

ATTACHMENT 9: ARTICLE II CZO ORDINANCE AMENDMENT
CASE NO. 16ORD-00000-00016

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ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 4, ZONING DISTRICTS, DIVISION 7, GENERAL REGULATIONS, DIVISION 11, PERMIT PROCEDURES, DIVISION 12, ADMINISTRATION, DIVISION 13, SUMMERLAND COMMUNITY PLAN OVERLAY, AND DIVISION 16, TORO CANYON PLAN (TCP) OVERLAY DISTRICT, TO IMPLEMENT NEW REGULATIONS AND DEVELOPMENT STANDARDS REGARDING ACCESSORY DWELLING UNITS.

16ORD-00000-00016

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

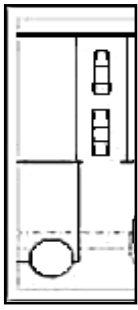
SECTION 1:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add new definitions of “Accessory Dwelling Unit,” “Parking, Tandem” and “Passageway” to read as follows:

Accessory dwelling unit. An attached or a detached residential dwelling unit on a permanent foundation that is located on the same lot as a one-family 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.

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 the figure below.



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

SECTION 2:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of

Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the existing definitions of “Floor Area - Gross,” “Owner” and “Residential Second Unit” to read as follows:

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;
- (10) In residential zone districts, 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. ~~For attached or detached residential second units, this term includes only the second unit and its directly accessible appurtenant interior spaces, and shall not be considered to include any existing floor area not contained within the second unit, nor shall it include the floor area of storage or other accessory structures or spaces not directly accessible from the living area of the second unit.~~

Owner: ~~For the purpose of a Detached or Attached Residential Second Unit, an owner shall be the individual whose name appears on the title to the property and for whom a homeowner's exemption is claimed. The record owner or any person having possession and control of the subject property.~~

Residential Second Unit: ~~A dwelling unit on a permanent foundation that provides complete, independent living facilities for one or more persons in addition to the principal one-family dwelling. The residential second unit may either be an attached residential second unit or a detached residential second unit. The residential second unit shall not be sold or financed separately from the principal dwelling but may be rented or leased. It shall contain permanent provisions for living, sleeping, eating, cooking, water and sanitation, and shall be located entirely on the same lot that contains the principal dwelling. See Accessory Dwelling Unit.~~

SECTION 3:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete the existing definitions of “Attached Residential Second Unit,” and “Detached Residential Second Unit.”

SECTION 4:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 9 of Section 35-68.3, Permitted Uses, of Section 35-68, AG-I - Agriculture I, to read as follows:

9. One Attached ~~Residential Second~~ Accessory Dwelling Unit per legal lot zoned AG-I-5, AG-I-10 or AG-I-20, subject to the provisions of Section 35-142 (~~Residential Second~~ Accessory Dwelling Units).

SECTION 5:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 2 of Section 35-68.5, Uses Permitted with a Minor Conditional Use Permit, of Section 35-68, AG-I - Agriculture I, to read as follows:

2. One Detached ~~Residential Second~~ Accessory Dwelling Unit per legal lot zoned AG-I-5, AG-I-10, and AG-I-20 subject to the provisions of Section 35-142 (~~Residential Second~~ Accessory Dwelling Units) and Section 35-172 (Conditional Use Permits).

SECTION 6:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35-68.12, Maximum Gross Floor Area (Floor Area Ratio or FAR), of Section 35-68, AG-I - Agriculture I, to read as follows:

Section 35-68.12 Maximum Gross Floor Area (Floor Area Ratio or FAR)

~~None, except that where a Residential Second Unit has been approved, the total gross floor area of all covered structures shall be subject to the requirements of DIVISION 7, (GENERAL REGULATIONS), Section 35-142.6.f. (Development Standards) for attached second units, or Sections 35-142A.6.5. (Development Standards) for detached second units.~~

None except as required by Section 35-142 (Accessory Dwelling Units).

