur. The time available to an applicant for submittal of additional information is limited by Subsection B.4 (Expiration of application) below.
- 4. Expiration of application.**
 - a. If an applicant fails to provide the additional information specified in the Director's letter within 90 days following the date of the letter, the application shall expire and be deemed withdrawn, without any further action by the County.
 - b. The Director may grant one 90-day extension.
 - c. After the expiration of an application, future County consideration shall require the submittal of a new, complete application and associated fees.
- 5. Environmental information.** After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the California Environmental Quality Act.

C. Referral of application. At the discretion of the Director, or where otherwise required by this Development Code or State or Federal law, an application may be referred to any County department or public agency that may be affected by or have an interest in the proposed project.

D. Right of entry/inspection. Every applicant seeking a permit or any other action in compliance with this Development Code shall allow the County staff involved in the review of the application access to any premises or property which is the subject of the application at all reasonable times.

CHAPTER 35.472 - PERMIT REVIEW AND DECISIONS

Sections:

- 35.472.010 - Purpose and Intent
- 35.472.020 - Effective Date of Permits
- 35.472.030 - Applications Deemed Approved
- 35.472.040 - Permits to Run with the Land
- 35.472.050 - Reserved
- 35.472.060 - Conditional Use Permits
- 35.472.070 - Design Review
- 35.472.080 - Development Plans
- 35.472.090 - Emergency Permits
- 35.472.100 - Hardship Determinations
- 35.472.110 - Land Use Permits
- 35.472.120 - Modifications
- 35.472.130 - Overall Sign Plans
- 35.472.140 - Reclamation and Surface Mining Permits
- 35.472.150 - Sign Certificates of Conformance
- 35.472.160 - Sign Modifications
- 35.472.170 - Use Determinations
- 35.472.180 - Variances
- 35.472.190 - Zoning Clearances

35.472.010 - Purpose and Intent

This Chapter provides procedures for the review and approval, conditional approval, or denial of the planning permit applications established by this Development Code.

35.472.020 - Effective Date of Permits

A. Coastal Zone.

1. ~~Development not appealable to the Coastal Commission.~~ The approval of a planning permit for a project that is not appealable to the Coastal Commission shall be deemed effective on the eleventh day following the date of application approval by the appropriate review authority where an appeal of the review authority's action has not been filed in compliance with Chapter 35.492 (Appeals) unless otherwise indicated in the planning permit. If appealed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal.
2. ~~Development appealable to the Coastal Commission.~~ The approval of a planning permit for a project that is appealable to the Coastal Commission shall become effective upon:
 - a. ~~The expiration of the Coastal Commission's 10-day appeal period which begins the next working day following the receipt by the Coastal Commission of adequate notice of the County's final action unless otherwise indicated in the planning permit; and~~
 - b. ~~Where an appeal of the review authority's action has not been filed by two Coastal Commissioners, the applicant, or any aggrieved person in compliance with the Coastal Act, and where a local appeal has not been filed within 10 days of the date of the decision by the applicable review authority in compliance with Chapter 35.492 (Appeals) unless otherwise indicated in the planning permit.~~
 - e. ~~If appealed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal.~~

BA. Effective Date of Permit~~Inland area.~~

1. The approval of a planning permit for a project shall become effective on the eleventh day following the date of application approval by the appropriate review authority where an appeal of the review authority's action has not been filed in compliance with [Chapter 35.492 \(Appeals\)](#) unless otherwise indicated in the planning permit.
2. If appealed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal.

CB. Extension of effective date. The effective date shall extend to 5:00 p.m. on the following working day where the eleventh day falls on a weekend, holiday, or other day the County ~~or California Coastal Commission are~~ is not open for business.

DC. No entitlement for development. No entitlement for the use or development shall be granted before the effective date of the planning permit.

35.472.030 - Applications Deemed Approved

A planning permit application ~~for property outside of the Coastal Zone~~ that is deemed approved by operation of law in compliance with Government Code Section 65956 shall be subject to all applicable provisions of this Development Code which shall be satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is established.

35.472.040 - Permits to Run with the Land

A ~~Coastal Development Permit~~, Conditional Use Permit, Development Plan, Design Review, Land Use Permit, Modification, Sign Certificate of Conformance, Variance or Zoning Clearance approval or other planning permit approved in compliance with this Chapter shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with this Chapter or as otherwise specified in the planning permit. All applicable conditions of approval shall continue to apply after a change in property ownership.

35.472.050 - Recordable Documents ~~Reserved~~

In addition to any requirements to record a Notice to Property Owner for certain identified land uses pursuant to Chapter 35.430 (Standards for All Development and Land Uses) and Chapter 35.442 (Standards for Specific Land Uses), applicants shall record a Notice to Property Owner, Agreement, or other document, for the following matters related to real property, when a condition of approval of a planning permit or other land use entitlement requires it.

A. Notices to Property Owners. Any notice to property owner required by this Code, including, but not limited to, the following, are recordable documents.

1. Accessory structure.
2. Agricultural employee dwelling.
3. Building and development envelopes.
4. Buyer beware/notification regarding availability of public water and/or sewer.
5. **Community plan requirements.** A Notice to Property Owner is required when a buyer notification or Notice to Property Owner is required pursuant to a community plan.
6. Development exclusion areas.
7. Fencing to allow animal passage.
8. Fuel management zones.
9. Landscaping maintenance.

10. Plans (e.g., a solid waste management plan or habitat management plan) or actions (e.g., maintenance activities) that an applicant must implement, maintain, and/or take for an extended period of time (e.g., for the life of a project).
11. Temporary dwelling unit (or temporary second unit).
12. Watchman's trailer.

B. Other Notices, Agreements, Covenants, and Easements. Documents to require, or notify future buyers of real property of, the following are recordable.

1. Compliance with the parking requirements of this Development Code, including, but not limited to, provision of an offsite parking easement.
2. Compliance with project and/or permit conditions of approval.
3. Implementation of historic structural preservation and restoration/renovation plan or program.
4. Implementation of Stormwater Control Plan or Stormwater Quality Management Plan.
5. Maintenance of stormwater quality and retention measures.
6. Prohibitions on high water use/consumption businesses.
7. Resale Restrictive Covenant and Preemptive Right.
8. Water well meter monitoring, provision of meter records, and measures to take in the event water quality degrades.

35.472.060 - Conditional Use Permits

- A. **Purpose and intent.** The purpose of this Section is to provide for uses that are essential or desirable but cannot be readily classified as allowed uses in individual zones by reason of their special character, uniqueness of size or scope, or possible effect on public facilities or surrounding uses. The intent of this Section is to provide for specific consideration of these uses.
- B. **Applicability.** The provisions of this Section shall apply to those uses listed within this Development Code as requiring a Conditional Use Permit.
- C. **Contents of application.** An application for a Conditional Use Permit shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).
 1. ~~If an application for a Conditional Use Permit is submitted for a property located in the Coastal Zone, then an application for a Coastal Development Permit for the development requested by the Conditional Use Permit application shall also be submitted and shall be processed concurrently and in conjunction with Conditional Use Permit application except when the Coastal Commission approves the Coastal Development Permit because the development is located within the retained permit jurisdiction of the Coastal Commission.~~
- D. **Processing.**
 1. After receipt of an application for a Conditional Use Permit, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 2. Notice of the filing of an application shall be given in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 3. The Department shall refer the application for a Conditional Use Permit to the Subdivision/Development Review Committee for review and recommendation to the Montecito Commission.
 4. The application shall be subject to Design Review in compliance with [Section 35.472.070 \(Design Review\)](#).

5. The Montecito Commission shall hold at least one public hearing on the requested Conditional Use Permit 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 action of the Montecito Commission is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
8. Conditional Use Permits may be granted for a period of time and subject to conditions and limitations as may be required to protect the public health, peace, safety, and general welfare of the community. The conditions may be more restrictive than those required in the specific zones.
9. In the case of a Conditional Use Permit application where the project is subject to Development Plan requirements, a Development Plan shall be required in addition to obtaining a Conditional Use Permit, except for the following:
 - a. Commercial telecommunication facilities that are permitted by a Conditional Use Permit pursuant to [Section 35.444.010 \(Commercial Telecommunication Facilities\)](#) provided that any structure constructed or erected as part of the telecommunications facility shall only be used as part of the telecommunication facility and shall be removed pursuant to [Subsection 35.444.010.E.4 \(Project abandonment/site restoration\)](#).

E. Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with [Chapter 35.438 \(Sign Standards\)](#). A Conditional Use Permit application shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings, as applicable.

1. Findings for all Conditional Use Permits:

- a. The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.
- b. ~~Environmental impacts.~~
 - (1) ~~Within the Coastal Zone, adverse environmental impacts will be mitigated to the maximum extent feasible.~~
 - (2) ~~Within the Inland area, s~~Significant environmental impacts will be mitigated to the maximum extent feasible.
- c. Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
- d. There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.
- e. The proposed project will not be detrimental to the comfort, convenience, general welfare, health and safety of the neighborhood and will be compatible with the surrounding area.
- f. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan including the Montecito Community Plan.
- g. The proposed project will not potentially result in traffic levels higher than those anticipated for the lot by the Montecito Community Plan and its associated environmental documents; or if the project would result in higher traffic levels, the increase in traffic is not large enough to cause the affected roadways and/or intersections to exceed their designated acceptable capacity levels at buildout of the Montecito Community Plan or road improvements included as part of the project description are consistent with the provisions of the Montecito Community Plan and are adequate to fully offset the identified potential increase in traffic.

- h. The proposed project will not adversely impact recreational facilities and uses.
- i. Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the rural and scenic character of the area.

~~2. Additional findings required for sites within the Coastal Zone.~~

- ~~a. The proposed project will not conflict with any easements required for public access through, or public use of the site.~~
- ~~b. The proposed use is consistent with the intent of the applicable zone.~~

32. Additional findings for sites zoned RMZ (Resource Management).

- a. The project will not require extensive alteration of the topography.
- b. The project will not cause erosion, sedimentation, runoff, siltation, or an identified significant adverse impact to downstream water courses or water bodies.
- c. The project will not cause any significant adverse effect on environmentally sensitive habitat areas, plant species, or biological resources.

F. Findings required for approval of Conditional Use Permits applications submitted in compliance with Chapter 35.438 (Sign Standards). A Conditional Use Permit application shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings:

- 1. The sign is necessary to direct or inform the public as to the location or changing attraction of those uses specified in Chapter 35.438 (Sign Standards).
- 2. The location and size of the sign will not be detrimental to the safety, convenience, property values, and general welfare of the neighborhood.
- 3. If the sign informs the public concerning service club meetings, the permittee agrees in writing, if required by the Montecito Commission, to permit additional service club signs to be placed on the same structure.

G. Requirements prior to commencement of conditionally permitted uses and permit expiration.

~~1. Coastal Zone. For Conditional Use Permits approved for property located in the Coastal Zone, issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits), or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit.~~

~~a. Coastal Development Permit required. A Coastal Development Permit shall be issued prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit either by the County in compliance with Section 35.472.050.D.3 or the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission.~~

~~b. Land Use Permit required. In addition to the issuance of a Coastal Development Permit, the issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) shall be required if the project requires a Coastal Development Permit issued by the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission.~~

~~c. Zoning Clearance required. In addition to a Coastal Development Permit, the issuance of a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required if:~~

- ~~(1) The project does not require a Coastal Development Permit issued by the Coastal~~

~~Commission, or~~

- ~~(2) The approval of a Substantial Conformity Determination in compliance with Section 35.474.040.C (Substantial Conformity Determinations) is not required as a result of changes to the project allowed by the Conditional Use Permit. Prior to the issuance of the Zoning Clearance the Director shall determine that project allowed by the Conditional Use Permit is in substantial conformity with the Coastal Development Permit previously issued in compliance with Section 35.472.050.D.3. If the Director cannot make this determination, then prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit, a new Coastal Development Permit shall be issued in compliance with Section 35.472.050. D.3 except that:~~
- ~~(a) The Director shall be the review authority for the new Coastal Development Permit and shall review the Coastal Development Permit application for compliance with the Comprehensive Plan, including Coastal Land Use Plan and the Montecito Community Plan, this Development Code and other applicable conditions and regulations, and approve, conditionally approve or deny the Coastal Development Permit without a public hearing.~~
- ~~(b) Before approval or conditional approval of a Coastal Development Permit, notice of the pending decision shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).~~
- ~~(c) The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~
- ~~(d) The Director shall approve or conditionally approve the Coastal Development Permit only if the Director first makes all of the applicable findings required in compliance with Section 35.472.050.E (Findings for Approval).~~

21. Inland area. For Conditional Use Permits approved for property located in the Inland area, issuance of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) shall be required prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit.

- a. Land Use Permit required.** The issuance of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) shall be required if the approval of a Substantial Conformity Determination in compliance with [Section 35.474.040.C \(Substantial Conformity Determinations\)](#) is required as a result of changes to the project allowed by the Conditional Use Permit.
- b. Zoning Clearance required.** The issuance of a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) shall be required if the approval of a Substantial Conformity Determination in compliance with [Section 35.474.040.C \(Substantial Conformity Determinations\)](#) is not required as a result of changes to the project allowed by the Conditional Use Permit.

32. Time limits and extensions.

- a. Conditional Use Permits without approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit does not include an approved phasing plan for development of the project authorized by the Conditional Use Permit, then a time limit shall be established within which the required Land Use Permit or Zoning Clearance shall be issued.

- (1) The time limit shall be a reasonable time based on the nature and size of the proposed

development or use.

- (2) If a time limit is not specified, the time limit shall be 18 months from the effective date of the Conditional Use Permit.
- (3) The Montecito Commission may extend the time limit in compliance with [Section 35.474.030 \(Time Extensions\)](#).
- (4) If the required time limit in which to obtain the required Land Use Permit or Zoning Clearance has expired and an application for an extension has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.

b. Conditional Use Permits with approved phasing plans. If at the time of approval of a Conditional Use Permit the Conditional Use Permit includes a phasing plan for development of the project authorized by the Conditional Use Permit, then the required Land Use Permit or Zoning Clearance shall be issued within the time limit(s) established by the phasing plan.

- (1) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Conditional Use Permit in compliance with Subsection C. (Substantial Conformity Determinations), Subsection D. (Amendments) or Subsection E. (Revisions) of [Section 35.474.040 \(Changes to an Approved Project\)](#).
- (2) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for the first phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.
- (3) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for any subsequent phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then:
 - (a) The Conditional Use Permit shall be considered void and of no further effect as to that phase and any subsequent phase(s) of the project.
 - (b) The Conditional Use Permit is automatically revised to eliminate phases of project from the project authorized by the Conditional Use Permit that are considered void and of no further effect in compliance with Subsection 3.b.(3)(a), above.
- (4) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits and Zoning Clearances shall be issued within 10 years of the effective date of the Conditional Use Permit.
 - (a) This 10 year period may be extended by the Montecito Commission provided an application for a Time Extension is submitted in compliance with [Section 35.474.030 \(Time Extensions\)](#).

43. Conditional Use Permit void. A Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by the Conditional Use Permit is discontinued for a period of more than 12 months. The time limit for discontinuance may be extended by the Montecito Commission in compliance with [Section 35.474.030 \(Time Extensions\)](#).

H. Changes to approved permit. Changes to an approved Conditional Use Permit shall be processed in compliance with [Section 35.474.040 \(Changes to an Approved Project\)](#).

I. Conditions, restrictions, and modifications.

1. At the time the Conditional Use Permit is approved, or subsequent amendments or revisions are approved, the review authority may modify the applicable distance between structures, landscaping,

parking, screening requirements, setbacks, structure coverage, structure height limit, or yard areas when the Montecito Commission finds that the modifications are justified and consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines.

2. As a condition of approval of any Conditional Use Permit, or of any subsequent amendments or revisions, the Montecito Commission may impose any appropriate and reasonable conditions or require any redesign of the project as the review authority may deem necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public health, peace, safety and welfare, or to implement the purposes of this Development Code.
3. The review authority may require as a condition of approval of any Conditional Use Permit, or of any subsequent amendment or revision, the preservation of trees existing on the subject property.

J. Permit revocation. A Conditional Use Permit approval may be revoked or modified in compliance with [Section 35.474.060 \(Revocations\)](#).

K. Post approval procedures. The procedures and requirements in [Chapter 35.474 \(Post Approval Procedures\)](#) and those related to appeals in [Division 35.9 \(Land Use and Development Code Administration\)](#) shall apply following the decision on an application for a Conditional Use Permit.

35.472.070 - Design Review

A. Purpose and intent. The purpose and intent of Design Review is to encourage development that exemplifies the best professional design practices, to benefit surrounding property values, enhance the visual quality of the environment, and prevent poor quality of design.

B. Applicability. Design Review action shall be required for all of the following:

1. Any new structure or sign.
2. Any addition to a structure or sign.
3. Any use requiring architectural approval as specifically identified by the Montecito Commission or the Board.
4. A structure that is subject to the Ridgeline and Hillside Development Guidelines.
5. Communication facilities in compliance with [Chapter 35.444 \(Telecommunications Facilities\)](#).
6. The Montecito Board of Architectural Review shall also render its advice on exterior architecture of structures and signs to the Director, Montecito Commission or Board when requested to do so.

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

1. Accessory dwelling units.
2. Decks.
3. 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.
4. Hot tubs, spas, and swimming pools.
5. Interior alterations.
6. Solar panels.
7. Other exterior alterations determined to be minor by the Director.

8. 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.

D. Contents of application. An application for Design Review shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

E. Processing.

1. Applications for Preliminary and Final review by the Montecito Board of Architectural Review shall be accepted only if the application is accompanied by a development application or if the Department is processing an existing development application for the proposed project.
2. The Montecito Board of Architectural Review shall hold as least one noticed public hearing on an application for Preliminary or Final approval and approve, conditionally approve or deny the request in compliance with Section 2-33.15 of Chapter 2, Article V of the County Code and this Section.
3. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
4. The action of the Montecito Board of Architectural Review is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).

F. Findings required for approval.

1. **Findings required for all Design Review applications.** Design Review applications shall be approved or conditionally approved only if the Montecito Board of Architectural Review first makes all of the following findings:
 - a. Overall structure shapes, as well as parts of any structure (buildings, fences, screens, signs, towers, or walls) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the property.
 - b. Electrical and mechanical equipment will be well integrated into the total design concept.
 - c. There will be harmony of color, composition, and material on all sides of a structure.
 - d. There will be a limited number of materials on the exterior face of the structure.
 - e. There will be a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.
 - f. Site layout, orientation and location of structures and signs will be in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the site with consideration for public views of the hillsides and the ocean and the semi-rural character of the community as viewed from scenic view corridors as shown on Figure 37, Visual Resources Map in the Montecito Community Plan EIR (92-EIR-03).
 - g. Adequate landscaping will be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of plantings that are appropriate to the project and that adequate provisions have been made for the maintenance of all landscaping.
 - h. Grading and development is designed to avoid visible scarring and will be in an appropriate and well designed relationship to the natural topography with regard to maintaining the natural appearance of the ridgelines and hillsides.

- i. Signs including associated lighting are well designed and will be appropriate in size and location.
- j. The proposed development will be consistent with any additional design standards expressly adopted by the Board for a specific local community, area or district in compliance with Subsection G. (Local design standards) below.

~~2. Additional finding required for Design Review applications within the Coastal Zone.~~

- ~~a. Within Urban areas as designated on the Comprehensive Plan maps, new structures are compatible with the character and scale of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.~~

G. Local design standards. Additional design standards may be developed as part of or independent of the Montecito Community Plan. Such standards serve to provide further guidance in the review of project beyond those standards or findings contained in this Section. The following procedures shall be followed in adopting the design standards:

1. The Montecito Board of Architectural Review shall review proposed design standards at a draft stage. The Montecito Board of Architectural Review shall provide comments on the draft design standards as to their consistency with the standards and findings provided in this Section, as well as their overall utility and effectiveness. These comments shall be incorporated into the draft design standards by the Department.
2. The Montecito Commission shall hold a hearing to review the proposed design standards and shall transmit its action to the Board in the form of a written recommendation.
3. The Board shall hold a hearing to review the proposed design standards and shall approve or disapprove the proposed design standards.
 - a. This hearing may be held in conjunction with an overall Community Plan adoption.
 - b. The manner of adoption of the design standards (e.g., by ordinance or resolution) shall be at the discretion of the Board.
 - c. Adoption of design standards shall:
 - (1) Constitute a directive to the Montecito Board of Architectural Review to utilize the design standards in review of projects located in the Montecito Community Plan area; and
 - (2) Not constitute a grant of any formal authority to the Montecito Board of Architectural Review not otherwise granted by appropriate legal mechanism.

H. Appeals. The action of the Montecito Board of Architectural Review to grant or deny preliminary or final approval is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).

I. Expiration of Design Review approval.

1. **If development permit exists.** All Design Review approvals shall expire on the date the associated development permit (e.g. ~~Coastal Development Permit~~, Development Plan, Land Use Permit) including approved time extensions expires.
2. **If no development permit exists.** Where no development permit exists, all Design Review approvals shall expire two years from the date of final approval, except the Director may grant an extension of the approval for up to a maximum of 12 months if an active planning permit application is being processed by the Department.

J. Minor changes to Design Reviews. Minor changes to an approved project shall be in compliance with [Section 35.474.040 \(Changes to an Approved Project\)](#).

K. Permit revocation. A Design Review approval may be revoked or modified in compliance with Section

35.474.060 (Revocations).

- L. Post approval procedures.** The procedures and requirements in [Chapter 35.474 \(Post Approval Procedures\)](#) and those related to appeals in [Division 35.9 \(Land Use and Development Code Administration\)](#) shall apply following the decision on an application for Design Review.

35.472.080 - Development Plans

- A. Purpose and intent.** The purpose and intent of a Development Plan is to provide specific consideration for projects that are allowed uses within their respective zones which, because of the location, scale, or type of the development, require comprehensive review.
- B. Applicability.**
- 1. Final Development Plan required.** No permit shall be issued for any development, including grading, for any property subject to this Section until a Final Development Plan has been approved in compliance with this Section.
 - 2. All portions of site to be included.** No portion of any property not included within the boundaries of the Development Plan shall be entitled to any development permits.
 - 3. Review authority.** The Montecito Commission is the review authority for all Development Plans except for the following:
 - a. When the Board of Supervisors, Montecito Commission, or Director has approved the Preliminary Development Plan, the Director shall be the review authority for the Final Development unless:
 - (1) The conditions of approval of the Preliminary Development Plan do not specify a review authority for the Final Development Plan other than the Director; or
 - (2) The Director determines that the Final Development Plan is not in substantial conformity with the approved Preliminary Development Plan.
 - (a) If the Director determines that the Final Development Plan is not in substantial conformity with the approved Preliminary Development Plan, then the review authority for the Final Development Plan shall be the Montecito Commission.
 - b. The Director shall be the review authority for applications for Final Development Plans for projects that were legally permitted and developed without a Final Development Plan and are now nonconforming solely due to the absence of an approved Final Development Plan provided:
 - (1) Revisions to the existing development are not proposed as part of the application for the Final Development Plan except for minor alterations to the exterior of the structure that are determined to be exempt from Design Review by the Director in compliance with [Section 35.472.070 \(Design Review\)](#).
 - (2) If revisions to the existing development are proposed, then the application shall be processed as if it was an application for a new project and the jurisdiction shall be determined in compliance with this Subsection B.3 (Review authority).
 - c. The review authority for telecommunication facilities is identified in Table 4-10 (Allowable Zones and Permit Requirements for Commercial Telecommunication Facilities) in [Section 35.444.010](#) and Table 4-11 (Allowable Zones and Permit Requirements for Noncommercial Telecommunication Facilities) in [Section 35.444.020](#).
- C. Contents of application.** An application for a Development Plan shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

1. ~~If an application for a Final Development Plan is submitted for property located in the Coastal Zone, then an application for a Coastal Development Permit for the development requested by the Final Development Plan application shall also be submitted and shall be processed concurrently and in conjunction with Final Development Plan application except when the Coastal Commission approves the Coastal Development Permit because the development is located within the retained permit jurisdiction of the Coastal Commission.~~

D. Processing.

1. An applicant may file a Preliminary and then a Final Development Plan, or just a Final Development Plan.
 - a. ~~Inland area.~~ Within the Inland area, any application filed in compliance with this Section that is determined to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan including the Montecito Community Plan shall be accompanied by an application that, if approved, would make the project consistent. The Director may refuse to accept for processing any application the Director finds to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan including the Montecito Community Plan, unless accompanied by an application that would, if approved, make the project consistent.
2. After receipt of an application for a Development Plan, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
3. After receipt of an application for a Development Plan, the Department shall refer the Development Plan to the Subdivision/Development Review Committee and the Montecito Board of Architectural Review for review and recommendation to the review authority. This requirement may be waived by the Director in the following situations:
 - a. An application for a Final Development Plan that is submitted subsequent to the approval of a Preliminary Development Plan where there is no change from the approved Preliminary Development Plan and the project received final approval from the Montecito Board of Architectural Review; or
 - b. An application for a Final Development where the Director is the review authority in compliance with Subsection B.3.b. above.
4. **Development Plans under the jurisdiction of the Director.** A public hearing shall not be required if the Director is the review authority for the Development Plan.
 - a. Notice of the pending decision of the Director on a Development Plan shall be given at least 10 days before the date of the Director's decision in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 - b. The Director may approve, conditionally approve, or deny the Development Plan.
 - c. The action of the Director is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
5. **Development Plans under the jurisdiction of the Montecito Commission.** A public hearing shall be required if the Montecito Commission is the review authority for the Development Plan.
 - a. The Montecito Commission shall hold at least one noticed public hearing on the requested Development Plan and approve, conditionally approve, or deny the request.
 - b. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 - c. The action of the Montecito Commission is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).

6. If a Development Plan application is considered in conjunction with a Zoning Map Amendment application or other application requiring legislative approval, the Montecito Commission may recommend approval, conditional approval, or denial to the Board.

E. Findings required for approval. A Development Plan application shall be approved or conditionally approved only if the review authority first makes all of the following findings, as applicable:

1. Findings for all Preliminary or Final Development Plans.

- a. The site of the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and the level of development proposed.
- b. Adverse impacts will be mitigated to the maximum extent feasible.
- c. Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
- d. There will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the proposed project.
- e. The proposed project will not be detrimental to the comfort, convenience, general welfare, health and safety of the neighborhood and will not be incompatible with the surrounding area.
- f. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan including the Montecito Community Plan.
- g. The proposed project will not adversely impact recreational facilities and uses.
- h. Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the rural and scenic character of the area.
- i. The project will not conflict with any easements required for public access through, or public use of a portion of the subject property.

2. Additional finding for Final Development Plans.

- a. **Substantial conformity.** The plan is in substantial conformity with any previously approved Preliminary Development Plan, except when the review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan.
 - (1) If the Final Development Plan is under the jurisdiction of the Director, and the Director cannot find that the Final Development Plan is in substantial conformity with the previously approved Preliminary Development Plan, the Director shall refer the Final Development Plan to the Montecito Commission for a decision on the Final Development Plan

3. Additional findings required for Preliminary or Final Development Plans for sites zoned CV (Visitor Serving Commercial).

- a. For development within Rural areas as designated on the Comprehensive Plan maps, the project will not result in a need for ancillary facilities on other rural lands (e.g., residences, stores). Such facilities, if necessary, shall be provided within designated urban areas.
- b. For development surrounded by areas zoned residential, the proposed use will be compatible with the residential character of the area, and will also be compatible in terms of bulk, design, mass, and scale with the residential character of the surrounding neighborhoods.
- c. Proposed improvements to resort visitor serving hotels are designed to be consistent with the existing historic "cottage type hotel" tradition from the early days of Montecito.

- 4. Additional findings required for Preliminary or Final Development Plans for sites zoned PRD (Planned Residential Development).**
 - a. The density and type of the proposed development will comply with the PRD zone and applicable policies of the Comprehensive Plan including the Montecito Community Plan.
 - b. Adequate provisions are or will be made within the proposed covenants, conditions, and restrictions to permanently care for and maintain public and common open spaces and recreational areas and facilities.
 - c. The structures are clustered to the maximum extent feasible to provide the maximum amount of contiguous open space.
- 5. Additional findings required for Preliminary or Final Development Plans for sites zoned RMZ (Resource Management Zone).** A Preliminary or Final Development Plan application that includes a proposed swimming pool(s) and/or a water storage tank(s) shall be approved or conditionally approved only if the review authority first makes all of the following findings:
 - a. The development of the swimming pool(s) and/or water storage tank(s) will require only minimal alteration of the topography.
 - b. The development of the proposed swimming pool(s) and/or water storage tank(s) will not cause erosion, sedimentation, runoff, siltation, or an identified significant adverse impact on downstream water courses or water bodies.
 - c. The development of the proposed swimming pool(s) and/or water storage tank(s) will not cause any significant adverse impact on environmentally sensitive habitat areas, plant species, or biological resources.
 - d. The proposed swimming pool(s) and/or water storage tank(s) will be screened from public view.

F. Requirements prior to commencement of development authorized by a Development Plan.

~~1. **Coastal Zone.** For Final Development Plans approved for property located in the Coastal Zone, issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits), or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required prior to commencement of the development and/or authorized use allowed by the Final Development Plan.~~

~~a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development and/or authorized use allowed by the Final Development Plan either by the County in compliance with Section 35.472.050.D.3 or the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission.~~

~~b. **Land Use Permit required.** In addition to the issuance of a Coastal Development Permit, the issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) shall be required if the project requires a Coastal Development Permit issued by the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission.~~

~~c. **Zoning Clearance required.** In addition to a Coastal Development Permit, the issuance of a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required if:~~

~~(1) The project does not require a Coastal Development Permit issued by the Coastal Commission, or~~

~~(2) The approval of a Substantial Conformity Determination in compliance with Section 35.474.040.C (Substantial Conformity Determinations) is not required as a result of changes to the project allowed by the Final Development Plan. Prior to the issuance of the Zoning Clearance the Director shall determine that project allowed by the Final Development Plan is in substantial conformity with the Coastal Development Permit previously issued in compliance with Section 35.472.050.D.3. If the Director cannot make this determination, then prior to the commencement of the development and/or authorized use allowed by the Final Development Plan, a new Coastal Development Permit shall be issued in compliance with Section 35.472.050.D.3 except that:~~

~~(a) The Director shall be the review authority for the new Coastal Development Permit and shall review the Coastal Development Permit application for compliance with the Comprehensive Plan, including Coastal Land Use Plan and the Montecito Community Plan, this Development Code and other applicable conditions and regulations, and approve, conditionally approve or deny the Coastal Development Permit without a public hearing.~~

~~(b) Before approval or conditional approval of a Coastal Development Permit, notice of the pending decision shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).~~

~~(c) The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~

~~(d) The Director shall approve or conditionally approve the Coastal Development Permit only if the Director first makes all of the applicable findings required in compliance with Section 35.472.050.E (Findings required for approval).~~

~~2. **Inland area.** For Final Development Plans approved for property located in the Inland area, issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a Zoning Clearance in~~

compliance with [Section 35.472.190 \(Zoning Clearances\)](#) shall be required prior to the commencement of the development and/or authorized use allowed by the Development Plan.

- a1. Land Use Permit required.** The issuance of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) shall be required if the approval of a Substantial Conformity Determination in compliance with [Section 35.474.040.C \(Substantial Conformity Determinations\)](#) is required as a result of changes to the project allowed by the Final Development Plan.
- b2. Zoning Clearance required.** The issuance of a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) shall be required if the approval of a Substantial Conformity Determination in compliance with [Section 35.474.040.C \(Substantial Conformity Determinations\)](#) is not required as a result of changes to the project allowed by the Final Development Plans.

G. Time limits and extensions.

- 1. Preliminary Development Plan.** Preliminary Development Plans shall expire two years after approval unless a time extension is approved in compliance with [Section 35.474.030 \(Time Extensions\)](#).
- 2. Final Development Plans.**
 - a. Final Development Plans without approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan does not include an approved phasing plan for development of the project authorized by the Final Development Plan, then the Final Development Plan shall expire five years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with [Section 35.474.030 \(Time Extensions\)](#).
 - b. Final Development Plans with approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan includes a phasing plan for development of the project authorized by the Final Development Plan, then the required Land Use Permit or Zoning Clearance shall be issued within the time limit(s) established by the phasing plan.
 - (1) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Final Development Plan in compliance with Subsection C. (Substantial Conformity Determinations), Subsection D. (Amendments) or Subsection E. (Revisions) of [Section 35.474.040 \(Changes to an Approved Project\)](#).
 - (2) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for the first phase of the project authorized by the Final Development Plan has expired and an application to revise the phasing plan has not been submitted, then the Final Development Plan shall be considered to have expired and of no further effect.
 - (3) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for any subsequent phase of the project authorized by the Final Development Plan has expired and an application to revise the phasing plan has not been submitted, then:
 - (a) The Final Development Plan shall be considered to have expired and of no further effect as to that phase and any subsequent phase(s) of the project.
 - (b) The Final Development Plan is automatically revised to eliminate phases of project from the project authorized by the Final Development Plan that are considered to have expired and of no further effect in compliance with Subsection 2.(b)(3)(i), above.
 - (4) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits and Zoning Clearances shall be issued within 10 years of the effective date of the Final Development Plan.

- (a) This 10 year period may be extended by the Montecito Commission provided an application for a Time Extension is submitted in compliance with [Section 35.474.030 \(Time Extensions\)](#).
- (i) The extension of the 10 year period is not subject to [Section 35.474.030.D.3 \(Development Plans \(Preliminary and Final\)\)](#) that limits the extension of the approval of a Development Plan to 12 months.

H. Conditions, restrictions, and modifications.

1. At the time the Preliminary or Final Development Plan is approved, or subsequent amendments or revisions are approved, the review authority may modify the distance between structures, landscaping, parking, screening requirements, setbacks, structure coverage, structure height limit, or yard areas specified in the applicable zone and [Chapter 35.436 \(Parking and Loading Standards\)](#) when the review authority finds that the modification will be justified.
2. As a condition of approval of any Preliminary or Final Development Plan, the review authority may impose any appropriate conditions or require any redesign of the subject project as it may deem to be reasonable and necessary in order to protect the persons or property in the neighborhood, to preserve the natural resources or scenic quality of the area, to preserve the neighborhood character, to preserve or enhance the public health, peace, safety, and general welfare, or to implement the purposes of this Development Code.
3. The review authority may require as a condition of approval of any Development Plan, the preservation of trees existing on the subject property.

- I. **Post approval procedures.** The procedures and requirements in [Chapter 35.474 \(Post Approval Procedures\)](#) and those related to appeals in [Division 35.9 \(Montecito Land Use and Development Code Administration\)](#) shall apply following the decision on an application for a Development Plan.

35.472.090 - Emergency Permits

- A. **Purpose and intent.** The purpose of this Section is to establish procedures for the granting of Emergency Permits. The intent is to modify the customary procedures for permit processing and temporarily by-pass the permit requirements of this Development Code in the case of an emergency.
- B. **Applicability.** When emergency action by a person or public agency is warranted, the requirements of obtaining a planning permit otherwise required by this Development Code may be temporarily deferred by the Director, and the Director may instead grant an Emergency Permit before the customarily required planning permit.
- C. **Application submittal procedures.** In cases of emergency, an application for an Emergency Permit shall be made to the Director by letter or telefax, if time allows, or by telephone or in person, if time does not allow.
- D. **Verification of emergency.** The Director shall verify the facts, including the existence and nature of the emergency, before granting the Emergency Permit.
- E. **Processing.**
1. Notice of the emergency work shall be in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#). The notice is not required to precede the actual commencement of the emergency work.
 2. The Director may grant an Emergency Permit upon reasonable terms and conditions, including an expiration date, and a requirement for subsequently obtaining the planning permit(s) customarily required by this Development Code if the Director first makes all of the following findings:
 - a. An emergency exists and requires action more quickly than provided for by the customary procedures for permit processing.

- b. The action proposed is consistent with the policies of the Comprehensive Plan, including the Montecito Community Plan and the requirements of this Development Code.
 - c. Public comment on the proposed emergency action has been reviewed.
- F. Completion of corrective action.** The corrective action will be completed within 30 days of granting the Emergency Permit unless otherwise specified by the terms of the Emergency Permit.
- G. Requirement for subsequent permits.** The granting of an Emergency Permit shall not constitute an entitlement to the erection of permanent structures. An application for planning permit customarily required by this Development Code shall be made no later than 30 days following the granting of an Emergency Permit. Any materials required for a completed application shall be submitted within 90 days after the granting of the Emergency Permit, unless this time period is extended by the Director.
- H. Permits not subject to Director's authority.** The Director shall not issue an Emergency Permit for any work that falls within the provisions of Public Resources Code Section 30519(b) or is in conflict with the provisions of Public Resources Code Section 30624.
- I. Reporting requirements of the Director.** The following reporting requirements shall be followed:
- 1. The Director shall submit a written report to the Board at its first scheduled meeting after the Emergency Permit has been granted regarding the nature of the emergency and the work involved.
 - 2. Copies of the report shall be available to the public at the meeting and shall be mailed to all persons who have requested notification in writing.
 - 3. ~~For properties located within the Coastal Zone, the Director shall also submit a written report to the Coastal Commission.~~
 - 4. The Director's written report shall be informational only; the decision to grant an Emergency Permit shall be at the sole discretion of the Director in compliance with this Section.

35.472.100 - Hardship Determinations

- A. Purpose and intent.** This Section provides procedures and findings to allow for the granting of Hardship Determinations to allow the restoration of nonconforming uses or the reconstruction of nonconforming structures. The intent is to allow such restoration or reconstruction only when the adverse impact upon the neighborhood created by the continued existence of the nonconforming use or structure or other development would be less than the hardship which would be suffered by the owner of the nonconforming use or structure or other development should restoration or reconstruction be denied.
- B. Applicability.** The provisions of this Section shall apply to all nonconforming uses and structures.
- C. Contents of application.** An application for a Hardship Determination shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).
- D. Processing.**
- 1. The Montecito Commission shall hold at least one noticed public hearing on the requested Hardship Determination and approve, conditionally approve, or deny the request.
 - 2. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 - 3. The Montecito Commission, in approving the Hardship Determination, may require conditions as deemed reasonable and necessary to ensure that the intent and purpose of this Development Code and the public health, peace, safety and general welfare would be promoted.
 - 4. The action of the Montecito Commission is final and not subject to appeal.
- E. Finding required for approval.** A Hardship Determination application shall be approved or conditionally approved only if the Montecito Commission first finds that the adverse impact upon the neighborhood

created by the continued existence of the nonconforming use or structure or other development would be less than the hardship which would be suffered by the owner of the nonconforming use or structure or other development should restoration or reconstruction be denied.

35.472.110 - Land Use Permits

A. Purpose and intent. This Section establishes procedures and findings for the approval, issuance of, and effective time periods for Land Use Permits. The intent of this Section is to ensure that development proposals are in conformity with the Comprehensive Plan including the Montecito Community Plan, this Development Code, and any conditions established by the County.

~~1. Properties located within the Coastal Zone.~~

~~a. This Section establishes procedures and findings for the approval of Land Use Permits in cases where the County approves certain discretionary permits for new development and the Coastal Commission issues the Coastal Development Permit because the development is located within the retained permit jurisdiction of the Coastal Commission.~~

~~b. In cases identified in Subsection 1.a above, the approval of a Land Use Permit is required following approval of the Coastal Development Permit by the Coastal Commission.~~

B. Applicability. The provisions of this Section shall apply to all development and uses identified within this Development Code as requiring a Land Use Permit, ~~including development and uses identified in Subsection A.1 (Properties located within the Coastal Zone) above.~~

C. Contents of application. An application for a Land Use Permit shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

D. Processing.

1. The Director shall review each Land Use Permit application for compliance with the Comprehensive Plan including the Montecito Community Plan, this Development Code and other applicable conditions and regulations, and approve, conditionally approve or deny the request.

a. Each Land Use Permit shall include a specific written condition that requires all development to comply with the approved plans.

2. The action of the Director is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).

3. No entitlement for development shall be granted prior to the effective date of the Land Use Permit. A Land Use Permit shall not be issued and deemed effective:

a. Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the review authority in compliance with [Chapter 35.492 \(Appeals\)](#).

b. Until all conditions of the Land Use Permit that are required to be satisfied prior to issuance of the Land Use Permit have been satisfied.

c. Until all necessary prior approvals have been obtained.

d. For applications for grading of roads and individual building pads, until the structure that will utilize the road and/or building pad has received final Design Review approval in compliance with [Section 35.472.070 \(Design Review\)](#).

~~e. For properties located within the Coastal Zone as identified in Subsection A.1 (Properties located within the Coastal Zone) above, until the approval of a Coastal Development Permit by the Coastal Commission has been obtained.~~

4. In the case of a development which requires a public hearing and final action by the Montecito Commission, or final action by the Director, the Director shall not approve any subsequently required Land Use Permit within the 10 calendar days immediately following the date that the

review authority took final action, during which time an appeal of the action may be filed in compliance with [Chapter 35.492 \(Appeals\)](#).

5. If a Land Use Permit is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Land Use Permit shall not be approved or conditionally approved while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zone and existing provisions of this Development Code and the amendment initiated by the Board unless a Preliminary or Final Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#) was approved before the adoption of the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.
6. Notice of the approval or conditional approval of a Land Use Permit shall be given in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).

E. Findings required for approval. A Land Use Permit application shall be approved or conditionally approved only if the Director first makes all of the following findings:

1. Findings for all Land Use Permits:

- a. The proposed development conforms:
 - (1) To the applicable provisions of the Comprehensive Plan including the Montecito Community Plan; and
 - (2) With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#).
- b. The proposed development is located on a legally created lot.
- c. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#).

F. Permit expiration.

1. A Land Use Permit shall remain valid only as long as compliance with all applicable requirements of this Development Code and the permit continues.
2. The approval or conditional approval of a Land Use Permit shall be valid for 12 months unless a time extension is approved in compliance with [Section 35.474.030 \(Time Extensions\)](#) except that a Land Use Permit approved or conditionally approved and unissued as of December 1, 2011 shall be valid for 12 months following [effective date of ordinance] unless a time extension is approved in compliance with [Section 35.474.030 \(Time Extensions\)](#).
3. A Land Use Permit shall expire two years from the date of issuance if the use and/or structure for which the permit was issued has not been established or commenced in compliance with the effective permit unless a time extension is approved in compliance with [Section 35.474.030 \(Time Extensions\)](#).

G. Minor changes to Land Use Permits. Minor changes to an issued Land Use Permit shall be allowed in compliance with [Section 35.474.040 \(Changes to an Approved Project\)](#).

H. Permit revocation. An issued Land Use Permit may be revoked in compliance with [Section 35.474.060 \(Revocations\)](#).

I. Post approval procedures. The procedures and requirements in [Chapter 35.474 \(Post Approval](#)

Procedures) and those related to appeals in [Division 35.9 \(Montecito Land Use and Development Code Administration\)](#) shall apply following the decision on an application for a Land Use Permit.

35.472.120 - Modifications

- A. Purpose and intent.** The purpose and intent of this Section is to allow for minor modifications of certain zone standards where, because of integrity of design, practical difficulties, topography, tree or habitat protection, or other similar site conditions, minor adjustments to the regulations, requirements, or standards would result in better project design, land use planning, and resource protection.
- B. Applicability.**
- 1. Allowed for permitted uses only.** The provisions of this Section shall apply to specific development proposals that are allowed in the zone in which the project is located which are not otherwise subject to [Conditional Use Permit \(Section 35.472.060\)](#) or [Development Plan \(Section 35.472.080\)](#) requirements.
 - 2. Activities or uses not otherwise allowed.** In no case shall a Modification be granted to allow an activity which is not otherwise allowed in the zone in which the property is situated, nor shall a Modification be granted which alters the procedural or timing requirements of this Development Code.
 - 3. Allowed Modifications.** Modifications may only be granted in conjunction with a specific development proposal and are limited to the following:
 - a. Maximum setback reduction of 20 percent.** The area of each front, side or rear setback area shall not be reduced by more than 20 percent of the minimum setback area required in compliance with the applicable zone regulations.
 - (1) If a portion of a front, side or rear setback area that is requested to be reduced is occupied by a nonconforming structure(s) at the time of application for the Modification, then the setback area occupied by the nonconforming structure(s) shall be added to the amount of setback area requested to be reduced in determining whether the requested reduction in front, side or rear setback area would exceed 20 percent of the minimum setback area required in compliance with the applicable zone regulations.
 - b. Setback reductions for structures, except unenclosed, attached entryways or porches.** No setback reduction for structures, except for unenclosed, attached entryways or porches (see Subsection 3.c (Front setback reductions for unenclosed, attached entryways or porches)) below, shall result in:
 - (1) **Front.** A front setback depth, as measured from the right-of-way or easement line of a street, of less than 16.5 feet.
 - (2) **Side.** A side setback width from property lines of less than three feet.
 - (3) **Rear.** A rear setback depth from property lines of less than 15 feet.
 - c. Front setback reductions for unenclosed, attached entryways or porches.** No front setback reduction for an unenclosed, attached entryway or porch shall result in a front setback depth, as measured from the right-of-way or easement line of a street or driveway, of less than 10 feet.
 - 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 \(Accessory Dwelling Units\)](#).

- (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.

4. **Prohibited Modifications.** In no case shall a Modification be granted for a reduction in buffer, landscape, open space, or other requirements of this Development Code, except as identified above.

- C. **Contents of Application.** An application for a Modification shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

D. **Processing.**

1. The Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
2. The project shall be subject to the provisions of [Section 35.472.070 \(Design Review\)](#), and shall be scheduled to be heard by the Montecito Board of Architectural Review for preliminary review and approval only, before the project is heard by the Montecito Commission.
3. The Montecito Commission shall hold at least one noticed public hearing on the requested Modification, unless waived in compliance with Subsection D.7, below, and approve, conditionally approve, or deny the request.
4. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
5. The review authority, in approving the Modification, may require conditions as deemed reasonable and necessary to promote the purpose and intent of this Development Code and the public health, safety, and general welfare.
6. The action of the review authority is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
7. **Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements. If the requirement for a public hearing is waived, then the Director shall be the review authority for the Modification application. A listing of Modification applications for which the public hearing may be waived shall be provided on the Montecito Commission's hearing agendas.
 - a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 - (1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Modification application.
 - b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice is provided in compliance with Subsection D.7.a, above.

- E. **Findings required for approval.** An application for a Modification shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings:

1. The project is consistent with the Comprehensive Plan, including the Montecito Community Plan.
2. The project complies with the intent and purpose of the applicable zone including overlays and this Development Code.

3. The Modification is minor in nature and will result in a better architectural or site design as approved by the Montecito Board of Architectural Review, and/or will result in greater resource protection than the project without the Modification.
4. The project will be compatible with the neighborhood, and will not create an adverse impact to aesthetics, community character, or public views.
5. Any Modification of parking or loading zone requirements will not adversely affect the demand for on-street parking in the immediate area.
6. The project will not be detrimental to existing ambient noise levels, physical access, light, solar exposure, or ventilation on or off the subject site.
7. Any adverse environmental impacts will be mitigated to a level of insignificance.

F. Expiration.

1. **Expiration in 12 months.** A Modification shall expire 12 months from the effective date if a ~~Coastal Development Permit or 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 \(Time Extensions\)](#).
2. **Once granted a Coastal Development Permit or Land Use Permit.** Once the project for which the Modification was approved has been issued a ~~Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or Land Use Permit in compliance with Section 35.472.110 (Land Use Permits)~~, the Modification shall have the same expiration date as the issued ~~Coastal Development Permit or Land Use Permit~~.

- G. Post approval procedures.** The procedures and requirements in [Chapter 35.474 \(Post Approval Procedures\)](#) and those related to appeals and revocation in [Division 35.9 \(Montecito Land Use and Development Code Administration\)](#), shall apply following the decision on an application for a Modification.

35.472.130 - Overall Sign Plans

- A. Purpose and intent.** This Section establishes procedures and findings for the approval of Overall Sign Plans that regulate signs located within a shopping center. The intent is to ensure that signs within a shopping center are visually attractive and are in a harmonious relationship to one another.
- B. Applicability.** The provisions of this Section shall apply to all proposed signs located within shopping centers.
- C. Allowed modifications.** The Montecito Commission may allow the following sign modifications as part of the approval of an Overall Sign Plan:
1. **Freestanding signs.** An increase in the height, number and size limitations on freestanding signs.
 2. **Menu boards for drive-through restaurants.** An increase in the area limitation of menu boards.
 3. **Under canopy signs.** An increase in the area limitation of under canopy signs.
 4. **Wall signs.** An increase in the area limitation of wall signs.
- D. Contents of application.** An application for an Overall Sign Plan shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).
- E. Processing.**
1. An application for an Overall Sign Plan shall be submitted concurrently with an application for a Development Plan for a shopping center and shall be processed in conjunction with such Development Plan application, except as provided below.

- a. An application for an Overall Sign Plan may be submitted independently if the Overall Sign Plan is for an existing shopping center and the processing of a new or revised Development Plan is not required.
 2. After receipt of an application for an Overall Sign Plan, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 3. The Overall Sign Plan shall be subject to Design Review in compliance with [Section 35.472.070 \(Design Review\)](#).
 - a. The Montecito Board of Architectural Review shall provide a recommendation to the Montecito Commission on:
 - (1) The effect of the proposed Overall Sign Plan on:
 - (a) The various parts of and commercial enterprises within the shopping center.
 - (b) The streets and properties surrounding the shopping center.
 - (c) The overall continuity of design and signs within the shopping center.
 - (2) The number, type, height, location, size, design, color, materials, and lighting of signs contained within the Overall Sign Plan.
 - b. If the area of menu boards for drive-through restaurants, under-canopy signs, or wall signs, or the area, height, or number of freestanding signs is proposed to be in excess of that otherwise allowed in compliance with this Development Code, then the Montecito Board of Architectural Review shall make specific recommendations to the Montecito Commission on any such modification.
 4. The Montecito Commission shall hold at least one noticed public hearing on the requested Overall Sign Plan and approve, conditionally approve, or deny the request. The Montecito Commission shall consider the effect of the proposed Overall Sign Plan upon:
 - a. The various parts of and commercial enterprises within the shopping center.
 - b. The streets and properties surrounding the shopping center.
 - c. The overall continuity of design and signs within the shopping center.
 5. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 - a. In addition to mailed notice required in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#), notice shall also be mailed a minimum of 10 days prior to the public hearing to all tenants within the shopping center.
 6. The action of the Montecito Commission is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
- F. Findings required for approval.** If an Overall Sign Plan application includes any modifications in compliance with Subsection C. (Allowed modifications) above, then the Overall Sign Plan application shall be approved only if the Montecito Commission first makes all of the following findings, as applicable:
1. **Freestanding signs.** The proposed area, height, or number of freestanding signs is architecturally harmonious in relation to the size and location of the shopping center.
 2. **Menu boards for drive-through restaurants.**
 - a. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the structure on which it will be placed.

- b. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.
- 3. **Under-canopy signs.** The proposed area of the under-canopy sign is architecturally harmonious in relation to the size and location of the building area occupied by the enterprise proposing the sign.
- 4. **Wall signs.**
 - a. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
 - b. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

35.472.140 - Reclamation and Surface Mining Permits

- A. **Purpose and intent.** This Section provides regulations for surface mining operations in compliance with the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.), hereinafter referred to as SMARA; Public Resources Code Section 2207; and California Code of Regulations, Title 14, Sections 3500 et seq., to ensure that:
 - 1. **Adverse environmental effects to be prevented or minimized.** The adverse environmental effects of surface mining operations will be prevented or minimized and that the reclamation of mined lands will provide for the beneficial, sustainable long-term productive use of the mined and reclaimed lands for alternative land uses; and
 - 2. **Production and conservation of minerals to be encouraged.** The production and conservation of minerals will be encouraged while eliminating hazards to public health and safety and avoiding or minimizing adverse effects on the environment (e.g., air pollution, damage to biological resources, degradation of scenic quality, erosion, flooding, geologic subsidence, noise pollution, and water quality degradation), while giving proper consideration to community values relating to aesthetic enjoyment, range and forage, recreation, watershed, and wildlife.
- B. **Definitions.** Definitions of the specialized terms and phrases used in this Section are in Division 35.10 (Glossary).
- C. **Incorporation of SMARA and State Regulations.** The provisions of SMARA, Public Resources Code Section 2207, and the California Code of Regulations implementing SMARA (14 California Code of Regulations, Section 3500 et seq.), as either may be amended from time to time, are made a part of this Section by reference, with the same force and effect as if these provisions were specifically and fully contained within this Section. These regulations shall hereafter be referred to in this Section as the State Regulations.
- D. **Applicability.** Unless exempted by the provisions of the State Act, the State Regulations, or Subsection D.1 (Exemptions) below, any person (as defined in the State Regulations) who proposes surface mining operations shall, before the commencement of any operations, obtain both a permit to mine and approval of a Reclamation Plan in compliance with this Section.
 - 1. **Exemptions.** This Section and its permit and Reclamation Plan requirements in Subsection E. (Permit and Reclamation Plan requirements) below, do not apply to the following activities:
 - a. Excavations or grading conducted for farming or onsite construction or for the purpose of restoring land following a flood or natural disaster. (SMARA Section 2714(a))
 - b. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in a total amount of less than 1,000 cubic yards in one or more locations or lots under the control of one operator that do not exceed a total of one acre. A Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits), as

- applicable, and Grading Permit in compliance with Section 14.6 of County Code Chapter 14, the Grading Ordinance, may be required for excavations or extractions of more than 50 cubic yards.
- c. Surface mining operations that are required by federal law in order to protect a mining claim, if the operations are conducted solely for that purpose. (SMARA Section 2714(e))
 - d. Onsite excavation and onsite earthmoving activities that are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to the conditions in SMARA Section 2714(b).
 - e. Other surface mining operations which the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances. (SMARA Section 2714(f))
2. **Vested rights.** A person shall be deemed to have vested rights if, prior to January 1, 1976, ~~he or she~~the person has, in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials therefore. (SMARA Section 2776).
 3. **Earthwork.** Reclamation activities shall be consistent with the applicable provisions of the Grading Ordinance (County Code Chapter 14) and with other established engineering and geologic standards.
 4. **Authority of Building Official to prevent engineering hazards.** The approval of a Conditional Use Permit or Reclamation Plan shall not prevent the Building Official from thereafter requiring the correction of errors in the permit or Reclamation Plan for earthwork specification, or from preventing surface mining operations or reclamation efforts being carried out in compliance with a permit or Reclamation Plan, where the Building Official has determined that a significant engineering hazard threatening public health and safety, or substantial physical damage to off-site property or lands outside of the approved boundary of the mining operation is likely to occur, or has occurred, as a result of surface mining operations or reclamation efforts.
 - a. **Curtailment order.** The Building Official may order that correction of earthwork specifications and/or curtailment of activities is required to protect the public health and safety, or to prevent or minimize substantial physical damage to off-site property or lands outside of the approved boundary of the mining operations.
 - b. **Notice and hearing.** Before issuing any correction or curtailment order, the Building Official shall establish a time for hearing and shall give written notice of the time and place of the hearing and the engineering hazard to be abated.
 - (1) The notice shall be given to the operator 10 days before the hearing at which time there will be an opportunity for all concerned parties to present evidence. The notice may be served in person or by certified mail.
 - (2) The notice shall include procedures for appeal of the determination by the Building Official to the Montecito Commission and, thereafter, to the Board in compliance with [Chapter 35.492 \(Appeals\)](#).
 - (3) At the same time that notice of the order is conveyed, the Building Official shall establish a date, time, and place for a publicly noticed hearing and review of the order as soon as possible, which date shall be no later than 48 hours after the order is issued or served.
 - (4) The hearing shall be conducted in the same manner as a hearing on prior notice.

- (5) After the hearing, the Building Official may modify, revoke, or retain the emergency curtailment order.
- c. Curtailment order without notice or hearing.** In the event the Building Official determines there is an imminent danger to the public health and safety resulting from an alleged engineering hazard, the Building Official may summarily order the necessary curtailment of activities without prior notice and hearing and the order shall be obeyed upon notice of same, whether written or oral.
- d. Appeal and effect of appeal.** An affected person may appeal an order of the Building Official to the Montecito Commission in compliance with [Chapter 35.492 \(Appeals\)](#), within 10 calendar days of the date that notice of the order is given.
- (1) If there is an appeal, the order of the Building Official shall remain in full force and effect until action is taken by the Montecito Commission or, upon appeal, the Board.
- (2) The decision of the Montecito Commission, or Board on an appeal, shall constitute a final action by the County.
- (3) The decision shall not preclude a surface mining operator from seeking judicial relief.
- (4) If an appeal is not filed, the Building Official's order becomes final.
- E. Permit and Reclamation Plan requirements.** The following requirements apply to all surface mining operations in all zones.
- 1. Conditional Use Permit and Reclamation Plan required prior to commencement of surface mining operations.** County approval of a Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#), a Reclamation Plan prepared in compliance with SMARA and this Section, and a lead agency approved financial assurance shall be required prior to the commencement of any surface mining operations, unless the operations are exempted by the provisions of SMARA, the State regulations, or Subsection D.1 (Exemptions) above.
- 2. Zoning Clearance required prior to commencement of development authorized by a Conditional Use Permit and Reclamation Plan.** A Zoning Clearance shall be issued in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) prior to the initiation of mining and reclamation activities approved in compliance with a Conditional Use Permit and Reclamation Plan. A separate Zoning Clearance issued in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) shall be issued prior to implementation of a Reclamation Plan.
- F. Application requirements.** An application for a Conditional Use Permit and Reclamation Plan shall include:
1. The application forms provided by the Department and each of the informational items listed on the Conditional Use Permit and Reclamation Plan application forms;
2. Documentation of how the mining operation authorized under the proposed Conditional Use Permit would be in compliance with the minimum acceptable surface mining practices specified in California Code of Regulations, Title 14, Section 3503; and
3. A proposed Reclamation Plan that includes all of the information required by SMARA Section 2772(c) and California Code of Regulations, Title 14, Section 3502, documentation of how the proposed plan satisfies the reclamation standards specified in California Code of Regulations, Title 14, Sections 3700 - 3713, and a grading plan that illustrates the existing (pre-mining) topography, the topography at the end of any designated phase of mining and reclamation, and the topography of the final reclaimed surface to remain after the cessation of mining activities.

The Conditional Use Permit application and the proposed Reclamation Plan shall be submitted concurrently but compiled and presented as two separate documents. The number of copies of the Conditional Use Permit and Reclamation Plan applications to be submitted shall be determined by the

Department.

G. Processing.

1. Agency notification.

- a. **Department of Conservation.** Within 30 days of receipt of an application for a Conditional Use Permit for surface mining operations or substantial amendment, and/or a Reclamation Plan, the County shall notify the Director of the California Department of Conservation (DOC Director) of the filing of the applications. (SMARA Section 2774(e))
- b. **Department of Transportation.** Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Department shall also notify the State Department of Transportation that the application has been received. (SMARA Section 2770.5)
- c. **County Departments.** The Department shall provide a copy of the applications to each County department represented on the Subdivision/Development Review Committee for review and recommendation to the Montecito Commission.

2. **Environmental review.** Upon a determination by the County that the applications are complete, the applications for Conditional Use Permit and Reclamation Plan approval shall be reviewed in compliance with the California Environmental Quality Act.

3. Public hearings.

a. Conditional Use Permits.

- (1) The Montecito Commission shall consider the Conditional Use Permit at a noticed public hearing and shall approve, conditionally approve, or deny the request.
- (2) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
- (3) The action of the Montecito Commission is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
- ~~(4) In the Coastal Zone, a decision of the Board to approve a Conditional Use Permit in compliance with this Section may be appealed to the Coastal Commission in compliance with Chapter 35.492 (Appeals).~~

b. Reclamation Plan and financial assurances.

- (1) Prior to taking final action on the Reclamation Plan, the Montecito Commission shall first conceptually approve the Reclamation Plan, financial assurances, and any amendments thereto, at a noticed public hearing before submitting them to the Director of the Department of Conservation for review.
- (2) The Montecito Commission shall then submit the Reclamation Plan, financial assurances, or amendments to the Director of the Department of Conservation for review, together with its certification that the documents and their content comply with all applicable State Regulations. (SMARA Section 2774(c))
- (3) The Director of the Department of Conservation shall have 30 days from the date of receipt of the conceptually approved Reclamation Plan or plan amendments, and 45 days from the date of receipt of financial assurances, to prepare written comments, if the Director so chooses. (SMARA Section 2774(d))
- (4) The Montecito Commission shall consider all comments from the Director of the Department of Conservation that are submitted within the statutory comment period at a

noticed public hearing and shall take final action to approve, conditionally approve or deny the Reclamation Plan and financial assurances.

- (5) The Montecito Commission shall incorporate the comments and recommendations of the Director of the Department of Conservation into the Reclamation Plan as part of plan approval or shall adopt detailed written responses that explain why specific comments or recommendations were not accepted. (SMARA, Section 2774(d))
- (6) Copies of any written comments received and responses prepared by the Montecito Commission shall be promptly forwarded to the surface mining operator.
- (7) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
- (8) The final action of the Montecito Commission is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
- (9) A decision of the Board on a Reclamation Plan may be appealed to the State Mining and Geology Board in compliance with Public Resources Code Section 2770, and the California Code of Regulations, Title 14, Section 3650.

4. **State notification of County approval.** The Department shall forward a copy of each approved Conditional Use Permit for mining operations and/or approved Reclamation Plan to the Director of the Department of Conservation.
5. **State review of financial assurances.** The Department shall also forward a copy of the approved financial assurances to the Director of the Department of Conservation for review. Refer to Subsection J.2 (Requirements, forms and amount) below.

H. Performance standards.

1. Surface mining operations.

- a. **Compliance with State regulations required.** All surface mining operations for which a new or revised Conditional Use Permit is required shall comply with the requirements contained in SMARA and implementing State Regulations.
- b. **Compliance with County standards required.** The following standards shall apply in addition to the State regulations as determined by the Montecito Commission to be appropriate to surface mining operations that are subject to a new or substantially revised Conditional Use Permit.
 - (1) **Appearance.** Mining operations shall be conducted in a neat and orderly manner, free from junk, trash, or unnecessary debris. Where in public view, salvageable equipment stored in a non-operating condition shall be suitably screened or stored in an enclosed structure.
 - (2) **Noise and vibration.** Noise and ground vibration shall be controlled so as to minimize any disturbance of neighbors. The volume of sound measured outside during calm air conditions, generated by any use on the subject property shall not exceed 65 dB(A) LDN as measured at the location of the nearest noise sensitive use (as defined in the County Noise Element) beyond the property line of the mining operation.
 - (3) **Traffic safety.**
 - (a) Parking shall be provided in compliance with [Chapter 35.436 \(Parking and Loading Standards\)](#). Adequate provision shall be made for the queuing and loading of trucks.
 - (b) Haul roads shall be located away from property lines where possible, except where adjoining property is part of the mining operation. Where processing

facilities are not located on the same site as the mining operation, off-site haul routes shall be specified in the mining permit. The haul routes as well as other transport routes from the processing facilities to market destinations shall avoid, to the maximum extent feasible, routing through residential neighborhoods.

- (c) The number and location of access points to the mining operation shall be specified in the mining permit.
- (4) **Dust control.** During hours of operations, all access roads shall be contained, protected, or wetted in a manner designed to minimize the generation of dust.
- (5) **Public health and safety.**
 - (a) Appropriate measures, including fencing, shall be provided where determined by the Montecito Commission to be necessary for public safety.
 - (b) Excavations shall be posted to give reasonable public notice, where determined by the Montecito Commission to be necessary for public safety.
 - (c) A body of water created during operations within the excavation shall be maintained in a manner designed to provide for maximum mosquito control and to prevent the creation of health hazards or a public nuisance.
 - (d) Any generation of offensive fumes or odors, glare, heat, noxious gases or liquids, or radiation and all other activities shall be conducted in a manner that will not be injurious to the health, safety, or general welfare of persons residing or working in the neighborhood by reason of danger to life or property.
- (6) **Screening.** To the maximum extent feasible, screening or other aesthetic treatments (e.g., berms, fences, plantings of suitable shrubs and/or trees) shall be required, where necessary, to minimize visibility from public view of cut slopes or mining operations, structures, and equipment. Mining operations that are visible from a scenic highway designated in the Comprehensive Plan, as well as from a route classified as having highest scenic values in the Open Space Element, shall be screened or other appropriate and effective aesthetic treatments shall be used to minimize impacts on scenic resources.
- (7) **Protection of streams and groundwater basins.** All surface mining operations shall incorporate measures to protect surface and groundwater quality as determined necessary and required by law by relevant county, state, and federal agencies.
- (8) **Slope Stability.** All excavation or placement of fill associated with mining operations shall be conducted in a manner that avoids landslides or other slope instabilities.
- (9) **Annual report.** Each surface mining operator shall forward an annual status report to the Director of the Department of Conservation and the Department on a date established by the Director of the Department of Conservation upon forms furnished by the State Mining and Geology Board. (Public Resources Code Section 2207, Subdivisions (a) through (g))

2. Reclamation Plans.

- a. **Compliance with State standards required.** Each new or substantially amended Reclamation Plan shall comply with the minimum statewide performance standards required by SMARA Section 2773(b), and identified in California Code of Regulations Title 14, Section 3700 et seq., regarding:
 - (1) Backfilling, recontouring;
 - (2) Regrading, revegetation, and slope stability;

- (3) Closure of surface openings; diversion structures, drainage, erosion control, and waterways;
 - (4) Prime agricultural land reclamation, other agricultural land, equipment, and structure removal;
 - (5) Stream protection, including groundwater and surface;
 - (6) Tailing and mine waste management;
 - (7) Topsoil maintenance, redistribution, and salvage; and
 - (8) Wildlife habitat.
- b. Compliance with County standards required.** The following standards shall apply in addition to the State standards, as determined by the Montecito Commission to be appropriate to surface mining operations that are subject to new or substantially amended Reclamation Plans.
- (1) **Revegetation.** All revegetation and/or re-establishment shall comply with an approved landscaping plan, in compliance with [Chapter 35.434 \(Landscaping Standards\)](#).
 - (2) **Visual resources.** The Reclamation Plan shall, to the maximum extent feasible, provide for the protection and reclamation of the visual resources of the area affected by the mining operation. Measures may include re-soiling, re-contouring of the land to be compatible with the surrounding natural topography, and re-vegetation and the end uses specified by the landowner. Where the mining operation requires the cutting, leveling, removal, or other alteration of ridgelines on slopes of 20 percent or more, the Reclamation Plan shall ensure that the mined areas are found compatible with the surrounding natural topography and other resources of the site.
 - (3) **Grading regulations.** Each Reclamation Plan shall comply with applicable provisions of the Grading Ordinance (County Code Chapter 14).
 - (4) **Phasing of reclamation.** See also Subsection K. (Inspections) below.
 - (a) A Reclamation Plan shall include a description of and plan for the type of surface mining to be employed and an estimated time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation. (SMARA, Section 2772(f))
 - (b) Where appropriate, interim management may also be required for mined lands that have been disturbed and will be disturbed again in future operations and yet do not qualify as "idle" within the meaning of SMARA, Section 2727.1.
 - (c) The interim management is for the purpose of minimizing adverse environmental impacts during extended periods of inactivity before resumption of mining and ultimate reclamation.
 - (d) Reclamation may be done on an annual basis, or in stages compatible with continuing operations, or on completion of all excavation, fill, or removal as approved by the Montecito Commission.
 - (e) Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include the estimated beginning and ending dates for each phase, all reclamation activities required, criteria for measuring completion of specific reclamation activities, and estimated costs in compliance with Subsection J. (Financial assurances for Reclamation Plans) below.

(f) The reclamation schedule shall be subject to Montecito Commission approval.

I. Findings for approval.

1. **Surface mining operations.** In addition to the findings required for the approval of a Conditional Use Permit by [Section 35.472.060 \(Conditional Use Permits\)](#), a Conditional Use Permit application for surface mining operations shall be approved or conditionally approved only if the Montecito Commission also first finds that the project complies with Subsection H.1 (Surface mining operations) above.
2. **Reclamation Plans.** An application for a Reclamation Plan shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings:
 - a. The Reclamation Plan complies with applicable requirements of SMARA and associated State Regulations with applicable provisions of the County's Grading Ordinance (County Code Chapter 14), and with other appropriate engineering and geologic standards.
 - b. The Reclamation Plan and the potential use of reclaimed land in compliance with the plan are consistent with the provisions of this Development Code and the Comprehensive Plan.
 - c. In approving or conditionally approving the Reclamation Plan, the required findings in compliance with the California Environmental Quality Act can be made.
 - d. The land and/or resources (e.g., water bodies to be reclaimed) will be reclaimed to a condition that is compatible with the surrounding natural environment, topography, and other resources.
 - e. The Reclamation Plan will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses specified by the landowner and consistent with this Development Code and the Comprehensive Plan.
 - f. A written response to the Director of the Department of Conservation has been prepared, describing the disposition of the major issues raised by the Director of the Department of Conservation. Where the Montecito Commission does not agree with the recommendations and objections raised by the Director of the Department of Conservation, the response shall address, in detail, why specific comments and suggestions were not accepted. (SMARA Section 2774(d))

J. Financial assurances for Reclamation Plans.

1. **Purpose.** This Section is intended to ensure that reclamation will proceed in compliance with an the approved Reclamation Plan, as it may be amended, through the maintenance of funds available to the County and the State that are adequate to reclaim the site in the event of a default by the operator.
2. **Requirements, forms, and amount.**
 - a. The operator shall post a financial assurance instrument or mechanism in a form authorized under California Code of Regulations Title 14, Section 3800 et seq. of the State Mining and Geology Board reclamation regulations.
 - b. Financial assurances shall be made payable to the County and the Department of Conservation. (SMARA, Section 2773.1(a)(4))
 - c. The amount of the financial assurance to be posted with the County shall be equivalent to the estimated cost of reclamation of the site from its current condition in a manner consistent with the approved Reclamation Plan, plus an amount to ensure reclamation of the additional ground disturbance anticipated to occur in the following year. The financial assurance shall be based on a cost estimate prepared using the Financial Assurance Guidelines adopted by the State Mining and Geology Board. All financial assurances shall be approved by the County and the Department of Conservation

- d. The financial assurance amount shall be based on an estimate of "third-party" costs to reclaim the mined lands. These costs shall include direct costs for onsite reclamation activities, such as revegetation, grading, and equipment removal, and indirect costs, such as supervision, mobilization, profit and overhead, contingencies, and lead agency monitoring. The operator shall submit a reclamation cost estimate using the State Financial Assurance Guidelines or similar instrument, for review and approval by the County and the Department of Conservation prior to posting of a new or revised Financial Assurance.

K. Inspections. Each Surface Mining Permit and Reclamation Plan shall provide for periodic compliance inspections as follows.

1. The Department or other designated County agency shall conduct an inspection of a surface mining operation within 180 days of receipt of the annual report required in Subsection H. (Performance standards) above, filed by the mining operator in compliance with Public Resources Code Section 2207, solely to determine whether the surface mining operation is in compliance with the approved Conditional Use Permit and/or Reclamation Plan, and the State Regulations. (SMARA, Section 2774 (b))
2. In no event shall less than one inspection be conducted within any single calendar year.
3. The inspection may be made by a state-registered civil engineer, state-registered forester, state-registered geologist, state-licensed landscape architect, or other qualified specialist, as approved by the County.
4. All inspections shall be conducted using a form approved by the Department of Conservation or the State Mining and Geology Board.
5. The County shall notify the Director of the Department of Conservation within 30 days of completion of the inspection that the inspection has been conducted and shall forward a copy of the inspection report and any supporting documentation to the Director of the Department of Conservation and mining operator.
6. The operator shall be solely responsible for the reasonable cost of the inspection by the County and its designees.

L. Interim management plan requirements.

1. **Timing, content, processing.** Within 90 days of a surface mining operation becoming idle, the operator shall file an interim management plan with the Department. (SMARA, Section 2770 (h))
 - a. The interim management plan shall comply with all applicable requirements of SMARA, Section 2770(h) and shall provide measures the operator will implement to maintain the site in compliance with SMARA, including all conditions of the Conditional Use Permit and/or Reclamation Plan.
 - b. The interim management plan shall be processed as an amendment to the Reclamation Plan and shall not be considered a project for the purposes of environmental review in compliance with the California Environmental Quality Act. (SMARA, Section 2770(h))
 - c. The idle mine shall comply with the financial assurance requirements for reclamation specified in SMARA, Section 2773.1.
2. **Director review and decision.** The Director shall be the review authority for an amendment to the Reclamation Plan required to incorporate an interim management plan associated with mining operations.
 - a. Within 60 days of receipt of the interim management plan, or longer period mutually agreed upon by the Department and the operator, the Director shall review, and approve or deny the plan in compliance with Subsection G. (Processing), above, except that a public hearing is not required.

- (1) The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Department, to submit a revised plan.
 - (2) The Director shall approve or deny the revised interim management plan within 60 days of receipt of the plan.
 - (3) An action of the Director to deny the revised interim management plan is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
- 3. Time limit, extension.** The interim management plan shall remain in effect for a period not to exceed five years, at which time the Director shall do one of the following:
- a. Renew the interim management plan for an additional period not to exceed five years, which may be renewed for additional five-year periods at the expiration of each five year period, if the Director finds that the surface mining operator has complied fully with the interim management plan.
 - b. Require the surface mining operator to commence reclamation in compliance with the approved Reclamation Plan. (SMARA Section 2770(h)(2))
 - c. An action of the Director to either renew the interim management plan or require the commencement of reclamation is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
- M. Time limit for commencement of surface mining operation.** The time limit for commencing a surface mining operation that is allowed in compliance with this Section shall be the same as the time limit of the Conditional Use Permit required in compliance with Subsection E. (Permit and Reclamation Plan requirements) above.
- N. Violations and penalties.**
- 1. Failure to comply with approved Reclamation Plan.** If the County, based upon an annual inspection or otherwise confirmed by an inspection of the mining site, determines that a surface mining operation is not in compliance with its approved Reclamation Plan, the County shall follow the procedures in SMARA Sections 2774.1 and 2774.2 concerning violations and penalties.
 - 2. Failure to comply with Conditional Use Permit.** If the County, based upon an annual inspection or otherwise confirmed by an inspection of the mining site, determines that a surface mining operation is not in compliance with its Conditional Use Permit, the County shall follow the procedures for permit revocation and other enforcement actions specified in Section 35.474.060 (Revocations) and [Chapter 35.498 \(Enforcement and Penalties\)](#).
- O. Fees.** The Board Fee Schedule shall include fees as reasonable and necessary to cover the costs of implementing this Section and the State Regulations, including application processing, preparation of annual reports, compliance inspections, and enforcement.
- P. Post approval procedures.** The procedures and requirements in [Chapter 35.474 \(Post Approval Procedures\)](#), and those related to appeals in [Division 35.9 \(Montecito Land Use and Development Code Administration\)](#), shall apply following the decision on an application for a Reclamation and Surface Mining Permit.

35.472.150 - Sign Certificates of Conformance

- A. Purpose and intent.** This Section establishes procedures and findings for the approval of Sign Certificates of Conformance that are required in compliance with [Chapter 35.438 \(Sign Standards\)](#). The intent of this Section is to ensure that proposed signage is visually attractive and complies with the goals of the County.
- B. Applicability.** Before erecting, applying, installing, affixing, altering, relocating or projecting as an image

any signage, a Sign Certificate of Conformance shall be issued unless identified as exempt from permit requirements by [Chapter 35.438 \(Sign Standards\)](#).

C. Contents of application. An application for a Sign Certificate of Compliance shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

D. Processing.

1. The Director shall review the Sign Certificate of Conformance application for compliance with the Comprehensive Plan including the Montecito Community Plan, this Development Code and other applicable conditions and regulations, and shall approve, conditionally approve, or deny the request. A Sign Certificate of Conformance shall not be issued by the Director until all necessary prior approvals (e.g., Design Review, Overall Sign Plan) have first been obtained.

a. Signs located in shopping centers. A Sign Certificate of Compliance for a sign located within a shopping center shall not be issued by the Director unless the sign is determined to be in compliance with an approved [Overall Sign Plan \(Section 35.472.130 \(Overall Sign Plans\)\)](#).

2. The action of the Director is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).

E. Findings required for approval. A Sign Certificate of Conformance application shall be approved or conditionally approved only if the Director first makes all of the following findings:

1. The proposed signage is in compliance with [Chapter 35.438 \(Sign Standards\)](#).

2. The subject property is in compliance with all laws, regulations, and rules pertaining to zone uses, subdivisions, height requirements, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid.

F. Permit expiration. A Sign Certificate of Conformance shall remain valid only as long as compliance with all applicable requirements of this Development Code and the permit continues.

35.472.160 - Sign Modifications

A. Purpose and intent. This Section establishes procedures and findings for the approval of Sign Modifications of certain limitations for menu boards for drive-through restaurants and wall signs that are not part of an Overall Sign Plan that are outside of shopping centers.

B. Applicability. Sign Modifications may be granted for the following types of signs located within property zoned commercial located outside of shopping centers:

1. Menu boards for drive through restaurants.

2. Wall signs.

C. Allowed Sign Modifications. Sign Modifications are limited to the following:

1. Menu boards for drive through restaurants. An increase in the area limitation of menu boards may be allowed.

2. Wall signs. An increase in the area limitation of wall signs may be allowed.

D. Contents of application. An application for a Sign Modification shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

E. Processing.

1. The Montecito Commission shall hold at least one noticed public hearing on the requested Sign Modification and approve, conditionally approve, or deny the request.

2. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).

3. The action of the Montecito Commission is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).

F. Findings required for approval. A Sign Modification application shall be approved or conditionally approved only if the Montecito Commission first makes the following findings, as applicable:

1. Menu boards for drive-through restaurants.

- a. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
- b. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

2. Wall signs.

- a. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
- b. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

35.472.170 - Use Determinations

A. Purpose and intent. The purpose of this Section is to provide procedures for evaluating proposed land uses that are not specifically enumerated in a zone but may be allowed if they are found to be similar in character to uses that are already enumerated as permitted uses within that zone. The intent of this Section is to provide specific consideration of such uses. Within this section “permitted uses” shall mean those uses within Tables 2-1, 2-4, ~~2-75~~, ~~2-89~~, ~~and 2-12-11~~ and ~~2-14~~ contained within [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#) in which the “Permit Requirement” is denoted with a “P”.

B. Applicability. The provisions of this Section shall only apply to zones identified in [Subsection 35.420.030.A.3](#) (Similar and compatible use may be allowed).

C. Contents of application. An application for a Use Determination shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

D. Processing.

1. After receipt of an application for a Use Determination, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
2. The Montecito Commission shall hold at least one noticed public hearing on the requested Use Determination and approve, conditionally approve, or deny the request.
3. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
4. The action of the Montecito Commission is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).

E. Findings required for approval of Use Determinations. A Use Determination application shall be approved only if the Montecito Commission first makes all of the following findings, as applicable:

1. Neighborhood Commercial (CN)

- a. The proposed use is similar in character to those listed as permitted uses in the CN zone.
- b. The proposed use is not more injurious to the health, safety or welfare of the neighborhood than those listed as permitted uses in the CN zone because of noise, odor, dust, smoke, vibration, traffic congestion, danger to life, property or other similar causes.

2. Public Utilities (PU) zone. The proposed use is similar in character to those listed as permitted uses

in the PU zone.

3. Recreation (REC) zone.

~~a. Coastal Zone. The proposed use is similar in character to those listed as permitted uses in the coastal REC zone.~~

~~b. Inland area. The proposed use is similar in character to those listed as permitted uses in the inland area REC zone, not including fairgrounds, amusement parks or large indoor recreational complexes.~~

~~4. Transportation Corridor (TC) zone. The proposed use is determined to be required for the purpose of operating a railroad or highway.~~

F. Applicable standards and permit requirements.

When the Montecito Commission determines that a proposed, but unlisted, use is similar to a listed permitted use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what other standards and requirements of this Development Code apply.

35.472.180 - Variances

A. Purpose and intent. The purpose and intent of this Section is to allow variances from the strict application of the provisions of this Development Code where, because of exceptional conditions (e.g., the location, shape, size, surroundings, or topography, or other extraordinary situation or condition of the subject property), the literal enforcement of this Development Code would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of this Development Code.

B. Applicability.

1. The provisions of this Section shall apply to all zones.
2. In no case shall a Variance be granted:
 - a. To allow a use or activity which is not otherwise allowed in the zone in which the property is located; or
 - b. From the procedures identified in this Development Code.

C. Contents of application. An application for a Variance shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. Processing.

1. 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.
2. The Montecito Commission shall hold at least one noticed public hearing on the requested Variance and approve, conditionally approve, or deny the request.
3. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
4. 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.
5. The action of the Montecito Commission is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
6. Prior to the issuance of any planning permit required to effectuate the approved Variance, the applicant shall agree in writing to comply with all conditions imposed by the review authority in the

granting of the Variance.

- E. Findings required for approval.** A Variance application shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings:
1. Due to special circumstances applicable to the subject property, including location, shape, size, surroundings, or topography, the strict application of this Development Code deprives the subject property of privileges enjoyed by other property in the vicinity and under identical zone classification.
 2. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which the property is situated.
 3. The granting of the Variance will not be in conflict with the purpose and intent of this Development Code or the Comprehensive Plan, including the Montecito Community Plan.
 4. The project meets all of the applicable development standards included within the Montecito Community Plan.
 5. The project will not adversely impact recreational facilities and uses.
- F. Post approval procedures.** The procedures and requirements in Chapter 35.474 (Post Approval Procedures), and those related to appeals and revocation in Division 35.9 (Montecito Land Use and Development Code Administration), shall apply following the decision on an application for a Variance.

35.472.190 - Zoning Clearances

- A. Purpose and intent.** This Section provides procedures and findings to allow for the approval of, and effective time periods for, Zoning Clearances which may be required in compliance with Subsection B. (Applicability) below. The intent of this Section is to ensure that development conforms to the provisions of the Comprehensive Plan including the Montecito Community Plan, this Development Code, and any conditions or development standards established by the County.
- B. Applicability.**
1. **Zoning Clearance required.** A Zoning Clearance shall be issued by the Director where a Zoning Clearance is required in compliance with this Development Code, unless other requirements of this Development Code specify that the Zoning Clearance is not required or the activity is exempt from the approval of a planning permit in compliance with [Section 35.420.040 \(Exemptions from Planning Permit Requirements\)](#).
 2. **Zoning Clearance approval.** The issuance of a Zoning Clearance certifies that the land use or development will satisfy all applicable provisions of this Development Code, including the conditions of approval of any existing approved permits for the subject property, including applicable discretionary projects (e.g., Conditional Use Permit, Final Maps, Development Plans, Parcel Maps). In cases where a construction permit is required by Chapter 10 of the County Code, the Zoning Clearance is processed and issued as part of the construction permit application and approval process. Issuance of a Zoning Clearance may also enable the establishment of a land use or structure that does not require a construction permit but is still subject to the standards of this Development Code.
- C. Contents of application.** An application for a Zoning Clearance shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).
- D. Processing.**
1. **Review for compliance.** The Director shall review the Zoning Clearance application for compliance with the Comprehensive Plan including the Montecito Community Plan, this Development Code, and other applicable conditions or regulations, including any discretionary

approvals applicable to the site and issue, conditionally issue or deny the request. A Zoning Clearance shall not be issued by the Director until:

- a. All necessary prior approvals have been obtained;
- b. The Director has determined that the subject property is in compliance with all laws, regulations, and rules pertaining to zoning uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and if applicable, zoning violation enforcement and processing fees, as established from time to time by the Board, have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#).

2. **Decision not subject to appeal.** The action of the Director to issue, conditionally issue or deny a Zoning Clearance, approve or deny a time extension to an issued Zoning Clearance, or approve or deny a minor change to an issued Zoning Clearance is final and not subject to appeal.
3. **Design Review required.** A Zoning Clearance for any structure that requires Design Review shall not be issued until the structure receives final Design Review approval in compliance with [Section 35.472.070 \(Design Review\)](#).
4. **Development Plan required.** The approval of a Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#) shall be required before the issuance of any Zoning Clearance for a structure that is not otherwise required to have a discretionary permit and is 20,000 square feet or more of gross floor area or is an attached, or detached addition that, together with the existing structures on the lot will total 20,000 square feet or more of gross floor area.
5. **Zoning Clearance subject to resolution of the Board.** If a Zoning Clearance is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Zoning Clearance shall not be issued or conditionally issued while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zoning and existing provisions of this Development Code and amendment initiated by the Board unless a Conditional Use Permit was approved in compliance with [Section 35.472.060](#) or Preliminary or Final Development Plan was approved in compliance with [Section 35.472.080](#) before the adoption of the Board's resolution and the proposed uses and structures are in conformance with the approved Conditional Use Permit or Preliminary or Final Development Plan.

E. Zoning Clearance expiration.

1. A Zoning Clearance shall remain valid only as long as compliance with all applicable provisions of this Development Code and the Zoning Clearance conditions continues.
2. A Zoning Clearance shall expire two years from the date of issuance if the use or structure for which the Zoning Clearance was issued has not been established or commenced in compliance with the issued Zoning Clearance unless a time extension is approved in compliance with [Section 35.474.030 \(Time Extensions\)](#).

F. Minor changes to Zoning Clearances. Minor changes to an issued Zoning Clearance shall be allowed in compliance with [Section 35.474.040 \(Changes to an Approved Project\)](#).

G. Zoning Clearance revocation. A Zoning Clearance issuance may be revoked or modified in compliance with [Section 35.474.060 \(Revocations\)](#).

CHAPTER 35.474 - POST APPROVAL PROCEDURES

Sections:

- [35.474.010 - Purpose and Intent](#)
- [35.474.020 - Performance Guarantees](#)
- [35.474.030 - Time Extensions](#)
- [35.474.040 - Changes to an Approved Project](#)
- [35.474.050 - Reapplications](#)
- [35.474.060 - Revocations](#)
- [35.474.070 - Post Approval Inspections](#)

35.474.010 - Purpose and Intent

This Chapter establishes procedures for depositing and releasing performance securities, revising approved or issued permits required by this Development Code and procedures for granting extensions of time.

35.474.020 - Performance Guarantees

A. Deposit of financial assurances.

1. As a condition of approval of a planning permit, the review authority may require the deposit of a financial assurance (aka security) in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval of a planning permit in the event that the obligor fails to perform.
2. The financial assurance shall be in the form of cash, surety/performance bond, trust fund (assignment of credit, certificate of deposit, passbook), irrevocable letter of credit, or other mechanism approved by the County.
3. The financial assurance shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director.

B. Payable to the County. Any financial assurance required in compliance with this Section shall be payable to the County.

C. Satisfactory compliance. After satisfactory compliance with all applicable provisions of this Section, the financial assurance shall be released to the permittee.

D. Failure to comply.

1. Upon failure to perform any secured condition, the County may perform the condition, or cause it to be done, and may collect from the obligor, and surety in case of a bond, all costs incurred, including administrative, engineering, legal, and inspection costs.
2. Any unused portion of the financial assurance shall be refunded to the obligor after deduction of the cost of the work.

35.474.030 - Time Extensions

A. Purpose and intent. The purpose of this Section is to provide the procedures and findings for approval of Time Extensions that may be allowed in compliance with this Development Code.

B. Applicability and filing. The provisions of this Section shall apply to all applications for Time Extensions. The application shall be submitted prior to the expiration of the permit that is the subject of the Time Extension request. However, final action by the County on the application may occur following the date that the permit would otherwise expire.