SECTION 7:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 9 of Section 35-70.3, Permitted Uses, of Section 35-70, RR - Rural Residential, to read as follows:

9. One Attached or Detached ~~Residential Second~~ Accessory Dwelling Unit per legal lot subject to the provisions of Section 35-142 (~~Residential Second~~ Accessory Dwelling Units).

SECTION 8:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35-70.10, Maximum Gross Floor Area (Floor Area Ratio or FAR), of Section 35-70, RR - Rural Residential, to read as follows:

Section 35-70.10 Maximum Gross Floor Area (Floor Area Ratio or FAR)

~~None, except that where a Residential Second Unit has been approved, the total gross floor area of all covered structures shall be subject to the requirements of DIVISION 7, (GENERAL REGULATIONS), Section 35-142.6.6. (Development Standards) for residential second units.~~

None except as required by Section 35-142 (Accessory Dwelling Units).

SECTION 9:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 8 of

Section 35-71.3, Permitted Uses, of Section 35-71, R-1/E-1 - Single-Family Residential, to read as follows:

8. One Attached or Detached ~~Residential Second~~ Accessory Dwelling Unit subject to the provisions of Section 35-142 (~~Residential Second~~ Accessory Dwelling Units).

SECTION 10:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35-71.13, Maximum Gross Floor Area (Floor Area Ratio or FAR), of Section 35-71, R-1/E-1 - Single-Family Residential, to read as follows:

Section 35-71.13 Maximum Gross Floor Area (Floor Area Ratio or FAR)

~~None, except that where a Residential Second Unit has been approved, the total gross floor area of all covered structures shall be subject to the requirements of DIVISION 7, GENERAL REGULATIONS, Section 35-142.6.6. (Development Standards) for residential second units.~~

None except as required by Section 35-142 (Accessory Dwelling Units).

SECTION 11:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 9 of Section 35-73.3, Permitted Uses, of Section 35-73, EX-1 - One-Family Exclusive Residential, to read as follows:

9. One Attached or Detached ~~Residential Second~~ Accessory Dwelling Unit subject to the provisions of Section 35-142 (~~Residential Second~~ Accessory Dwelling Units).

SECTION 12:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35-73.10, Maximum Gross Floor Area (Floor Area Ratio or FAR), of Section 35-73, EX-1 - One-Family Exclusive Residential, to read as follows:

Section 35-73.10 Maximum Gross Floor Area (Floor Area Ratio or FAR)

~~None, except that where a Residential Second Unit has been approved, the total gross floor area of all covered structures shall be subject to the requirements of DIVISION 7, GENERAL REGULATIONS, Section 35-142.6.6. (Development Standards) for residential second units.~~

None except as required by Section 35-142 (Accessory Dwelling Units).

SECTION 13:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 14 of Section 35-120, Guest House, Artist Studio, or Pool House/Cabaña, to read as follows:

14. If an Attached or a Detached ~~Residential Second~~ Accessory Dwelling Unit exists or has current approval on a ~~parcel~~ lot, a guest house or artist studio may not also be approved (see also Section 35-142.7.7 8.9).

SECTION 14:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to repeal existing Section 35-142, Residential Second Units, in its entirety and to adopt a new Section 35-142 to be titled “Accessory Dwelling Units” and to read as follows:

Section 35-142. Accessory Dwelling Units.

Section 35-142.1 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.

Section 35-142.2 Applicability.

1. Accessory dwelling units may be located on a lot zoned Agriculture I (AG-I), Rural Residential (RR), Single-Family Residential (R-1/E-1), or One-Family Exclusive Residential (EX-1), except that:
 - a. Within the AG-I zone, accessory dwelling units may only be located on a lot zoned either AG-I-5, AG-I-10 or AG-I-20.
 - b. Within the Montecito Community Plan area accessory dwelling units may only be located on a lot zoned Single-Family Residential (R-1/E-1).

Section 35-142.3 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 Coastal Land Use 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 only one accessory dwelling unit.

Section 35-142.4 Application and Processing Requirements.