C. Contents of application. An application for a Time Extension shall be filed and processed in compliance

with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

D. Processing.

1. Conditional Use Permits.

a. **Extension of permit approval.** The Montecito Commission may extend the time limit in which the Land Use Permit or Zoning Clearance is required to be issued in compliance with [Section 35.472.060.G.3 \(Time limits and extensions\)](#) one time for good cause shown in compliance with the following:

- (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- (2) Notice of the application shall be given in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
- (3) The Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.6 (Waiver of public hearing) below, and approve, conditionally approve, or deny the request.
- (4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
- (5) The action of the review authority is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
- (6) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection [35.472.060.E \(Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.438 \(Sign Standards\)\)](#) or Subsection [35.472.060.F \(Findings required for approval of Conditional Use Permit applications submitted in compliance with Chapter 35.438 \(Sign Standards\)\)](#) that were made in conjunction with the initial approval of the Conditional Use Permit can still be made.

b. **Discontinuance of use.** The Montecito Commission may extend the time limit that a Conditional Use Permit would become void and automatically revoked due to discontinuance of use in compliance with [Section 35.472.060.G.4 \(Conditional Use Permit void\)](#) one time for good cause shown in compliance with the following:

- (1) After receipt of an application for a Time Extension, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- (2) Notice of the application shall be given in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
- (3) The Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension and approve, conditionally approve or deny the request.
- (4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
- (5) The action of the Montecito Commission is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).

2. Development Plans (Preliminary and Final).

a. **Extension of permit approval.** The review authority responsible for reviewing and making a

decision on the Development Plan in compliance with Table 7-1 (Review Authority) of [Chapter 35.470 \(Permit Application Filing and Processing\)](#) may extend the expiration of the approved or conditionally approved Development Plan one time for 12 additional months for good cause shown in compliance with the following:

- (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 - (2) Except for applications for Time Extensions where the Director is the review authority, the Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.6, below, and approve, conditionally approve or deny the request.
 - (3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 - (4) The action of the review authority is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
 - (5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with [Subsection 35.472.080.E \(Findings required for approval\)](#) that were made in conjunction with the initial approval of the Development Plan can still be made.
- b. Expiration.** A Development Plan shall expire 12 months from the effective date of the extension or two years from the expiration date of the initial effective date of approval of the Development Plan, whichever occurs first.
- 3. Land Use Permits.** The Director may extend the expiration of an approved or conditionally approved, and an issued, Land Use Permit one time for 12 additional months for good cause shown in compliance with the following:
- a. Notice of the application shall be given in compliance with [Section 35.496.075 \(Time Extensions Under the Jurisdiction of the Director\)](#).
 - b. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - c. The action of the Director is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
 - d. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with [Section 35.472.110.E \(Findings required for approval\)](#) that were made in conjunction with the initial approval of the Land Use Permit can still be made.
- 4. Modifications.** The Director may extend the approval of a Modification one time for 12 additional months for good cause shown in compliance with the following:
- a. After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 - b. Notice of the application shall be given in compliance with [Section 35.496.075 \(Time Extensions Under the Jurisdiction of the Director\)](#).
 - c. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - d. The action of the Director is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).

- e. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with [Section 35.472.120.E](#) (Findings required for approval) that were made in conjunction with the initial approval of the Modification can still be made.
- 5. Zoning Clearances.** The Director may extend the expiration of an issued Zoning Clearance one time for 12 additional months for good cause shown in compliance with the following:
- An application for a time extension shall be filed with the Department at least 30 days before the expiration of the Zoning Clearance that is the subject of the Time Extension request.
 - The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - Prior to an action by the Director to approve or conditionally approve the application, the Director shall first determine that that the requirements for the issuance of a Zoning Clearance required in compliance with [Subsection 35.472.190.D.1](#) (Review for compliance) are still met.
 - The action of the Director is final and is not subject to appeal.
- 6. Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:
- Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 - The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Time Extension application.
 - A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection D.6.a, above, is mailed.
 - If the requirement for a public hearing is waived, then the Director shall be the review authority for the Time Extension application.
 - A listing of Time Extension applications for which a notice that the public hearing may be waived has been mailed shall be provided on the next available Montecito Commission's hearing agenda following the mailing of the notice.
- ~~**7. Time extensions due to economic hardship.** In addition to the Time Extensions provided in Subsection D.1 through Subsection D.6 above, the Director for good cause may extend the expiration of a planning permit for additional 24 month periods in compliance with the following:~~
- ~~The Director has determined that a Time Extension is necessary due to an economic hardship resulting from the continuing national economic downturn.~~
 - ~~The application for the Time Extension is filed with the Department in compliance with the following:~~
 - ~~The application shall be filed in compliance with Section 35.470.030 (Application Preparation and Filing).~~
 - ~~The application shall be filed prior to the expiration of the planning permit that is the subject of the Time Extension request; however, an application may only be filed within the six month period immediately preceding the date that the planning permit would otherwise expire.~~

- ~~e. Notice of the application shall be given in compliance with Section 35.496.075 (Time Extensions Under the Jurisdiction of the Director).~~
- ~~d. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable determination or findings for approval required in compliance with Chapter 35.472 (Permit Review and Decision) that were made in conjunction with the initial approval of the planning permit for which the Time Extension is requested can still be made.~~
- ~~e. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~

~~This Subsection D.7 shall expire, and be of no further force or effect, on January 12, 2015, unless extended by ordinance.~~

- E. Effect of expiration.** After the expiration of a planning permit no further work shall be done on the site until a new planning permit and any required Building Permit or other County permits are first obtained.

35.474.040 - Changes to an Approved Project

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

- A. Contents of application.** An application for a change to an approved or issued planning permit shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

- B. Minor changes to ~~Coastal Development Permits, Land Use Permits, and Zoning Clearances.~~** Minor changes to an approved or issued ~~Coastal Development Permit or Land Use Permit~~, or issued Zoning Clearance, may be allowed provided; the changes substantially conform to the approved or issued permit or clearance. A request shall be processed in the following manner:

1. The Director may approve a minor change to an approved or issued ~~Coastal Development Permit or Land Use Permit~~, or issued Zoning Clearance, subject to all of the following:
 - a. The Director determines that the minor change substantially conforms to the approved plans and the originally approved or issued permit;
 - b. There is no change in the use or scope of the development;
 - c. The minor change does not result in a change to the Director's conclusions regarding the project's specific conformance to development standards and findings;
 - d. The ~~Coastal Development Permit, Land Use Permit or Zoning Clearance~~ has not expired; and
 - e. The minor change is exempt from Design Review in compliance with [Section 35.472.070 \(Design Review\)](#).
2. Where a minor change of an approved or issued ~~Coastal Development or Land Use Permit~~ or issued Zoning Clearance is approved, the permit or clearance shall have the same effective and expiration dates as the original permit or clearance and no additional public notice shall be required.
3. Where it cannot be determined that the minor change materially conforms to an approved or issued ~~Coastal Development Permit or Land Use Permit~~ or issued Zoning Clearance in compliance with the above criteria, a new ~~Coastal Development Permit, Land Use Permit or Zoning Clearance~~ shall be required.
4. The determination to allow a minor change to an approved or issued ~~Coastal Development Permit or Land Use Permit~~ or issued Zoning Clearance is final and not subject to appeal, ~~except that a~~

~~decision on a request to revise a Coastal Development Permit which allows development defined as appealable development may be appealed in compliance with Chapter 35.492 (Appeals).~~

C. Substantial Conformity Determinations. The Director may approve a minor change to an approved Conditional Use Permit or Final Development Plan if the Director first determines that the change is in substantial conformity with the approved permit, in compliance with the County's Substantial Conformity Determination Guidelines (see [Appendix GD](#)).

1. Contents of application. An application for a Substantial Conformity Determination shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

2. Processing. An application for a Substantial Conformity Determination shall be processed as follows:

a. Review authority. The Director shall be the review authority for the application for the Substantial Conformity Determination.

b. Compliance with adopted plans. The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan and applicable community and area plans, this Development Code and other applicable conditions and regulations, and approve, conditionally approve, or deny the Substantial Conformity Determination.

c. Notice and public hearing. Notice of an application or pending decision on a Substantial Conformity Determination and a public hearing shall not be required before the Director takes action on an application for an Substantial Conformity Determination.

d. Action and appeal. The action of the Director is final and not subject to appeal.

3. Conditional Use Permits.

~~**a. Coastal Zone.** A Coastal Development Permit approved in compliance with Section 35.472.050 shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Conditional Use Permit is located in the Coastal Zone.~~

~~(1) The Coastal Development Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Coastal Development Permit, that the Coastal Development Permit substantially conforms to the previously approved Conditional Use Permit.~~

~~(2) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~

~~**b. Inland area.** A Land Use Permit approved in compliance with [Section 35.472.110 \(Land Use Permits\)](#) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Conditional Use Permit is located in the Inland area.~~

~~(1)**a.** The Land Use Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Land Use Permit, that the Land Use Permit substantially conforms to the previously approved Conditional Use Permit.~~

~~(2)**b.** The action of the review authority is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).~~

4. Final Development Plans.

~~**a. Coastal Zone, appealable development.** A Coastal Development Permit approved in compliance with Subsection 35.472.050.D.2 (Coastal Development Permits for development that is appealable~~

~~to the Coastal Commission in compliance with Chapter 35.492 (Appeals)) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Final Development Plan is located in the Coastal Zone and is defined as appealable development.~~

~~(1) The Coastal Development Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Coastal Development Permit approved in compliance with Subsection 35.472.050.D.2 (Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)), that the Coastal Development Permit substantially conforms to the previously approved Final Development Plan.~~

~~(2) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~

~~**b. Coastal Zone, not appealable development.** A Coastal Development Permit approved in compliance with Subsection 35.472.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Final Development Plan is located in the Coastal Zone and is not defined as appealable development.~~

~~(1) The Coastal Development Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Coastal Development Permit approved in compliance with Subsection 35.472.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)), that the Coastal Development Permit substantially conforms to the previously approved Final Development Plan.~~

~~(2) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~

~~**e. Inland area.** A Land Use Permit approved in compliance with [Section 35.472.110 \(Land Use Permits\)](#) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Final Development Plan is located in the Inland area.~~

~~(1)**a.** The Land Use Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Land Use Permit, that the Land Use Permit substantially conforms to the previously approved Final Development Plan.~~

~~(2)**b.** The action of the review authority is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).~~

D. Amendments. Where a change to an approved Conditional Use Permit or Final Development is determined by the Director to not be in substantial conformity with the approved permit in compliance with Subsection C, above, the review authority may approve, conditionally approve or deny an application to add, alter, relocate, replace, or otherwise amend a Conditional Use Permit or Final Development Plan in compliance with the following.

1. Area under review. The area of the proposed new development that is the subject of the application for the Amendment:

a. Was analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit and an Addendum to the previous environmental document

could be prepared in compliance with the California Environmental Quality Act; or

- b. Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be found exempt from environmental review in compliance with the California Environmental Quality Act.
2. **Contents of application.** An application for an Amendment shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).
 3. **Processing.** An application for an Amendment shall be processed as follows:
 - a. The Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 - b. The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the review authority. This requirement may be waived by the Director if determined to be unnecessary by the Director.
 - c. Notice shall be given in compliance with [Section 35.496.020 \(Notice of Public Hearing and Review Authority Action\)](#).
 - d. **Review authority, action and appeal.**
 - (1) The Director shall be the review authority for the application for the Amendment.
 - (2) The Director shall review the application for the Amendment for compliance with the Comprehensive Plan and applicable community and area plans, this Development Code and other applicable conditions and regulations, and approve, conditionally approve, or deny the Amendment. A public hearing shall not be required before the Director takes action on an application for an Amendment.
 - (3) The action of the Director is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
 - e. **Findings.** The application for the Amendment shall be approved or conditionally approved only if the Director first makes all of the following findings:
 - (1) That the findings required for approval of the Conditional Use Permit or Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit or Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.
 - (2) That the environmental impacts related to the development proposed by the applications for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit or Final Development Plan.
 4. **Requirements prior to commencement of development authorized by an Amendment.** A Zoning Clearance issued in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) shall be required to allow the development and/or use authorized by the Amendment prior to the commencement of the development and/or use authorized by the Amendment.

E. Revisions.

1. A revised Conditional Use Permit or Final Development Plan shall be required for changes to an approved permit where the findings identified in Subsection D. (Amendments) above cannot be made and substantial conformity cannot be determined.

2. A revised permit shall be processed in the same manner as a new Conditional Use Permit or Final Development Plan, in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#) or [Section 35.472.080 \(Development Plans\)](#).
3. The approval by the review authority of a revised Conditional Use Permit or Final Development Plan shall automatically supersede any previously approved Conditional Use Permit or Final Development Plan upon the effective date of the revised permit.

35.474.050 - Reapplications

An application shall not be accepted or acted upon if within the past 12 months an application has been made and denied by the County which covers substantially the same real property, and which requests approval of substantially the same project, unless the review authority allows the reapplication because of an express finding that one or more of the following factors applies:

- A. **New evidence.** New evidence potentially material to a revised decision is presented which was unavailable or unknown to the applicant at the previous hearing and which could not have been discovered in the exercise of reasonable diligence by the applicant.
- B. **Substantial and permanent change of circumstances.** There has been a substantial and permanent change of circumstances since the previous hearing which materially affects the applicant's real property.
- C. **Mistake made at the previous hearing.** A mistake was made at the previous hearing which was a material factor in the denial of the previous application.

35.474.060 - Revocations

This Section provides procedures for revocation or modification of issued ~~Coastal Development Permits, Land Use Permits and Zoning Clearances~~ and approved Conditional Use Permits. The review authority's action to revoke a permit or approval shall have the effect of terminating the permit and denying the privileges granted by the original approval.

- A. **Revocation of ~~Coastal Development Permits, Land Use Permits, and Zoning Clearances.~~** Issuance of a ~~Coastal Development Permit, Land Use Permit or Zoning Clearance~~ is contingent upon compliance with all conditions imposed as part of the project approval and with all applicable provisions of this Development Code. If it is determined that development activity is occurring in violation of any or all such conditions or provisions, the Director may revoke the permit or clearance and all authorization for development.
 1. **Notification.** Written notice of such Revocation shall be provided to the permittee.
 2. **Appeal.** The action of the Director to revoke a ~~Coastal Development Permit, Land Use Permit or Zoning Clearance~~ is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
- B. **Conditional Use Permits.** If the Montecito Commission determines that the permittee is not in compliance with one or more of the conditions of an approved Conditional Use Permit, the Montecito Commission may revoke the Conditional Use Permit, or direct the permittee to apply for an Amendment or Revision, in compliance with [Subsection 35.474.040.D \(Amendments\)](#) or [Subsection 35.474.040.E \(Revisions\)](#) above.
 1. **Procedures.**
 - a. The Montecito Commission shall hold at least one noticed public hearing prior to revoking the Conditional Use Permit or to directing the applicant to apply for an Amendment or Revision in compliance with the provisions of this Development Code.
 - b. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).

- c. The action of the Montecito Commission is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
- d. Where the applicant has been directed to apply for an Amendment or Revision in compliance with [Section 35.474.040 \(Changes to an Approved Project\)](#) above, the Montecito Commission shall be the review authority for the required Amendment or Revision.

35.474.070 - Post Approval Inspections

If the permit or other action in compliance with this Development Code is approved, the owner or applicant shall allow appropriate County officials access to the premises at all reasonable times in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

CHAPTER 35.476 - DEVELOPMENT AGREEMENTS

Sections:

- [35.476.010 - Purpose and Intent](#)
- [35.476.020 - Application Requirements](#)
- [35.476.030 - Notices and Hearings](#)
- [35.476.040 - Standards of Review, Findings, and Decision](#)
- [35.476.050 - Development Agreement Amendment or Cancellation](#)
- [35.476.060 - Recordation](#)
- [35.476.070 - Periodic Review](#)
- [35.476.080 - Modification or Termination](#)

35.476.010 - Purpose and Intent

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

35.476.020 - Application Requirements

A. Qualification as an applicant.

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

B. Application contents.

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

- C. **Application filing and processing.** An application for a Development Agreement shall be filed and processed in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

35.476.030 - Notices and Hearings

- A. **Notice of intention.** The Director shall give notice of intention to consider adoption of a Development Agreement in addition to any other notice required by this Development Code for other actions to be considered concurrently with the Development Agreement. The notice shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).

B. Public hearings.

1. **Montecito Commission and Board hearings required.** The Montecito Commission shall conduct at least one public hearing on a proposed Development Agreement before making a

recommendation to the Board on the Agreement and the Board shall conduct at least one hearing before making a decision on the application.

2. **Hearing notice.** Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#). Failure of any person entitled to notice required by law or this Development Code does not affect the authority of the County to enter into a Development Agreement.

35.476.040 - Standards of Review, Findings, and Decision

A. Montecito Commission recommendation. After a hearing, the Montecito Commission shall make its recommendation in writing to the Board. The recommendation shall include the Montecito Commission's findings and determination and reasons for the determination, as to whether the Development Agreement proposed:

1. Is consistent with the objectives, policies, general land uses, and programs specified in the Comprehensive Plan and any applicable Specific Plan.
2. Provides that any tentative map which is included in the Development Agreement will comply with Government Code Section 66473.7 regarding water supply.
3. Contains provisions for periodic review pursuant to Government Code Section 65854.1
4. Complies Government Code Section 65865.2 as may be amended from time to time which states:
 - a. The Development Agreement shall specify the following:
 - (1) The duration of the Agreement;
 - (2) The permitted uses of the property;
 - (3) The density or intensity of use;
 - (4) The maximum height and size of proposed buildings; and
 - (5) Provisions for reservation or dedication of land for public purposes;
 - b. The Development Agreement may include the following:
 - (1) Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the Agreement;
 - (2) That construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time; and/or
 - (3) Terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

B. Decision by the Board.

1. **Board's decision.** After the Board completes its public hearing, it may approve, conditionally approve, or deny the Development Agreement.
2. **Referral to the Montecito Commission.** The Board may, but need not, refer matters not previously considered by the Montecito Commission during its hearing back to the Montecito Commission for report and recommendation. The Montecito Commission may, but need not, hold a public hearing on matters referred back to it by the Board.
3. **Required findings.** The Board shall not approve the Development Agreement unless it first makes the findings identified in Subsection A. (Montecito Commission recommendation) above.

- C. **Approval of Development Agreement.** The Board's approval of a Development Agreement shall be by the adoption of an ordinance. The Board may enter into the Agreement after the ordinance approving the Development Agreement takes effect.

35.476.050 - Development Agreement Amendment or Cancellation

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

35.476.060 - Recordation

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

35.476.070 - Periodic Review

- A. **Review required.** Every Development Agreement approved and executed in compliance with this Chapter shall be subject to annual County review, during the full term of the Agreement. Appropriate fees to cover the County's costs to conduct the periodic reviews shall be collected from the applicant.
- B. **Purpose of review.** The purpose of the periodic review shall be to determine whether the applicant or its successor-in-interest has complied in good faith with the terms of the Development Agreement. The burden of proof shall be on the applicant or its successor to demonstrate compliance to the full satisfaction of, and in a manner prescribed by, the County.
- C. **Initiation of review.** The applicant shall contact the Director to initiate the required periodic review no later than 60 days before the expiration of each 12 month period after the execution of the Development Agreement.
- D. **Action based on non-compliance.** If, as a result of periodic review the Board finds and determines, on the basis of substantial evidence, that the applicant or its successor-in-interest has not complied in good faith with the terms or conditions of the Agreement, the Board may, after a noticed public hearing in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#) modify or terminate the Agreement.

35.476.080 - Modification or Termination

- A. **Proceedings upon modification or termination.** If, upon a finding made under Subsection 35.476.070.D (Action based on non-compliance) above, the County determines to proceed with modification or termination of the Agreement, the County shall give notice to the property owner of its intention to do so. The notice shall contain:
1. The time and place of the hearing;
 2. A statement as to whether or not and in what respects the County proposes to modify or terminate the Development Agreement;
 3. Other information that the County considers necessary to inform the property owner of the nature of the proceeding.
- B. **Hearing on modification or termination.** At the time and place set for the hearing on modification or

termination, the property owner shall be given an opportunity to be heard. The decision of the Board shall be final.

CHAPTER 35.478 - SPECIFIC PLANS

Sections:

- 35.478.010 - Purpose and Intent
- 35.478.020 - Initiation
- 35.478.030 - Contents of Application
- 35.478.040 - Processing of Specific Plans
- 35.478.050 - Findings Required for Approval

35.478.010 - Purpose and Intent

- A. Purpose.** The purpose of the Specific Plan is to allow for a more precise level of planning for an area than is ordinarily possible in the Comprehensive Plan, and to provide for a mixture of uses through comprehensive site planning. Specific Plans recognize that one lot or a group of lots which may be in separate ownership are suitable for a specific use or combination of uses, and should be planned as a single unit to ensure protection of valuable resources and to allow maximum flexibility in site planning.
- B. Intent.** This Section is intended to guide the preparation of Specific Plans in compliance with Government Code Sections 65450 et seq.

35.478.020 - Initiation

- ~~**A. Coastal Zone.** Within the Coastal Zone, a Specific Plan may only be initiated in the following manner:~~
- ~~1. One or more persons owning property representing at least fifty percent of the assessed valuation of the property which will be affected by such amendment.~~
 - ~~2. Resolution of intention by the Board.~~
 - ~~3. Resolution of intention by the Montecito Commission.~~
 - ~~4. The Director.~~
- B. Inland area.** Within the Inland area, a A Specific Plan shall be initiated in compliance with Government Code Section 65450 et seq.

35.478.030 - Contents of Application

If initiated by a property owner or authorized agent, an application for a Specific Plan shall be filed and processed in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

35.478.040 - Processing of Specific Plans

- A. Departmental processing of application.** After receipt of the permit application, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- B. Referral to the Subdivision/Development Review Committee.** The Department shall refer the Specific Plan to the Subdivision/Development Review Committee for review and recommendation to the Montecito Commission.
- C. Public hearing required.** The Montecito Commission shall hold at least one noticed public hearing on the Specific Plan. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
- D. Transmittal of the Montecito Commission's recommendation to the Board.**
1. The Montecito Commission's recommendation on the Specific Plan ~~and proposed Coastal Land Use Plan Amendment, if applicable,~~ shall be transmitted to the Board by resolution of the Montecito

Commission carried by the affirmative votes of not less than a majority of its total voting members. A draft ordinance adopting the Specific Plan shall accompany the resolution.

2. The resolution shall be accompanied by a statement of the Montecito Commission's reasons for the recommendation.
- E. Board public hearing required.** The Board shall hold at least one noticed public hearing before adopting the proposed Specific Plan. Notice of the time and place of the Board's hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
- F. Site development plan required.** A Specific Plan shall not be considered adopted until a site development plan, together with the required accompanying data, has been approved by an ordinance of the Board after consideration at a noticed public hearing following a recommendation by the Montecito Commission.
- G. Zoning consistency with Specific Plan required.** At the time of adoption of the Specific Plan, the Board shall determine whether the existing zoning on the subject property is consistent with the Specific Plan. If the Board finds that it is inconsistent, then either the County or the proponent of the Specific Plan shall initiate a Zoning Map Amendment to bring the zoning of the subject property into conformance with the Specific Plan.
- H. Referral of changes or additions to the Montecito Commission.** The Board shall not make any change or addition to any proposed Specific Plan recommended by the Montecito Commission until the proposed change or addition has been referred back to the Montecito Commission for a report and a copy of the report has been filed with the Board. Failure of the Montecito Commission to report back to the Board within 40 days after the referral, or a longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Montecito Commission to hold a public hearing on the proposed change or addition.
- ~~**I. For sites located within the Coastal Zone.** For those lots which require preparation of a Specific Plan in compliance with the Coastal Land Use Plan, a Specific Plan shall not be considered adopted until a site development plan, together with the required accompanying data, has been approved by the Board as an Amendment to the Local Coastal Program after consideration at public hearings and a recommendation by the Montecito Commission~~
- J. Final Development Plan required.** No permits shall be issued for construction, erection, or occupancy of any structure, nor for grading, nor for any use of land which requires a ~~Coastal Development Permit~~ or Land Use Permit until a Final Development Plan, as required under the applicable zone, has been approved in compliance with [Section 35.472.080 \(Development Plans\)](#).
- K. Action by the Board.** The adoption of the Specific Plan shall be by ordinance in compliance with Government Code Section 65453.
- ~~**L. Amendments to Specific Plan.** Amendments to the Specific Plan shall be processed in the same manner as specified for adoption of an original Specific Plan in compliance with this Section.~~

35.478.050 - Findings Required for Approval

A Specific Plan shall be adopted only if all of the following findings are first made:

- A. The Specific Plan is in conformance with and will implement all applicable Comprehensive Plan policies and incorporates any other conditions specifically applicable to the lots that are identified in the plan.
- B. The Specific Plan meets all of the applicable development standards included within the Montecito Community Plan.
- C. The Specific Plan will not adversely impact existing recreational facilities and uses.
- D. The Specific Plan will not be detrimental to the comfort, convenience, general welfare, health, and safety

of the neighborhood.

- E. The Specific Plan will not adversely affect necessary community services (e.g., fire and police protection, sewage disposal, traffic circulation, and water supply).

DIVISION 35.8

Reserved

DIVISION 35.9

Montecito Land Use and Development Code Administration

Chapter 35.490 - Administrative Responsibility	9-3
35.490.010 - Purpose and Intent	9-3
35.490.020 - Planning Agency Defined	9-3
35.490.030 - Board	9-3
35.490.040 - Montecito Commission	9-3
35.490.050 - Director	9-4
35.490.060 - Montecito Board of Architectural Review	9-4
Chapter 35.491 - Nonconforming Uses, Structures, and Lots	9-5
35.491.010 - Purpose and Intent	9-5
35.491.020 - Nonconforming Uses of Land and Structures	9-5
35.491.030 - Nonconforming Structures	9-9
35.491.040 - Construction in Progress	9-12
35.491.050 - Termination of Nonconforming Uses	9-13
35.491.060 - Unpermitted Expansion of Nonconforming Uses	9-13
35.491.070 - Termination Procedures	9-13
35.491.080 - Nonconforming Due to Lack of a Discretionary Permit	9-14
Chapter 35.492 - Appeals	9-17
35.492.010 - Purpose and Intent	9-17
35.492.020 - General Appeal Procedures	9-17
35.492.030 - Appeals to the Chair of the Montecito Commission – Inland area	9-19
35.492.040 - Appeals to the Montecito Commission	9-19
35.492.050 - Appeals to the Board	9-21
35.492.060 - Reserved	9-21
Chapter 35.494 - Amendments	9-23
35.494.010 - Purpose and Intent	9-23
35.494.020 - Applicability	9-23
35.494.030 - Initiation of Amendment	9-23
35.494.040 - Processing of Amendment	9-24
35.494.050 - Action on Amendment	9-25
35.494.060 - Findings Required for Approval of Amendment	9-28
35.494.070 - Effective Dates	9-28
35.494.080 - Rezoning Requirements for Specific Zones	9-28
Chapter 35.496 - Noticing and Public Hearings	9-31
35.496.010 - Purpose and Intent	9-31
35.496.020 - Notice of Public Hearing and Review Authority Action	9-31
35.496.030 - Reserved	9-33
35.496.040 - Reserved	9-33
35.496.050 - Land Use Permits	9-33
35.496.060 - Design Review	9-34
35.496.070 - Emergency Permits	9-35
35.496.075 - Time Extensions Under the Jurisdiction of the Director	9-36
35.496.080 - Contents of Notice	9-37
35.496.090 - Failure to Receive Notice	9-38

35.496.100 - Hearing Procedure 9-38

Chapter 35.498 - Enforcement and Penalties 9-39

35.498.010 - Purpose and Intent 9-39
35.498.020 - Investigation 9-39
35.498.030 - Work Stoppage 9-40
35.498.040 - Referral for Legal Action..... 9-40
35.498.050 - Legal Remedies 9-40
35.498.060 - Cumulative Remedies and Penalties 9-41
35.498.070 - Recovery of Costs..... 9-41
35.498.080 - Processing Fee Penalty Assessment..... 9-44
35.498.090 - Penalty for Violations of Conditions 9-44

CHAPTER 35.490 - ADMINISTRATIVE RESPONSIBILITY

Sections:

- [35.490.010 - Purpose and Intent](#)
- [35.490.020 - Planning Agency Defined](#)
- [35.490.030 - Board](#)
- [35.490.040 - Montecito Commission](#)
- [35.490.050 - Director](#)
- [35.490.060 - Montecito Board of Architectural Review](#)

35.490.010 - Purpose and Intent

The purpose of this Chapter is to describe the authority and responsibilities of the Board, Montecito Commission, Director, Montecito Board of Architectural Review, Department, and County staff in the administration of this Development Code.

35.490.020 - Planning Agency Defined

As provided by Article V of Chapter 2 of the County Code, pursuant to the provisions of Section 65100 of the California Government Code, the Montecito Planning Commission is designated to be the Planning Agency for the unincorporated portion of the County located within the Montecito Planning area as designated by the Montecito Community Plan, with the powers and duties described in [Section 35.490.040 \(Montecito Commission\)](#) below.

35.490.030 - Board

The Board of Supervisors denoted as “Board” within this Development Code shall perform the duties and functions prescribed in this Development Code, which include the following:

- A. Review authority on specified planning matters.** Final decisions on Comprehensive Plan Amendments, Development Agreements, Development Code Amendments, Specific Plans and Amendments, Zoning Map Amendments, environmental documents associated with the preceding project types, and other applicable policy or ordinance matters related to the County's planning process; and
- B. Appeals.** The review of appeals filed from Montecito Commission decisions.

The above listed functions shall be performed in compliance with [Section 35.470.020 \(Authority for Land Use and Zoning Decisions\)](#), Table 7-1 (Review Authority), and the California Environmental Quality Act.

35.490.040 - Montecito Commission

- A. Appointment.** The Montecito Commission shall be constituted in compliance with Article V of Chapter 2 of the County Code.
- B. Duties and authority.** The Montecito Commission shall perform the duties and functions prescribed by State law and this Development Code, including the following:
 1. The review and approval, conditional approval or denial of development projects under the jurisdiction of the Montecito Commission as described in Table 7-1 (Review Authority); and
 2. The making of recommendations to the Board for final decisions on Comprehensive Plan Amendments, ~~Local Coastal Program Amendments (where the property affected by such initiation, consideration or recommendation is located solely within the Montecito Community Plan Area)~~, Development Agreements, Development Code Amendments, Specific Plans and amendments, Zoning Map Amendments, environmental documents associated with the preceding project types, and other applicable policy or ordinance matters related to the County's planning process within the

Montecito Community Plan Area.

3. The Montecito Commission may make a recommendation for action on Comprehensive Plan amendments ~~and Local Coastal Program Amendments~~ to the County Planning Commission where the property affected by such initiation, consideration, or recommendation is not solely located within the Montecito Community Plan Area.

The above listed functions shall be performed in compliance with [Section 35.470.020 \(Authority for Land Use and Zoning Decisions\)](#), Table 7-1 (Review Authority), and the California Environmental Quality Act.

35.490.050 - Director

- A. **Appointment.** The Director shall be appointed by the County ~~Chief Executive Officer~~ [Board of Supervisors](#).
- B. **Duties and authority.** The Director shall:
 1. Have the responsibility to perform all of the functions designated by State law;
 2. Perform the duties and functions prescribed in this Development Code, including the review of administrative development projects, in compliance with [Section 35.470.020 \(Authority for Land Use and Zoning Decisions\)](#), Table 7-1 (Review Authority), State law (Government Code Section 65901 et seq.), and the California Environmental Quality Act;
 3. Perform other responsibilities assigned by the Board and the Montecito Commission and;
 4. Delegate the responsibilities of the Director to Department staff under the supervision of the Director.
- C. **Responsibility of the Director.** Wherever this Development Code makes reference to "staff" it is expressly understood that staff is acting under the direction and control of the Director and that they report directly to the Director rather than the Montecito Commission or the Board.

35.490.060 - Montecito Board of Architectural Review

- A. **Appointment.** The Montecito Board of Architectural Review shall be shall be constituted in compliance with Article V of Chapter 2 of the County Code.
- B. **Duties and authority.** The Montecito Board of Architectural Review shall review all applicable project proposals in compliance with [Section 35.472.070 \(Design Review\)](#) and shall report their findings to the applicable review authority.

CHAPTER 35.491 - NONCONFORMING USES, STRUCTURES, AND LOTS

Sections:

- 35.491.010 - Purpose and Intent
- 35.491.020 - Nonconforming Uses of Land and Structures
- 35.491.030 - Nonconforming Structures
- 35.491.040 - Construction in Progress
- 35.491.050 - Termination of Nonconforming Uses
- 35.491.060 - Unpermitted Expansion of Nonconforming Uses
- 35.491.070 - Termination Procedures
- 35.491.080 - Nonconforming Due to Lack of a Discretionary Permit

35.491.010 - Purpose and Intent

- A. Purpose.** This Chapter establishes uniform provisions for the regulation of nonconforming lots, structures, and uses of land and structures that were lawful before the adoption, amendment, or revision of this Development Code, or previously adopted County ordinances, but which would be prohibited, regulated, or restricted differently under the terms of this Development Code or future amendments.
- B. Intent.**
1. It is the intent of this Development Code, with limited specified exceptions, to:
 - a. Discourage the long-term continuance of these nonconformities, providing for their eventual elimination, but to permit them to exist under the limited conditions outlined in this Chapter.
 - b. Prevent nonconforming uses and structures from being enlarged, expanded, or extended, or being used as grounds for adding other structures or uses prohibited by the zone in which the nonconformity is located.
 2. Generally, this Chapter is intended to be administered in a manner which encourages the eventual abatement of these nonconformities.

35.491.020 - Nonconforming Uses of Land and Structures

A nonconforming use may be continued subject to the following provisions, so long as the use remains otherwise lawful.

A. Structural change.

1. **Allowed enlargements, extensions, moving, reconstruction, or structural alterations.** Except as listed below or otherwise provided in this Development Code, no existing structure devoted to a nonconforming use under this Development Code shall be enlarged, extended, moved, reconstructed, or structurally altered unless the use is changed to a use allowed in the zone in which it is located.
 - a. **Seismic retrofits allowed.** Seismic retrofitting as defined in [Division 35.10 \(Glossary\)](#), 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).
 - b. **Rehabilitation of dwellings.** Existing structures devoted to a nonconforming residential use may be enlarged, extended, reconstructed, relocated, and/or structurally altered in compliance with Subsection F. (Limited exceptions for certain nonconforming residential uses) below.
 - c. **Normal maintenance and repair.** Normal maintenance and repair may occur provided no

structural alterations are made.

- d. **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.
- e. **Commercial structures, ~~Inland area.~~** ~~Within the Inland area, e~~Commercial structures that are nonconforming as to floor area ratio may not be enlarged or extended. However, such structures may be structurally altered provided that the alteration occurs within the interior of the structure and does not increase its floor area.

- 2. **Accessory to a conforming use.** No structure accessory to a nonconforming use under this Development Code shall be enlarged, erected, or extended unless the structure is also accessory to a conforming use.

B. Expansion or extension.

- 1. An existing nonconforming use may be extended throughout or relocated within an existing structure; provided, no structural alterations are made except those required by law or ordinance (e.g., Building Code regulations).
- 2. No existing nonconforming use shall be extended to occupy any land outside of the structure.
- 3. No existing nonconforming use of land outside structures, or not involving structures, shall be enlarged, extended, or increased to occupy a greater area of land than was occupied at the time the use became nonconforming, or moved to any portion of the lot not currently occupied by the nonconforming use.

C. Allowed changes of use. A nonconforming use may only be changed to a conforming use.

D. Abandonment/discontinuance. A nonconforming use that is discontinued for a continuous period of at least 12 consecutive months shall be considered to be abandoned and the rights to continue the nonconforming use shall terminate. If a nonconforming use is abandoned, any future use shall comply with the provisions of the zone in which the use is located.

E. Damage. This Section identifies the standards for allowing the continuation of a nonconforming use in a structure or other development that is damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs.

1. Non-residential uses.

- a. **Damage 75 percent or more.** If structure or other development dedicated to a non-residential nonconforming use is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs to an extent of 75 percent or more of the replacement cost of the total structure before the damage, as determined by the Director, then the nonconforming use shall be discontinued and the damaged structure or other development thereafter used only in compliance with regulations of the zone in which it is located, unless allowed to continue by the Montecito Commission, in compliance with [Section 35.472.100 \(Hardship Determination\)](#).

b. Damage less than 75 percent.

- (1) Except as provided below in Subsection E.1.b.(2), if the damage caused by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs is less than 75 percent of the replacement cost of the total structure before the damage, as determined by the Director, the structure or other developments may be restored to the same or lesser size and in the same general

footprint location.

- (2) **Damage caused by debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features.** If the damage caused by debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) of the lot on which the nonconforming use occurs is less than 75 percent of the replacement cost of the total structure before the damage, as determined by the Director, then:
 - (a) The restored or replaced structure may be relocated on the lot as necessary to comply with applicable setbacks from top-of-bank and to reduce flood hazards, as long as the structure complies with the setback requirements of the applicable zone and with the applicable policies of the Comprehensive Plan.
 - (b) Notwithstanding the height measurement methodology contained in Section 35.430.090.C, the height of the structure may exceed the height of the destroyed or damaged structure if necessary to comply with the base flood elevation that exists for the lot following a debris flow or other catastrophic event, as long as the structure complies with the height requirements of the applicable zone. However, 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, shall not exceed the equivalent height of the damaged or destroyed structure.
- (3) The nonconforming use may be resumed and continued as before, or on a lesser scale, but shall not be enlarged or intensified.

2. Residential uses.

- a. Except as provided in Subsection E.2.b, below, structures dedicated to nonconforming residential dwelling uses (e.g., one-family, two-family, and multi-family units, and second residential units) that are damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs may be reconstructed to the same or lesser size and in the same general footprint location.
- b. **Damage caused by debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features.** If the structure is damaged or destroyed by a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features, then:
 - (1) The restored or replaced structure may be relocated on the lot if necessary to comply with applicable setbacks from top-of-bank and to reduce flood hazards, as long as the structure complies with the setback requirements of the applicable zone and with the applicable policies of the Comprehensive Plan.
 - (2) Notwithstanding the height measurement methodology contained in Section 35.430.090.C, the height of the structure may exceed the height of the destroyed or damaged structure if necessary to comply with the base flood elevation that exists for the lot following a debris flow or other catastrophic event, as long as the structure complies with the height requirements of the applicable zone. However, 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, shall not exceed the equivalent height of the damaged or destroyed structure.
- c. The nonconforming residential dwelling use may be resumed and continued as before, or on a lesser scale, but shall not be enlarged, expanded, or intensified (e.g., increase in gross floor area, increase in the number of bedrooms).

- 3. Reconstruction shall commence within 24 months.** The restoration of a nonconforming use allowed in compliance with Subsection E.1 (Non-residential uses) and Subsection E.2 (Residential uses) above, shall commence within 24 months of the time of damage and be diligently carried out to completion.
- a. The 24-month time limit may be extended by the Director for a maximum of 12 months for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Department before the expiration of the 24-month period.
 - b. If the restoration of the nonconforming use does not commence within 24 months or the extended time period that may be granted by the Director, it shall not be restored except in full compliance with the applicable zone regulations and other provisions of this Development Code.
- 4. Applicability of permit requirements.**
- a. **Exempt from the Development Code permit requirements.**
 - (1) Except as provided in Subsection E.4.a(2), below, the restoration or reconstruction of a structure or other development dedicated to a nonconforming use that is damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs shall be exempt from the permit requirements of this Development Code only if the structure or other development complies with the provisions of this Chapter and if the structure or other development conforms to the specifications documented to exist before the damage or destruction.
 - (2) The relocation of a structure and/or a change to its finished floor elevation following a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features may be allowed if the Director, in consultation with the Flood Control District, determines the relocation or change in the finished floor elevation to be necessary to comply with applicable setbacks from top-of-bank and to reduce flood hazards, and the structure complies with the provisions of this Chapter and applicable policies of the Comprehensive Plan.
 - (3) Full compliance with applicable Building Code provisions is still required.
 - b. **Design Review required.** Except as provided in Subsection E.4.b(1), below, if the Director determines that the exterior design or specifications are proposed to be changed or the footprint of the structure is relocated, then the replaced or restored structure shall be subject to the provisions of [Section 35.472.070 \(Design Review\)](#) if the structure is otherwise subject to 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.
 - c. **Subject to Development Code permit requirements.** Except as allowed herein, if the structure or other development is proposed to be altered from the original specifications, as determined by the Director, then the reconstruction or restoration shall be subject to all applicable permit requirements of this Development Code.

- F. Limited exceptions for certain nonconforming residential uses.** Existing structures devoted to a nonconforming residential use may be enlarged, extended, reconstructed, relocated, and/or structurally altered, subject to the following criteria:
1. The site is within a zone which allows residential use as an allowed use requiring only a ~~Coastal Development Permit~~ or a Land Use Permit.
 2. On any lot, only one existing structure devoted to a nonconforming residential use may be enlarged, extended, moved, reconstructed, and/or structurally altered.
 3. No enlargements shall result in a structure devoted to a nonconforming residential use that exceeds 1,200 square feet of gross floor area and no enlargements shall be allowed to any structure which has a current legal nonconforming residential gross floor area of 1,200 square feet or more.
 4. No enlargement, extension, reconstruction, relocation, or structural alteration shall exceed the height of, or protrude higher than, the highest point of, the existing structure.
 5. The structure shall comply with all applicable building, electrical, fire, mechanical, and plumbing codes, and shall not compromise the adequate performance of any existing water system or liquid waste disposal (e.g., septic) system, as determined to the satisfaction of the County Public Health Department.
 6. Any enlargement, extension, reconstruction, relocation, or structural alteration shall comply with all height, lot coverage, parking, setback, and other requirements of the zone in which the structure is located.
- G. Parking.** If a use is nonconforming solely with respect to existing parking standards, the structure devoted to the use may be altered but the use may not be expanded, extended, or intensified in a manner that would increase the required number of off-street parking spaces in compliance with [Chapter 35.436 \(Parking and Loading Standards\)](#) unless:
1. The use is brought into compliance with the requirements of [Chapter 35.436 \(Parking and Loading Standards\)](#); or
 2. A modification to the parking requirements has been approved.

35.491.030 - Nonconforming Structures

A structure that is conforming as to use but nonconforming as to height, lot coverage, setbacks, or other requirements concerning the structure may remain so long as it is otherwise lawful, subject to the following provisions.

A. Structural change, expansion, or extension.

1. Enlargements or extensions allowed in limited circumstances.

- a. Except as listed in Subsection A.1.b (Allowed structural alterations), below or otherwise provided in this Development Code, a nonconforming structure shall not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Development Code.

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.

c. **Permit required.** The issuance of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) is required prior to the commencement of any structural alteration allowed in compliance with Subsections A.1.a and A.1.b, above, unless the alteration is determined to be exempt in compliance with [Section 35.420.040 \(Exemption from Planning Permit Requirements\)](#).

2. **Accessory living quarters.** No living quarters may be extended into an accessory structure located in the required front, side, or rear setbacks by any addition or enlargement.

3. **Loss of nonconforming status.**

a. A nonconforming structure that is enlarged, extended, moved, reconstructed, or structurally altered in violation of Subsection A.1, above, shall no longer be considered to be nonconforming and the rights to continue the nonconforming structure shall terminate unless the enlargement, extension, moving, reconstruction, or structural alteration is specifically allowed by this Development Code.

b. If the rights to continue the nonconforming structure are terminated then the structure shall either be demolished or altered so that the structure may be considered a conforming structure. Failure by the owner to either demolish the structure or alter the structure so that it may be considered a conforming structure shall be considered a violation of this Article and subject to enforcement and penalties in compliance with [Chapter 35.498 \(Enforcement and Penalties\)](#).

B. Damage. This Section identifies the standards for allowing the reconstruction or restoration of a nonconforming structure that is damaged by earthquake, fire, flood, vandalism or other calamity beyond the control of the owner of the structure.

1. Nonconforming structures that are damaged or destroyed by earthquake, fire, flood, or other natural disaster may be reconstructed to the same or lesser size in the same general footprint location except that if a nonconforming structure is damaged by 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.), then:

a. The restored or replaced structure may be relocated on the lot if necessary to comply with applicable setbacks from top-of-bank and to reduce flood hazards, as long as the structure complies with the setback requirements of the applicable zone and with the applicable policies of the Comprehensive Plan.

- b. Notwithstanding the height measurement methodology contained in Section 35.430.090.C, the height of the structure may exceed the height of the destroyed or damaged structure if necessary to comply with the base flood elevation that exists for the lot following a debris flow or other catastrophic event, as long as the structure complies with the height requirements of the applicable zone. However, 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, shall not exceed the equivalent height of the damaged or destroyed structure.
2. **Hotel reconstruction.** Any portion of an existing hotel that is damage or destroyed may be replaced with new construction of the identical size of that damaged or destroyed on the same site and in the same general location except that if an existing hotel structure is 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, then:
- a. The structure may be relocated on the lot if necessary to meet applicable setbacks from top-of-bank and reduce flood hazards, provided the structure complies with the setback requirements of the applicable zone and with the applicable policies of the Comprehensive Plan.
- b. Notwithstanding the height measurement methodology contained in Section 35.430.090.C, the height of the structure may exceed the height of the destroyed or damaged structure if necessary to comply with the base flood elevation that exists for the lot following a debris flow or other catastrophic event, as long as the structure complies with the height requirements of the applicable zone. However, 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, shall not exceed the equivalent height of the damaged or destroyed structure.
3. **Reconstruction shall commence within 24 months.**
- a. The reconstruction or restoration of a nonconforming structure that is required due to damage by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure allowed in compliance with Subsection B. (Damage) above shall commence within 24 months of the time of damage and be diligently carried out to completion.
- b. **Extensions.**
- (1) **Initial time extension.** The 24-month time limit may be extended by the Director one time for a maximum of 24 additional months for good cause, provided a written request, including a statement of the reasons for the request, is filed with the Department before the expiration of the initial 24-month period.
- (2) **Additional time extension.**
- (a) In addition to an extension granted by the Director in compliance with Subsection B.4.b.(1), above, the Director may extend the time limit for good cause a second time for a maximum of 36 additional months provided:
- (i) An application for the extension, including a statement of the reasons for the request, is filed with the Department in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#) either prior to the expiration of a time extension allowed under Subsection B.4.b.(1), above, or within the 180 days following the expiration of said time extension.
- (ii) Notice of the application for the time extension shall be provided in compliance with [Section 35.496.050 \(Land Use Permits\)](#).

- (iii) The Director determines that the requirement for completion of substantial offsite infrastructure improvements has prevented the commencement of the reconstruction of the nonconforming structure within the time limit as extended in compliance with Subsection B.4.b.1), above.
- (b) The action of the Director to approve, conditionally approve, or deny the application to extend the time limit in compliance with Subsection B.4.b.(2)(a), above, is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
- c. If the reconstruction or restoration of the structure does not commence within 24 months, or the extended time period that may be granted by the Director, it shall not be restored except in full compliance with the applicable zone regulations and other provisions of this Development Code.

4. Applicability of permit requirements.

a. Exempt from Development Code permit requirements.

- (1) Except as provided in Subsection B.5.a.(1), below, the restoration of a nonconforming structure that is damaged by earthquake, fire, flood, vandalism or other calamity beyond the control of the owner of the structure shall be exempt from the permit requirements of this Development Code only if the structure complies with the provisions of this Section and if the structure conforms to the specifications documented to exist before the damage or destruction, as determined by the Director.
- (2) The relocation of a structure and/or a change to its finished floor elevation following a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features may be allowed if the Director, in consultation with the Flood Control District, determines the relocation and/or change in the finished floor elevation to be necessary in order to comply with applicable setbacks from top-of-bank and to reduce flood hazards, and the structure complies with the provisions of this Chapter and applicable policies of the Comprehensive Plan.
- (3) Full compliance with applicable Building Code provisions is still required.

b. Design Review required. Except as provided in Subsection B.5.b.1, below, if the Department determines that the exterior design or specifications are proposed to be changed or the footprint of the structure is relocated, the restored structure shall be subject to the provisions of [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.
- c. **Subject to Development Code permit requirements.** Except as allowed herein, if the structure is proposed to be altered from the original specifications, as determined by the Director, then the restoration shall be subject to all applicable permit requirements of this Development Code.

35.491.040 – Construction in Progress

A. Chapter shall not require changes. To avoid undue hardship, nothing in this Chapter shall be deemed to

require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun before the effective date of adoption or any amendment of this Development Code rendering the structure or its use nonconforming and upon which actual construction has been carried on diligently.

- B. Construction defined.** Actual construction is defined to mean the placing of construction materials in permanent position and fastened in a permanent manner.

35.491.050 - Termination of Nonconforming Uses

In addition to the provisions for termination of certain nonconforming uses contained elsewhere in this Chapter, any nonconforming use or uses of either land or structures or both may be ordered terminated by the Board, after a public hearing, as provided in [Section 35.491.070 \(Termination Procedures\)](#) below, if one or more of the three following conditions is found to apply to any nonconforming use.

- A. Improvements can be used only for those uses allowed in the zone.** The condition of the improvements, if any, on the property exist in a manner that to require the property to be used only for those uses allowed in the zone where it is located would not impair the constitutional rights of any person;
- B. Improvements can be altered to be used with those uses allowed in the zone.** The nature of the improvements exist in a manner that they can be altered so as to be used in conformity with the uses allowed in the zone in which the property is located without impairing the constitutional rights of any person; or
- C. Use is detrimental or a public nuisance.** Except in the case of a dedicated cemetery, the nonconforming use is detrimental to the public health or safety or is a public nuisance.

35.491.060 - Unpermitted Expansion of Nonconforming Uses

After a public hearing, as provided in [Section 35.491.070 \(Termination Procedures\)](#) below, any expansion of or change in a nonconforming use of structures or land, or both, not expressly allowed under and strictly in compliance with the provisions of this Development Code and especially this Chapter, nor required by law, may be ordered terminated by the Board.

35.491.070 - Termination Procedures

- A. Procedures for termination of nonconforming uses.** All nonconforming uses to be terminated under the provisions of this Chapter may be ordered terminated by the Board in compliance with the following procedures.
1. Upon recommendation of the Montecito Commission, or upon petition by a person affected by a nonconforming use of structures or land or both, or on its own initiative, the Board may set a date for, and call for a public hearing to determine whether or not a nonconforming use of land or structures, or both, or an unpermitted expansion of or change in the use, should be ordered terminated.
 2. Fifteen days notice of the hearing shall be given by publication once in a newspaper of general circulation within the County or in the area where the affected property is located, and by service upon the owner of the land and upon the person operating or maintaining the nonconforming use, if not the owner.
 3. Service of the notice shall be either personal or by mail addressed to the last known address of the person to be served.
 4. The notice shall specify the date, time, and place of the hearing and shall specify the grounds on which the nonconforming use or changes or expansion of the use is sought to be terminated.

- B. Hearing procedures.**

1. All hearings held in compliance with this Section by the Board shall be open to the general public, be presided over by the Chairperson, vice-chairperson, or acting chairperson of the Board, and the proceedings shall be recorded by an electronic recording device.
 2. The owner, the party maintaining the nonconforming use, the Board, and all other interested persons may be represented by attorneys of their own choosing, may submit written and oral evidence; provided, oral evidence shall be taken only on oath or affirmation, may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness to testify, and to rebut the evidence against the witness.
 3. If the person maintaining the nonconforming use does not testify in their own behalf they may be called and examined as if under cross-examination.
- C. Rules of evidence.** The hearing need not be conducted in compliance with technical rules relating to evidence and witnesses.
1. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions in courts.
 2. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts.
 3. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions and irrelevant and unduly repetitious evidence shall be excluded.
- D. Board's action on the termination, change, or expansion of use.**
1. The Board shall render its decision in writing, containing findings of fact, within 30 days after the date on which the public hearing was completed and closed.
 2. It shall deliver copies by mail or personally to the parties concerned in the hearing.
 3. Failure to render the decision within 30 days, or any extension thereof stipulated to by the parties, shall be deemed to permit the continuance of the nonconforming use or the change or expansion thereof, which was the subject of the hearing.
 4. The decision shall, if it ordered the nonconforming use, or change or expansion thereof terminated, specify the time within which the person maintaining the nonconforming use or change or expansion thereof, shall terminate, as the Board deems reasonable and proper under the circumstances.
- E. Hearings may be continued.** The hearings may be continued from time to time by the Board.
- F. Judicial review.** Judicial review of any order of the Board made in compliance with this Section may be had by filing a petition for a writ of mandate in compliance with the provisions of the California Code of Civil Procedure.
- G. Failure to comply with order of termination.** Any non-compliance with an order of termination of the Board made in compliance with this Section, as well as any continuance of any nonconforming use beyond the expressed period of time identified in this Section shall be deemed a violation of the terms of this Development Code.

35.491.080 - Nonconforming Due to Lack of a Discretionary Permit

- A. Conformity of uses requiring a discretionary permit.** A use lawfully existing without the approval of a discretionary permit that would be required by this Development Code, shall be deemed conforming only

to the extent that it previously existed (e.g., maintain the same site area boundaries, hours of operation).

- B. Previous permits in effect.** A use that was authorized by a discretionary permit but is not allowed by this Development Code in its current location may continue, but only in compliance with the discretionary permit.

CHAPTER 35.492 - APPEALS

Sections:

- 35.492.010 - Purpose and Intent
- 35.492.020 - General Appeal Procedures
- 35.492.030 - Appeals to the Chair of the Montecito Commission—~~Inland Area~~
- 35.492.040 - Appeals to the Montecito Commission
- 35.492.050 - Appeals to the Board
- 35.492.060 - Reserved

35.492.010 - Purpose and Intent

The purpose of this Chapter is to provide procedures for the acceptance and processing of appeals to the Board and the Montecito Commission ~~and to list the criteria for those developments that may be appealed to the Coastal Commission.~~

35.492.020 - General Appeal Procedures

- A. Who may appeal.** An appeal may only be filed by an applicant or any aggrieved person. An aggrieved person is defined as any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing or decision, informed the review authority of the nature of their concerns or who for good cause was unable to do either.
- B. Timing and form of appeal.**
- 1. Appeals of decisions of the Montecito Board of Architectural Review, Director, or Montecito Commission.**
 - a. Filing of the appeal.** An appeal, which shall be in writing, and accompanying fee, of a decision or determination of the Montecito Board of Architectural Review, Director, or Montecito Commission, shall be filed with the Department within the 10 calendar days following the date of the decision or determination that is the subject of the appeal, except as otherwise provided in this Development Code.
 - b. Form of appeal.** The appellant shall use the form provided by the Department in addition to any other supporting materials the appellant may wish to furnish in compliance with Subsection C. (Requirements for contents of an appeal) below, explaining the reasons for the appeal. An appeal shall be filed with the Director, who shall process the appeal in compliance with this Chapter, including scheduling the matter before the applicable review authority.
 - 2. Computation of time for appeal.** The time within which the appeal shall be filed shall commence on the day following the day on which the decision or determination was made. In the event the last day for filing an appeal falls on a non-business day of the County, the appeal may be timely filed on the next business day.
- C. Requirements for contents of an appeal.**
- 1. General requirements.** The appellant shall specifically provide in the appeal all of the following:
 - a. The identity of the appellant and their interest in the decision;
 - b. The identity of the decision or determination appealed which may include the conditions of that decision or determination;
 - c. A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of this Development Code or other applicable

law;

- d. If it is claimed that there was an error or abuse of discretion on the part of the review authority, or other officer or authorized employee, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made, then these grounds shall be specifically stated.

2. Additional requirements for certain appeals. The following information is required to be submitted for the appeals listed below in addition to the information required to be submitted by Subsection C.1 (General requirements) above:

a. Appeals regarding a previously approved discretionary permit. If the approval of a Land Use Permit required by a previously approved discretionary permit is appealed, the appellant shall identify:

- (1) How the Land Use Permit is inconsistent with the previously approved discretionary permit; or
- (2) How the discretionary permit's conditions of approval that are required to be completed before the approval of a Land Use Permit have not been completed; or
- (3) How the approval is inconsistent with [Chapter 35.496 \(Noticing and Public Hearings\)](#).

b. Appeals of final decision of the Montecito Board of Architectural Review. A decision of the Montecito Board of Architectural Review to grant final approval may not be appealed to the Montecito Commission unless the appellant can demonstrate that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval. If the Director determines that the appeal does not raise a substantial issue that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval, then the Director shall make that determination in writing, and the appeal shall not be processed. This decision of the Director is final and not subject to appeal.

D. Acceptance of appeal. An appeal shall not be accepted by the Director unless it is complete and complies with all requirements of [Subsection 35.492.020.C](#) (Requirements for contents of an appeal) above. This decision of the Director is final and not subject to appeal.

E. Appeal fees. The appellant shall pay the required filing fee in compliance with the Board's Fee Resolution, at the time of the filing of the appeal.

~~**1. No fee for developments appealable to the Coastal Commission.** An appeal fee is not required for developments which may be appealed to the Coastal Commission in compliance with [Subsection 35.492.060.D](#) (Decisions appealed to the Coastal Commission).~~

F. Effect of filing of an appeal. The filing of the appeal shall have the effect of staying the issuance of any permit or approval provided for by the terms of this Development Code until a final action has occurred on the appeal, or unless otherwise indicated in this Development Code.

G. Public hearing required. The review authority shall consider all appeals in a noticed public hearing. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#). Notice shall be mailed to the appellant and the applicant, if different than the appellant.

H. Special processing requirements. The following requirements apply to applications for ~~Coastal Development Permits~~, Land Use Permits, and Zoning Clearances for projects that also require review by the Montecito Board of Architectural Review:

1. Projects requiring ~~Coastal Development Permits or Land Use Permits.~~

- a. If a preliminary approval by the Montecito Board of Architectural Review is appealed, then the hearing on the appeal shall be held after the approval of the ~~Coastal Development Permit or Land Use Permit~~, but before the issuance of the ~~Coastal Development Permit or Land Use Permit~~ for the project.
- b. If a preliminary approval by the Montecito Board of Architectural Review is appealed, and the approval of the ~~Coastal Development Permit or Land Use Permit~~ is appealed, then the appeal of the preliminary approval by the Montecito Board of Architectural Review shall be processed concurrently with the appeal of the ~~Coastal Development Permit or Land Use Permit~~.
- c. If a decision of the Montecito Board of Architectural Review to deny preliminary or final approval is appealed, a hearing shall be held on the appeal of the decision of the Montecito Board of Architectural Review before any decision on the ~~Coastal Development Permit or Land Use Permit~~.

2. Projects requiring Zoning Clearances.

- a. If a preliminary approval by the Montecito Board of Architectural Review is appealed, then final action on the appeal shall occur before the issuance of the Zoning Clearance for the project.
- b. If a decision of the Montecito Board of Architectural Review to deny preliminary or final approval is appealed, then final action on the appeal shall occur before the decision on the Zoning Clearance.

35.492.030 - Appeals to the Chair of the Montecito Commission—~~Inland area~~

- A. **Decisions appealed to the Chair of the Montecito Commission.** ~~Within the Inland area, a~~Any decision by the Director to approve, conditionally approve, or deny an application for a Land Use Permit for a temporary use in compliance with [Section 35.442.180 \(Temporary Uses and Trailers\)](#) not including [Subsection 35.442.180.G \(Trailer Use\)](#) may be appealed to the Chair of the Montecito Commission or designee.
- B. **Hearing required.** The chair of the Montecito Commission or designee shall hold a hearing on the appeal no later than 12 hours prior to the time the event is scheduled to commence.
- C. **Notice required.** Notice of the date, time and location of the hearing shall be provided to the applicant, the appellant, and any interested person who has filed a written request for notice with the Department.
- D. **Action on appeal.** The Chair of the Montecito Commission or designee shall affirm, reverse, or modify the decision of the Director as soon as practicable following the filing of the appeal and in no case later than the time the temporary use is scheduled to commence. The action of the Chair of the Montecito Commission or designee is final and not subject to appeal.

35.492.040 - Appeals to the Montecito Commission

- A. **Decisions appealed to the Montecito Commission.** The following decisions may be appealed to the Montecito Commission provided the appeal complies with the requirements of [Subsection 35.492.020.C](#) through [Subsection 35.492.020.E](#) above.
 1. **Montecito Board of Architectural Review decisions.** The following decisions of the Montecito Board of Architectural Review may be appealed to the Montecito Commission:
 - a. Any decision of the Montecito Board of Architectural Review to grant or deny preliminary approval.
 - b. Any decision of the Montecito Board of Architectural Review to grant or deny final approval in compliance with [Subsection 35.492.020.C.2.c](#) (Appeals of final decision of the Montecito

Board of Architectural Review) above.

2. **Building Official decisions.** The following decisions of the Building Official may be appealed to the Montecito Commission.
 - a. The decision of the Building Official to require an applicant for a solar energy system to apply for a Solar Use Permit. The grounds for an appeal of a decision to require a Solar Use Permit are restricted to a demonstration that the solar energy system would not have a specific, adverse impact upon the public health and safety.
 - b. Any decision of the Building Official to approve, conditionally approve, or deny an application for a Solar Use Permit.
3. **Director decisions.** The following decisions of the Director may be appealed to the Montecito Commission:
 - a. Any determination on the meaning or applicability of the provisions of this Development Code.
 - b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943.
 - c. Any decision of the Director to revoke an approved or issued Land Use Permit.
 - d. Any decision of the Director to approve, conditionally approve or deny an application for a Land Use Permit.
 - e. Any decision of the Director to revoke an issued Zoning Clearance.
 - f. Any decision of the Director to approve, conditionally approve, or deny an application for a Development Plan.
 - g. Any decision of the Director to approve, conditionally approve, or deny any other discretionary application where the Director is the designated review authority.
 - h. Any other action, decision, or determination made by the Director as authorized by this Development Code where the Director is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.
- B. Report to the Montecito Commission.** The Department shall transmit to the Montecito Commission copies of the permit application including all maps and data and a statement identifying the reasons for the decision by the Montecito Board of Architectural Review, Building Official or Director before the hearing on an appeal.
- C. Scope of appeal hearings.** The hearings on the appeal shall be de novo.
- D. Action on appeal.** The Montecito Commission shall affirm, reverse, or modify the decision of the Montecito Board of Architectural Review or Director.
 1. **Decision on the appeal of Solar Use Permits.** The action of the Montecito Commission, and the action of any subsequent County review authority, shall not have the effect of denying the application to install the solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.
 - a. Any conditions imposed by the Montecito Commission on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

35.492.050 - Appeals to the Board

- A. Decisions appealed to the Board.** The following decisions of the Montecito Commission may be appealed to the Board provided the appeal complies with the requirements of [Subsection 35.492.020.C](#) through [Subsection 35.492.020.E](#) above.
1. Any final action on decisions that are appealed to the Montecito Commission in compliance with [Section 35.492.040 \(Appeals to the Montecito Commission\)](#), above.
 2. Any final action on decisions of the Montecito Commission to approve, conditionally approve, or deny an application for a Conditional Use Permit, Development Plan, Lot Line Adjustment, Tentative Map, Variance, or other discretionary application where the Montecito Commission is the designated review authority.
 3. Any other action, decision, or determination made by the Montecito Commission as authorized by this Development Code where the Montecito Commission is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.
- B. Report to the Board.** The Department shall transmit to the Board copies of the permit application including all maps and data and a statement identifying the reasons for the decision by the Montecito Commission before the hearing on an appeal.
- C. Scope of appeal hearings.** The hearings on the appeal shall be de novo.
- D. Action on appeal.** The Board shall affirm, reverse, or modify the decision of the Montecito Commission. The decision of the Board shall be final.

35.492.060 - Reserved

CHAPTER 35.494 - AMENDMENTS

Sections:

- 35.494.010 - Purpose and Intent
- 35.494.020 - Applicability
- 35.494.030 - Initiation of Amendment
- 35.494.040 - Processing of Amendment
- 35.494.050 - Action on Amendment
- 35.494.060 - Findings Required for Approval of Amendment
- 35.494.070 - Effective Dates
- 35.494.080 - Rezoning Requirements for Specific Zones

35.494.010 - Purpose and Intent

The purpose and intent of this Chapter is to provide procedures consistent with Government Code Section 65000 *et seq.*, for:

- A. Amending the text and/or maps of the Comprehensive Plan.
- B. Amending the text of this Development Code as the County may deem reasonable, necessary, or desirable.
- C. Amending the zoning designation on properties where the change is warranted by consideration of location, surrounding development, and timing of development.

35.494.020 - Applicability

- A. **Comprehensive Plan.** An amendment to the Comprehensive Plan may include revisions to the text and/or maps of the Comprehensive Plan.
- B. **Development Code.** An amendment to this Development Code may modify or add a new standard, requirement, allowed use, or procedure applicable to land use or development that is located within the Montecito Community Plan area outside the Coastal Zone.
- C. **Zoning Map.** An Amendment to the County Zoning Map not including those portions that lie outside the Montecito Community Plan area or within the Coastal Zone has the effect of rezoning property from one zone to another, including the addition or deletion of overlay zones.
- D. **Compliance with Chapter.** All applications for Amendments shall be initiated, filed, processed, considered, and acted upon in full compliance with this Chapter.

35.494.030 - Initiation of Amendment

An Amendment may only be initiated in the following manner:

- A. **Board.** By the Board, which may include the approval of a resolution of intention by the Board;
- B. **Montecito Commission.** By the Montecito Commission, which may include the approval of a resolution of intention by the Montecito Commission;
- C. **Director.** By the Director; or
- D. **Applicant.** By an application by an authorized applicant as follows:
 1. **Comprehensive Plan Amendment.** An application to amend the text and/or maps of the Comprehensive Plan may be made by any person with a substantial interest in the proposed Amendment.
 2. **Development Code Amendment.** An application to amend the text of the Development Code may be made by any person with a substantial interest in the proposed Amendment.

3. **Zoning Map Amendment.** Application by one or more persons owning property representing at least 50 percent of the assessed valuation of the property for which the zone classification change is sought.

35.494.040 - Processing of Amendment

- A. Application shall ensure consistency.** Any application filed in compliance with this Chapter that is inconsistent with the use and/or density requirements of this Development Code, the County Zoning Map or the Comprehensive Plan, shall be accompanied by an application to make the project consistent.
- B. Contents of application.** If initiated by a person other than the Board, Montecito Commission, or Director, an Amendment application shall be filed in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).
- 1. Application shall include a Development Plan.** Unless the Montecito Commission expressly waives the requirement, an application for a Zoning Map Amendment to rezone property to any of the zones listed below shall require the submittal of an application for either a Final or a Preliminary Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#) and [Section 35.494.080 \(Rezoning Requirements for Specific Zones\)](#) below.
- a. DR (Design Residential).
 - b. PRD (Planned Residential Development).
 - c. CN (neighborhood Commercial).
 - d. CV (Resort/Visitor Serving Commercial).
 - e. PU (Public Utilities).
 - f. REC (Recreation).
- C. Processing.**
- 1. Application acceptance.**
- a. **Director review.** After receipt of an application the Director shall review the application and determine whether to accept the application for processing or to refer the application to the Montecito Commission to determine whether to accept the application for processing.
 - (1) The Director may refer any application to the Montecito Commission that the Director determines to be:
 - (a) Inconsistent with the Comprehensive Plan and the inconsistency would not be resolved by approval of the amendment, or
 - (b) Inconsistent with this Development Code and the inconsistency would not be resolved by approval of the amendment, or
 - (c) Inconsistent with a recent Comprehensive Plan or Community Plan update, or
 - (d) Precedent setting in nature, or
 - (e) In conflict with any recent action by the Board, or
 - (f) Likely to generate or has generated substantial public controversy, or
 - (g) If the application involves an amendment to the Comprehensive Plan, that the application is not in the public interest as required by Government Code Section 65358(a).
 - (2) The action of the Director to refer an application to the Montecito Commission is final and not subject to appeal.

- (3) If the Director refers the application to the Montecito Commission, then the Director shall provide a recommendation to the Montecito Commission as to whether the application should be accepted for processing.
- b. Montecito Commission review.** Upon referral by the Director, the Montecito Commission shall hold at least one noticed public hearing on the application and may accept, or decline to accept, the application for processing. If the Montecito Commission declines to accept the application for processing, then the Montecito Commission shall refer the application to the Board for a final decision regarding whether to accept the application for processing.
- (1) The action of the Montecito Commission to refer an application to the Board is final and not subject to appeal.
- (2) If the Montecito Commission refers the application to the Board, then the Montecito Commission shall provide a recommendation to the Board as to whether the application should be accepted for processing.
- c. Board review.** Upon referral by the Montecito Commission, the Board shall hold at least one noticed public hearing on the application and may accept, or decline to accept, the application for processing. The decision of the Board is final.
2. Following acceptance of the application for processing, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
3. The Director may refer the application to the Subdivision/Development Review Committee and/or the Montecito Board of Architectural Review for review and recommendations to the Montecito Commission.
4. In compliance with Government Code Section 65351, during the review of a Comprehensive Plan Amendment, the Department shall provide opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the Department deems appropriate.
5. The Department shall also refer a proposed Comprehensive Plan Amendment to other agencies in compliance with Government Code Section 65352.
- 6. Native American consultation required.** Prior to the adoption of any Comprehensive Plan Amendment the Department, in compliance with Government Code Sections 65352.3 and 65352.4, shall conduct consultations with California Native American tribes that are on the contact list maintained by the Native American Heritage Commission for the purpose of preserving or mitigating impacts to places, features, and objects described in Public Resources Code Sections 5097.9 and 5097.993 that are located within the County's jurisdiction.
- D. Sites with valid Conditional Use Permit.** If there is a valid and operational Conditional Use Permit associated with a proposed amendment to the text of the Development Code and/or the County Zoning Map and under the revised text or new zone the conditionally permitted use would become a permitted use, the Conditional Use Permit including the conditions of approval shall remain valid and in force unless altered or deleted in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#).

35.494.050 - Action on Amendment

A. Comprehensive Plan Amendments.

1. Montecito Commission hearing and action.

- a. The Montecito Commission shall hold at least one noticed public hearing on the proposed Amendment. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#) and

Government Code Sections 65090 and 65091, as applicable.

- b. At the conclusion of the hearing, the Montecito Commission shall recommend approval, conditional approval or denial of the proposed Amendment. The Montecito Commission's recommendation shall be adopted and transmitted to the Board by resolution of the Montecito Commission carried by the affirmative vote of not less than a majority of the total membership of the Montecito Commission.
- c. The Montecito Commission shall adopt a resolution recommending approval or conditional approval of the Amendment only if the Montecito Commission first makes all of the findings identified in [Section 35.494.060 \(Findings Required for Approval of Amendments\)](#).
- d. In compliance with Government Code Section 65354.5, any interested party may file a written request for a hearing on the Amendment by the Board with the Clerk of the Board within the five days following the Montecito Commission adopting its recommendation. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#) and Government Code Section 65090.

2. Board hearing and action.

- a. Following the receipt of the Montecito Commission's recommendation or where a hearing has been requested in compliance with Subsection A.1.d, above, the Board shall hold at least one noticed public hearing on the proposed Amendment.
- b. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#) and Government Code Section 65090.
- c. The Board may approve, modify, or deny the recommendation of the Montecito Commission.
 - (1) The Board shall adopt an Amendment by resolution which shall be adopted by the affirmative vote of not less than a majority of the total membership of the Board.
 - (2) Any substantial modification of the proposed Amendment by the Board not previously considered by the Montecito Commission during its hearing shall first be referred to the Montecito Commission for report and recommendation.
 - (a) The Montecito Commission shall not be required to hold a public hearing on the referral.
 - (b) The failure of the Montecito Commission to report within the 45 calendar days following the referral, or within the time set by the Board, shall be deemed a recommendation for approval.
- d. The Board shall adopt a resolution approving or conditionally approving the Amendment only if the Board first makes all of the findings identified in [Section 35.494.060 \(Findings Required for Approval of Amendments\)](#), below, and [Section 35.494.080 \(Rezoning Requirements for Specific Zones\)](#), below, as applicable.

B. Development Code and Zoning Map Amendments.

1. Montecito Commission hearing and action.

- a. The Montecito Commission shall hold at least one noticed public hearing on the proposed Amendment. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#) and Government Code Sections 65090 and 65091, as applicable.
- b. At the conclusion of the hearing the Montecito Commission shall recommend approval, conditional approval or denial of the proposed Amendment. The Montecito Commission's recommendation shall be adopted and transmitted to the Board by resolution of the Montecito

Commission carried by the affirmative vote of not less than a majority of its total voting members.

- c. The Montecito Commission shall adopt a resolution recommending approval or conditional approval of the Amendment only if the Montecito Commission first makes all of the findings identified in [Section 35.494.060 \(Findings Required for Approval of Amendments\)](#) and [Section 35.494.080 \(Rezoning Requirements for Specific Zones\)](#) as applicable.
- d. In compliance with Government Code Section 65855, the Montecito Commission's recommendation shall include the reasons for the recommendation, and the relationship of the proposed Amendment to the Comprehensive Plan and applicable Specific Plans.

2. Board hearing and action.

- a. Following the receipt of the Montecito Commission's recommendation:
 - (1) **Development Code Amendments.** The Board shall hold at least one noticed public hearing on the proposed Amendment.
 - (2) **Zoning Map Amendments.** The Board shall hold at least one noticed public hearing on the proposed Amendment except that if the Montecito Commission recommends denial of the Zoning Map Amendment, then the Board shall not be required to hold a public hearing or take any further action on the matter unless:
 - (a) An aggrieved party appeals the action of the Montecito Commission in compliance with [Chapter 35.492 \(Appeals\)](#), or
 - (b) An interested party requests a hearing by filing a written request with the Clerk of the Board within the five calendar days after the Montecito Commission files its recommendation with the Board.
- b. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#) and Government Code Section 65090.
- c. The Board may approve, modify or deny the recommendation of the Montecito Commission.
 - (1) The Board shall adopt a Development Code or Zoning Map Amendment by ordinance which shall be adopted by the affirmative vote of not less than a majority of its total voting members.
 - (2) Any substantial modification of the proposed Amendment by the Board not previously considered by the Montecito Commission during its hearing shall first be referred to the Montecito Commission report and recommendation.
 - (a) The Montecito Commission shall not be required to hold a public hearing on the referral.
 - (b) The failure of the Montecito Commission to report within the 40 calendar days after the referral, or within the time set by the Board, shall be deemed a recommendation for approval.
- d. The Board shall adopt a ordinance approving or conditionally approving the Amendment only if the Board first makes all of the findings identified in [Section 35.494.060 \(Findings Required for Approval of Amendments\)](#) and [Section 35.494.080 \(Rezoning Requirements for Specific Zones\)](#) as applicable.

~~C. Compliance with Measure A96 required.~~

- ~~1. Vote required for onshore support facility for offshore oil and gas activity. Any legislative approval by the Board (e.g., Comprehensive Plan, Development Code or Zoning Map Amendment)~~

~~which would authorize or allow the construction, development, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County (from Point Arguello to the Ventura County border) and outside the South Coast Consolidation Areas is subject to a vote by the voters of the County in a regular election in compliance with Appendix B (Administrative Guidelines for Implementing Measure A96 - Voter Approval Initiative).~~

- ~~2. **Measure A96 to terminate in 2021.** This voter approval requirements included in this Development Code in compliance with the Measure A96 voter approval initiative, which was passed by the voters of the County on March 26, 1996, is in effect for 25 years, terminating in 2021.~~

35.494.060 - Findings Required for Approval of Amendments

An application for an Amendment to the Comprehensive Plan, Development Code or Zoning Map may be approved only if the review authority first makes all of the following findings, as applicable to the type of Amendment.

A. Findings for Comprehensive Plan, Development Code and Zoning Map Amendments.

1. The request is in the interest of the general community welfare.
2. The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code.
3. The request is consistent with good zoning and planning practice.

B. Additional finding for Comprehensive Plan Amendments.

1. If the request is for an amendment to the Comprehensive Plan, then the review authority shall also find that the request is deemed to be in the public interest.

35.494.070 - Effective Dates

- A. **Comprehensive Plan, Development Code or Zoning Map.** A Comprehensive Plan, Development Code or Zoning Map Amendment shall become effective on the 31st day following the adoption of an ordinance or resolution, as applicable, by the Board.

35.494.080 - Rezoning Requirements for Specific Zones

The approval of a rezoning to apply one of the zones listed in this Section shall require compliance with the requirements of this Section applicable to the specific zone.

A. AH overlay zone.

1. **Limitation on rezones.** The AH overlay may be applied to property only in conjunction with the preparation and adoption of a Community Plan or together with a County initiated Amendment to the Comprehensive Plan.
2. **Designation of allowed number of units.** The approval of a rezoning to the AH overlay shall include designation of the maximum density allowed on the site by the overlay.
3. **Findings required for rezoning.** The approval of a rezoning to apply the AH overlay zone to property shall require that the Montecito Commission and Board first make all of the following findings in addition to those required in compliance with [Section 35.494.060 \(Findings Required for Approval of Amendments\)](#) above:
 - a. The site is located within an Urban area as designated on the Comprehensive Plan maps.
 - b. The site has a residential land use designation or would be appropriate for residential use if a Comprehensive Plan Amendment is being concurrently processed (e.g., underutilized commercial land surrounded by residential land or other compatible land use).

- c. The site has a primary zone that allows residential uses and requires a Development Plan for the use. This may also be achieved through a rezone.
 - d. The site is served by a municipal sanitary district.
 - e. The site is of adequate size and shape to allow the reasonable development of housing.
 - f. The site is near major travel corridors or services.
 - g. The site is within reasonable walking distance to transit lines, employment centers, schools, and commercial areas.
 - h. Residential development can be sited to avoid major environmental hazards and/or constraints (e.g., airport noise and safety zones, archaeological resources, sensitive habitat areas, steep slopes and other geologic hazards, streams and creeks).
 - i. Residential development of the site at the maximum density proposed is consistent with all applicable policies and provisions of the Comprehensive Plan.
- B. DR, CN, CV and PU zones.** An application for a rezoning to the DR, CN, CV, and PU zones shall include a Preliminary or Final Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#) unless the Montecito Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.
- C. PRD zone.** An application for a rezoning to the PRD zone shall include a Preliminary or Final Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#), unless the Montecito Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.
- 1. Minimum site area.** A site shall be a minimum of 10 acres to be rezoned to the PRD zone, all of which shall be included in the Preliminary or Final Development Plan.
 - 2. Findings required for rezoning.** The approval of a rezoning to apply the PRD zone to property shall require that the Montecito Commission and Board first make all the following findings:
 - a. That the property is of the type and character which is appropriate for a planned residential development in accordance with the specific purpose and intent stated within Subsection [35.423.020.D](#) (PRD (Planned Residential Development) zone).
 - b. That the property is within an Urban area as designated on the Comprehensive Plan maps.
 - c. That the overall estimated population density which will result upon full development of the property under the PRD zone in accordance with the Preliminary or Final Development Plan is appropriate for such area and will not have a detrimental effect upon surrounding areas nor exceed the capacity of service and utility facilities in such surrounding areas.
 - d. The proposed development as shown on the Preliminary or Final Development Plan will be in conformance with the applicable policies of the Comprehensive Plan and this Development Code.
- D. REC Zone.** An application for a rezoning to the REC zone shall include a Preliminary or Final Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#) which shall include all of the site area, unless the Montecito Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.
- 1. Minimum site area.** A site shall be a minimum of one acre to be rezoned to the REC zone, all of which shall be included in the Preliminary or Final Development Plan.

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2. **Findings required for rezoning.** Except for existing public or private outdoor recreational areas as designated on the Comprehensive Plan Maps, the approval of a rezoning to apply the REC zone to property shall require that the Montecito Commission and Board first make all the following findings:
- a. The level of facility development will be in conformance with the environmental carrying capacity of the area to be rezoned, i.e., the proposed recreational activities are of the kind, intensity, and location to ensure protection of environmentally sensitive habitat resources.
 - b. The proposed development will conform with all applicable policies in the Comprehensive Plan, including the Parks, Recreational and Trails (non-motorized) maps.
 - c. The proposed recreational activities will be compatible with land uses on adjacent lots.

CHAPTER 35.496 - NOTICING AND PUBLIC HEARINGS

Sections:

- 35.496.010 - Purpose and Intent
- 35.496.020 - Notice of Public Hearing and Review Authority Action
- 35.496.030 - Reserved
- 35.496.040 - Reserved
- 35.496.050 - Land Use Permits
- 35.496.060 - Design Review
- 35.496.070 - Emergency Permits
- 35.496.075 - Time Extensions Under the Jurisdiction of the Director
- 35.496.080 - Contents of Notice
- 35.496.090 - Failure to Receive Notice
- 35.496.100 - Hearing Procedure

35.496.010 - Purpose and Intent

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

35.496.020 - Notice of Public Hearing and Review Authority Action

- A. Minimum requirements.** Except for decisions on applications for Reasonable Accommodation processed in compliance with [Chapter 35.437 \(Reasonable Accommodation\)](#) that are under the jurisdiction of the Director and are not processed in conjunction with a discretionary application, Design Review processed in compliance with [Section 35.472.070 \(Design Review\)](#), Emergency Permits processed in compliance with [Section 35.472.090 \(Emergency Permits\)](#), Land Use Permits processed in compliance with [Section 35.472.110 \(Land Use Permits\)](#), Zoning Clearances processed in compliance with [Section 35.472.190 \(Zoning Clearances\)](#), and Time Extensions that are under the jurisdiction of the Director, notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all other applications that require a noticed public hearing or notice of review authority action. Each notice shall comply with the following minimum requirements.
- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. Newspaper publication.** Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before the scheduled public hearing or action by the review authority.
 - b. Mailed notice.**
 - (1) Notice of filing of an application.** Notice of the filing of an application shall be mailed within the 15 calendar days following the Department's determination in compliance with [Section 35.470.050 \(Initial Application Review\)](#) that an application is complete for processing to:
 - (a) Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes;
 - (b) The applicant;
 - (c) The owner of the subject lot, if different from the applicant.
 - (d) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - (e) Residents of property located within a 300-foot radius of the exterior boundaries

of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with [Chapter 35.444 \(Telecommunications Facilities\)](#).

- (f) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with [Section 35.444.010 \(Commercial Telecommunication Facilities\)](#), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
 - (g) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with [Section 35.444.010 \(Commercial Telecommunication Facilities\)](#), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
- (2) **Notice of public hearing or review authority action.** Notice of public hearing or review authority action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.(1), above.
- (3) **Optional notice to more than 1,000 owners of property.** If the number of owners to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide the notice required by Subsections A.1.a and A.1.b.(2), above, by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days before the scheduled hearing or action.
- c. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
- d. **Contents of notice.** The contents of the notice shall be in compliance with [Section 35.496.080 \(Contents of Notice\)](#) below.
- e. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:
- a. **Posted notice.**
 - (1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - (2) The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications the notice shall be a minimum of two feet tall by three feet wide:
 - (a) Applications for development that require the approval of a Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#).

- (b) Applications for development that require the approval of a Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#).
 - (c) Applications for legislative actions under the jurisdiction of the Board as the designated review authority in compliance with Table 7-1 (Review Authority) of [Chapter 35.470 \(Permit Application Filing and Processing\)](#).
- (3) Said notice shall be posted by the applicant:
- (a) At least 10 days before the scheduled public hearing or review authority action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.
 - (b) If the application is determined to subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.
- (4) The notice shall be required to be continuously posted from the date required by Subsection A.2.a.(3) above until at least 10 days following an action of the review authority to approve, conditionally approve, or deny the application, including an action on an appeal of the decision of the review authority.
- (5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled initial public hearing or action by the review authority. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the review authority.

35.496.030 - Reserved**35.496.040 - Reserved****35.496.050 - Land Use Permits**

- A. Minimum requirements.** Notice of an application and pending action or action on a Land Use Permit application shall be given in compliance with the following:
- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. Mailed notice.** Mailed notice of applications for Land Use Permits shall be provided to:
 - (1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - (2) All residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with [Section 35.444.010.C.1.](#)
 - (3) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - b. Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - c.** The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and:
 - (1) If the application is subject to Design Review in compliance with [Section 35.472.070 \(Design Review\)](#), at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review including conceptual review, or;

- (2) If the application is not subject to Design Review in compliance with [Section 35.472.070 \(Design Review\)](#), at least 10 days before an action by the Director to issue a Land Use Permit.
 - d. The notice shall be required to be continuously posted from the date required by Subsection A.1.c. above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.
 - e. The contents of the notice shall be in compliance with [Section 35.496.080 \(Contents of Notice\)](#) below.
- 2. By the applicant.** Notice shall be given by the applicant in compliance with the following:
- a. Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - b. The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.
 - c. Said notice shall be posted by the applicant no later than 15 days following the filing of a complete application with the Department and:
 - (1) If the application is subject to Design Review in compliance with [Section 35.472.070 \(Design Review\)](#), at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with [Section 35.472.070 \(Design Review\)](#), at least 10 days before an action by the Director to issue a Land Use Permit.
 - d. The notice shall be required to be continuously posted from the date required by Subsection A.2.c above until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.
 - e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department prior to the action of the Director to issue the Land Use Permit.

35.496.060 - Design Review

- A. Minimum Requirements.** Notice of applications for Design Review shall be given in compliance with the following:
- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. Mailed notice.** Mailed notice of applications for Design Review shall be provided to
 - (1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - (2) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - (3) The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - b. Posted notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - c. The notice shall be mailed ~~or~~ and posted no later than 15 days following the filing of a

- complete application with the Department and at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review, including conceptual review.
- d. The notice shall be required to be continuously posted from the date required by Subsection A.1.c., above until at least 10 days following final action by the Montecito Board of Architectural Review.
 - e. Notice shall also be given in compliance with the requirements of:
 - (1) The bylaws of the Montecito Board of Architectural Review as approved by the Board.
 - (2) Architectural guidelines that have been adopted by the Board for the Montecito Planning Area.
 - f. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.
- 2. By the applicant.** Except for applications for Design Review that are submitted in association with an application that is noticed in compliance with [Section 35.496.020 \(Notice of Public Hearing and Review Authority Action\)](#), notice shall be given by the applicant in compliance with the following:
- a. **Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - b. The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.
 - c. The notice shall be posted by the applicant no later than 15 days following the filing of a complete application to the Department and at least 10 days before the initial review by the Montecito Board of Architectural Review, including conceptual review.
 - d. The notice shall be required to be continuously posted from the date required by Subsection A.2.c above, until at least 10 days following an action by the Montecito Board of Architectural Review to grant final approval.
 - e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review, including conceptual review. Failure of the applicant to comply with this Chapter may result in postponement of the review by the Montecito Board of Architectural Review.

35.496.070 - Emergency Permits

- A. Minimum requirements.** Notice of the application for an Emergency Permit shall be given in compliance with the following:
1. The Department shall provide mailed notice of applications for Emergency Permits to all owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 2. The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
 3. The Department shall also conspicuously post a notice in three locations on the subject lot.
 4. The mailing or posting of notice is not required to precede the actual commencement of the emergency work.

35.496.075 - Time Extensions Under the Jurisdiction of the Director

- A. Notice of the application and pending action on an application for a Time Extension under the jurisdiction of the Director shall be given in compliance with the following.
1. **By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. **Mailed notice.**
 - (1) Except as provided in Subsection A.1.g, below, mailed notice shall be provided to:
 - (a) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - (b) All residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with [Section 35.444.010.C.1.](#)
 - (c) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - (2) **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsection A.1.a.(1), above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.
 - (a) The notice shall be published in compliance with the time requirements for mailing of notice contained in Subsection A.1.c, below.
 - (b) Mailed notice shall continue to be sent to all relevant parties in compliance with Subsection A.1.a.(1), above, where mail delivery is available to addresses appearing on the equalized County assessment roll.
 - b. **Posted Notice.** Except as provided in Subsection A.1.g, below, the Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and at least 10 days before an action by the Director to approve, conditionally approve or deny the application.
 - d. The posted notice shall be required to be continuously posted from the date required by Subsection A.1.c, above, and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the application.
 - e. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - f. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice), below.
 - g. If mailed and posted notice of the application has already been provided in compliance with [35.474.030 \(Time Extensions\)](#) because the requirement for a public hearing has been waived, then said notice shall satisfy the requirement to provide mailed and posted notice in compliance with this Subsection A.1.

35.496.080 - Contents of Notice

- A. Notice for all projects.** The following shall be included in all notices required to be provided in compliance with this Section not including notices that are required to be posted by applicant.
1. The date of filing of the application and the name of the applicant.
 2. The Department case number assigned to the application.
 3. The name of the Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.
 4. A description of the project and its location.
- B. Notice for projects that require a public hearing or discretionary review authority action.** The following shall be included in all notices for projects that require a public hearing or discretionary action by a review authority not including notices that are required to be posted by applicant.
1. All information required by Subsection A. (Notice for all projects) above.
 2. The place, date, and general time of the hearing at which the project will be heard by the review authority, if the action requires a public hearing. If the project does not require a public hearing, then only the date of pending action of the review authority is required.
 3. A general description of the County procedures concerning the conduct of public hearings and actions, including the submission of public comments either in writing or orally before the hearing or decision, and requirements regarding the procedure to appeal the decision.
 4. ~~Notice of a pending decision by the Director to approve, conditionally approve or deny a Development Plan for a telecommunications facility in compliance with Chapter 35.444 (Telecommunications Facilities) shall include a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to the Department within 10 days of the date of such notice. If a written request is received, the public hearing shall be conducted in compliance with Section 35.496.100 (Hearing Procedure) below.~~
- C. Notice for projects that do not require a public hearing or discretionary review authority action.** The following shall be included in all notices for projects that do not require a public hearing or discretionary action by a review authority not including notices that are required to be posted by applicant.
1. All information required by Subsection A. (Notice for all projects) above.
 2. A general description of the County procedures concerning the review of the application, including:
 - a. How to participate in the review of the application;
 - b. How to receive notification of any pending review in compliance with [Section 35.472.070 \(Design Review\)](#) if applicable, or action to approve, conditionally approve, or deny the application;
 - c. How to submit comments either in writing or orally before review by the Montecito Board of Architectural Review, if applicable, or action to approve, conditionally approve, or deny the application; and
 - d. Requirements regarding the procedure to appeal the decision of the Montecito Board of Architectural Review, or action by the Director to approve, conditionally approve, or deny the application.
 3. If applicable, the date of the pending action on the application and the date of expiration of the appeal period.

35.496.090 - Failure to Receive Notice

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

35.496.100 - Hearing Procedure

- A. Held at noticed time and place.** A public hearing shall be held at the date, time, and place for which notice was given.
- B. Hearing may be continued.**
1. Any public hearing may be continued from time to time without further notice; provided, the chairperson of the review authority announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
 2. If an announcement of a continued date, time, and place is not given, notice of further hearings shall be provided in compliance with this Chapter.
- C. Deferral of final decision.** The review authority may announce a tentative decision, and defer their action on a final decision until appropriate findings and/or conditions of approval have been prepared.

CHAPTER 35.498 - ENFORCEMENT AND PENALTIES

Sections:

- 35.498.010 - Purpose and Intent
- 35.498.020 - Investigation
- 35.498.030 - Work Stoppage
- 35.498.040 - Referral for Legal Action
- 35.498.050 - Legal Remedies
- 35.498.060 - Cumulative Remedies and Penalties
- 35.498.070 - Recovery of Costs
- 35.498.080 - Processing Fee Penalty Assessment
- 35.498.090 - Penalty for Violations of Conditions

35.498.010 - Purpose and Intent

This Chapter establishes provisions which are intended to ensure compliance with the requirements of this Development Code and any conditions of a ~~Coastal Development Permit~~, Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, Zoning Clearance or any other permit, to promote the County's planning efforts, and for the protection of the public health, safety, and welfare of the County.

35.498.020 - Investigation

The Director is hereby authorized to investigate all reported or apparent violations of any of the provisions of this Development Code. If a violation is determined to exist or to be impending, the Director is hereby authorized to take the measures as the Director deems necessary or expedient to enforce and secure compliance with the provisions of this Development Code.

- A. **Cooperation of other officials.** The Director may request, and shall receive, the assistance and cooperation of other officials of the County to assist in the discharge of their duties.
- B. **Right of entry and inspection.**
 - 1. **Director may enter any structure or premise.** With the consent of the owner or occupant, the Director may enter at all reasonable times any structure or premise in the County for the purpose of carrying out any act necessary to perform any duty imposed by this Development Code.
 - 2. **Provision of identification.** Upon request the Director shall provide adequate identification.
 - 3. **Use of inspection warrant.** An inspection warrant may be obtained if entry is refused.
- C. **Liability.**
 - 1. The Director or any other person charged with the enforcement of this Development Code, if acting in good faith and within the course and scope of their employment, shall not be liable personally, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as the result of, or by reason of, any act or omission occurring in the discharge of their duties.
 - 2. Any suit brought against the Director because of the act or omission, performed in the enforcement of any provision of this Development Code shall be defended by the County Counsel.

35.498.030 - Work Stoppage

Where any construction work is being done in conflict with the provisions of this Development Code, the Director may order the work stopped by giving notice in writing and serving the notice and order on any person engaged in doing or causing the work to be done. Upon receipt of the notice, any person, their agents, employees, or servants, shall immediately stop the work until recommencement is authorized by the Director.

35.498.040 - Referral for Legal Action

If unable to otherwise enforce the terms of this Development Code, the Director shall refer the matter to the District Attorney and/or County Counsel for appropriate legal action.

35.498.050 - Legal Remedies**A. Civil actions.**

1. **Public nuisance.** Any structure which is altered, constructed, converted, enlarged, erected, maintained, moved, or setup in conflict with the provisions of this Development Code, and any use of any land, premise, or structure conducted, established, maintained, or operated in conflict with the provisions of this Development Code, shall be and the same is hereby declared to be unlawful and a public nuisance.
2. **Injunctive relief.** Whenever, in the judgment of the Director, any corporation, firm, or person is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this Development Code or any permit, order, regulation, or rule issued in compliance with this Development Code, and at the request of the Director, the District Attorney, or the County Counsel may make application to the Superior Court for an order enjoining the act or practice, or for an order directing compliance, and upon a showing by the Department that the corporation, firm, or person has engaged in or is about to engage in the act or practice, a permanent or temporary injunction, restraining order, or other order may be granted.
3. **Abatement.** In the event that any corporation, firm, or person shall fail to abate a violation hereunder after notice of same and opportunity to correct or end the violation, the Director may request the District Attorney or County Counsel to apply to the Superior Court for an order authorizing the Department to undertake those actions necessary to abate the violation and requiring the violator to pay for the costs of the undertaking.

B. Civil Remedies and penalties.

1. **Civil penalties.** Any person, whether acting as agent, employee, principal, or otherwise, who willfully violates the provisions of this Development Code or any permit, order, regulation, or rule issued in compliance with this Development Code, shall be liable for a civil penalty not to exceed \$25,000.00 for each day that the violation continues to exist.
2. **Costs and damages.** Any person, whether acting as agent, employee, principal, or otherwise, violating any provisions of this Development Code or any permit, order, regulation, or rule issued in compliance with this Development Code, shall be liable to the County for the costs incurred and the damages suffered by the County, its agents, and agencies as a direct and proximate result of the violation.
3. **Procedure.** In determining the amount of the civil penalty to impose, the court may consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation, the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or individual, and any corrective action taken by the defendant.

C. Criminal actions and penalties.

1. **Infractions.** Any corporation, firm, or person, whether acting as agent, employee, principal, or otherwise, violating any provisions of this Development Code, or any permit, order, regulation, or rule issued in compliance with this Development Code, shall be guilty of an infraction, and upon conviction thereof, shall be punishable by:
 - a. A fine not exceeding \$100.00 for a first violation;
 - b. A fine not exceeding \$200.00 for a second violation of the same provision within a 12-month period; and
 - c. A fine not exceeding \$500.00 for each additional violation of the same provision within a 12-month period.
2. **Misdemeanors.**
 - a. Any offense which would otherwise be an infraction may, at the discretion of the District Attorney, be filed as a misdemeanor if the defendant has been convicted of two or more violations of any of the provisions of this Development Code within the 12-month period immediately preceding the commission of the offense or has been convicted of three or more violations of any of the provisions of this Development Code within the 24-month period immediately preceding the commission of the offense.
 - b. Upon conviction of a misdemeanor the punishment shall be a fine of not less than \$500.00 nor more than \$25,000.00 or imprisonment in the County jail for a period not to exceed 60 days or by both the fine and imprisonment, except that where the prior convictions are alleged in the accusatory pleading, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt or by the court where guilt is established by plea of guilty or nolo contendere or by trial by the court sitting without a jury, the punishment shall be a fine of not less than \$1,000.00 nor more than \$25,000.00 or by imprisonment in the County jail for a period not to exceed 180 days or by both the fine and imprisonment.
3. **Violations.** Each and every day during any portion of which any violation of this Development Code or any permit, order, regulation, or rule issued in compliance with this Development Code, is committed, continued, or permitted by the corporation, firm, or person shall be deemed a separate and distinct offense.

35.498.060 - Cumulative Remedies and Penalties

The remedies or penalties provided by this Development Code are cumulative to each other and to the remedies or penalties available under all other laws of this State.

35.498.070 - Recovery of Costs**A. Purpose and intent.**

1. **Purpose.** This Section establishes procedures for the recovery of administrative costs, including staff time expended for items such as reports, site inspections, summaries, telephone contacts, correspondence with the owner and any concerned citizens or officials, and related travel time that reasonably relates to the enforcement of the provisions of this Development Code.
2. **Intent.** The intent of this Section is to recoup administrative costs reasonably related to enforcement.

B. Maintenance of records by Department.

1. The Department shall maintain records of all administrative costs incurred by responsible County departments associated with the processing of violations and enforcement of this Development

Code and shall recover the costs from the property owner in compliance with this Section.

2. Staff time shall be calculated at an hourly rate in compliance with the Board's Fee Resolution.

C. Notice of violation.

1. Upon investigation and a determination that a violation of any of the provisions of this Development Code is found to exist, the Director shall notify the record owner or any person having possession or control of the subject property by mail of the existence of the violation, the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on objections to the notice.
2. The notice shall contain the following information:
 - a. The address of the property in violation.
 - b. The Section of the Development Code violated.
 - c. A description of the violation.
 - d. An advisory that administrative costs will be assessed upon conclusion of the enforcement action.
 - e. An advisory that all administrative costs will be billed at an hourly rate to the owner of record and/or responsible party within a summary (billing statement) of administrative costs in compliance with the Board's Fee Resolution.
 - f. An advisory of the current hourly rate in effect.
 - g. An advisory that any permit sought or required to cure the violation is subject to the assessment of an additional penalty processing fee established in compliance with the Board's Fee Resolution
 - h. An advisory of the right to appeal the administrative costs in compliance with Subsection D. (Summary of costs (administrative fees)) below, within 10 days of service of the billing statement.

D. Summary of costs (administrative fees).

1. At the conclusion of the enforcement action, the Director shall send a summary of costs/billing statement associated with enforcement to the owner of the subject property and/or the responsible party by certified mail.
2. The summary/billing statement shall include the following information:
 - a. An advisory of the right to file an appeal of the administrative costs.
 - b. A requirement to submit the written appeal within 10 days of the date of the summary/billing statement.
 - c. An advisory that failure to appeal the administrative fees will eliminate the right to object to the fees and that the owner and/or responsible party will be liable to the County for the assessed charges.
 - d. An advisory that assessed costs can be recovered in a civil action.
 - e. An advisory that the assessed costs can be recovered by recording a lien against the property that is the subject of the enforcement activity and that the amount of the lien may be collected at the same time and in the same manner as property taxes are collected.

- E. Hearing on objections.** Any property owner, or other person having possession and control thereof, who receives a summary of costs/billing statement in compliance with this Section shall have the right to a hearing before the Director on their objections to the proposed costs in compliance with the following

procedures.

1. A request for a hearing shall be filed with the Department within 10 days of the service by certified mail of the Department's summary of costs/billing statement.
2. Within 30 days of the filing of the request, and on 10 days written notice to the owner, the Director shall hold a hearing on the owner's objections, and determine the validity of the objections.
3. In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered shall include the following:
 - a. Whether the present owner created the violation;
 - b. Whether there is a present ability to correct the violation;
 - c. Whether the owner moved promptly to correct the violation;
 - d. The degree of cooperation provided by the owner; and
 - e. Whether reasonable minds can differ as to whether a violation exists.
4. The Director's decision shall be appealable to the Board in compliance with [Chapter 35.492 \(Appeals\)](#).
5. In the event that (a) no request for hearing is timely filed or, (b) after a hearing the Director affirms the validity of the costs and an appeal to the Board is not filed in a timely manner, the property owner or person in control and possession shall be liable to the County in the amount stated in the summary/billing statement or any lesser amount as determined by the Director.
6. If the costs have not been paid within 45 days of notice thereof, these costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the County, or by recording a lien against the property that is the subject of the enforcement activity.
 - a. Except for liens recorded against a property (1) containing an owner-occupied residential dwelling unit or, (2) to recover costs associated with an enforcement, abatement, correction, or inspection activity regarding a violation in which the violation was evident on the plans that received a Building Permit, the amount of the proposed lien may be collected at the same time and in the same manner as property taxes are collected. All laws applicable to the levy, collection, and enforcement of ad valorem taxes shall be applicable to the proposed lien, except that if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, before the date on which the first installment of taxes would become delinquent, then the lien that would otherwise be imposed by this Section shall not attach to real property and the costs of enforcement relating to the property shall be transferred to the unsecured roll for collection.
 - b. The amount of any cost shall not exceed the actual cost incurred performing the inspections and enforcement activity; the actual cost may include permit fees, fines, late charges, and interest.
 - c. The owner of the property that is the subject of the enforcement activity shall be provided with written notice of the proposed lien, including a description of the basis for the costs comprising the lien, a minimum of 45 days after notice to pay the costs. The notice shall also inform the owner of the ability to appeal the imposition of the proposed lien to the Board regarding the amount of the proposed lien. The notice shall be mailed by certified mail to the last known address of the owner of the property.
 - d. The Board may delegate the holding of the hearing required by this Section to a hearing board designated by the Board. The hearing board may be the Housing Appeals Board established in compliance with Health and Safety Code Section 17920.5 or any other body designated by the

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

- e. If the Board determines that the proposed lien authorized in compliance with Subsection 6.a., above shall become a lien, the Board may also cause a notice of the lien to be recorded. This lien shall attach upon recordation in the Office of the County Recorder and shall have the same force, priority, and effect as a judgment lien, not a tax lien. The notice shall, at a minimum, identify the record owner or possessor of the property, identify the last known address of the record owner or possessor, identify the date upon which the lien was created against the property, and include a description of the real property subject to the lien and the amount of the lien.

35.498.080 - Processing Fee Penalty Assessment

Any person who shall alter, construct, enlarge, erect, maintain, or move any structure, or institute a use for which a permit is required by this Development Code without first having obtained the permit, shall, if subsequently granted a permit for that structure or use, or any related structure or use on the property, first pay the additional penalty permit processing fee for after the fact authorization of development, in compliance with the Board's current Fee Resolution. ~~Within the Coastal Zone, the additional permit processing fee shall not be construed, in any manner to be in lieu of any penalties that may be otherwise assessed for the unpermitted development pursuant to any other section of the certified Local Coastal Program or Coastal Act.~~

35.498.090 - Penalty for Violations of Conditions

- A. **Compliance with conditions required.** If any portion of a privilege authorized by a ~~Coastal Development Permit~~, Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, or any other permit approved in compliance with this Development Code is utilized, the conditions of said permit shall immediately become effective and shall be strictly complied with.
- B. **Violation of conditions subject to penalty.** The violation of any valid condition imposed by the review authority in connection with the granting of any ~~Coastal Development Permit~~, Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, or any other permit approved in compliance with this Development Code, shall constitute a violation and shall be subject to the same penalties as defined in this Chapter.

DIVISION 35.10

Glossary

Chapter 35.500 - Definitions	10-3
35.500.010 - Purpose	10-3
35.500.020 - Definitions of Specialized Terms and Phrases.....	10-3

CHAPTER 35.500 - DEFINITIONS

Sections:

[35.500.010 - Purpose](#)

[35.500.020 - Definitions of Specialized Terms and Phrases](#)

35.500.010 - Purpose

This Chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the County Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this Chapter, or in other provisions of the Santa Barbara County Code, the Director shall determine the correct definition utilizing the latest edition standard dictionary.

35.500.020 - Definitions of Specialized Terms and Phrases

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

A. Definitions, "A."

Abut. To physically touch or border upon; or to share a common property line.

Accessory Agricultural Structure. A structure designed and constructed primarily for storing farm implements or supplies, hay, grain, poultry, livestock, or horticultural products, that supports the agricultural use of the lot.

Accessory Building. See "accessory structure."

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 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, (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.
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.

Accessory Residential Structure or Use. Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following attached and detached accessory structures, and other similar structures normally associated with a residential use of property. Accessory Agricultural Structures are separately defined.

artist studios	spas and hot tubs
cabañas	storage sheds
garages	swimming pools
gazebos	tennis and other onsite sport courts
greenhouses (non-commercial)	workshops
guesthouses	

Also includes the indoor storage of automobiles, personal recreational vehicles and other personal

property, accessory to a residential use.

Accessory Retail or Services. The limited retail sale of various products, or the provision of certain personal services within a health care facility, hotel, or office, to employees or customers of, or visitors to the principle use. Examples of these uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, and office complexes; and barber and beauty shops within residential care facilities.

Accessory Structure. A structure located upon the same site as the structure or use to which it is accessory. The use of an accessory structure is customarily incidental, appropriate and subordinate to the use of the principal structure, or to the principal land use of the site. Accessory structure includes a building with a roof supported by columns or walls, which may be referred to as an accessory building.

Accessory Use. A use that is customarily incidental, appropriate and subordinate to the use of the principal structure, or to the principal land use of the site and that does not alter the principal use of the lot or adversely affect other properties in the vicinity.

Adjacent. See "abut."

Affordable Housing. The State defines affordable housing as housing that can be purchased or rented by households whose gross annual household income does not exceed 120 percent of area median income, adjusted for household size. Santa Barbara County expands this to include households with income up to 200 percent of area median income. This housing may be subject to a covenant or deed restriction that restricts sales price or rent for a given period of time. Certain types of housing such as homeless shelters, dormitories, farm labor camps, and housing for people with disabilities may not require price controls because they generally provide housing for a special needs group.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with County employees, committees, Commissions, and the Board, regarding matters regulated by this Development Code.

Aggrieved Person. A person who, in person or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the County of the nature of their concerns, or who for good cause was unable to do either.

Agricultural Development. An agricultural structure, practice, or operation that a) requires a building, grading, or brush-clearing permit on land designated for agriculture; b) is located on land which has had no history of cultivation; and/or c) is on land not designated for agriculture. A permit solely for plumbing or electricity shall not constitute a standard building permit.

Agricultural Improvement. Agricultural activities or structures on agriculturally designated lands which are not subject to building, grading, or brush clearing permits. These activities and structures may be subject to special agricultural building, agricultural grading, or agricultural brush-clearing permits.

Agricultural Preserve Contract. A contract complying with the Land Conservation (Williamson) Act (Government Code Section 51200 et seq.) between the County and a landowner in which the landowner restricts development of lands devoted to agricultural uses in return for a reduction in property taxes.

Agricultural Processing. The initial processing or preparation for shipping of agricultural products produced on the same site ("on-premise products") or from other properties ("off-premise products"), for onsite marketing or for additional processing and/or packaging elsewhere. Examples of this land use include the following:

- drying of corn, rice, hay, fruits and vegetables
- flower growing
- pre-cooling and packaging of fresh or farm-dried fruits and vegetables
- sorting, grading and packing of fruits and vegetables

Does not include "wineries" which are defined separately.

Agricultural Product Sales. The sale of agricultural products, including flowers, fresh fruit, herbs, plants and vegetables, grown on the premises or other products as allowed by [Section 35.421.060.B](#) (Agricultural Product Sales) of this Development Code.

Agriculture. The production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, and the preparation for sale and marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form grown on the premises, and as allowed by [Section 35.421.060.B](#) (Agricultural Product Sales), but not including a slaughter house, fertilizer works, commercial packing or processing plant, or plant for the reduction of animal matter or any other similarly objectionable use.

Alley. A public passage or way affording generally a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Amateur Radio Station. A radio station operated in the Amateur Radio Service under license by the Federal Communications Commission.

Animal Enclosure. A structure for restricting the movement of, and/or sheltering animals. Includes corrals, paddocks, pens, etc. Barns, stables, and other similar roofed structures are also included under the definition of Agricultural Accessory Structure.

Animal Hospital. See Medical Services - Animal Hospital.

Animal Keeping. See [Section 35.442.040 \(Animal Keeping\)](#).

Antenna. See "Telecommunications Facility."

Antenna Envelope. See "Telecommunications Facility."

Antenna Support Structure. See "Telecommunications Facility."

Apartment. A room or suite of rooms within a building comprising an independent self-contained dwelling unit, with kitchen or cooking facilities, and a bathroom, occupied or suitable for occupation as a residence for living and sleeping purposes.

~~**Appealable Development.** In the Coastal Zone, in compliance with Public Resources Code Section 30603(a) appealable development consists of the following:~~

- ~~1. Development approved by the County between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, as indicated on the official County appeals zone maps.~~
- ~~2. Development approved by the County not included within paragraph 1., above located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, as indicated on the official County appeals zone maps or as determined by the State Lands Commission.~~
- ~~3. Development that is located within a sensitive coastal resource area.~~
- ~~4. Development authorized by the County through Conditional Use Permit approval.~~
- ~~5. A major public works project or a major energy facility, as defined in this glossary.~~

Applicant. A person who is filing an application requesting an action who:

1. Is the owner or lessee of property;
2. Has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Development Code, and who presents written authorization from the property owner to file an application with the County;
3. Presents written authorization from the property owner to file an application with the County;

4. Is a person, business or organization making a written request to the County for reasonable accommodation in the strict application of the Development Code.

Aquaculture. The raising and harvesting of aquatic plant and animal organisms.

Arcade. A permanent roofed structure attached to a building, projecting over public property, and partially enclosed and supported by supports located on public property.

Architectural Element. A portion of a building that exceeds the height limit and extends beyond the roof of the building.

Architectural Projection. A projection not intended for occupancy and which extends beyond the face of an exterior wall or roof of a building, but not including signs.

Artisan Shop. A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the store includes an area for the crafting of the items being sold.

Artist Studio. A structure or portion of a structure used as a place of work by an artist (e.g., painter, sculptor, etc.) for the commercial production of art.

Attached Structure. A structure with at least five linear feet of wall serving as a common wall with the structure to which it is attached.

Attendant Structure. See "Accessory Structure."

Auto Wrecking Yard. See "Recycling Facility."

Awning. A roof-like structure, often made of canvas or plastic, that serves as a shelter, as over a storefront, window, door, or deck.

B. Definitions, "B."

Bank, Financial Services. Financial institutions including:

banks and trust companies	other investment companies
credit agencies	securities/commodity contract brokers and dealers
holding (but not primarily operating) companies	security and commodity exchanges
lending and thrift institutions	

Does not include check cashing stores, which are instead defined under "Personal Services - Restricted."

Base Flood Elevation. The computed elevation to which floodwater is anticipated to rise during the base flood, which is a flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the "100-year flood." Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) which may be supplemented by studies for other areas which allow implementation of Chapter 15A of the County Code and which are recommended to the board of directors by the floodplain administrator and on the flood profiles. The BFE is the regulatory requirement for the elevation or flood-proofing of structures.

Basement. A story partly or wholly underground. A basement shall be counted as a story if its floor-to-ceiling height is 6.5 feet or more, and more than one-half of its height is above the average level of the adjoining ground surface.

Bathroom. A room containing toilet and sink and bathing facilities.

Bedroom. An enclosed habitable room within the conditioned area of a structure that (1) is arranged, designed or intended to be occupied by one or more persons primarily for sleeping purposes, (2) complies with applicable building and housing codes, and (3) is permitted by Santa Barbara County to be used as a bedroom. Also known as a sleeping room.

Block. The property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersection or intercepting streets, and a railroad right-of-way, water course or other body of water.

~~**Bluff Edge.** See "Coastal Bluff Edge."~~

Board, or Board of Supervisors. The Board of Supervisors of the County of Santa Barbara, State of California, referred to in this Development Code as the "Board."

Boarding or Rooming House. See "Lodging."

Boat club. A club that promotes and supports yachting and boating.

Boat launching facility, accessory to approved recreation use. A facility specifically designed to assist with the ingress/egress of boats and other aquatic vehicles.

Buffer. An open area or barrier used to separate potentially incompatible activities and/or development features; for example, a required setback to separate an area of development from environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

Buffer, Agricultural. A designated width of land used to minimize potential land use conflicts between non-agricultural development/uses and adjacent agricultural uses. The following terms are defined for the purposes of Section 35.430.025 (Agricultural Buffers).

1. **Production Agriculture.** A commercial agricultural operation that excludes rangeland or pastureland operations. Production agriculture allows for a change of crop or fallow periods.
2. **Rangeland or Pastureland.**
 - a. Land that is not currently used for agricultural production but is used for the grazing or pasturing of livestock, such as cattle and horses, which may also include facilities for confining animals, but not involving a commercial livestock feed or sales yard or dairy.
 - b. Land which is limited in its potential use, as defined by soils or other constraining factors, from supporting production agriculture. See the Agricultural Buffer Implementation Guidelines ([Appendix HE](#)) for details.
3. **Sensitive Non-agricultural Uses.** Child care facilities, educational facilities, medical facilities, schools, student dormitories, senior housing, and other similar uses.
4. **Small Lot.** A lot equal to or smaller than one-half acre that is located adjacent to an Urban Boundary Line as designated on the Comprehensive Plan maps.

Buffer, Stream. A designated width of land abutting a stream that protects biological productivity, water quality, and the hydrological characteristics of the stream.

Building. A structure with a roof supported by columns or walls and intended to provide shelter, housing or enclosure of persons, animals or chattel. Does not include travel trailers.

Building Coverage. The amount of land covered or permitted to be covered by buildings or structures, excluding tennis courts and unenclosed swimming pools, usually measured as a percent of a lot.

Building Official. The Building Official of the County of Santa Barbara, and/or designee of the Building Official.

Building Site. A single lot of land under one ownership occupied or intended to be occupied by a structure.

Business Support Service. A commercial use that provides services to other commercial uses. Examples of these services include:

blueprinting	film processing and photofinishing (retail)
computer-related services (rental, repair)	outdoor advertising services
copying and quick printing services	mailing and mail box services
courier, messenger, and delivery services, small scale,	protective services (other than office related)
without fleet vehicle storage	security systems services

C. Definitions, "C."

Cabaña. A building, the use of which is incidental and accessory to the use of a swimming pool, or sports court that may include bathrooms, but does not include sleeping quarters or cooking facilities.

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

California Public Utilities Commission (CPUC). The governmental agency which regulates the terms and conditions of public utilities in the State.

Campground. A site for temporary occupancy by campers, which may include individual campsites, but where utility hookups for recreational vehicles are not provided.

Cannabis. All parts of the plant *Cannabis sativa Linnaeus*, *Cannabis indica* or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including, but not limited to, separated resin. Cannabis also means medical and non-medical marijuana. Cannabis does not include industrial hemp, as defined in Section 11018.5 of the Health and Safety Code, as may be amended.

Additionally, the following terms and phrases are defined for the purposes of Division 35.2 - Montecito Zones and Allowable Land Uses and Chapter 35.442.055 (Cannabis). In cases where a definition is provided in both State law and the latest edition standard dictionary, and the definitions conflict with one-another, the definition set forth in State law shall take precedent.

Commercial cannabis activity. Any activity, recreational or medicinal, including the cultivation, possession, manufacture, distribution, processing, storing laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products.

Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, or trimming of cannabis, as well as grading of land to conduct any such activity. Cultivation includes outdoor cultivation, indoor cultivation, and mixed light cultivation, as follows:

1. **Indoor cultivation.** The cultivation of cannabis within a structure using exclusively artificial light.
2. **Outdoor cultivation.** The cultivation of cannabis, outside of a structure, without the use of artificial lighting in the canopy area at any point in time. Cultivation within a hoop house or hoop structure is considered outdoor cultivation. No artificial lighting is permissible for outdoor cultivation, including within hoop houses or structures.
3. **Mixed-light cultivation.** The cultivation of cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models, excluding hoop-houses.

Distributor. A facility for the distribution of cannabis and cannabis products.

Distribution. The procurement, sale, and transport of cannabis and cannabis products between licensees.

Manufacturing. All aspects of the extraction and/or infusion process, including preparing, holding, storing, packaging, or labeling of cannabis products. Manufacturing also includes any preparing, holding, or storing of components and ingredients.

Microbusiness. Permit by an owner or entity to engage in three of the four following cannabis activities: cultivation, distribution, non-volatile manufacturing, and/or retail. Microbusiness permits must demonstrate compliance with all requirements imposed by this Article on cultivators,

distributors, non-volatile manufacturers, and retailers to the extent the permit is to engage in such activities.

Private residence. A house, an apartment unit, a mobile home, a condominium, a townhome, an accessory dwelling unit, or other similar dwelling.

Personal Use. The cultivation, harvesting, drying, or processing of cannabis plants with the intent to possess, smoke, or ingest cannabis or cannabis products for one's own individual use or by a primary caregiver for their qualified patient(s) in accordance with State law.

Retail.

1. **Non-Storefront Retailer.** Delivery-only retail of commercial cannabis or cannabis products.
2. **Storefront Retail.** The retail sale and delivery of cannabis or cannabis products to customers, also referred to as a Storefront Retailer. A retailer shall operate from a licensed premise, which is a physical location from which commercial cannabis activities are conducted. A retailer's premise may be closed to the public. A storefront retailer may also conduct some sales by delivery.

Canopy. A permanent roof structure that does not project over public property, which may be freestanding, attached to a building, or entirely or partly supported by a building.

Caretaker/Manger Dwelling. A permanent residence that is secondary or accessory to the principal use of the property, and used for housing a caretaker employed on the site of any non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

Cemetery. An interment establishment that provides subdivided cemetery lots and burial plots or air space for sale. May include: animal cemeteries; cemetery, mausoleum (see also definition of Mausoleum), columbarium, and crematorium facilities, and accessory chapels. Mortuaries and funeral homes are defined separately.

Centerline of Street. A line that bisects the right-of-way of a street or highway into two equal parts. The centerline of the service road of a freeway or limited access highway shall be defined as the centerline of the traveled way of such service road.

Certified Farmers Market. A location and operation where agricultural products are sold by producers or certified producers directly to consumers in compliance with the State's Direct Marketing Regulations (California Code of Regulations Section 1392 et seq.) and the provisions of this Development Code.

Certified Farmers Market, Incidental. An incidental Certified Farmer's Market is a temporary and periodic use conducted in a parking lot or other open area on the site of another principle use.

Change of Use. The replacement of an existing use on a lot or any portion of a lot, by a new use, but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged.

Charitable Function. An event or activity whose primary purpose is of a charitable or noncommercial nature.

Charitable or Philanthropic Organization. An office-type facility occupied by an organization engaged in charitable or philanthropic works serving various groups or individual persons.

Child Care. See "Day Care."

Church. See "Meeting Facility, Religious."

Civil Code. The Civil Code of the State of California.

Clinic. See "Medical Services - Clinic, Urgent Care."

Clothing store. A retail outlet designed to sell clothing and clothing accessories.

Club. An organization, group or association supported by its members, having as a primary purpose the promotion of some common objective such as literature, science, politics or fellowship, but not including organizations, groups or associations whose primary purpose is to render a service customarily carried out as a business or formed to provide housing for its members. See also Meeting Facility.

Coastal Act. The California Coastal Act of 1976, commencing with Public Resources Code Section 30000.

~~**Coastal Bluff.** A scarp or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, folding, or excavation of the land mass, having a vertical relief of 10 or more feet measured from the top edge to the toe of the steep face, and located along or adjacent to the ocean. The bluff may be a simple planar or curved surface, or it may be step-like in section. The terms "coastal bluff," "bluff face," and "sea cliff" are equivalent.~~

~~**Coastal Bluff Edge.** The uppermost termination of a coastal bluff. Where the bluff edge is rounded away as a result of erosional processes, the bluff edge shall be defined as that point nearest the bluff at which the downward slope gradient of the land begins to increase more or less continuously until it reaches the general slope gradient of the bluff face. In the case where there is one or more step-like features on the bluff, the landward edge of the uppermost riser shall be considered the bluff edge.~~

Coastal Commission. The California Coastal Commission created by and operating under the Coastal Act of 1976.

Coastal Dependent Development or Use. A development or use that requires a site on or adjacent to the sea to be able to function at all.

Coastal Dependent Recreation. Activities that require a coastal location to occur (e.g., ocean swimming, surfing, scuba diving, fishing, boating, beach activities, and nature study).

Coastal Land Use Plan (Coastal Plan). The Land Use Plan of the Santa Barbara County Local Coastal Program, including maps and text which indicate the kinds, location, and intensity of land uses and includes resource protection and development policies.

Coastal Related Development. Development that is dependent on a coastal dependent development or use.

Coastal Related Recreation. Activities that are popular in coastal locations but also occur inland, including picnicking, bicycling, walking, jogging and camping.

Coastal Zone. The land and water area within the County extending seaward to the State's outer limit of jurisdiction, including all offshore islands, and extending inland to the boundary shown on the official Coastal Zone Maps, as amended from time to time.

Commercial Vehicle. A vehicle or article of equipment used primarily in conjunction with a business, but not including vehicles or equipment used primarily in conjunction with the permitted use of land in residential or agricultural districts.

Community Apartment. A development of real property in which an undivided interest in land is coupled with the right of exclusive occupancy of a designated apartment located thereon and therein.

Community Care Facility. Any facility, place or building that is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster family agency services for adults, children, or adults and children, including the physically handicapped, mental impaired, incompetent persons, and abused or neglected children.

Community Center. A public meeting place where members of a community may gather for cultural, public information, social, recreational, and other purposes. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting

rooms accessory and incidental to another primary use that are typically used only by onsite employees and clients, and occupy less floor area on the site than the offices they support (see "Offices"). Does not include: sports or other commercial entertainment facilities (see "Theater," and "Sports and Outdoor Recreation Facilities"); or convention centers (see "Conference Center"). Related onsite facilities such as day care centers and schools are separately defined, and separately regulated.

Comprehensive Plan. The Santa Barbara County Comprehensive Plan, including the Coastal Land Use Plan and all Community or Area Plans, as it may be amended by the Board of Supervisors from time to time.

Conditional Use. A use that requires a special degree of control because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the proposed site location with respect to surroundings, streets and existing improvements or demands upon public facilities. The additional control is to ensure that the particular use on the particular proposed site is compatible with other existing or permitted uses surrounding the site.

Condominium. As defined by Civil Code Section 1351, a development where undivided interest in common in a portion of real property is coupled with a separate interest in an individual unit, the boundaries of which are described on a recorded Final Map or Parcel Map.

Conference Center. A building or group of buildings with accessory land and structures, that provides conference facilities for persons assembled for study and discussion of educational, religious, economic, scientific, charitable, or governmental subjects, including music, art and drama, and shall include the necessary accessory and incidental housing, dining, classroom, and recreational facilities.

Conjunctive Use. The joint siting and use of property, structures, and/or parking for two or more non-residential land uses, where the hours of operation and demand for parking or services are such that efficiency and economy in services and land use is achieved. Typically the site is designed, and the days and hours of operation of the individual uses are collaboratively scheduled, so that a single site can serve more than one use.

Conservation or Open Space Easement. A nonpossesory interest in real property imposing limitations or affirmative obligations for the purpose of conserving, protecting, or retaining the open space values of the real property; ensuring its availability for agricultural, forest, recreational, or open space use; or protecting natural resources.

Contiguous. See "abut."

Contractor's Equipment Storage Yard. Indoor or outdoor facilities operated by, or on behalf of a licensed contractor for the storage of equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business; storage of materials used for repair and maintenance of the contractor's own equipment; and buildings or structures for uses including equipment repair. Includes building contractors, landscape contractors, sign contractors, etc. Does not include office-only facilities that are not located on the same site as storage and/or maintenance facilities, which are instead included under the definition of "Office - Business/Service." Does not include junk yards.

Convenience Store. A retail establishment offering for sale prepackaged food products, household items, and other goods.

Cottage Food Employee. An individual, paid or volunteer, who is involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for the cottage food operation. An employee does not include an immediate family member or household member of the cottage food operator.

Cottage Food Operation. A commercial enterprise conducted within the registered or permitted area of a dwelling unit where the cottage food operator, as defined by California Health and Safety Code Section 113758, resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers in compliance with California Health and Safety Code Section 113758.

Cottage Food Operator. An individual who operates a cottage food operation in his or her private home and is the owner of the cottage food operation.

Cottage Food Products. Nonpotentially hazardous foods, including foods that are described in California Health and Safety Code Section 114365.5 and that are prepared for sale in the kitchen of a cottage food operation.

Country Club, Swim and Tennis Club. A private membership recreational facility that may include swim and tennis facilities, fitness facilities, a restaurant, and related facilities. A country club may also be part of, or adjacent to a golf course.

County. The County of Santa Barbara, State of California. For the purposes of this Development Code, "County" includes the Santa Barbara County Board of Supervisors, Montecito Planning Commission, advisory agencies, appeals boards, agents, employees, and officers of Santa Barbara County.

Court. An open area other than a yard on the same lot with a building or buildings that is bounded on two or more sides by the building or buildings.

Creek Channel, Natural. A water course that has not been altered by human activity. Appears as a solid or dashed blue line on a USGS 7½-minute or 15-minute quadrangle map.

Creek, Top of Bank. The uppermost ground elevation paralleling a creek or watercourse where the gradient changes from a more defined vertical component to more horizontal.

Cultivated Agriculture, Orchard, Vineyard. Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site:

field crops	ornamental crops
flowers and seeds	tree nuts
fruits	trees and sod
grains	vegetables
melons	wine and table grapes

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, and crop processing. Does not include agricultural processing or greenhouses which are separately defined. Does not include non-commercial home gardening, which is allowed as an accessory use without County approval in all zones that otherwise allow residential uses. Activities that constitute grading are separately regulated under Chapter 14 of the County Code.

- 1. Historic Legal Use.** "Cultivated Agriculture, Orchard, Vineyard - Historic Legal Use" means that there is evidence of a permitted or legal nonconforming use on the site within the previous 10-year period.

D. Definitions, "D."

Dairy. A commercial operation where three or more cows or goats are maintained to produce milk or other dairy products for sale.

Day Care. Facilities that provide non-medical care and supervision of adults or minor children in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual for periods of less than 24 hours. These facilities include the following which may be required to be licensed by the County or the State unless they are able to operate legally without a license in compliance with County and State laws.

- 1. Day Care Center.** A commercial or non-profit facility designed and approved to accommodate 15 or more adults or children. Includes facilities providing overnight care, providing that said care is for periods of less than twenty-four hours per day. A day care center may be operated in conjunction with a school or church facility, or as an independent land use. The owner or operator of a residential day care center is not required to reside at the day care center.

- a. **Non-residential.** A day care center where group care is provided in a structure not used as a dwelling unit.
 - b. **Non-residential, Accessory.** A day care center that is within or on the site of another use and provides day care services for occupants of the other use.
 - c. **Residential.** A day care center where group care is provided in a dwelling for 15 or more adults or children, including adults or children who reside at the home.
2. **Family Day Care Home.** A one-family dwelling whose regular and permanent occupant(s) provides, on a regular basis, care, protection, and supervision for 14 or fewer adults or children for periods of less than 24 hours per day while the parents or guardians are away. Family day care homes shall be classified as follows:
- a. **Large Family Day Care Home.** A day care facility that provides family day care for seven to 14 adults or children, inclusive, including children under the age of 10 years who reside in the dwelling.
 - b. **Small Family Day Care Home.** A day care facility that provides family day care for six or fewer adults, or eight or fewer children, including children under the age of 10 years who reside in the dwelling.

Debris Flow. A saturated mass of loose particles, including rock, earth, and other debris, that travels down a slope and often into creek and/or stream channels.

Density. The maximum number of dwelling units permitted per specified area of land.

Density Bonus. Refers to the State mandated Density Bonus Program (Government Code Section 65915 et seq.) that entitles qualified housing projects to a density increase and at least one development incentive.

Department. The Santa Barbara County Planning and Development Department, referred to in this Development Code as the "Department."

Detached Structure. A structure, no part of which is attached by any means to any other structure.

Determination, Use. An action by the Montecito Commission determining and/or finding that a use not identified as a permitted use in a specific zone is similar in nature and/or character to the other permitted uses in that zone and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, traffic congestion, danger to life and property, or other similar causes, and is therefore also considered a permitted use.

Development. ~~The definition of "Development" differs within the Coastal Zone and Inland, as follows:~~

1. ~~**Coastal Zone.** On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.), and any other division of land, except where the land division is in connection with the purchase of the land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg Nejedly Forest Practice Act of 1973 (commencing with Section 4511). Also includes a change in the land use of a site and/or the change in the intensity of an existing land use, and Lot Line Adjustments.~~
2. ~~**Inland area.** A change made by a person to unimproved or improved real property, including the placement, the moving, construction, reconstruction, enlarging, demolition, or alteration of~~

buildings or structures, landscaping improvements, mining, excavation, or drilling operations. Agricultural improvements as defined are not considered as development within this Development Code.

Development Code. The Santa Barbara County Montecito Land Use & Development Code, Section 35-2 of Chapter 35, Zoning, of the Santa Barbara County Code.

Dining Commons. A facility accessory to a residence hall and used primarily for preparing and serving food to residence hall occupants and which excludes service to the general public.

Director. The Director of the Santa Barbara County Planning and Development Department, including designees of the Director, referred to in this Development Code as “the Director.”

Direct Sale. A transaction between a cottage food operation operator and a consumer, where the consumer purchases the cottage food product directly from the cottage food operation. Direct sales include transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmers’ markets, or through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation.

Drainage Channel. A channel, either natural or manmade, that conveys water.

Drive-through Facility. A facility where customers wait in line in their vehicles to progress to a service point at which they briefly transact business from their vehicles and then leave the premises. Includes banks (motor banks, drive-through banks, drive-up banks), fast food establishments, and film deposit and pickup establishments. Does not include drive-in movies, drive-in car washes through which the vehicles do not travel on their own power, drive-in food establishments where customers do not wait in line in their vehicles for service, or gas stations.

Driveway.

1. A designated passageway providing vehicular access between an alley or street and a garage or carport, a designated parking area, or other driveway or street.
2. A private right-of-way that provides vehicular access from a public or private street to private property either abutting or adjacent to the right-of-way, or away from the right-of-way, and that is not, and under the minimum lot area requirements of this Development Code cannot be, divided into more than four separate lots.

Driving Range. See “Golf Driving Range.”

Duplex. See "Dwelling, Two-Family."

Dwelling. A room or group of rooms with interior access between all habitable rooms, including permanent provisions for living, sleeping, eating, cooking, bathing and sanitary facilities, constituting a separate and independent housekeeping unit, occupied or intended for occupancy by a family on a non-transient basis and having not more than one kitchen. Boarding or rooming houses, dormitories, and hotels are not dwellings.

Dwelling, Multiple. A building or portion of a building, designed for and occupied exclusively by three or more families, and containing three or more dwellings. Includes triplexes, apartment houses, apartment hotels, condominiums, community apartment projects, flats, rowhouses, and townhouses, but does not include organizational houses, trailer courts or camps, motels, hotels or resort type hotels.

Dwelling, One-family. A building designed for and occupied exclusively by one family and containing one dwelling. Also known as a Single Family Dwelling.

Dwelling, Two-family. A building designed for and occupied exclusively by two families, and containing two dwellings.

E. Definitions, "E."

Education or Research Facility, Limited. Limited facilities or developments for educational purposes or scientific research, (e.g., water quality monitoring stations, access roads, storage facilities).

Electrical Substation, Major. A substation that receives and transmits electric energy directly from a generating source, the primary purpose of which is to receive the energy at its transmission voltage from the generator, and to transform the energy by lowering the voltage.

Electrical Substation, Minor. A substation that receives electric energy from transmission or distribution lines at voltages below the generation voltage, and transmits the energy at voltages suitable for domestic and non-residential consumers.

Electrical Transmission Line. A line that is interconnected with other transmission lines and associated equipment for the movement or transfer of electric energy between points of supply and points at which it is transformed for delivery to customers or is delivered to other electric systems.

Emergency. A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. The definition extends to efforts by a public agency or utility performing a public service to restore, repair or maintain public works, utilities or services which have been destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency.

Emergency Shelter. A permanent supervised shelter or halfway house that provides temporary accommodations, up to 30 consecutive days and 90 days within a 12 month period, to individuals who have lost a permanent residence.

Environmental Review.

~~1. **Coastal Zone.** The analysis of the potential environmental effects that may result from development, performed in compliance with the provisions of the applicable zone and development standards of the certified Local Coastal Program, the California Environmental Quality Act (Public Resources Code Sec. 21000 et seq.) and the Guidelines for Implementation of the California Environmental Quality Act (Public Resources Code Sec. 15000 et seq.)~~

~~2. **Inland Area.** The analysis of the potential environmental effects that may result from development, performed in compliance with the California Environmental Quality Act (Public Resources Code Sec. 21000 et seq.), and the guidelines for Implementation of the California Environmental Quality Act (Public Resources Code Sec. 15000 et seq.), and the County of Santa Barbara Environmental Thresholds and Guidelines Manual.~~

Environmentally Sensitive Habitat Area. An area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and that could be easily disturbed or degraded by human activities and developments.

Equestrian Facility. A commercial facility for the boarding of horses, donkeys and mules, and where such animals are available for hire. Examples of these facilities include:

boarding stables

horse exhibition facilities

riding schools and academies

Also includes barns, stables, corrals, and paddocks accessory and incidental to the above uses. Does not include rodeos (see "Rodeo"), or polo fields (see "Sports and Outdoor Recreation Facilities").

Existing Developed Rural Neighborhood. An area shown on the Comprehensive Plan maps within which development has occurred historically with lots smaller than those found in the surrounding Rural or Inner Rural Areas.

F. Definitions, "F."

Façade. That portion of any exterior elevation of a structure extending from grade to the eaves or the top of the parapet wall and the entire width of the structure elevation.

Family. One or more persons occupying premises and living as a single housekeeping unit not operated for profit, as distinguished from two or more persons occupying a boarding or lodging house, hotel, club, or similar structure used for residential purposes. A family shall not include a fraternal, religious, social, or business organization. A family shall be deemed to include domestic servants employed by the family. A family shall also be deemed to include the clients and operators of a residential facility licensed by the State that serves six or fewer clients.

Family Day Care. See "Day Care."

Farm Employee Dwelling. See Agricultural Employee Housing. Also includes farmworker employee housing.

Farmers' Market. See "Certified Farmers' Market."

Farmworker Housing. The following terms and phrases are defined for the purposes of Section 35.442.105 (Farmworker Housing).

1. **Farmworker.** An agricultural employee as defined in the California Labor Code Section 1140.4(b).
2. **Farmworker employee housing.** Any housing accommodation that provides housing for farmworkers and complies with the California Health and Safety Code. Farmworker employee housing consists of either of the following:
 - a. **Farmworker dwelling unit.** A single-family dwelling that provides accommodations for six or fewer farmworkers at any one time. A farmworker dwelling unit shall be considered as a single-family dwelling, and permitted and regulated in the same manner by this Development Code.
 - b. **Farmworker housing complex.** Farm employee housing other than a farmworker dwelling unit that contains a maximum of 36 beds if the housing consists of any group living quarters, such as a barrack or a bunkhouse, or contains a maximum of 12 residential units. A farmworker housing complex shall be occupied exclusively by farmworkers and their households.
3. **Permanent employee housing.** Any labor camp which is not temporary or seasonal(California Health and Safety Code Section 17010(c)).
4. **Seasonal employee housing.** Any camp which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year (California Health and Safety Code Section 17010(b)).
5. **Temporary employee housing.** A labor camp which is not operated on the same site annually and which is established for one operation and is then removed (California Health and Safety Code Section 17010(a)).

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Feed Distribution. The storage and dispersal of animal feed for the purpose of supporting the primary onsite animal raising activities.

Fill.

1. A deposit of earth, sand, gravel, rock or any other suitable materials placed by artificial means; any act by which earth, sand, gravel, rock or any other suitable material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of

the stripped surface and shall include the conditions resulting therefrom.

2. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade, as measured in a vertical plane.

First Public Road Paralleling the Sea. The nearest road to the sea that is dedicated for public use to a public agency, and is in fact improved and suitable for public use. In the event a public road does not connect with other public roads, the first public road paralleling the sea shall mean the first public road that in fact connects with other public roads providing a continuous public access system paralleling the shoreline.

Fitness/Health Facility. A commercial fitness center, gymnasium, health and athletic club, which may include any of the following: climbing rocks (which may be outdoors), sauna, spa or hot tub facilities; swimming pools; indoor handball, racquetball, tennis, volleyball and other indoor sport court activities; weight rooms; outdoor volleyball courts.

Flood control. The act or technique of trying to control water with dams, berms, drainage, weirs, etc, to minimize occurrence of floods.

Flood Plain. Any land area susceptible to being inundated by water from any source, as defined within County Code Chapter 15A (Flood Plain Management) which may be amended from time to time.

Floodway. The channel of a stream, plus any adjacent flood plain area, that must be kept free of encroachment so that the 100-year flood will be accommodated without substantial increase in flood height, as defined within County Code Chapter 15A (Flood Plain Management) which may be amended from time to time. As minimum standards, the Federal Insurance Administration limits such increases in flood heights to one foot, provided that hazardous velocities are not produced.

Floodway Fringe. The area between the floodway and the boundary of the 100-year flood, and which encompasses the portion of the flood plain that could be completely obstructed without increasing the water-surface elevation of the 100-year flood more than one foot at any point, as defined within County Code Chapter 15A (Flood Plain Management) which may be amended from time to time.

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.

Floor Area, Net. The gross floor area excluding shafts, stairways, corridors and halls, unusable attics, and unenclosed porches and balconies.

Floor Area Ratio (FAR). The net floor area of a structure, excluding basements used exclusively for storage and residential units that meet the County's definition of affordable housing, divided by the net lot area. Where there is an approved Final Development Plan, the net lot area shall be the sum of the net lot area of all lots included in the Final Development Plan.

Fraction Lot. A lot created as a result of an instrument of conveyance, in which the lot is not separately conveyed as a distinctly described parcel. Fraction lots are identified by overlaying separate legal descriptions of real property within an area of land and then making reference to the cumulative boundary lines to describe parcels derived by their intersections. Fraction lots do not include remainder lots, which result from the conveyance of a separate and distinct legal description of real property, where the described property is conveyed to a new owner and the remainder portion is retained by the seller.

Freeway. A defined by the Comprehensive Plan, a four or six lane divided arterial highway with full control of access and with grade separations at intersections. As the highest type of road facility, Freeways provide maximum service and safety for through traffic. Freeways serve as the principal arterials of the inter- and intra-state system of highways, carrying traffic between cities, traffic generators and points of interest.

Front Line. The shortest boundary line of a lot which corresponds with a street line; the boundary lines of a through lot which corresponds with street lines shall be "front lines." When the street side boundary lines of a corner lot, are of equal or of substantially equal lengths, the front line shall be the line located on the principal (more heavily trafficked) street.

Fully enclosed or fully screened structure. A structure, constructed of permanent, solid materials, with a roof that completely covers the structure, doors or gates that are kept closed and latched, and walls that extend from the foundation floor either to the roof of the structure or to a sufficient height such that any contents of the fully enclosed or fully screened structure are not visible when viewed from the outside other than when viewed through a window. A fully enclosed or fully screened structure does not include a carport or other accessory structure that allows the contents therein to be observed from outside the structure other than when viewed through a window. Does not include awnings, fabric shelters, tents and similar structures of a nonpermanent type of construction.

Furniture, Furnishings, and Appliance/Equipment Stores. A store that primarily sells the following products and related services, that may also provide incidental repair services:

computers and computer equipment	musical instruments
draperies	office furniture
floor coverings	other household electrical and gas appliances
furniture	outdoor furniture
glass and chinaware	pool tables
home appliances	refrigerators
home furnishings	spas, hot tubs, swimming pools, and related supplies
home sound systems	stoves
interior decorating materials and services	televisions

G. Definitions, "G."

Garage, Private. A building or portion thereof used or designed to be used as an accessory building for the storage of motor vehicles for use by the occupants of the same site.

Garage, Public. A building or portion thereof, except a private garage, used or designed to be used for storage and care of motor vehicles or where any such vehicles are repaired or kept for remuneration, hire or sale.

General Retail. Stores and shops selling many lines of merchandise. Examples of these stores and lines

Definitions

of merchandise include:

antique stores	hardware (not including building or landscape materials)
art galleries, retail	hobby materials
art supplies, including picture framing services	jewelry
artisan shop	luggage and leather goods
bicycles	musical instruments, parts and accessories
books, magazines, and newspapers	orthopedic supplies
cameras and photographic supplies	records, CDs
clothing, shoes, and accessories	religious goods
collectibles (cards, coins, comics, stamps, etc.)	small wares
department stores	specialty shops
dry goods	sporting goods and equipment
fabrics and sewing supplies	stationery
florists and houseplant stores (indoor sales only - outdoor sales are "Building and Landscape Materials Sales")	toys and games
	variety stores
	videos, DVDs, including rental

Does not include adult oriented businesses, which are separately defined and regulated under Article VIII (Sexually Oriented Business Regulations) of County Code Chapter 35.

Golf Course. A commercial or members-only facility for playing golf, with three to 18 holes, and accessory facilities and uses which may include: a clubhouse with bar and/or restaurant, locker and shower facilities; driving ranges; "pro shops" for onsite sales of golfing equipment; and golf cart repair, storage and sales facilities. Does not include driving ranges separate from golf courses or miniature golf courses unless specifically allowed.

Golf Driving Range. An area designated for hitting golf balls for practice drives. This activity is included under the definition of "Golf Course" if part of a golf course, and under the definition of "Commercial Entertainment - Outdoor" if not part of a golf course.

Government Code. The Government Code of the State of California.

Grade, Existing. The existing condition of the ground elevation of the surface of a building site at the time of permit application, including Montecito Board of Architectural Review applications, that represents either the (1) natural grade prior to the placement of any fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade following the completion of an approved grading operation, including grading approved in conjunction with the subdivision of the site.

Grade, Finished. The level of the finished surface of the site that results from any permitted grading activities, including cut and fill of existing slopes associated with specific permit applications.

Grading. Any excavation or filling of earth or combination thereof.

Grazing. To put livestock out to feed.

Greenhouse.

~~1. **Greenhouse – Coastal Zone.** A structure with permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring) used for cultivation and to shade or protect plants from climatic variations. Any hothouse or plant protection structure that does not fall within the definition of shade structure or hoop structure shall be included in the definition of greenhouse.~~

~~2. **Greenhouse – Inland Area.** A facility, including hothouses, for the indoor propagation of plants, constructed with impervious and translucent roof and/or walls.~~

~~**Greenhouse Related Development – Coastal Zone.** Permanent development associated with and accessory to greenhouses, shade structures, and hoop structures. Greenhouse related development includes packing and shipping facilities, paved parking and driveways, and associated accessory structures (e.g., boiler rooms, storage sheds).~~

Grocery and Specialty Food Stores. A retail business where the majority of the floor area open to the

public is occupied by food products packaged for preparation and consumption away from the store. Includes retail bakeries, where any onsite baking is only for onsite sales.

Groundwater. Water located below the land surface in the saturated zone of the soil or rock. Groundwater includes perched water tables, shallow water tables, and zones that are seasonally or permanently saturated.

Guesthouse. Detached living quarters of a permanent type of construction without kitchen or cooking facilities, used primarily for temporary guests of the occupants of the principal building on the lot, and not rented or otherwise used as a separate dwelling.

Guest Ranch. See "Lodging."

H. Definitions, "H."

Habitable. Space within a building that is suitable for living, sleeping, eating, cooking and which may or may not be conditioned (e.g., heated, cooled).

Habitable Room. A space intended for living, sleeping, eating, or cooking, including living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, recreation rooms, and enclosed porches suitable for year-round use. Specifically excluded are balconies, bathrooms, foyers, garages, hallways, laundries, open porches, pantries, storage closets, utility rooms, unfinished attics and basements, other unfinished spaces used for storage, and water closets.

Health Club, Spa. A fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; swimming pools; handball, racquetball, tennis, volleyball, and other sport court activities; weight rooms.

Health and Safety Code. The California Health and Safety Code.

Height Limit. The maximum allowed height of a structure as established by an imaginary surface located at the allowed number of feet above and parallel to the existing grade (see [Section 35.430.080 \(Height Measurement, Exceptions and Limitations\)](#)).

Heliport. A designated, marked area on the ground or on a structure where helicopters may land at any time.

Highway. See "Street."

Highway 101 Corridor. Any property shown on the Zoning Map (within 500 feet of the centerline of Highway 101 at time of adoption) in the area between the Ventura County line and Eagle Canyon.

Hillside. Land with slopes exceeding 20 percent.

Hog Ranch. A site used for the raising or keeping of more than six hogs.

Home Occupation. A commercial activity conducted entirely within the dwelling portion of a dwelling by residents of the dwelling, or conducted entirely within an artist studio by a person residing in a dwelling on the same lot.

Homestay. See "Lodging."

Hoop Structure. A structure consisting of a light-weight, frame with no permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring) and an impermeable, removable covering used to protect plants grown in the soil or in containers upon the soil. Includes structures commonly known as berry hoops and hoop houses.

Hospital. See "Medical Services - Hospital."

Hostel. See "Lodging."

Hotel. See "Lodging."

Hotel, Resort. See "Lodging."

Household, or Housekeeping Unit. A person or group of persons living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

Household Pet. Animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the residents. Household pets include domestic birds, cats and dogs, fish, rabbits, rodents and snakes, but do not include horses, mules, goats, cows, hogs, or other similar size animals, or roosters or peacocks.

Human Habitation. The occasional, temporary or permanent use of a building, trailer or any motor vehicle for eating and/or sleeping quarters for any person.

I. Definitions, "I."

Illegal Sign. A sign that includes any of the following:

1. A sign installed without complying with all regulations in effect at the time of its construction or use.
2. A sign installed or maintained contrary to any applicable provision of [Chapter 35.438 \(Sign Standards\)](#), including a sign that was not removed at the end of an applicable amortization period.
3. A sign which is a danger to the public or is unsafe.
4. A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the County.

Improvement. An object affixed to or growing in the ground other than a structure.

Indirect sale. An interaction between a cottage food operation, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the cottage food operation from a third-party retailer that holds a valid permit issued pursuant to California Health and Safety Code Section 114381. Indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be immediately consumed on the premises.

Individual With a Disability. A qualifying individual in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment, but not including an individual's current, illegal use of a controlled substance.

Inhabited Area. Any dwelling, any other structure regularly occupied by people, or any area used by people on a regular basis.

In-home Retail Sales. A type of direct sales occurring within a dwelling in which sellers operate either from their primary residence or the homes of customers.

Inland Area. All portions of the land area of Santa Barbara County located outside of the Coastal Zone.

~~**Inland Extent of Beach.** The point where a sandy beach area terminates at the base of a coastal bluff, at the edge of continuous ground-covering vegetation, or continuous pavement beyond which are soil types that are not predominantly sand.~~

Inner Rural Area. An area shown on the Comprehensive Plan maps within which development is limited to rural uses such as agriculture and its accessory uses, mineral extraction and its accessory uses, recreation (public or private), ranchette development, and uses of a public or quasi-public nature.

Interior Access. Unobstructed, enclosed passageways with conditioned air systems connecting habitable rooms, which are not blocked by doors that are fixed in a closed position or are capable of being fixed in a closed position by a one-way deadbolt or similar device. Access through sleeping rooms, bathrooms and

garages is not considered interior access.

J. Definitions, "J."

Junk Yard. In a non-residential zone, the use of an aggregate area of 200 square feet or more for the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale. In a residential zone, the area that may be used for the storage of junk and other listed materials may not exceed 100 square feet. See County Code Chapter 19 (Junk Yard and Dumps) for definitions of "dump" and "auto wrecking yard" and the applicable permit requirements.

K. Definitions, "K."

Kennel, Animal Boarding. A facility for the grooming, keeping, boarding or maintaining of four or more dogs, four months of age or older. See also "Veterinary Clinic, Animal Hospital."

1. **Kennel, Commercial.** A kennel as defined above which may include boarding facilities, where the dogs are for other than private enjoyment of the occupants of the premises, and where boarding services are offered to the public.
2. **Kennel, Private.** A kennel as defined above where the dogs are kept for the private enjoyment of the occupants of the premises.

Kitchen. A room, all or any part of which is designed, built, equipped, maintained, used, or intended to be used for the preparation and cooking of food.

L. Definitions, "L."

Land Use Element. The Land Use Element of the Santa Barbara County Comprehensive Plan, as it may be amended from time to time.

Library. A place in which literary and artistic materials, such as books, periodicals, newspapers, pamphlets, prints and audio materials are kept for reading, reference, or lending.

Limited Concession Facility. Retail facilities that are clearly ancillary and incidental to a recreational use and that are customarily offered and available to the general public in connection with a recreational use (e.g., boat rentals, fishing supplies). May include snack bars and similar goods and services. Also includes vending machines dispensing foods when operated independently or in conjunction with such facilities.

Limited-equity Housing Cooperative. A corporation which meets the criteria of a stock cooperative as defined in this Article and which also meets the criteria of Section 33007.5 of the Health and Safety Code.

Living Area. The interior living portion of a dwelling unit including basements and attics, not including the garage or an accessory structure.

Local Coastal Program. The County's (a) Coastal Land Use Plan, (b) Development Code, (c) Zoning Map, and (d) within sensitive coastal resource areas, other implementing actions, that when taken together, meet the requirements of, and implement the provisions and policies of the Coastal Act of 1976 within the County.

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 6 months 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.
4. **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.
 5. **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.
 6. **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.
 7. **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.

Lot. An existing area of land under one ownership that was lawfully created as required by the Subdivision Map Act and predecessor ordinances and statutes, and local ordinances, that can lawfully be conveyed in fee as a discrete unit separate from any contiguous lot. A lot also means a lot for which a Certificate of Compliance or Conditional Certificate of Compliance has been recorded and the boundaries of which have not subsequently been altered by merger or further subdivision. ~~Within the Coastal Zone:~~

1. ~~For the purposes of this definition, "lawfully created" includes as required by the California Coastal Act, certified Local Coastal Program.~~
2. ~~A Coastal Development Permit shall be required to have been issued for the lot that is the subject of the Certificate of Compliance or Conditional Certificate of Compliance if the Certificate of Compliance or Conditional Certificate of Compliance is recorded after the effective date of the Coastal Act or its predecessor initiative (unless the lot was created prior to the effective date of the Coastal Act or its predecessor initiative in compliance with the Subdivision Map Act and predecessor ordinances and statutes and local ordinances).~~

Lot, Corner. A lot situated at the intersection of two or more streets or bounded on two or more adjacent sides by street lines.

Lot, Flag. See "Lot, Interior."

Lot, Interior. A lot that (1) has no street frontage or (2) the street frontage is less than 40 feet in width and the lot was not created by a subdivision resulting in five or more lots.

Lot, Key. A lot the side line of which abuts the rear line of one or more adjoining lots.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

Lot Area, Gross. The area included within the boundaries of the lot as described in the latest recorded deed to the lot or as shown on the recorded lot or subdivision map creating the lot, inclusive of any portion so described or mapped, lying within a public or private street, ~~but excluding any portion lying seaward of the mean high tide line.~~

Lot Area, Net. The gross lot area excluding any area lying within a public street which is defined as a permanently reserved right-of-way which has been dedicated to the County.

Lot Depth. The average distance between the front or street line and the rear lot line or between the front lot line and intersection of the two side lot lines if there should be no rear lot line.

Lot Frontage. The length of the front line measured at the street right-of-way line.

Lot Line. The lines forming the boundaries of a lot that distinguish it from other lots.

Lot Width, Gross. The average distance between the side lot lines, measured at right angles to the lot depth, including any area lying within a public street which is defined as a permanently reserved right-of-way which has been dedicated to the County of Santa Barbara.

Lot Width, Net. The average distance between the side lot lines, measured at right angles to the lot depth, excluding any area lying within a public street which is defined as a permanently reserved right-of-way which has been dedicated to the County.

M. Definitions, "M."

~~**Major Public Works Project and Major Energy Facility – Coastal Zone.** A public works project or energy facility exceeding \$50,000 in estimated cost of construction.~~

Map Act. The California Subdivision Map Act, Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

Marquee. A permanent roofed structure, not including an arcade, attached to and supported by the building and projecting over public property.

Mausoleum. A large stately tomb or a building housing such a tomb or several tombs.

~~**Mean High Tide Line.** The high water mark of the ocean, which is an ambulatory line varying over time as a result of climatic and other influences. The line is the normal or average inland extent of tidal influence.~~

Medical Services - Animal Hospital. A facility specifically designed for the medical or surgical treatment of animals or pets where all of the animals are taken in from off the premises and where the boarding of animals is limited to short-term care incidental to the hospital.

Medical Services - Clinic, Urgent Care. A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

medical offices	urgent care facilities
out-patient care facilities	other allied health services

These facilities may also include accessory medical laboratories, and limited fabrication activities as in the case of a dentist office or an optometrist. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

Medical Services - Doctor Office. A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis (e.g., chiropractors, medical doctors, psychiatrists, physical therapists). These facilities may also include accessory medical laboratories, and limited fabrication activities as in the case of a dentist office or an optometrist. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

Medical Services - Extended Care. Residential facilities providing nursing and health-related care as a primary use with in-patient beds. These facilities may also include accessory medical laboratories, and limited fabrication activities. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care."

Medical Services - Hospital. Hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include onsite accessory clinics and laboratories, accessory retail uses and emergency heliports, and onsite ambulance dispatch facilities.

Medical Services - Laboratory. Non-research facilities for the testing of blood and tissue samples for medical diagnoses, and for the fabrication of dental prosthetics and eyeglasses. Does not include laboratories for medical research.

Meeting Facility, Public or Private. A facility for public or private meetings, including religious institutions, civic and private auditoriums, grange halls, union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another use that are typically used only by onsite employees and clients, and occupy less floor area on the site than the offices they support (see "Offices"). Does not include: conference centers, community centers (see "Community Center"), sports or commercial facilities (see "Theater," and "Sports and Outdoor Entertainment Facilities"). Related onsite facilities such as day care centers and schools are separately defined, and separately regulated.

Meeting Facility, Religious. A meeting facility for a religious institution as identified in "Meeting Facility, Public or Private," above, that is restricted to religious institutions only in response to the specific requirements of a particular zone (i.e., ~~AG-I in the Coastal Zone~~ e.g., RMZ allows religious meeting facilities but not ~~clubs~~ other types of meeting facilities).

Mello-Roos District. Districts that raise funds from property owners within a given area in order to provide public improvements in that area. Similar to assessment districts, their enabling legislation is the Mello-Roos Community Facility Act of 1982, Government Code Section 55311 et seq.

Mining. The extraction of mineral resources through surface or underground mining operations, including the following:

1. **Surface Mining.** Excavation and quarrying operations to obtain building and construction materials including diatomaceous earth, including all of the following components. The following terms and phrases are defined for the purposes of [Section 35.472.140 \(Reclamation and Surface Mining Permits\)](#).
 - a. **Haul road.** A road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.
 - b. **Idle.** To curtail for a period of 12 months or more surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date. (See SMARA, Section 2727.1)
 - c. **Mined Lands.** Includes the surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools or other materials or property that result from, or are used in, surface mining operations are located. Mined lands include all lands affected by a mining operation.
 - d. **Minerals.** A naturally occurring chemical element or compound, or groups of elements and

compounds, formed from inorganic processes and organic substances, including bituminous rock, but excluding coal, geothermal resources, natural gas, peat, and petroleum. (See State Regulations, Section 3501). For the purposes of this Development Code, minerals shall also include: decorative stone, diatomaceous earth, flagstone, gravel, limestone, rip-rap, sand, and shale.

- e. **Mining Waste.** The residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.
- f. **Operator.** A person who is engaged in surface mining operations, or who contracts with others to conduct operations on their behalf, except a person who is engaged in surface mining operations as an employee with wages as their sole compensation.
- g. **Overburden.** Rock, soil, or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations. (See SMARA, Section 2732)
- h. **Reclamation.** The combined process of land treatment that minimizes air pollution, damage to aquatic or wildlife habitat, erosion, flooding, water degradation, and other adverse effects from mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures. (See SMARA, Section 2733)
- i. **Surface Mining Operations.** All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging, and quarrying, or surface work incidental to an underground mine. Surface mining operations include:
 - (1) In place distillation, leaching, or retorting;
 - (2) The production and disposal of mining waste(s); and
 - (3) Prospecting and exploratory activities. (See SMARA, Section 2735)

Surface mining operations also include the creation of borrow pits, segregation, streambed skimming, and the stockpiling and recovery of mined materials (and recovery of same). (See State Regulations, Section 3501)

- 2. **Underground Mining.** Mining operations where minerals are extracted using shafts and/or tunnels.

Mixed Use Development, Residential Component. Dwellings associated with mixed use project.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Mobile Home Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, which is designed and equipped to contain not more than two dwelling units with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. For the purposes of this Development Code, a mobile home on a permanent foundation is considered a structure.

Mobile Home Park. An area or tract of land where two or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies. A mobile home park may include community rooms and recreation areas for use by residents only.

Modular Home. A dwelling unit constructed in whole or in part of prefabricated material or components to be assembled onsite and affixed to a permanent foundation, subject to the requirements of the Uniform

Building Code.

Monastery. A residential facility operated by a religious organization that provides permanent or long-term housing for members of the organization, with group facilities for dining.

Montecito Community Plan. That portion of the County located within the boundaries of the Montecito Community Plan area as shown on the Montecito Community Plan Land Use Map.

Montecito Planning Commission. The Santa Barbara County Montecito Planning Commission, referred to in this Development Code as the "Montecito Commission."

Mortuary, Funeral Home. Funeral homes and parlors, where deceased are prepared for burial or cremation, funeral services may be conducted, and cremation services (and a crematorium) may occur.

Motel. See "Lodging."

Motor vehicle. Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passengers, trucks, and recreational vehicles with motive power.

1. **Motor vehicle, inoperative.** A motor vehicle that is incapable of being immediately started and moved under its own power without any modifications or repairs or does not have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street.
2. **Motor vehicle, operative.** A motor vehicle that is able to be immediately started without any modifications or repairs and has a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street.

Museum. A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.

Music recording studio. A studio where audio materials are recorded.

N. Definitions, "N."

Natural Creek Channel. See "Creek Channel, Natural."

Noise Sensitive Use. Noise-sensitive land uses include:

1. Residential, including single and multifamily dwellings, mobile home parks, dormitories, and similar uses.
2. Transient lodging, including hotels, motels, and similar uses.
3. Hospitals, nursing homes, convalescent hospitals, and other facilities for long-term medical care.
4. Public or private educational facilities, libraries, churches, and places of public assembly.

Nonconforming Lot. A lot the area, dimensions or location of which was lawful prior to the effective date of this Development Code or any amendments, or previously adopted County Zoning Ordinances, and that does not conform to the present regulations of this Development Code.

Nonconforming Sign. An advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Development Code, but does not now completely comply with current regulations, provided that the applicable amortization period has not expired.

Nonconforming Structure. A structure that was lawful prior to the effective date of this Development Code or any amendments, or previously adopted County Zoning Ordinances, and that does not conform to the present regulations of this Development Code, including height, location, lot coverage or setbacks.

Nonconforming Use. A use of land or structure that was lawful prior to the effective date of this

Development Code or any amendment, or previously adopted County Ordinances, and that does not conform to the present regulations on use of this Development Code, including:

1. A land use established where the use is not identified as a permitted use by the zone applicable to the lot on which the use is located;
2. A land use that is identified as a permitted use by the zone applicable to the lot on which the use is located but is not allowable on the particular site because of planning area standards of a Community and Area Plan Overlay;
3. A land use that was lawfully established without the planning permit or other entitlement (e.g., Conditional Use Permit, Development Plan) now required by this Development Code;
4. A land use that is operated or conducted in a manner that does not now conform with the standards of this Development Code, including floor area ratios, minimum site area, limitations on use, or location criteria; or
5. A residential use that exceeds the number of dwelling units or bedrooms allowed on the lot by this Development Code.

Non-ionizing Electromagnetic Radiation. Electromagnetic radiation occurring primarily in the visible, infrared, and radio-frequency portions of the electromagnetic spectrum.

Notice to Property Owner. A notarized, legal document required by the County, to be completed and recorded against the property by the property owner as part of a permit approval process and/or in conjunction with correction of a zoning violation. The purpose of the notice is to document specific conditions and/or restrictions that apply to a particular property and its improvements.

O. Definitions, "O."

Office. This Development Code distinguishes between the following types of offices. These do not include medical offices (see "Medical Service - Clinic, Laboratory, Urgent Care," and "Medical Service - Doctor Office").

1. **Accessory.** Office facilities for administration, and/or onsite business and operations management, that are incidental and accessory to another business, sales, and/or service activity that is the primary use.
2. **Business/Service.** Establishments providing direct services to customers. Examples of these uses include bail bond services, elected official satellite offices, employment agencies, insurance agent offices, realtor offices, travel agencies, utility company offices, vehicle sales offices with no vehicles for sale onsite, etc. This use does not include "Bank, Financial Services," which is separately defined.
3. **Professional and Administrative.** Office-type facilities occupied by businesses that provide professional services and/or engaged in the production of intellectual property. Examples of these uses include:

accounting, auditing and bookkeeping services	financial management and investment counseling
advertising agencies	literary and talent agencies
answering services	management and public relations services
attorneys	media postproduction services
business associations, chambers of commerce	news services
commercial art and design services	photographers and photography studios
construction contractors (office facilities only)	political campaign headquarters
counseling services	psychologists
court reporting services	secretarial, stenographic, word processing, and temporary clerical employee services
detective agencies and similar services	security and commodity brokers
design services including architecture, engineering, landscape architecture, urban planning	writers and artists offices
educational, scientific and research organizations	

4. **Temporary.** A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary onsite real estate office for a development project; or a temporary business office in advance of permanent facility construction.
5. **Temporary Real Estate.** The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

Office-Supporting Retail. A retail store or branch bank that carries one or more types of merchandise that will typically be of frequent interest to and/or needed by the various businesses listed under the definition of "Office," and/or the employees of those businesses. Examples of these types of stores include:

branch banks	convenience store	office supplies, stationery store
book store	florists, flower stands	pharmacy, drug store
computer equipment stores	newsstands, newspapers and magazine stores	photographic supplies and camera store

One Ownership. The ownership or possession of property under a contract to purchase, or under a lease, in any manner whereby the property is under a single or unified control, including ownership of property by a person, firm, partnership, association, corporation, company, syndicate, estate, trust, or organization of any kind.

Open Space.

1. **Public Open Space.** Public open space includes public parks, recreational support facilities (e.g., restrooms, stairways, picnic tables), public parking lots, beaches, access corridors such as bike paths, hiking, or equestrian trails, usable natural areas, and vista points that are accessible to members of the general public. Environmentally sensitive habitat areas and archaeological sites may be included in public open space. Water bodies such as streams, ponds, and lakes may be included in public open space only if available for active recreational purposes (e.g., swimming, boating, fishing) but in no case shall water bodies be credited for more than five percent of the total public open space requirement. Public open space shall not include areas which are unusable for recreational purposes (e.g., private or public streets, private parking lots, hazardous areas such as steep slopes and bluff faces).
2. **Common Open Space.** Common open space includes recreational areas and facilities for the use of the residents or guests of a development. These areas and facilities include tennis courts, swimming pools, playgrounds, community gardens, landscaped areas for common use, or other open areas of the site needed for the protection of the habitat, archaeological, scenic, or other resources. Water bodies may be included but shall not be credited for more than five percent of the total common open space requirement. Common open space shall not include driveways, public or private streets, parking lots, private patios and yards, other developed areas or hard surfaced walkways.
3. **Private Open Space.** Private open space includes patios, decks, and yards for the private use of the residents of individual dwelling units.

Organizational House. A residential lodging facility operated by a membership organization for its members and not open to the general public. Includes fraternity and sorority houses, student dormitories, convents, monasteries, and religious residential retreats.

Owner. The record owner or any person having possession and control of the subject property.

P. Definitions, "P."

Parcel. See "Lot."

Park, Playground. An area of land set aside for private or public use, maintained for recreational and ornamental purposes.

Parking Lot. An off-street area, usually surfaced and improved, for the temporary storage of five or more vehicles.

Parking Space. A space designed and reserved for the parking of vehicles, including all necessary maneuvering space, as provided elsewhere in this Development Code.

Peak Parking Period. The two hour period within seven consecutive days with the highest calculated parking demand for a single site.

Parking, Tandem. The arrangement of not more than two parking spaces in depth, wherein one space is located directly in front of another space, such that it is necessary to pass through one space in order to enter or leave the other space, see Figure 10-1 (Tandem Parking).

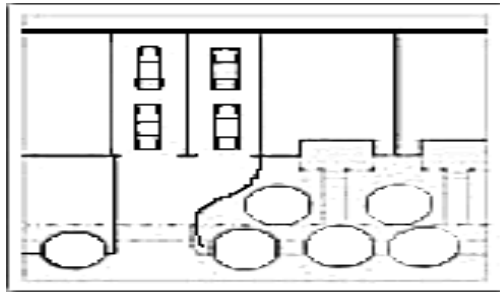


Figure 10-1 - Tandem Parking

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

Perimeter Lighting. A subdued method of illuminating a sign without illuminating the area outside of the sign, see Figure 10-2 (Perimeter Lighting).

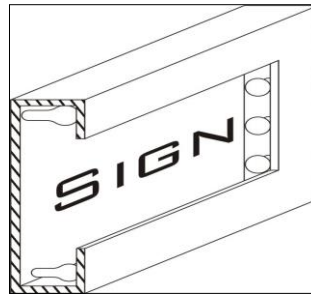


Figure 10-2 - Perimeter Lighting

Person. An individual, organization, partnership, or other business association, corporation, or entity, including any utility, and any federal, state, local government, or special district or any agency thereof.

Personal Services. Establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

barber and beauty shops	massage (licensed, therapeutic)
clothing rental	pet grooming with no boarding
dry cleaning pick-up stores, not exceeding 2,000 sf	shoe repair shops
home electronics and small appliance repair	tailors
laundromats (self-service laundries)	tanning salons
locksmiths	

These uses may also include accessory retail sales of products related to the services provided.

Planning and Development Department. The Santa Barbara County Planning and Development Department referred to in this Development Code as the "Department."

Planning Permit. A generic term which means any permit or other entitlement authorized by this

Development Code including the following: ~~Coastal Development Permit~~, Conditional Use Permit, Development Plan, Land Use Permit, Modification, Sign Certificate of Conformance, Variance.

Premises. The area of land in one ownership surrounding a house or building.

Prime Agricultural Lands. Prime agricultural lands include any of the following.

1. All land that qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classifications.
2. Land that qualifies for rating 80 through 100 in the Storie Index Rating.
3. Land that supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.
4. Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200 per acre.
5. Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$200 per acre for three of the previous five years.

Principal Dwelling. A detached dwelling that is the principal residential use of the lot.

Principal Structure. A structure in which the principal use of its lot is conducted. In any residential or agricultural zone a dwelling shall be deemed to be the principal structure on the lot on which it is situated.

Private Home. A dwelling, including an apartment or other leased space, where individuals reside.

Private Residential Recreation Facility. A privately-owned, non-commercial recreation facility provided for residential project or neighborhood residents, including outdoor facilities such as swimming pools, swim and tennis clubs, park and sport court facilities, and indoor facilities (e.g., recreation rooms). Does not include golf courses and country clubs, which are separately defined.

Private Services.

1. All production, storage, transmission, treatment and recovery facilities for water, sewerage, energy and other similar utilities and facilities owned or operated by any business organization, person or private entity.
2. All private transportation facilities, including streets, roads and other related facilities.

Project. Any activity governed to any extent by this Development Code that involves the issuance, by one or more agencies governed by the Board, of a permit, license, certificate, or other entitlement for use. The term "project" generally refers to the whole of an activity that may be subject to more than one entitlement for use issued by one or more public agencies. However, the term "project" may refer to any specific action or activity which is part of a larger undertaking, depending upon the context in which the term "project" may be specifically used in this Development Code. See also Public Resources Code Section 21065(c); and Government Code Section 65931.

Public Property. Property owned by the government.

Public Safety Facility. A facility that houses public safety personnel and equipment, (e.g., police, fire, paramedics). Facility may include kitchens, sleeping accommodations, areas for equipment maintenance.

Public Works and Utilities. Public works and utilities include all of the following:

1. Production, storage, transmission, treatment and recovery facilities for water, sewerage, energy, telephone, and other similar utilities and facilities owned or operated by any public agency or by any utility that is subject to the jurisdiction of the Public Utilities Commission.

2. Operating bases and service centers for public utilities, including facilities from which maintenance and repair services are dispatched to utility service lines and other facilities operated by the public works or public utility, including equipment and materials storage. Also includes facilities serving as junction points for transferring a utility commodity from a regional transmission system to a local distribution system, including facilities for natural gas distribution.
3. Any of the following facilities that are not exempted from planning permit requirements by Government Code Section 53091, except electrical substations, which are separately defined, and : office or customer service centers (classified in "Offices").

corporation and maintenance yards	telephone switching facilities
natural gas regulating and distribution facilities	wastewater treatment plants, settling ponds
public water system wells, treatment plants and storage	and disposal field

4. Publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
5. ~~Community college facilities within the Coastal Zone.~~

Public Works or Private Service Facility. A base facility from which maintenance and repair services are dispatched to utility service lines and other facilities operated by the public works or private service entity. Includes equipment and materials storage, and "corporation" yards.

Public Works, Transportation Related. All public transportation facilities, including streets, roads, highways, bridges, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, trolley wires, and other related facilities financed and owned by the government.

Q. Definitions, "Q." No specialized terms beginning with the letter "Q" are defined at this time.

R. Definitions, "R."

Railroad. A permanent road that has a line of rails, fixed to ties and laid on a roadbed, for the purpose of providing a track for cars and equipment moved by locomotives or propelled by self-contained motors. The general categories of lines include.

1. **Main Line.** A main line provides for the long-distance intercity and interstate movement of trains.
2. **Branch Line.** A branch line generally connects cities, military bases, and commercial/industrial areas to the mainline.
3. **Spur Line.** A spur line connects specific entities, such as a factory, refinery, warehouse, or lumber yard to the branch line or main line.
4. **Siding or Turn-out.** A section of railroad track used to allow the safe passage of trains, switching or rail cars, or parking of trains.

Railroads may include bridges, underpasses, overpasses, tunnels, signals and other accessory facilities and structures that are attendant to road facilities.

Reasonable Accommodation. Providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.

Recreational Vehicle. A motor home, travel trailer, camper or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy where the living area is restricted to less than 220 square feet excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath and toilet rooms. Recreation vehicle shall also include trailer-borne boats.

Recreational Vehicle Accommodations. Any facilities intended to accommodate recreational vehicles, including parking spaces, septic disposal, water, electrical, propane, and liquefied petroleum gas.

Recycling Facility. A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.

1. **Small Collection Center.** A center where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable zone:
 - a. Reverse vending machines;
 - b. Small collection facilities which occupy an area of 350 square feet or less and may include a mobile unit;
2. **Specialized Materials Collection Center.** A center that provides for the collection of non-ferrous metals, high-temperature alloys, exotic and precious metals, and other similar materials, in addition to household recyclable materials.

Registered or Permitted Area. The portion of a private home that contains the private home's kitchen used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, and attached rooms within the home that are used exclusively for storage.

Religious Institution. Religious institutions include, churches, mosques, synagogues, etc., and functionally related facilities such as kitchens, multi-purpose rooms, and storage.

Request for Reasonable Accommodation. A request to modify zoning regulations or procedures in order to give individuals with disabilities an equal opportunity to use and enjoy a dwelling.

Reservoir. A natural or artificial pond or lake used for the storage and regulation of water.

Residence Hall. A boarding house or lodging house, or combination thereof, used primarily for the purpose of providing facilities for student housing, but excluding fraternity or sorority house.

Residential Second Unit. See "Accessory Dwelling Unit."

Residential Structure. A structure containing one or more dwelling units, except for a mixed use building.

Resort. See "Lodging - Resort Hotel."

Restaurant, Café, Coffee Shop. A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption ("counter service"); and establishments where customers are served food at their tables for on-premise consumption ("table service"), that may also provide food for take-out. Either may include indoor and outdoor eating areas.

Restroom. A room that may contain a toilet and washbasin but shall specifically exclude any type of bathing facilities.

Retreat. A building or group of buildings with appurtenant land and structures used for the purpose of providing facilities for groups assembled for discussion, study, and recreation. ~~See Section 35.442.170 (Rural Recreation).~~

Review Authority. The individual or official County body (Montecito Board of Architectural Review, the Planning Director, Montecito Planning Commission, or Board of Supervisors) identified by this Development Code as having the responsibility and authority to review, and approve or disapprove the permit applications described in [Division 35.7](#) (Montecito Planning Permit Procedures).

Right-of-Way Line. The recorded boundary of a public or private street or the existing or planned boundary of a public street as indicated in the Comprehensive Plan.

Riparian Vegetation. Vegetation normally found along the banks and beds of streams, creeks, and rivers.

Road. See "Street." The following terms as they are used in [Chapter 35.460 \(Road Naming and Address](#)

Numbering) shall be defined as follows:

1. **Road, continuous.** Two or more road segments within sight of one another at an intersection with its centerlines offset by less than 100 feet or with an interior angle of intersection greater than 110 degrees.
2. **Road, private.** A street which is not a public road and does not meet the definition of a driveway.
3. **Road, public.** All existing Federal, State, and County public roads and all public streets acquired in the future where the area within the right-of-way is held either in fee or as an easement by Federal, State, or County government.
4. **Road segment.** A linear section of road being added to the address numbering system, or a section that stands as a separate or non-continuous road.

Rodeos. A public or private competition or exhibition in which skills such as riding and roping are displayed.

Rooming House. See "Lodging."

Rural Area. An area shown on the Comprehensive Plan maps.

Rural Recreation. Low intensity recreational uses including campgrounds with minimum facilities (not including accommodations for recreational vehicles), hunting clubs, retreats, and summer camps.

S. Definitions, "S."

Sanitarium. A health retreat, boarding house, hospice or other place for the treatment of disease or care of invalids.

School. A public or private academic educational institution, examples include:

boarding school	high school
community college, college, or university	military academy
elementary, middle, and junior high schools	

Sea. The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

Sea Wall. Structures, sand or other materials placed adjacent to the sea to reduce or eliminate upland damage from wave action or flooding during storms.

Secondary Use. A land use subordinate or accessory to a principal land use.

Seismic Retrofit. An alteration to the structural elements of a structure for the purposes of resisting earthquake forces.

Service Station. A retail business supplying goods and services generally required in the normal operation and maintenance of automotive vehicles and to the fulfilling of motorists needs. These include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories and replacement items, washing and lubrication services, the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products. Major motor repairs, painting and body and fender work and mechanical car wash are excluded. Incidental products and services may include non-auto related items such as refreshments provided the floor area devoted to these items is no greater than 100 square feet.

Setback. The minimum required distance that a structure must be located away from any property line of the lot on which it is located or street center line or right-of-way line or easement boundary, to provide an open yard area which is unoccupied and unobstructed from the ground upward except as specifically allowed for in this Development Code.

Setback, Front. An open yard area extending across the front of a lot between the side lot lines, the depth

of which is the required minimum setback distance as measured perpendicularly between the front lot line and a line parallel thereto on the lot.

1. **Primary Front.** On a corner lot less than 100 feet in width, the primary front setback is the setback which is adjacent to the front line of the lot.
2. **Secondary Front.** On a corner lot less than 100 feet in width, the secondary front setback is the front setback which is not the primary front.

Setback, Rear. An open yard area located opposite the front line and extending across the rear of the lot between the side lot lines, the depth of which is the required minimum setback distance as measured perpendicularly between the rear lot line and a line parallel thereto on the lot.

Setback, Side. An open yard area extending between the front setback and the rear setback, the width of which is the required minimum setback distance as measured perpendicularly between the side lot lines and a line parallel thereto on the lot.

Sewage Treatment Facilities - Central Plant. Central plant facilities for sewage treatment, including wastewater treatment plants, wastewater package plants, reclamation facilities and other similar facilities, proposed to serve 200 or more connections.

Shade Structure. A structure consisting of a frame with no permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring, etc.) and a dark, permeable, removable covering (e.g. netting) used to shade plants grown in the soil or in containers upon the soil.

Shopping Center. A retail commercial center, or group of retail commercial enterprises, planned, developed, managed, and maintained as a unit; with common off-street parking provided to serve all uses on the property.

Short-Term Rental. See "Lodging."

Sign. A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to otherwise provide information, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. Types of signs include the following:

1. **A-Board Sign.** A portable "a-frame" or "sandwich board" sign, see Figure 10-3 - A-Board Sign, below.

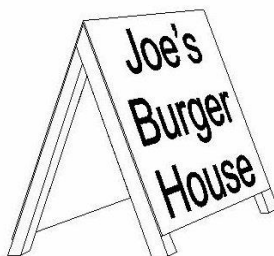


Figure 10-3 - A-Board Sign

2. **Abandoned Sign.** A sign that no longer advertises a business, lessor, owner, product, service or activity on the premises where the sign is displayed.
3. **Animated or Moving Sign.** A sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
4. **Arcade Sign.** A sign located on the exterior of the arcade facing the street which does not extend above or below the arcade structure.
5. **Awning Sign.** A sign copy or logo attached to or painted on an awning.
6. **Banner, Flag, or Pennant.** Cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to a structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of California, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized non-commercial organizations.
7. **Bench Sign.** Copy painted on a portion of a bench.
8. **Business Sign or Structure.** Any sign or structure designed, intended or used for advertising the particular business, product or service located or sold on the same premises as that on which the sign or structure is located.
9. **Cabinet (Can) Sign.** A sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet that contains the lighting fixtures which illuminate the sign face from behind.
10. **Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.
11. **Combination Farm Sign.** A sign used for the purpose of identifying the owner or operator of a farm and the product produced on the farm, which sign may also incidentally identify the contract buyer of the product (e.g., Calavo).
12. **Construction Sign.** A temporary sign placed at a construction site that provides information regarding the project architect, owner, contractors, etc.
13. **Directional and Informational Sign.** A sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project site.
14. **Directory Sign.** A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.
15. **Double-Faced Sign.** A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes located within 24 inches of each other.
16. **Educational Sign.** A sign located in a public park and along trails and walkways that provides facts and information about the natural environment (e.g., names and origins of plants; names of animals and descriptions of their habitat and behavior; names and characteristics of geological features).
17. **Electronic Reader Board Sign.** A sign with a fixed or changing display composed of a series of lights, but not including time and temperature displays.
18. **Farm Organization Sign.** A sign used only for the purpose of indicating membership in a farm organization, such as Cattlemen's Association, 4-H Club, Farm Bureau.
19. **Flashing Sign.** An animated sign that contains an intermittent or sequential flashing light source.
20. **Freestanding Sign.** A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign. Includes monument signs and pole signs and the following:

- a. **Entrance/Exit Sign.** A sign containing only the words "entrance" or "exit."
 - b. **Gate or Entrance Sign.** A sign attached to an entrance gate or entrance structure to a residential building site or residential subdivision which identifies the site or subdivision.
 - c. **Identification Sign.** A sign used only for the purpose of identifying the occupancy of a building, structure, or property.
 - d. **Monument Sign.** An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.
21. **Indirectly Illuminated Sign.** A sign whose light source is external to the sign and which casts its light onto the sign from a distance; or where the light source is behind an opaque sign element and causes the opaque element to be outlined by light reflected from the surface to which the sign is mounted.
22. **Institutional Sign.** A sign used only for the purpose of identifying an established organization or foundation, typically of a public character (e.g., school, hospital, museum, lodge).
23. **Internally Illuminated Sign.** A sign whose light source is located in the interior of the sign so that light passes through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.
24. **Marquee (Canopy) Sign.** A sign attached to or constructed in a marquee.
25. **Menu Board Sign.** A sign that is either affixed to a wall or freestanding, which may be illuminated, which indicates information that is essential for the efficient intake of orders from customers of a drive-through restaurant.
26. **Multi-Tenant Sign.** See "Directory Sign."
27. **Multiple Copy Sign.** A sign which advertises other than the name of the business and principal product or service, see Figure 10-34 (Multiple Copy Sign), below.

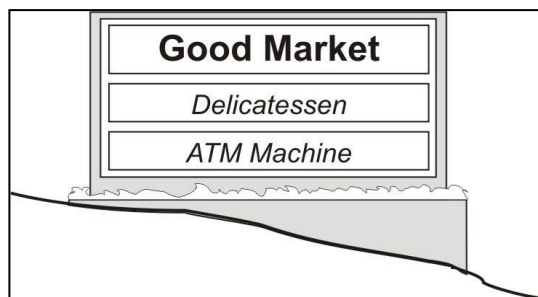


Figure 10-34 - Multiple Copy Sign

28. **Onsite Sign.** A sign containing copy relating only to the business, product, service, or activity conducted or sold on the same premises as that on which the sign is located. Sometimes also known as "business sign."
29. **Permanent Sign.** A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.
30. **Political or Social Issue Sign.** A sign that addresses:
- a. The passage or defeat of a measure appearing on the ballot in any national, state, or local election;
 - b. The election or defeat of any candidate for any public office in any national, state, or local election; or
 - c. An international, national, state, or local political or social issue.

31. **Pole/Pylon Sign.** An elevated freestanding sign typically supported by one or two poles or columns.
32. **Portable Sign.** A sign that is not permanently affixed to a structure or the ground.
33. **Projecting Sign.** A sign mounted on the façade or vertical surface of a structure in such a manner that all of the display surfaces are not parallel to the supporting surface.
34. **Real Estate Sign.** A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.
35. **Roof Sign.** A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof. Signs mounted on parapet walls are not considered roof signs. Signs which are on pylons or other architectural projections and extend more than six inches above a roof or parapet wall are, for the purpose of this Development Code, roof signs.
36. **Safety Sign.** A sign warning of hazards.
37. **Security Sign.** A sign used for the purpose of indicating the presence of security devices, use of surveillance cameras for security purposes, or electronic warning systems.
38. **Subdivision Directional Sign.** A sign that provides directions to a new subdivision with onsite model homes and/or sales office, where lots and/or housing units are, or will be for sale.
39. **Temporary Sign.** A temporary sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.
40. **Time and Temperature Sign.** See “Changeable Copy Sign.”
41. **Trail Marker Sign.** A sign designed and intended to mark a public trail/path system used by equestrians, pedestrians, and cyclists using nonmotorized vehicles.
42. **Under Canopy Sign.** A sign attached to the underside of a canopy.
43. **Vehicle Sign.** A sign which is attached to or painted on a vehicle which is parked onsite or off-site, the principal purpose of which is to attract attention to a product sold or business.
44. **Wall Sign.** A sign affixed in any manner to any exterior wall of a building and which is parallel to and projects not more than 18 inches from the building wall and which does not extend more than six inches above the parapet wall or roof of the building on which it is located. Signs which are on architectural projections which do not extend more than six inches above the roof or parapet wall of the building are, for the purpose of this Development Code, wall signs.
45. **Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within three feet of the window.

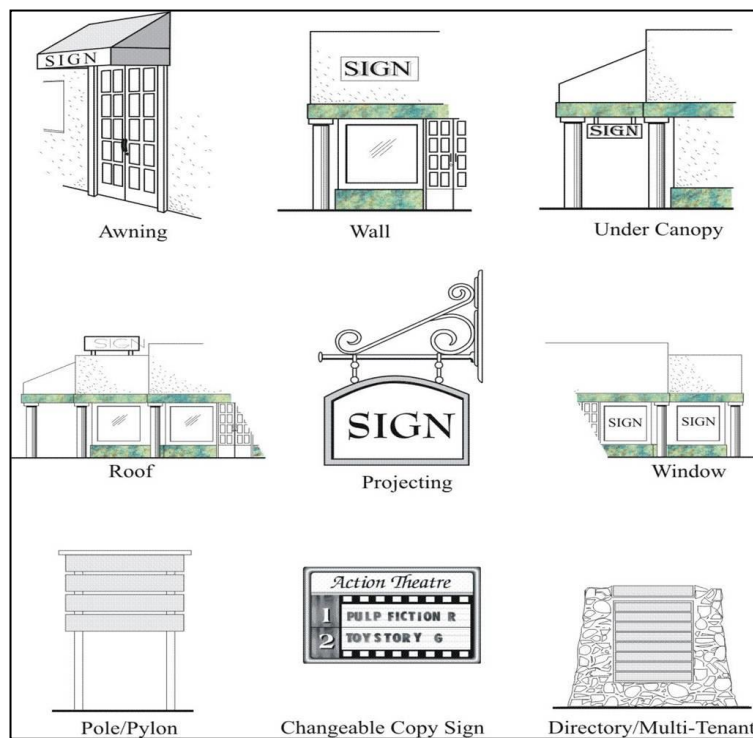


Figure 10-45 - Sign Examples

Sign Structure. A structure that supports or is capable of supporting any sign as defined in this Development Code.

Single Room Occupancy. A multi-unit residential use where occupants share common kitchen and bathroom facilities.

Site. A lot or adjoining lots, considered a unit for the purposes of development or other use.

Solar Energy System. Solar energy system means either (a) any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating, or (b) any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating. Additionally, the following terms and phrases are defined for the purposes of permitting solar energy systems:

1. Feasible method to satisfactorily mitigate or avoid the specific adverse impact. A "feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes any cost-effective method, condition, or mitigation imposed by the County on another similarly situated application in a prior successful application for a permit. The County shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.
2. Specific, adverse impact. A "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

~~**Small Wind Energy System.** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity of not more than 50 kilowatts per customer site, consistent with the requirements of paragraph (3) of subdivision (b) of Section 25744 of the Public Resources Code, and that will be used primarily to reduce onsite consumption of utility power. Additionally, the following terms and phrases are defined for the purposes of Chapter 35.446 (Wind~~

~~Energy Conversions Systems). This and the following definitions shall remain in effect only until January 1, 2017, and are repealed as of that date, unless Article 2.11 (Wind Energy) of Chapter 4 of Division 1 of Title 7 of the Government Code (Section 65893 *et seq.*) is extended by statute enacted by the State of California prior to January 1, 2017.~~

- ~~1. **Energy Commission.** The State Energy Resources Conservation and Development Commission.~~
- ~~2. **Onsite.** The premises upon which the small wind energy system and its associated structure(s) are located and the location upon which the generated electrical power is primarily used.~~
- ~~3. **Primarily.** Greater than 50 percent.~~
- ~~4. **System Height.** The higher of either the height of the tower and the system measured to the top of the blade at the highest point of the system extended above the existing grade when being operated.~~
- ~~5. **Tower.** The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted as part of a small wind energy system.~~
- ~~6. **Tower Height.** The height above grade of the fixed portion of the tower, excluding the wind turbine.~~
- ~~7. **Urbanized Area.** As defined in paragraph (2) of subdivision (d) of Government Code Section 65944.~~

Spa. A business establishment with equipment and facilities for exercising and personal care treatments including depilation, facials, massages, pedicures.

Spa, Natural. Unique natural mineral springs at or in the immediate vicinity of their source as designated on the Comprehensive Plan, when developed for therapeutic use as mineral baths. A spa may include day use accommodations and food service as accessory to the therapeutic use.

Special Care Home. A residential home providing 24-hour non-medical care and supervision that is eligible for a license for a capacity of seven or more clients from the State Department of Social Services, Community Care Licensing Division or a licensing agency authorized by the Department as a "Group Home-Children," "Supportive Housing," "Transitional Housing, including substance abuse recovery," "Adult Residential Home," "Residential Care Facility for the Elderly or Handicapped," or "Foster Home."

Special District. A public agency other than a city or county, formed in compliance with general law or special act for the local performance of governmental or proprietary functions within limited boundaries. Includes a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting the area.

Special Problems Area. An area designated by the Board of Supervisors in compliance in compliance with Article XV (Special Problems Areas) of Chapter 10 (Building Regulations) of the Santa Barbara County Code as having severe constraints to development that include access, drainage and wastewater disposal.

Sports and Outdoor Recreation Facility. Public and private facilities for various outdoor sports and other types of recreation, were the facilities are oriented more toward participants than spectators. Examples include:

athletic/sport fields (e.g., baseball, football, polo, softball, soccer)	swimming pools
health and athletic club outdoor facilities	tennis and other sport courts (e.g., handball, squash)
skateboard parks	

Sports and Outdoor Recreation Facility, Accessory. A sports and outdoor recreation facility accessory to the principle use.

Sports Court. A structure which consists of a hardscape or other surface having a minimum size of 20 feet by 50 feet that is utilized in connection with a flat game court structure devoted to recreational

purposes including basketball, handball, tennis, and volleyball but excluding bocce ball courts, lawn bowling courts and similar facilities, patios, and areas used for driveways or parking of vehicles.

Stable, Private. An accessory building in which horses are kept for private use and not for remuneration, hire or sale.

Stable, Public. An accessory building in which horses are kept for commercial use including riding, training, boarding, hire, and sale. See also "Equestrian Facility."

State. The State of California.

Stock Cooperative. A corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock or membership certificate in the corporation held by the persons having such right of occupancy. The term "stock cooperative" does not include a limited-equity housing cooperative, as defined in this Chapter.

Storage - Accessory. The indoor storage of materials accessory and incidental to a principal use is not considered a land use separate from the principal use.

Storage - Outdoor. The storage of various materials outside of a structure either as an accessory or principal use.

Story. The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above.

~~**Stream.** Within the Coastal Zone, watercourses, including major and minor streams, drainage ways and small lakes, ponds and marshy areas through which streams pass. Coastal wetlands are not included.~~

~~1. **Major Stream.** A stream with a drainage area in excess of 500 acres.~~

~~2. **Minor Stream.** A stream with a drainage area of 500 acres or less.~~

~~3. **Stream Corridor.** A stream and its minimum prescribed buffer strip.~~

Street. A permanently reserved, public or private right-of-way, not including alleys or driveways, that provides the public a principal means of vehicular access to abutting or adjacent property. The service or frontage road of a freeway or limited access highway shall be considered as a street separate from the freeway or highway.

Street Frontage. The portion of a property abutting a public or private street, except that when this term is used in [Chapter 35.438 \(Sign Standards\)](#) it shall mean the portion of a property that abuts an improved street or streets open to public use to which the property has access.

Structural Alteration. A change in the supporting members of a structure, including bearing walls, column beams, girders, or trusses, or in the dimensions, support members, or configuration of the roof.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground, excluding trailers and, ~~within the Inland area,~~ sidewalks. ~~Within the Coastal Zone this definition includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.~~

Structure Separation. The distance between structures on the same building site.

Studio - Art, Dance, Martial Arts, Music, etc. Small scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment.

Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists. Does not include artist studios that are accessory to a residential use.

Studio Dwelling Unit. A dwelling unit that does not contain a bedroom and which is located within a two-family dwelling or a multiple dwelling.

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized Santa Barbara County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes the following, as defined in Civil Code Section 1715: a condominium project; a community apartment project; or the conversion of five or more existing dwelling units to a stock cooperative.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (See Government Code Section 65582(g))

T. Definitions, "T."

Target Population. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. (See Government Code Section 65582(i))

Telecommunications Facility. A facility that transmits or receives electromagnetic signals for communication purposes including data transfer. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; equipment buildings; parking areas; and other accessory development. It does not include facilities staffed with other than occasional maintenance and installation personnel or broadcast studios. Additionally, the following terms and phrases are defined for the purposes of [Chapter 35.444 \(Telecommunications Facilities\)](#).

1. **Antenna.** Any system of wires, poles, rods, horizontal or vertical elements, panel, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves.
2. **Antenna Envelope.** The three-dimensional cylinder shaped space that is occupied by antennas and the support structure on which the antennas are mounted. This area/space is measured from the portion of the antenna located furthest from the support structure.
3. **Antenna Support Structure.** A pole, utility pole, monopole tower, lattice tower, guyed tower, telescoping mast, tower tripod, or other similar structure utilized for the purpose of supporting an antenna used for the transmission and reception of electromagnetic waves.
4. **Base Station.** A structure or equipment at a fixed location that enables Federal Communication Commission-licensed or authorized wireless communications between user equipment and a communications network, which does not encompass a tower or any equipment associated with a tower, and as further defined by 47 C.F.R. Section 1.6100(b)(1), as amended.
5. **Collocated Telecommunications Facility.** A telecommunication facility composed of one or more antennas mounted to an existing tower or other structure.
56. **Collocated Telecommunications Site.** Any site where more than one antenna support structure is installed in close proximity to one another on one lot.
67. **Commercial.** A telecommunications facility that is operated primarily for or accessory to a

business purpose.

- 78. Height.** The height of a telecommunication tower shall be measured from the natural, undisturbed ground surface below the center of the base of said tower to the top of the tower itself, or, if higher, the uppermost point of the highest antenna or piece of equipment attached thereto. In the case of an antenna or antenna support structure mounted on a building or structure, the height of the antenna or antenna support structure includes the height of the portion of the building that it is mounted on.
- 89. Hub Site.** A supplemental equipment site that is void of transceiving antennas operated as an accessory to a wireless telecommunications facility. Equipment may include cabinets, switchboards, computer servers, batteries, utility racks, air conditioning units, and emergency back-up generators including fuel storage.
- 910. Lattice Tower.** A multiple sided open metal frame support structure which supports antennas and related equipment.
- 1011. Mobile Telecommunications Temporary Facility.** A facility that transmits or receives electromagnetic signals for communication purposes including data transfer function that would operate for a limited duration (determined on a case by case basis) and is wholly contained within and/or on a mobile non-permanent vehicle (e.g. trailer, van, or truck). Facility equipment including poles, masts, antennas, computer servers, batteries, generators or similar equipment must be mounted on the vehicle, or located inside.
- 1112. Monopole.** A single pole support structure, constructed without guy wires and ground anchors, used to support communication antennas and connecting appurtenances.
- 1213. Multiple User.** A telecommunications facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity.
- 1314. Non-commercial.** A telecommunication facility that is operated solely for a non-business purpose.
- 1415. Ridgeline.** When used within [Section 35.444.010 \(Commercial Telecommunication Facilities\)](#), ridgeline shall mean a visually prominent, relatively narrow strip or crest of land, which includes the highest points of elevation within a watershed, that separates one drainage basin from another.
- 1516. Substantially Visible.** A facility is considered to be substantially visible if any portion of the facility stands out as a conspicuous feature of the landscape or breaks the skyline when viewed with the naked eye.
- 1617. Tenant Improvement.** A wireless telecommunication facility where the general public does not have access to the facility and the transmission facility and the associated antennas are (1) entirely enclosed within an existing building or (2) located on the roof of an existing structure, or (3) the antennas are located on the exterior wall of a structure. Tenant improvements do not include antennas that are mounted on utility poles or similar structures.
- 1718. Tower.** A mast, pole, monopole, guyed tower, freestanding tower, or other structure designed and primarily used to support one or more antennas.
- 1819. Utility Pole Existing.** A pole or similar structure owned by a public body or utility that provides support for electrical, telegraph, telephone or television cables, and is in place at the time that an application is submitted to attach telecommunications equipment thereto. A new utility pole that replaces an existing utility pole is also considered to be existing provided the height and width of the replacement pole are substantially the same as the pole it replaces.
- 1920. Vault.** A subterranean room allowing placement and storage of facility support equipment underground. Components of the vault may also include a ventilation system, drainage system, utility meters and personnel access such as a door, hatch, manhole or cover.
- 2021. Wireless Telecommunication Facility.** A commercial facility that transmits and/or receives radio communication signals through the air for cellular, personal communication services, pagers, and/or

similar services. The facility may include: antennas, radio transmitters, equipment shelter or cabinet, air vents, antenna support structure, air conditioning units, fire suppression systems, and emergency back-up generators including fuel storage.

Temporary Guest. Non-paying guests occupying the premises for not more than 120 days in any 12-month period.

Temporary Use.

1. ~~**Coastal Zone.** Temporary use within the Coastal Zone is defined as (1) an activity or use that constitutes development as defined by this Development Code but which is an activity or function which is or will be of limited duration (does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis) and involves the placement of non permanent structures and/or exclusive use of public spaces, including: sandy beach, parkland, filled tidelands, water, streets or parking areas, which are otherwise open and available for general public use; or (2) An activity as defined in (1) above that involves any commercial component such as: admission fee, renting of facility, charging for valet parking or shuttle service and/or public advertising.~~
2. **Inland Area.** Temporary use within the Inland area is defined as ~~t~~**The use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Examples of temporary uses include: art shows, car washes, charitable functions, seasonal sales lots.**

Theater. An indoor or outdoor facility for spectator group entertainment, other than sporting events. Examples of these facilities include civic theaters, and facilities for "live" theater and concerts and performing arts centers. Does not include movie theaters. Does not include drive-in theaters.

Trail. A marked or beaten path, as through woods or wilderness.

Trailer. A vehicle with or without motor power which is designed or used for hauling materials or vehicles, or for human habitation, office, or storage including camper, recreational vehicle, travel trailer and mobile home but not including mobile homes on a permanent foundation.

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.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. (See Government Code Section 65582(j))

Transit Station or Terminal. A passenger station for vehicular, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

U. Definitions, "U."

Under Construction. The placing of construction materials in permanent position and fastened in a permanent manner.

Urban Area. An area shown on the Comprehensive Plan maps within which is permitted the development of residential, commercial, and industrial activities, and their related uses and structures.

Urbanization. Any commercial, industrial, or residential structure on lots of less than five acres in size, or the creation by land divisions of lots of less than five acres in size.

~~**Utility Connection to Approved Development.** Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has been issued a Coastal Development Permit.~~

Utility Infrastructure. Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices - Business and Service"), or distribution substations (see "Utility Facility").

Utility Service Line. A line providing electricity, gas, television, and other similar utilities.

V. Definitions, "V."

Vehicle. A device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

Vehicle Service, Minor Maintenance/Repair. Minor facilities providing repair and maintenance services. Examples include: attended and self-service car washes; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping). Does not include automobile parking, repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales and Rental," and "Mobile Home, RV, and Boat Sales and Rental"); gas stations, which are separately defined; or dismantling yards.

Vision Clearance Area. A triangular space at the street or highway corner of a corner lot wherein the height of plantings, fences, walls, and other structures is restricted by [Subsection 35.430.090.I](#) (Vision clearance).

Visitor-Serving Commercial. Retail and service uses not otherwise listed as allowable in a specific zone, that are oriented to the needs of tourists and the traveling public, including barber and beauty shops, gift and souvenir shops, recreational clothing stores, recreational equipment rental (e.g., beach and swimming equipment) and restaurants.

W. Definitions, "W."

Wastewater Treatment Facility. A system that that treats, stabilizes, stores and disposes into the soil sewage generated from more than one lot.

Wastewater Treatment System. A system, not connected to a wastewater treatment facility, that treats, stabilizes, stores and disposes into the soil sewage generated onsite. The following terms are defined for purposes of permitting and regulating wastewater treatment systems; see Article 1 (Onsite Wastewater Treatment Systems) of Chapter 18C (Environmental Health Services) for additional definitions regarding wastewater treatment systems:

1. **Alternative Wastewater Treatment System.** An onsite wastewater dispersal field that consists of components other than a conventional or supplemental treatment system. Examples include "mound", "evapotranspiration", and "at grade" systems.
2. **Conventional Onsite Wastewater Treatment System.** An onsite wastewater treatment system composed of a septic tank and a dispersal field that uses leach lines, a leaching bed or seepage pits, a shallow drip or pressurized drain field and does not include alternative onsite wastewater treatment systems.
3. **Drywell.** An excavation, typically cylindrical in shape and filled with rock, constructed for the purpose of disposing of sewage effluent from a septic tank or treatment tank.
4. **Maintenance.** Work related to the upkeep of a wastewater treatment system. Examples include any installation, repair or replacement of septic tank baffles, risers, tees, ells, tops, access port lids, pumps and blowers.

5. **Modification.** The replacement or enlargement of any component of an onsite wastewater treatment system, not defined as maintenance or repair in this Development Code, which results in a change in flow, capacity or design of the system.
6. **Onsite Wastewater Treatment System.** A system composed of a septic tank and a dispersal field and related equipment and appurtenances. Onsite wastewater treatment systems are also referred to as septic systems, onsite sewage disposal systems, individual sewage disposal systems or private sewage disposal systems and may include alternative and supplemental treatment systems.
7. **Performance Test.** A test conducted to determine the absorptive capacity of a seepage pit by measuring the maximum rate of water absorption after initial presaturation usually expressed as gallons per day.
8. **Repair.** The restoration, replacement, or alteration of any malfunctioning or damaged component of an onsite wastewater treatment system except those defined in this Development Code as maintenance. The alteration of a hollow seepage pit to a rock filled seepage pit for the purposes of this article shall be considered a repair.
9. **Septic Tank.** A water tight, compartmentalized, covered receptacle designed and constructed to: receive the discharge of sewage; separate the solids from the liquid; digest organic matter; store digested solids for a period of retention; and allow the resultant effluent to discharge from the tank to the dispersal field.
10. **Sewage.** Any and all waste substance, liquid or solid, associated with human habitation, or which contains or may contain human or animal excreta or excrement, offal or any feculent matter. Industrial wastewater shall not be considered as sewage.
11. **Supplemental Wastewater Treatment System.** An onsite wastewater treatment system that utilizes engineered designs and/or technology to treat effluent to reduce one or more constituents of concern in wastewater. It may also be referred to as an Advanced Treatment System or Enhanced Treatment System. Examples include sand filters, textile filters and aerobic treatment units but do not include composting or incinerating toilets.

Water Diversion Project. The diversion of water from a natural channel to another location through alteration of the natural channel and/or artificial structures.

Water System. A system for the extraction and provision of water utilizing a well or wells and including any collection, treatment, storage and distribution facilities.

Water Supply, Treatment, Storage Facilities - Central Plant. Central plant facilities for domestic, commercial, industrial or recreational water production, including onsite water wells, water systems, water treatment plants, water package plants and other similar facilities proposed to serve 200 or more connections.

Wetbar. An area of a room that may include cabinets, counters, refrigeration units and sinks but no cooking facilities, as restricted by [Chapter 35.442 \(Standards for Specific Land Uses\)](#).

Wetland. Lands that may be covered periodically or permanently with shallow water and include saltwater marches, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

X. Definitions, "X." No specialized terms beginning with the letter "X" are defined at this time.

Y. Definitions, "Y."

Yard. See "Setback."

Z. Definitions, "Z."

Zoo. A park or an institution in which living animals are kept and usually exhibited to the public. Also called zoological garden.

APPENDIX A

TABLE OF ORDINANCES AMENDING THIS
LAND USE & DEVELOPMENT CODE

Ordinance & Case Number	Board of Supervisors Adoption Date	Amended Sections
Ordinance 4660 07ORD-00004	11/27/2007	Section 35-2 of Chapter 35 of the County Code; Montecito Land Use & Development Code
Ordinance 4669 08ORD-00002	05/06/2008	35.422.030, 35.422.030, 35.472.080, 35.472.110
Ordinance 4672 08ORD-00004	05/27/2008	35.460.050, 35.460.050, 35.460.050, 35.474.030
Ordinance 4681 08ORD-00007	07/15/2008	35.421.030, 35.422.030, 35.423.030, 35.424.030, 35.425.030, 35.436.050, 35.442.070, 35.472.130
Ordinance 4687 08ORD-00015	09/16/2008	Added new Chapter 35.454
Ordinance 4715 09ORD-00002	07/07/2009	35.420.040, 35.422.030, 35.430.160, 35.492.040, 35.500.020
Ordinance 4719 09ORD-00006	07/07/2009	35.496.020, 35.496.030, 35.496.050, 35.496.060, 35.496.080,
Ordinance 4720 09ORD-00003	07/07/2009	35.428.040
Ordinance 4723 09ORD-00012	07/14/2009	35.474.030
Ordinance 4778 10ORD-00004	12/14/2010	35.430.090, 35.446 (added), 35.500.020
Ordinance 4788 11ORD-00006	05/17/2011	35.442.180, 35.444.010, 35.500.020
Ordinance 4807 11ORD-00030	11/01/2011	35.420.030, 35.430.125 (added), 35.500.020
Ordinance 4810 11ORD-00013	11/01/2011	35.420.040, 35.423.050, 35.436.090, 35.442.040, 35.442.180, 35.470.030, 35.472.060, 35.472.110, 35.472.120, 35.472.140, 35.474.030, 35.474.040, 35.500.020
Ordinance 4815 11ORD-00025	12/06/2011	35.474.030
Ordinance 4852 12ORD-00012	04/09/2013	35.430.025 (added), 35.500, Appendix H (added)
Ordinance 4857 13ORD-00003	06/04/2013	35.442.130, 35.500.020
Ordinance 4883 13ORD-00009	04/15/2014	35.423.050, 35.436.070, 35.436.090, 35.442.020, 35.442.180, 35.470.020, 35.472.060, 35.472.080, 35.472.140, 35.474.030, 35.491.030, Chapter 35.494, 35.496.020, 35.496.030 (deleted), 35.496.040 (deleted), 35.496.050, 35.496.070, 35.496.075 (added), 35.496.080, 35.500.020
Ordinance 4945 15ORD-00013	11/03/2015	35.421 (deleted), 35.422.030, 35.423.030, 35.424.030, 35.437 (added), 35.442.105 (added), 35.470.020, 35.492.020, 35.492.040, 35.496.020, 35.500.020

Ordinance 4963 15ORD-00013	05/03/2016	35.420.030, 35.420.040, 35.428.070, 35.430.090, 35.422.030, 35.423.030, 35.424.030, Chapter 35.425, 35.428.050, 35.428.080 (deleted), 35.428.090 (deleted), 35.430.040 (deleted), 35.430.110, 35.430.125, 35.430.140 (deleted), 35.434.050 (deleted), 35.442.020, 35.442.030, 35.442.060, 35.442.070, 35.442.080 (deleted), 35.442.090 (deleted), 35.442.120, 35.442.160, 35.442.180, 35.450.030, 35.450.040 (deleted), 35.450.050 (deleted), 35.450.060 (deleted), 35.450.070 (deleted), 35.452.030 (deleted), 35.472.050 (deleted), 35.472.060, 35.492.060 (deleted), 35.500.020, Appendix C (deleted), Appendix D (deleted)
Ordinance 4968 16ORD-00002	05/17/2016	35.428.070, 35.430.095
Ordinance 4978 16ORD-00007	09/20/2016	35.423.050, 35.423.060, 35.436.050
Ordinance 5002 17ORD-00001	06/30/2017	35.422.030, 35.423.030, 35.424.030, 35.425.030, 35.442.070, 35.500.020
Ordinance 5015 16ORD-00011	10/03/2017	35.422.030, 35.423.030, 35.424.030, 35.425.030, 35.436.060, 35.442.135 (added), 35.442.160 (added), 35.500.020
Ordinance 5024 17ORD-00009	02/06/18	35.420.030, 35.422.030, 35.423.030, 35.424.030, 35.425.030, 35.430.125, 35.442.055, 35.500.020
Ordinance 5029 17ORD-00111	02/27/18	35.428.070, 35.442.020, 35.442.120, 35.442.120, 35.500.020
Ordinance 5042 18ORD-00005	05/15/18	35.420.040, 35.472.070, 35.391.020, 35.491.030, 35.500.020
Ordinance 5056 16ORD-00015	08/14/2018	35.420.040, 35.422.030, 35.422.050, 35.423.030, 35.423.050, 35.430.025, 35.430.090, 35.430.150, 35.436.050, 35.436.070, 35.442.015 (added), 35.442.020, 35.442.120, 35.442.160 (deleted), 35.460.060, 35.472.070, 35.472.120, 35.492.020, 35.496.050, 35.500.020

APPENDIX B

~~ADMINISTRATIVE GUIDELINES FOR IMPLEMENTING MEASURE A96-- VOTER APPROVAL INITIATIVE~~

~~The following guidelines are intended to clarify and assist with the implementation of the Voter Approval Initiative, Measure A96, as approved by the electorate on March 26, 1996. Pursuant to the mandate of the initiative, "any legislative approvals which would authorize or allow the development, construction, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) shall not be final unless such authorization is approved, in the affirmative, by a majority of the votes cast by the voters of the County of Santa Barbara in a regular election.~~

- ~~1. **Legislative Acts** Only those onshore support projects requiring legislative acts are subject to referendum. Acts by local legislatures (the Board of Supervisors) that are "administrative", "executive", or "quasi judicial" are not subject to referendum. Whether an action is "legislative" or not is determined by the courts on a case by case basis, considering legal principles and applicable facts and circumstances. The basic definitions are:~~

~~An action is "legislative" if it prescribes new policy or plan.~~

~~An action is "administrative" if it applies existing policy.~~

- ~~• General Plan amendments and rezones are legislative actions.~~
- ~~• Not all discretionary actions by the Board of Supervisors are legislative. The granting of discretionary permits, decisions on appeals, and similar actions are discretionary actions but are not usually legislative actions.~~
- ~~• Development Plan approvals are not ordinarily legislative actions. A Development Plan may be a legislative action if it makes major land use changes or prescribes new policy or plan. Although Development Plans are listed as types of legislative approvals subject to voter approval under Measure A96, only those Development Plans that as a matter of law are "legislative actions" may constitutionally be subject to referendum.~~
- ~~• Projects which are determined to be "exempt" from County permits, even if the exemption leads to a change in use or intensity, are administrative actions under California law and are not subject to referendum. Similarly, decisions that a project is entitled to a zoning variance are typically not considered legislative acts. Determinations as to "vested rights" under existing permits are quasi-judicial decisions not subject to referendum.~~
- ~~• Repair and maintenance projects are processed administratively under Appendix C (County Guidelines on Repair and Maintenance and Utility Connection to Permitted Development) of the Development Code and do not require legislative approvals.~~

- ~~2. **Onshore Support Facilities** Measure A96 voter referenda apply solely to legislative approvals of onshore support facilities, defined in the initiative as: "...any land use, installation, or activity proposed to effectuate or support the exploration, development, production, storage, processing, or other activities related to offshore energy resources."~~

~~Onshore support facilities include those which, by their nature, are specific and directly related to offshore oil and gas development, but do not include facilities incidental or indirectly related to onshore support of offshore energy resource activities. The determination of whether a particular facility requiring a legislative approval is incidental or indirect, is subject to a case by case review.~~

- ~~• Measure A96 applies to onshore support facilities within the South Coast area, defined as Point Arguello to the Ventura border. Projects north of Point Arguello are not subject to voter~~

~~referendum, nor are projects within the inland portion of the Montecito Community Plan area.~~

- ~~• Measure A96 does not apply to projects within cities or on other lands exempt from the County's Development Code pursuant to Section 35.10.040 (Applicability of the Development Code).~~
- ~~• Onshore pipeline projects are specifically exempt from Measure A96.~~
- ~~• Onshore support facilities that are located entirely within the existing approved consolidated oil and gas processing sites at Las Flores Canyon or Gaviota are specifically exempt from Measure A96. The approved consolidated oil and gas processing sites for Measure A96 purposes are defined as any and all land within those parcels designated as of June 13, 1995 as APN 81-220-14, 81-230-19 (Las Flores Canyon), or 81-130-07, 81-130-52, and 81-130-53 (Gaviota).~~

~~3. **Procedures for Implementing Measure A96** Elections to consider Board approved projects would occur at the next regular election according to timelines provided in the California Elections Code.~~

~~The California Coastal Commission must certify any changes to the Local Coastal Program. Therefore, the order of "actions" on an onshore support facility project that is determined to be subject to Measure A96 would be:~~

- ~~(1) Board of Supervisors approval;~~
- ~~(2) Project consideration by the voters of Santa Barbara County;~~
- ~~(3) Project consideration by the California Coastal Commission.~~

~~Under the California Coastal Act, the Coastal Commission can review Board denials of oil and gas projects and may consider amending the Local Coastal Program if the County elects not to, provided certain findings can be made under Public Resources Code Section 30515. If the voters reject a Board-approved Local Coastal Program amendment of energy facility development, the project proponent may request approval of the amendment by the Coastal Commission. Actions by the California Coastal Commission are not subject to voter approval pursuant to Measure A96.~~

APPENDIX C

RESERVED

APPENDIX D
RESERVED

APPENDIX ~~E~~**B**

GUIDELINES FOR MINOR CHANGES TO ~~COASTAL DEVELOPMENT PERMITS AND LAND USE PERMITS~~

The following guidelines shall be used by the Director to determine if a minor change to an approved or issued ~~Coastal Development Permit or Land Use Permit~~ can be allowed without requiring a new permit.

1. The proposed change would otherwise be exempt from Design Review pursuant to [Section 35.472.070 \(Design Review\)](#).
2. The proposed change would otherwise be exempt from a ~~Coastal Development Permit or Land Use Permit~~ pursuant to [Section 35.420.040 \(Exemptions from Planning Permit Requirements\)](#).
3. The project has not been the subject of substantial public controversy or interest and there is no reason to believe that the proposed change has the potential to create substantial controversy.
4. The change does not increase the height of the roof ridgeline.
5. The change would not be counter to design direction provided by the Montecito Board of Architectural Review.
6. If the site is one acre or less, the footprint of the structure may not be moved more than five percent closer to the property line. If the site is more than one acre, the footprint of the structure may not be moved more than 10 percent closer to the property line.
7. The change does not result in the removal of a specimen trees.
8. The change does not affect easements for trails, public access, or open space.
9. The change does not increase the required number of parking spaces.

If the proposed “minor” change does not conform to the guidelines identified above, the applicant should apply for a new planning permit.

APPENDIX FC**GUIDELINES FOR TELECOMMUNICATIONS SITES
IN RURAL AND INNER-RURAL AREAS**

These guidelines implement the requirements contained in the Montecito Development Code for telecommunication sites. Special circumstances may dictate deviation from these guidelines based on recommendations of the Montecito Board of Architectural Review and the determination of the review authority.

A. Site Design**1. Berming/Bunkering**

- a. If ground equipment cannot be screened by natural topography and/or existing vegetation, and the provision of new landscape screening is not considered feasible or appropriate, the equipment areas may be screened through the use of bunkers, low berms, or a combination of both.
- b. Bunker walls should not be visible from public viewing areas.
- c. Low berms (two to three) may be used on sides of the facility visible from public roadways. The berms should be naturally contoured using excess cut material from the site.
- d. Any berming and/or bunkering should avoid impacts to existing vegetation and should not create additional erosion problems.
- e. The antennas should be located out of the skyline as much as possible (move downslope).

2. Fencing

- a. All fencing should be made out of material that blends into the surrounding terrain and should not create any visual impacts.
- b. Per the communication ordinance standards, the general public shall be excluded from the facility.
- c. If a site is not accessible to the general public, the Department may not require security fencing. A low cattleguard should be considered to keep range animals out of the facility. The cattleguard should be constructed out of the smallest diameter pipe possible.
- d. If the lease area is accessible to the general public, security fencing, such as chain link, should be used. The fencing should be no higher than five feet above finished grade.
- e. Solid inserts in the fencing will be discouraged.

3. Access Roads. The creation of new access roads or substantial improvement of existing roads as a direct result of the telecommunication project will be discouraged.**4. Lighting.** Lighting of the facility, other than lighting for emergency repairs, will be discouraged.**5. Signage.** If signs are required for the project, such as directional signs per Fire Department recommendations, then the signs should be as small as possible and placed in locations not readily seen from public viewing areas, if possible.**6. Vegetation**

- a. Site design should minimize impacts to existing vegetation.
- b. Disturbed areas (e.g. trenches, berms, cuts), or areas that require erosion control, should be revegetated with a seed mix/plantings compatible with the surrounding vegetation. A

temporary irrigation system may be required.

- c. If landscaping is required for screening purposes, the landscaping should consist of long lived plant species native to that area. The planting of exotic species is discouraged. A permanent or temporary irrigation system may be required.

B. Collocation/Trenching

1. If a site has existing carriers, it is preferable to have the new facility tie into existing electric and/or telephone pedestals of the existing carriers at the lease site as opposed to trenching from the closest utility lines. This is not always possible and requires the cooperation of competitors.
2. If a significant amount and distance of trenching must occur, then it should be confined to previously disturbed areas or follow the existing access road and should contain extra conduit for future expansion by other carriers.
3. If a utility trench is located in a constrained area (e.g. steep slopes, sensitive resources, highly visible area, other underground utilities), the location of the trench may be marked and reviewed in the field in order to minimize impacts to the sensitive resources and/or to avoid conflicts with other utilities.

C. Visual Impacts

1. Colors

- a. The color of the facility should match the backdrop from the most visible public viewpoint.
- b. The color of the at-grade equipment that is not visible in the skyline should match the color of the surrounding vegetation that predominates for the majority of the year.
- c. If an existing facility is located at the proposed lease site, and the existing facility has a color scheme that successfully reduces visual impacts, then the existing facility should serve as a guide for the color scheme of the proposed facility.
- d. Equipment visible against the skyline should in most cases be a medium grayish color. A sky blue color should only be used with caution since it tends to be more visible on overcast or foggy days.
- e. Color schemes (all flat colors; equivalent colors from any paint manufacturer may also be used):

Antennas/equipment visible against skyline = gray, e.g. Dutch Boy “Marblehead” (32-V-2), Frazee “Tradewind” (8641W), or Frazee “Dusty Miller” (8634M).

Equipment (including fencing), and in some cases, antennas within an oak woodland, or other dark green vegetation = Dark green, e.g. Frazee “Blackened Beam (8646N), Frazee “Greek Olive” (8656N), or Frazee “Potting Shed” (8666N).

Equipment (including fencing), and in some cases, antennas within a grassland (example, ridges around Los Alamos and Los Olivos) = green/tan, e.g. Frazee “Wild Grasses” (8175D), Frazee “Backpack” (8664M), or Frazee “Muddy River” (8674M).

Equipment (including fencing), and in some cases, antennas within a savannah (example, hills south of Lompoc) = green/gray, e.g. Frazee “Muddy River” (8674M).

- f. The least visually obtrusive support structure as viewed from the most visible public viewpoint should be used. Natural wood poles, steel poles, concrete poles, or lattice towers are all acceptable support structures. The review authority would ultimately determine the appropriate support structure for a particular site with recommendations from staff.
- g. If organic or mineral mulch and/or riprap are used within the lease area, the material should match, or be compatible with, the color of the ground surface. For example, the use of white

rock on a tan ground surface would be discouraged.

- h. If temporary or permanent irrigation is required, all above ground equipment (i.e. water tanks) should be painted the same color as the facility so as not to create new visual impacts.

APPENDIX **GD**

SUBSTANTIAL CONFORMITY DETERMINATION GUIDELINES

On occasion, an applicant requests slight deviations from an approved action in order to carry out a project. The Montecito Land Use and Development Code allows certain types of alterations from an approved project, following a determination of substantial conformity.

Procedure:

1. Applicant obtains an application for a Substantial Conformity Determination at the Department and pays applicable fees which may vary depending on the complexity of the request.
2. The Department reviews the project description that was considered at the time of project approval.
3. The Department considers key issues:
 - Has the project been the subject of substantial public controversy, or is there reason to believe the change is likely to create substantial public controversy?
 - Will the deviation result in a change to the project that would alter the scope and intent of the project the review authority acted on?
 - Would the deviation alter the public's perception of the project?
 - Would the deviation result in environmental effects not analyzed or discussed at the time of project approval and/or result in the need for additional mitigation measures?

If the answer to any of these basic questions is "yes", the Director cannot make a determination of substantial conformity.
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 changes proposed can be effectuated through existing permit conditions.
 - e. That the impacts and changes do not alter the findings that the benefits of the project outweigh the significant unavoidable environmental effects made in connection with the original approval.
 - f. Does not result in an increase of 1,000 sq. ft. or more than 10 percent of building coverage of new structures over total project approvals, whichever is less.
 - g. 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.
 - h. Does not require the removal of specimen trees or impact areas defined in the project environmental document as sensitive or designated as areas prohibiting structures.
 - i. Is consistent with Comprehensive plan policies and Montecito Land Use and Development Code requirements.

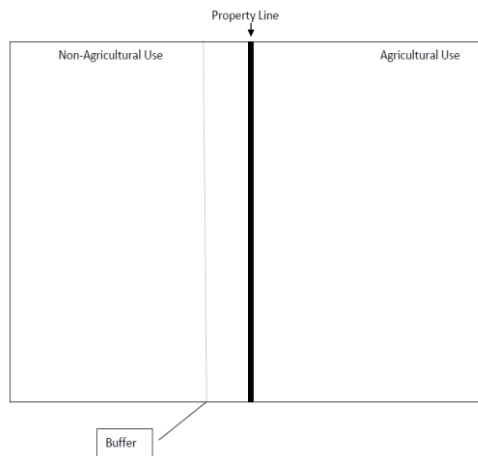
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- j. Does not result in more than 1500 cubic yards of net cut and/or fill ~~outside of the Coastal Zone, or 50 cubic yards within the Coastal Zone,~~ and avoids slopes of 30 percent or greater, unless these impacts were addressed in the environmental 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.
 - k. 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.
 - l. Does not result in an overall height which is greater than 10 percent above the approved height. The project must remain consistent with height requirements of the zone.
 - m. Receives Design Review approval for landscaping and structures, if necessary.
 - n. Does not result in intensification of use; e.g., no new employees, no increases in traffic, if these were important to the previous environmental/policy analysis.
 - o. Does not affect easements for trails, public access, or open space.
5. Depending on the degree of complexity for a substantial conformity determination request, the Department takes action as follows:
- a. If a Substantial Conformity Determination request is minor, e.g., no additional conditions are required, is not controversial, does not alter the intent of the decision-makers action, the Director issues the ~~Coastal Development Permit or Land Use Permit~~.
 - b. The Department prepares a letter outlining the changes to be made and why they are being approved. The letter must be reviewed and signed by the Director.
6. If a Substantial Conformity Determination cannot be made regarding changes to a project, the applicant may:
- a. Withdraw the request and continue with the project as approved; or
 - b. Submit an application for a Substantial Conformity Determination to the review authority for the original permit to which the Substantial Conformity Determination is requested, or apply ~~or apply~~ for Amendment or Revision of the original permit.
7. Substantial Conformity Determinations are made by the review authority for the original permit if the conditions of that permit so require.

APPENDIX HE**AGRICULTURAL BUFFER IMPLEMENTATION GUIDELINES**

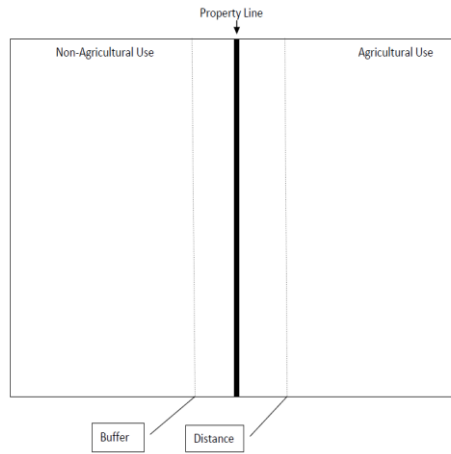
- I. Purpose and Intent.** The Agricultural Buffer Implementation Guidelines (Guidelines) are intended to assist planners and the review authority in implementing the requirements contained in [Section 35.430.025 \(Agricultural Buffers\)](#). Specifically, the guidelines assist with (1) determining buffer widths for a proposed project, (2) identifying locations of proposed development and land uses allowed within the agricultural buffer (3) clarifying the process and, (4) incorporating site design concepts that are compatible with agriculture.
- II. Agricultural Buffer Width Adjustment.** The Agricultural Buffer Width table in [Subsection 35.430.025.D \(Agricultural Buffer Requirements\)](#) contains ranges for the buffer width. The minimum buffer width minimizes potential land use conflicts to a reasonable, typical level. However, ranges are provided because circumstances may require the buffer width to be adjusted.
- A. The following site specific factors may warrant an increase in the width of the required buffer:
- 1. Crop type/agricultural practices.** Crop type influences agricultural practices. Rotational crops such as strawberries and vegetables require intensive farming practices that generate substantial amounts of dust, odors, noise and other irritants. Crops that utilize intensive farming practices may warrant an increase in the buffer.
 - 2. Elevation differences and topography.** Elevation differences and topographical features, such as a valley or hill, affect air flow and may separate agriculture and non-agricultural development and uses. Projects located on terrain that provides no natural separation between agricultural and non-agricultural development and uses may warrant an increase in the buffer width.
 - 3. Location of existing roads or naturally occurring barriers.** An increase in buffer width may be warranted if such features are absent or ineffective because of wind direction, terrain or other reasons.
 - 4. Historical land use on the agricultural lot.** The agricultural lot may currently be fallow, in between plantings, planted with a temporary crop (such as a cover crop) or may have supported crops in the past. Therefore, if the agricultural lot is not currently used for agriculture, a buffer may still be warranted if the lot was used for agriculture within the last 10 years. If the project applicant claims a buffer is not required due to existing lack of agriculture on the agriculturally zone lot, the project applicant must prove the land was not used for agriculture within the last 10 years. The Department of Conservation's Important Farmland Maps and aerial imagery can provide historical agricultural use information.
 - 5. Future farming potential of the agricultural lot.** A buffer width increase may be warranted if the current agricultural use is rangeland/pastureland or not currently used for agriculture but the soils have the potential to support higher value crops and there is a source for agricultural water. For the purposes of these Guidelines, land has future farming potential if its predominant soil type has an irrigated land capability classification of Class I, Class II, Class III or Class IV as defined by the Natural Resource Conservation Service (NRCS) soil survey maps for Santa Barbara County. Land has limited farming potential if its predominant soil type has an irrigated land capability classification of Class VI, Class VII, or Class VIII. Santa Barbara County does not have Class V soils.
 - 6. Site design of the non-agricultural proposal.** Non-agricultural projects with site design features that contribute toward potential land use conflicts may warrant a buffer width increase. See Section V (Site Design) of these Guidelines for a discussion on site design.

- 7. Prevailing wind direction.** Consider a buffer width increase if the prevailing wind blows from the agricultural lot toward the non-agricultural lot.
- B. If an increase in the width of the buffer is warranted based on site specific factors, the following additional factors may offset a buffer width increase:
1. **Non-agricultural lot size and configuration.** If a lot cannot reasonably accommodate a buffer increase because of lot size or configuration, consider redesigning the project or applying the minimum buffer width. Refer to [Section 35.430.025.D.6.](#) (Reasonable use) of this Development Code.
 2. **Extent and location of existing non-agricultural development.** An increase in buffer width may not be warranted if the project applicant can demonstrate that the agricultural lot has already been severely impacted by existing non-agricultural development and uses adjacent to the agricultural lot.
 3. **Vegetative screening adjacent to Production Agriculture.** In compliance with [Section 35.430.025.D.3.b.](#) of this Development Code, if the project is adjacent to production agriculture and site specific factors warrant a buffer width increase, vegetative screening may be used to offset an increase in the buffer width. For example, a commercial development proposed adjacent to production agriculture would require a minimum 100-foot buffer as per [Section 35.430.025.D.1](#) of this Development Code. The Department and Agricultural Commissioner’s Office may recommend a buffer width increase due to site specific factors (e.g. increase an additional 50 feet or 100 feet). The Department and Agricultural Commissioner’s Office may also recommend the use of a vegetative screen and reduce the buffer width increase. The vegetative screen may mitigate only a portion of the buffer width increase (e.g. offset 50 feet of a 100 feet buffer width increase).
- C. If the agricultural lot contains both Production Agriculture and Rangeland or Pastureland and the Production Agriculture is not immediately adjacent to common lot line between the project site and the adjacent agriculturally zoned lot where the Production Agriculture is located, [Section 35.430.025.D.1.b](#) (Agricultural buffer width) of this Development Code describes how to determine the buffer width. The following steps and diagrams illustrate how to determine the buffer width for those scenarios.

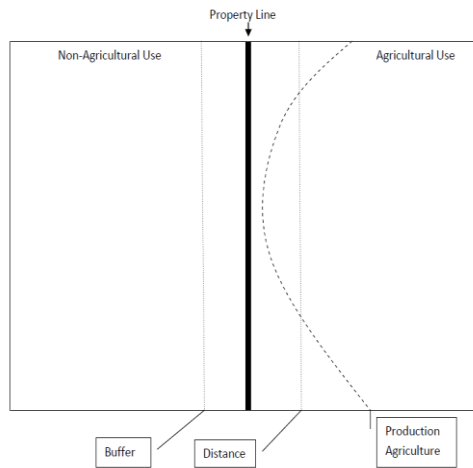
Step 1. Determine the buffer width required for the proposed use for the adjacent Rangeland or Pastureland.



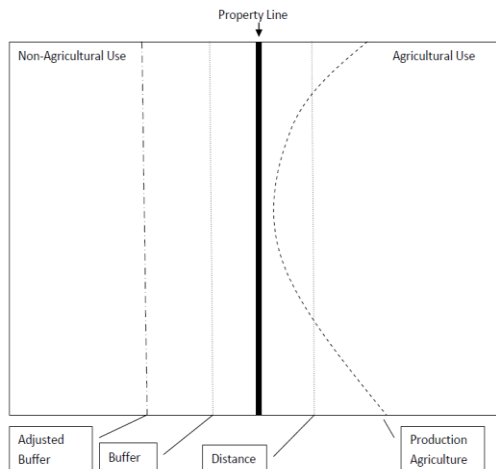
Step 2. Take the distance determined in Step 1 and apply it to the agricultural use side of the property line.



Step 3. Determine if the production agriculture is within the distance as determined in Step 2.



Step 4. If the Production Agriculture is within the distance as determined in Step 2, than the adjusted buffer is the buffer width that would be applied for Production Agriculture. For example, if the Agricultural Buffer width is 200 feet for the proposed use when adjacent to Production Agriculture, the adjusted buffer width would be 200 feet.



III. Allowable Uses Within Agricultural Buffers. [Section 35.430.025.E](#) (Allowable uses within Agricultural Buffers) specifies unrestricted uses and restricted uses within the buffer.

- A. Unrestricted uses are compatible with agriculture because they do not invite visitors, do not require frequent maintenance, and do not attract wildlife. Uses that invite visitors or attract wildlife may conflict with agriculture and the location of such uses is restricted within the buffer.
- B. **Restricted Use Modification.** The Department, in consultation with the Agricultural Commissioner's Office, may recommend that the review authority modify a restricted use within the agricultural buffer if it can be determined that strict compliance with [Section 35.430.025.E](#) (Allowable uses within Agricultural Buffers) is not required to minimize conflicts with adjacent agriculture. To determine if the restricted use modification is warranted, the Department may consider site specific factors, agricultural practices and input from adjacent agricultural land owners/property operators.

IV. Application Procedures.

- A. **Prior to application submittal.** It is recommended the applicant meet with the Department, the Agricultural Commissioner's Office, and adjacent landowners (in conjunction with property operators) to discuss the non-agricultural project's compatibility with adjacent agriculture and application of proposed agricultural buffer requirements. Applicants are encouraged to include site planning and project design features that are compatible with adjacent agriculture.
- B. **Project review.** During the application review process, the Department should consult adjacent agricultural landowners (in conjunction with property operators) whenever possible to discuss the proposed non-agricultural development.
- C. **Recommendations.** For all discretionary development applications subject to the provisions of [Section 35.430.025 \(Agricultural Buffers\)](#) of this Development Code, the Department in consultation with the Agricultural Commissioner shall review the permit application and make recommendations to the review authority concerning buffer width, uses within the buffer, the Landscape, Lighting and Irrigation Plan, and the Buffer Maintenance Plan.

V. Site Design. Urban development that is "agriculturally friendly" can play a significant role in promoting compatibility between agricultural and non-agricultural uses. Projects can achieve compatibility by incorporating creative site planning and project design concepts such as:

- A. Locating outdoor use areas such as backyards, patios, and playgrounds away from agricultural areas.
- B. Terminating roads away from agricultural areas to reduce trespassing on agricultural land.
- C. Including the use of sound proof construction materials such as double pane windows. See *Guide to Edge Planning - Promoting Compatibility Along Urban-Agricultural Edges*, British Columbia, Ministry of Agriculture and Lands, June 2009.
- D. Clustering of buildings to maximize buffering between residences and agriculture.

ATTACHMENT 1

MONTECITO COMMUNITY PLAN DEVELOPMENT STANDARDS

PART 1 – PURPOSE STATEMENT

The Montecito Community Plan is part of the Santa Barbara County Comprehensive Plan, which sets forth governing policies for existing and proposed uses of land within Santa Barbara County. The Montecito Community Plan (adopted October 6, 1992) sets out specific goals relating to community development, public facilities and services, and resources and constraints within the Montecito plan area. The Community Plan states the objectives of the goals and includes specific policies and actions to carry out those goals. Development standards adopted as a part of the Community Plan are designed to implement the stated policies and goals. In addition to the requirements of the Land Use Development Code, all planning permits for development within the Montecito Community Plan area must also be found to be in compliance with the policies and development standards.

Part 2 of Attachment 1 provides excerpts from the Montecito Community Plan. The development standards provided are not incorporated into the Montecito Land Use and Development Code. **These standards are included as an Attachment to the Montecito Land Use and Development Code to serve solely as a resource to the user.** The applicable policy or development standard reference is noted after each development standard excerpt. Where necessary for clarity of the development standard, the supporting policy language has also been provided. The complete policy text and other information may be found within the Montecito Community Plan.

Please refer to the Montecito Community Plan document for the entirety of the development standards, the policy framework from which the development standards were derived and any attachments, appendices or figures referenced with the development standards.

PART 2 – DEVELOPMENT STANDARDS

Sections:

- Applicability
- Land Use
- Air Quality
- Biological Resources
- Circulation
- Cultural Resources
- Flood Hazard Mitigation
- Grading Standards and Geologic Hazard Mitigation
- Hazards
- Noise Standards
- Site Specific Standards
- Visual Resources – Development Screening
- Water Conservation

This Chapter provides development standards from the Montecito Community Plan.

Applicability

The provisions of this Chapter apply to subdivisions, development, and land uses within the boundaries of the Montecito Community Plan in addition to all other applicable requirements of this Development Code. All existing Countywide and Coastal Plan policies apply to the Montecito Planning Area in addition to the specific development standards emanate from policies and actions of the Montecito Community Plan identified below.

Land Use

A. General.

1. Within the Montecito Planning Area, all development not specifically exempted in the zoning code requires BAR approval. New development shall be reviewed under the Montecito Architectural Guidelines and Development Standards, which are implemented and enforced by the County. (LU-M 1.1)
2. New structures shall be limited to an average height of 16 feet above finished grade where site preparation results in a maximum fill of 10 feet or greater in height. (LU-M 1.2.1)

B. Commercial.

1. Commercial designated land serving local needs shall be provided within the "Village Area" but not expanded to new sites. (LUC M 1.1)
2. A maximum floor area ration (FAR) of 0.25 shall be applied to parcels zoned Neighborhood Commercial (CN). A reduction to the maximum FAR, however, may be required for consistency with other adopted goals, policies and regulations, or may be required for compatibility with surrounding areas. The maximum FAR shall not apply to onsite affordable housing pursuant to provision of the Neighborhood Commercial zone district6. (LUC M 1.4)
3. A maximum FAR of 0.25 shall be applied to parcels zoned Resort Visitor Serving (CV) in the Coastal zone, and a maximum FAR 0.10 shall be applied to parcels zoned CV in non-coastal areas. A reduction in the maximum FAR however may be required for consistency with other adopted goals, policies and regulations, or may be required for compatibility with surrounding areas. The maximum FAR shall not apply to onsite affordable housing, pursuant to provisions of the Resort-Visitor Serving Commercial zone district or for projects where a finding for a zoning ordinance variance may be made. (LUC M 1.5)
4. Improvements to resorts Visitor serving hotels shall be designed to be consistent with the existing historic "Cottage Type Hotel" tradition from the early days of Montecito. "Cottage Type Hotel" is defined by cottages limited to six guest rooms each, which are generally single story in height. (LUC M 1.6)
 - a. New or reconstructed cottages shall be limited to 6 units (keys) per cottage. (LUC M 1.6.1)

- C. Educational, Institutional and other Public and Quasi-Public Uses.** All education, institution, and other public and quasi-public uses shall be developed and operated in a manner compatible with the community's residential character. (LUED M 1)

Air Quality

- A. Best Available Control Technology.** Construction activities in Montecito shall comply with all requirements of the Santa Barbara County Air Pollution Control District, and shall institute Best Available Control Technology where necessary to reduce emissions below Air Pollution Control District thresholds. (AQ-M 1.3.1)

- B. Dust.** The applicant shall minimize the generation of fugitive dust during construction activities by: (AQ-M 1.3.2)

1. Minimizing the amount of disturbed area;
2. Utilizing water and or dust palliatives; and
3. Re-vegetating and stabilizing disturbed areas as soon as possible.

Biological Resources

- A. Protection standards for all resources.** New development shall be designed, constructed, and operated to protect biological resources in compliance with the following standards.

- ~~1. **Identifying significant resources.** The Montecito Biological Resources map shall be consulted as a reference along with other relevant information during the review of development applications, to identify areas containing potentially significant biological resources. The Montecito Biological Resources Map shall be updated periodically to incorporate new information as it becomes available. (BIO M 1.12)~~
- ~~2. **Fragmentation of biological communities.** Significant biological communities shall not be fragmented into small non viable pocket areas by development. (BIO M 1.14)~~
- ~~3. **Wildlife corridors.** In rural areas, and where major wildlife corridors are present in urban areas, new development shall not interrupt major wildlife travel corridors (typical wildlife corridors are provided by drainage courses and similar undeveloped natural areas). (BIO M 1.14.1)~~
- ~~4. **Protective measures during construction.** The Review Authority shall require appropriate protective measures (e.g., fencing) where necessary to protect sensitive biological resources during construction. (BIO M 1.14.2)~~
- ~~5. **Onsite restoration.** In cases where adverse impacts to biological resources cannot be avoided after impacts have been minimized to the greatest extent feasible, onsite restoration may be required. Restoration may also be required for lots on which development is proposed and on which disturbance has previously occurred, if currently proposed development would exacerbate an existing impact. The following policies shall be used as guidelines for the restoration effort but shall not preclude reasonable development of a lot: (BIO M 1.14.3)~~
 - ~~a. The revegetation effort shall include the appropriate diversity and density of plants native to the locality;~~
 - ~~b. Restoration plans shall incorporate maintenance measures to insure that the remedial action is carried out for the duration of the impact;~~
 - ~~c. When restoration is proposed, onsite rather than off site restoration shall be the preferred alternative; and~~
 - ~~d. Wetland areas and surrounding habitats that have been damaged by pollution and artificial stream channelization shall be restored to their natural condition whenever practical.~~
- ~~6. **Construction monitoring.** Where sensitive or valuable biological resources exist within or border a project site, a County approved biologist or other experienced individual acceptable to the County may be required to monitor construction within/bordering the resource area as determined necessary by the Department. (BIO M 1.14.4)~~
- ~~7. **Mitigation compliance.** As determined necessary by the Department, prior to issuance of occupancy clearance a biologist shall provide written confirmation to the Department stating that the applicant has complied with all construction related biological resource mitigation measures. (BIO M 1.14.5)~~
- ~~**B. Coastal Sage Scrub protection.** Each area of coastal sage scrub covering one or more acres shall be preserved to the maximum extent feasible. (BIO M 1.11)~~
 - ~~1. **General protection measures.** Development shall avoid impacts to coastal sage scrub that would isolate, interrupt, or cause a break in a contiguous habitat that would disrupt animal movement patterns, seed dispersal routes, or increase the vulnerability of species to local extirpations such as fire, flooding, disease, etc. (BIO M 1.11.1)~~
 - ~~2. **Buffer requirement.** Impacts to coastal sage scrub shall be minimized by providing a minimum 10 foot buffer vegetated with native species and by placing the project outside of the buffer rather than in or through the middle of the habitat area, except where that action would preclude reasonable lot development. (BIO M 1.11.2)~~
 - ~~3. **Onsite mitigation.** Onsite mitigation including revegetation, erosion and water quality protection;~~

and other measures that would minimize the impact of development on coastal sage scrub shall be included in the project design as necessary. (BIO M 1.11.3)

C. ~~Environmentally Sensitive Habitat (ESH).~~

- ~~1. **Setback or buffer required.** An applicant proposing new development within 100 feet of an ESH, shall include setbacks or undeveloped buffer zones from the habitat area as part of the proposed development, except where setbacks or buffer zones would preclude reasonable development of the lot. In determining the location, width and extent of setbacks and buffer zones, the Department shall refer to the Montecito Biological Resources Map as well as other available data (e.g., maps, studies, or observations). If the project would result in potential disturbance to the habitat, a restoration plan shall be required. When restoration is not feasible onsite, offsite restoration may be considered. ((BIO M 1.3.1)~~
- ~~2. **Habit Restoration Plan for zoning violations.** If a zoning violation results in the degradation of an ESH, the applicant shall be required to prepare and implement a habitat restoration plan. Degraded or disturbed portions of an ESH area outside of a formal landscaping plan shall be restored with appropriate native species to offset increased development and increased human and domestic animal presence. (BIO M 1.3.2)~~
- ~~3. **Landscaping Invasive species prohibited.** Landscaping that includes invasive species as identified by the California Native Plant Society list of invasive species shall be prohibited in or near ESH areas. Landscaping in an ESH area shall include compatible native species. (BIO M 1.3.3)~~
- ~~4. **Sensitive species.** Where sensitive plant species and sensitive animal species are found during the review of a discretionary project, efforts shall be made to preserve the habitat in which they are located to the maximum extent feasible. For the purposes of this requirement, sensitive plant species are those species which appear on a list in the California Native Plant Society's Inventory of Endangered Vascular Plants of California. Sensitive animal species are defined as those animal species identified by the California Department of Fish and Game, the U.S. Fish and Wildlife Service and/or are listed in Tate's The Audubon Blue List (birds). (BIO M 1.23)~~

D. ~~Monarch butterfly habitats.~~

- ~~1. **Time limits for construction activities.** Any construction, grading or development within 200 feet of a known or historic butterfly roost shall be prohibited between November 1 and April 1. This requirement may be modified/deleted on a case by case basis where either the Department or additional information or studies with the approval of the Department conclude that one or more of these activities would not impact monarchs using the trees, or where the review authority determines would preclude reasonable development of the lot. (BIO M 1.4.1)~~
- ~~2. **Determination of potential impacts, Roost Protection Plan.** Prior to issuance of a Coastal Development Permit or Land Use Permit for development within 200 feet of a known or historic butterfly roost, the Department shall determine if the proposed project would have the potential to adversely impact monarch butterfly habitat, based on proximity to known or historic butterfly trees. The Montecito Biological Resources map shall be considered in determining proximity as well as other available information and maps. If the project has the potential to adversely impact monarch butterfly habitat, the applicant shall submit a Butterfly Roost Protection Plan to the Department. The plan shall be developed at the applicant's expense and shall be included on any grading designs. The plan shall include the following information and measures: (BIO M 1.4.2)~~
 - ~~a. The mapped location of the windrow or cluster of trees where monarch butterflies are known, or have been known, to aggregate;~~
 - ~~b. A minimum setback of 50 feet from either side of the roost shall be noted on the plan. Buffers surrounding potential roosts may be increased from this minimum, to be determined on a case by case basis. A temporary fence shall be installed at the outside of the buffer~~

boundary. All ground disturbance and vegetation removal shall be avoided within this buffer region; and

e. ~~Native vegetation shall be maintained within the buffer.~~

3. ~~Trimming and clearing vegetation.~~

a. ~~The trimming or clearing of vegetation within 50 feet of a known Monarch Butterfly Habitat or along riparian habitats shall not occur without Department review and approval. (BIO M-1.5)~~

b. ~~A trimming or clean up plan approved by the Department shall be required for trimming or cleaning associated with a Land Use Permit or Coastal Development Permit within 50 feet of a known Monarch butterfly habitat. The plan shall be supervised by a qualified biologist. (BIO M-1.5.1)~~

E. ~~Mountain Drive, Bella Vista sensitive hillside habitat.~~ ~~The habitat on the hillside area north of Mountain Drive and Bella Vista Road, and reaching the northern boundary of the Montecito Community Plan area is recognized as particularly valuable because of the presence of chaparral, sensitive native flora and riparian resources to be protected and/or preserved. Any development proposal in this area shall be designed to avoid areas which contain these habitats and/or identified sensitive species. (BIO M-1.13)~~

F. ~~Raptors.~~

1. ~~Nest and roost protection.~~ ~~Trees serving as known raptor nesting or key raptor roosting sites shall be preserved and protected from damage or removal to the maximum extent feasible. (BIO M-1.18.2)~~

2. ~~Buffer requirement.~~ ~~A buffer of sufficient dimensions, as determined by the Department on a case by case basis, shall be established around trees serving as raptor nesting sites or key roosting sites, except where the review authority determines that a buffer would preclude reasonable development of a lot. (BIO M-1.18.1)~~

G. ~~Riparian habitats.~~

1. ~~Buffer requirement.~~ ~~Riparian vegetation shall be protected as part of a stream or creek buffer. Where riparian vegetation has previously been removed (except for channel cleaning necessary for free flowing conditions as determined by the Flood Control District), the buffer shall allow the reestablishment of riparian vegetation to its prior extent to the greatest degree possible. The restoration of degraded riparian areas to their former state shall be encouraged. (BIO M-1.6)~~

2. ~~Buffer dimensions.~~ ~~The minimum buffer strip for development near streams and creeks in Rural Areas shall be presumptively 100 feet from top of bank, and for streams in Urban Areas, 50 feet. The review authority may adjust these minimum buffers upward or downward on a case by case basis but shall not preclude reasonable development of a lot. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Board, to protect the biological productivity and water quality of streams:~~

a. ~~Soil type and stability of stream corridors;~~

b. ~~How surface water filters into the ground;~~

c. ~~Slope of the land on either side of the stream;~~

d. ~~Location of the 100 year flood plain boundary; and~~

e. ~~Consistency with adopted plans, particularly applicable Biology/Habitat policies.~~

~~The buffer area shall be indicated on all grading plans. All ground disturbance and vegetation removal shall be prohibited in the buffer area. (BIO M-1.8)~~

- ~~3.— **Specific required protection measures.** The riparian protection measures required for a specific project shall be based on the proximity of the project to riparian habitat and the project's potential to directly or indirectly damage the riparian habitat through activities related to a Land Use Permit or Coastal Development Permit including grading, brushing, construction, vehicle parking, supplies or equipment storage, or the proposed use of the property. Damage could include vegetation removal or disturbance, erosion and sedimentation, trenching, and activities which hinder or prevent wildlife access and use of habitat. Prior to the initiation of any grading or development activity associated with a Land Use or Coastal Development Permit, a temporary protective fence shall be installed along the outer buffer boundary at the applicant's expense, unless the County finds that this measure is not necessary to protect biological resources (i.e., due to topographical changes or other adequate barriers). Storage of equipment, supplies, vehicles, or placement of fill or refuse, shall not be permitted within the fenced buffer region. (BIO M 1.6.1)~~
- ~~4.— **Onsite restoration.** The onsite restoration of any project disturbed buffer or riparian vegetation within a creek in the Montecito Community Plan area shall be mandatory. A riparian revegetation plan, approved by the County, shall be developed by a County approved biologist (or other experienced individual acceptable to the County) and implemented at the applicant's expense. The revegetation plan shall use native species that would normally occur at the site prior to disturbance. The plan shall contain planting methods and locations, site preparation, weed control, and monitoring criteria and schedules. (BIO M 1.6.2)~~
- ~~5.— **Structures within riparian habitat.** No structure shall be located within a riparian corridor except public trails that would not adversely affect existing habitat; dams necessary for water supply projects; flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety; or other development where the primary function is for the improvement of fish and wildlife habitat and where this requirement would preclude reasonable development of a lot. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible to minimize the impact to the greatest extent. (BIO M 1.7)~~
- ~~6.— **Development within stream corridors.** All development, including dredging, filling and grading within stream corridors, shall be limited to activities necessary for the construction of uses specified in Subsection E.5. When those activities would require removal of riparian plant species, revegetation with local native plants shall be required on both banks and extending outward 25 feet from each top of bank, except where it would preclude reasonable development of a lot. (BIO M 1.10)~~

H.— Tree protection.

- ~~1.— **Specimen tree preservation.** Specimen trees shall be preserved to the maximum extent feasible. For the purposes of this requirement, specimen trees are defined as mature trees that are healthy and structurally sound, and have grown into the natural stature particular to the species. Native or non-native trees that have unusual scenic or aesthetic quality, have important historic value, or are unique due to species type or location shall be preserved to the maximum extent feasible. (BIO M 1.15, BIO M 1.15.1)~~
- ~~2.— **Native tree preservation.** All existing native trees that have biological value shall be preserved to the maximum extent feasible, regardless of their size. (BIO M 1.16)~~
- ~~3.— **Oak tree protection.** Oak trees shall be protected to the maximum extent feasible, because they are particularly sensitive to environmental conditions. All land use activities, including agriculture shall be carried out in a manner to avoid damage to native oak trees. The regeneration of oak trees shall be encouraged. (BIO M 1.17)~~
- ~~4.— **Oak woodland protection.** Oak woodlands shall be protected as habitat rather than as individual trees. Emphasis shall be placed on preservation and enhancement of oak woodlands as they provide~~

habitat for numerous plant and animal species.

~~a. — **Oak woodlands defined.** Oak Woodlands are defined for the purposes of this Section as stands dominated by Coast Live Oak (*Quercus agrifolia*) and other trees native to oak woodlands (including vegetation transition zones) which form a closed canopy of a minimum of one acre and are not surrounded by or heavily influenced by urban development including structures or roads, and where the understory has not been permanently disturbed (e.g., by structures or roads). A general description of the characteristics of oak woodlands and a list of typical understory vegetation for oak woodlands in Montecito is in Montecito Community Plan Appendix D (Excerpted from California vegetation, 4th Edition by V.L. Holland pg 172-176; 1990). (BIO M 1.19)~~

~~b. — **Buffer requirement.** A minimum 25-foot buffer around oak woodlands shall be maintained, except where it would preclude reasonable development of a lot. Structures, roads, and non-native landscaping shall be prohibited within the buffer area except where it would preclude reasonable development of the lot. Grading and other site preparation activities shall not be allowed within six feet of an oak woodland, except where it would preclude reasonable development of a lot. (BIO M 1.19.1)~~

~~5. — **Tree Protection Plan.** Where native trees of biological value may be impacted by new development (either through ministerial or discretionary project approval), a Tree Protection Plan shall be required.~~

~~a. — **When required.** The decision to require preparation of a Tree Protection Plan shall be based on the location of the native trees and the project's potential to directly or indirectly damage the trees through such activities as grading, brushing, construction, vehicle parking, supply/equipment storage, trenching or the proposed use of the property.~~

~~b. — **Plan content and requirements.** The Tree Protection Plan shall be based on the County's Tree Protection Plan standards and shall include a graphic depiction of the Tree Protection Plan elements on final grading and building plans (Existing landscaping plans submitted to County Board of Architectural Review (BAR) may be sufficient). A report shall be prepared by a County approved arborist/biologist that indicates measures to be taken to protect affected trees where standard measures are determined to be inadequate. If necessary, an appropriate replacement/replanting program may be required.~~

~~c. — **Plan preparation and review.** A Tree Protection Plan shall be developed at the applicant's expense. The plan shall be approved by The Department prior to issuance of a Land Use or Coastal Development Permit. (BIO M 1.16.1)~~

~~I. — **Wetlands.** Wetland areas and surrounding habitats that have been damaged by pollution and artificial stream channelization shall be restored to their natural condition whenever feasible. (BIO M 1.9)~~

Circulation

~~A. — **Pedestrian and bicycle access.** Site design shall encourage pedestrian and bicycle access to adjacent walkways and paths. (CIRC M 1.8.1)~~

B. — Trails.

~~1. — Designated trail corridors shall be kept clear from encroachment by new uses or development to the extent reasonably feasible. (PRT M 1.5.1)~~

~~2. — Recreational trail corridors shall be protected for future use by conditions placed upon all development which may directly affect the designated trail corridors to require a permanent dedication of useable public trails through the trail corridors. (PRT M 1.5.2)~~

Cultural Resources.

~~A. — **Archaeological resource determination.** Prior to the issuance of a Land Use or Coastal Development~~

Permit, the Department shall determine whether the project site is either a known or part of a known archaeological site, or is in an area with potential archaeological resources. This shall be determined by consulting the Department for archaeological surveys of the area that would provide this information.

- B. Survey required.** If the site is in an area that is likely to contain archaeological resources and there has not yet been a Phase I survey of the property, the applicant shall fund the preparation of a Phase I survey by a Department qualified archaeologist, unless this requirement is specifically waived by the Department based upon their professional opinion that the Phase I survey is not needed to avoid archaeological resources. All recommendations of an archaeological report analysis, including the completion of additional archaeological analysis (i.e., Phase 2, Phase 3) and/or project redesign shall be implemented or incorporated into the proposed project prior to the issuance of a Land Use Permit or Coastal Development Permit. (CR M 2.1.1)

Flood Hazard Mitigation

- A. Onsite drainage systems.** For any new development where the building site would be subject to adverse drainage impacts from surrounding properties, or that would create offsite drainage impacts, an onsite drainage system shall be designed by a registered civil engineer and approved by the County Flood Control District to intercept drainage (e.g., perimeter troughs and/or drain inlets) and to safely deliver the runoff to the nearest public drainage, as determined by the County Flood Control District. (FD M 4.5.1)
- B. Drainage system improvements.** For any proposed new development which would be constructed prior to the emplacement of Master Drainage Plan improvements to serve the project, the developer shall be responsible for constructing certain drainage system elements in order to control project runoff. (FD M 4.5.2)
- C. Hillside erosion.** To prevent hillside erosion, removal of vegetation on slopes 20 percent or greater shall be limited to that necessary for fire protection and for reasonable development of the parcel. (FD M 1.1)
- D. Groundwater recharge.** Development shall be designed to minimize the threat of onsite and downstream flood potential and to allow recharge of the groundwater basin to the maximum extent feasible. (FD M 2.1)
- E. Flood control measures.** New development shall be located in a manner that minimizes the need for flood control measures. (FD M 2.2)
- F. Stream alterations.** No further concrete channelization or major alterations of streams shall be permitted. (FD M 4.6)

Grading Standards and Geologic Hazard Mitigation

- A. Earthquake faults.** Construction within fifty feet of Historically Active and Active Fault traces shall be avoided. The County shall require special engineering features to minimize potential structural damage from fault rupture for any structure which cannot avoid faults. (GEO M 1.4)
- B. MBAR review required.** The Department shall not issue a Land Use Permit for the grading of roads or individual building pads until the structure has received Final MBAR approval. (GEO M 1.5.1)
- C. Grading Plan contents.** Prior to the issuance of a grading permit, the review authority shall determine which, if any of the following measures shall be incorporated into the grading plan. This decision shall be based on the project's proximity and potential impact to sensitive habitats (e.g., riparian) and the presence of steep slopes, erosive soils, etc., on or adjacent to the site. Consideration shall be given to all activities that would likely occur as part of the permit being considered, including grading, brushing, construction, vehicle parking, supply/equipment storage and trenching.
1. Sediment, silt and grease traps (where vehicle oils or fuels may be leaked) shall be installed in paved areas to act as filters to minimize pollution reaching downstream habitats. These filters would address short term construction and long term operational impacts; (GEO M 1.5.3)
 2. Temporary, low cost erosion control, such as hay bales and debris fencing shall be installed within

~~unpaved areas during the rainy season (typically from November to March) whenever the treat of erosion and sediment movement into drainage exists; and~~

~~3. Graded slopes shall be temporarily seeded with non-invasive or naturalized annual grasses if landscaping is delayed past the onset of the rainy season.~~

D. Drainage plan for steep slopes. A drainage plan shall be required for all development on slopes of 20 percent or greater, to minimize landslide, soil creep and erosion hazards. (GEO M 1.5.2)

E. Landscape plan for steep slopes. Landscape plans required for all new development on slopes greater than 20 percent shall strive to ensure revegetation of graded areas. Each landscape plan shall be subject to review by the Montecito BAR. (GEO M 1.5.4)

F. Excessive grading. Excessive grading for the sole purpose of creating or enhancing views shall not be permitted. (LU M 1.2)

Hazards

The review authority shall consider the potential for exposure to radon gas during project review by determining if the site is in an area overlying a geologic formation that is a known source of radon gas (e.g., Rincon Formation) based on the most up to date geologic maps of the Montecito area accepted by the Department. If the site is located in such an area, the Review Authority shall require as conditions of approval that: (GEO M 2.1.1)

A. Electromagnetic fields (EMF). In reviewing permits for EMF sensitive uses (e.g., residential, schools, etc.), the Department shall require an adequate building setback from EMF generating sources to minimize exposure hazards. The Department shall consult with Southern California Edison and County/State Health Services and outside experts as needed, on the appropriate setback from power lines and substations. The setback shall be based upon measurements of magnetic fields created by the EMF source and shall be established so as not to expose the public to elevated levels of EMF. (E M 1.1, E M 1.1.1)

B. Construction Standards. Any construction standards determined by the Division of Building and Safety as necessary to reduce the potential for exposure to radon gas; and

C. Noticing. A notice be placed on the property title stating that the property overlies a geologic formation which is a source of radon gas, and that structures should be periodically tested for the presence of the gas.

Noise Standards

A. Hours of construction. All site preparation and associated exterior construction activities related to new residential units including remodeling, demolition, and reconstruction, shall take place between 7:00 a.m. and 4:30 p.m., weekdays only. (N M 1.1.1)

B. Noise mitigation methods. Significant noise impacts upon new noise sensitive land uses (as defined by the Noise Element) shall be avoided through the provision of sound shielding and/or adequate design that provides sufficient attenuation, or through the proper siting of structures to avoid areas of elevated ambient noise. (N M 1.1.2)

Site Specific Standards

A. Hosmer Adobe Parcel (009-060-049).

1. Hosmer Adobe shall be preserved, as a community resource and shall not be removed or damaged.
2. A Phase I survey shall be performed and the County's Cultural Resource Guidelines shall be followed.
3. New development shall utilize low flow plumbing fixtures and maximize the use of drought-tolerant species and low water use irrigation for landscaping.

- ~~4. Development shall be sited and designed to avoid the removal of native and non-native trees. If such trees are damaged or removed, an RMD approved tree replacement program shall be implemented consistent with the policies and development standards of the Montecito Community Plan.~~
- ~~5. A landscape plan including the preservation of large scenic trees within development areas and along San Ysidro Road shall be implemented, and if necessary, a landscape buffer along San Ysidro Road shall be provided.~~
- ~~6. An acoustical analysis shall demonstrate that all new development is sited and designed to reduce both interior and exterior noise levels to below County standards. This may be accomplished through a variety of approaches including setback of units and exterior living spaces from noise corridors, orientation of units away from noise sources, use of soundwalls and/or berms in the landscape plan, and/or construction techniques to reduce interior noise levels.~~
- ~~7. A construction emissions program shall be implemented. The program shall include keeping graded areas damp with reclaimed water during excavation, revegetating graded areas, covering soil stockpiles and tarping trucks transporting fill.~~
- ~~8. Development shall be subject to Fire Department review and approval; Fire Department standards and special conditions shall be followed and implemented.~~
- ~~9. The applicant shall contribute an amount as specified by the Public Works Transportation Division calculated on a per peak hour trip basis to be combined with County, State and Federal funds for future road improvements in the Montecito Planning Area.~~

B. ~~South Jameson (Hammond) Property (009-320-003 and -004).~~

- ~~1. Development shall be clustered on the northern portion of the property adjacent to South Jameson Lane. The remaining portion of the property should be allocated to open space with the intent of continuing organic farming on the site to the extent feasible.~~
- ~~2. Development shall be clustered in a manner such as to:
 - ~~a. Provide unobstructed views of the open space area from South Jameson Lane;~~
 - ~~b. Allow access to the rear portion of the site;~~
 - ~~c. Adequately buffer any organic farming operations from the residences;~~
 - ~~d. Preserve to the extent feasible existing specimen and native trees on the site.~~~~
- ~~3. If applicable, potential buyers of the residential units shall be notified through a notice on their property title that organic farming may occur on the site;~~
- ~~4. Improvements to the San Ysidro Road overpass shall be required prior to the development of the site.~~
- ~~5. To minimize increased noise, lighting, etc. and loss of privacy for uses to the west, all new development shall be sited and designed in a manner that least impacts existing development.~~
- ~~6. The applicant shall contribute an amount as specified by the Public Works Department Transportation Division calculated on a per peak hour trip basis to be combined with County, State, and Federal funds for future road improvements in the Montecito Planning Area.~~
- ~~7. Development shall be set back at least 50 feet from Montecito Creek's top of bank, and the creek shall be revegetated with appropriate native species.~~
- ~~8. Flood Control District standards and conditions shall be implemented.~~
- ~~9. A landscape plan including to the extent feasible, the preservation of oak trees within development areas and along South Jameson Road shall be implemented, and if necessary, a landscape buffer~~

along South Jameson Road shall be provided.

- ~~10. A Phase I survey shall be performed and development shall adhere to the County's Cultural Resource Guidelines.~~
- ~~11. An acoustical analysis shall demonstrate that all new development is sited and designed to reduce both interior and exterior noise levels to below County standards. This may be accomplished through a variety of approaches including setback of units and exterior living spaces from the noise corridors, orientation of units away from noise sources, use of soundwalls and/or berms in the landscape plan, and/or, construction techniques to reduce interior noise levels.~~
- ~~12. Noise generating construction activities shall be limited to the hours between 7:30 to 4:30, Monday through Friday.~~
- ~~13. A construction emissions program shall be implemented. This program shall include keeping graded areas damp with reclaimed water during excavation, revegetating graded areas, covering soil stockpiles and tarping trucks transporting fill.~~
- ~~14. Fire Department standards and conditions shall be followed and implemented.~~

Visual Resources – Standards

- ~~**A. Visibility of new structures.** New structures shall be designed, sited, graded, and landscaped in a manner which minimizes their visibility from public roads. (LU M 2.1)~~
- ~~**B. Screening.** In order to maintain the naturalized landscape currently characteristic of Montecito's residential roadways, new structures and onsite parking areas in residential areas shall be screened from view from adjacent public roadways to the maximum extent feasible, by careful site planning and landscaping. (LU M 2.1.1)~~
- ~~**C. Lighting.** Lighting of structures, roads and properties shall be minimized to protect privacy, and to maintain the semi rural, residential character of the community. (LU M 2.2)~~
- ~~**D. Community character.** All educational, institutional, and other public & quasi public uses shall be developed and operated in a manner compatible with the community's residential character. (LUED M-1.1)~~
- ~~**E. Mountain views.** Development shall be subordinate to the natural open space characteristics of the mountains. (VIS M 1.1)~~
- ~~**F. Grading.** Grading required for access roads and site development shall be limited in scope so as to protect the viewshed. (VIS M 1.2)~~
- ~~**G. Open space views.** Development on property should minimize impacts to open space views as seen from public roads and viewpoints. (VIS M 1.3)~~
- ~~**H. Water tanks.** In hillside areas where water tanks are required for structural fire fighting purposes, tanks should be designed to:

 - ~~1. Blend in with natural land forms;~~
 - ~~2. Not impinge on the view shed; and~~
 - ~~3. Be screened by landscaping.~~~~

Water Conservation

~~Each required landscape plan shall include drip irrigation systems and/or other water saving irrigation systems. (WAT M 1.2.1)~~