1. **Attached accessory dwelling units located in agricultural zones and attached and detached accessory dwelling units located in residential zones.**
 - a. **Coastal Development Permit required.** Prior to the development or use of a structure or portion thereof as an accessory dwelling unit on a lot located in an agricultural or residential zone an application for a Coastal Development Permit shall be submitted in compliance with Section 35-57A (Application Preparation and Filing) and a Coastal Development Permit shall be issued in compliance with Section 35-169 (Coastal Development Permits).
 - b. **Ministerial review.** An application for a Coastal Development Permit for an accessory dwelling unit shall be considered ministerially without discretionary review or hearing.
 - 1) The Director shall approve, conditionally approve, or deny an application for an accessory dwelling unit that complies with either Section 35-142.6 (Accessory dwelling units located entirely within existing buildings and are not located on a lot zoned AG-I), or Section 35-142.7 (Accessory dwelling units located either partially within existing buildings or new accessory buildings and are not located on a lot zoned AG-I), below, within 120 days following the submittal of an application to the Department in compliance with Section 35-57A (Application Preparation and Filing).

2. Detached accessory dwelling units located in agricultural zones.

a. Minor Conditional Use Permit required. Prior to the development or use of a structure or portion thereof as an accessory dwelling unit on a lot located in an agricultural zone an application for a Minor Conditional Use Permit shall be submitted in compliance with Section 35-57A (Application Preparation and Filing) and shall be approved in compliance with Section 35-172 (Conditional Use Permits).

3. Conflicts with other Sections of this Article. Where there are conflicts between the standards in this Section 35-142 (Accessory Dwelling Units), the standards in Section 35-119 (Accessory Structures) and the standards in the specific zone regulations (Division 4 Zoning Districts), the provisions of this Section shall prevail.

Section 35-142.5 Exclusion Areas.

- 1.** Because of the adverse impact on the public health, safety, and welfare, accessory dwelling units shall not be permitted in Special Problem Areas designated by the Board of Supervisors except as provided in Sections 35-142.5.2 based upon the finding that Special Problem Areas by definition are areas "having present or anticipated flooding, drainage, grading, soils, geology, road width, access, sewage disposal, water supply, location or elevation problems."
- 2.** Notwithstanding the above, the Department may approve a permit for an accessory dwelling unit within a designated Special Problems Area where all of the applicable development standards in this Section 35-142 (Accessory Dwelling Units) and applicable provisions and policies of this Article and the Coastal Land Use Plan can be met and the project has been reviewed by the Special Problems Committee.

Section 35-142.6 Accessory dwelling units located entirely within existing buildings and are not located on a lot zoned AG-I.

A permit for an accessory dwelling unit that is proposed to be located entirely within an existing one-family dwelling or an existing accessory building on a lot that contains an existing one-family dwelling and is zone single-family residential at the time the application for the accessory dwelling unit is submitted shall not be issued unless it complies with all of the following development standards contained in this Section 35-142.6 (Accessory dwelling units located entirely within existing buildings and are not located on a lot zoned AG-I).

- 1. Appearance and style.** Any exterior alterations to an existing building that are the result of the conversion of all or a portion of the existing building to an accessory dwelling unit are limited to those that are determined to be minor by the Director (e.g., the addition of doors and windows).
- 2. 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.
- 3. Height limit.** No additional height limit shall apply to an accessory dwelling unit that is proposed to be located entirely within an existing one-family dwelling or an existing accessory building.
- 4. Maximum and minimum living area requirements.** For the purposes of this Section 35-142.6 (Accessory dwelling units located entirely within existing buildings and are not located on a lot zoned AG-I), 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:** The living area of an attached accessory dwelling unit shall not exceed 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.

- 5. Parking requirements.** Additional parking spaces are not required to be provided for accessory dwelling units permitted in compliance with this Section 35-142.6 (Accessory dwelling units located entirely within existing buildings and are not located on a lot zoned AG-I).
 - a. When a garage, carport, or covered parking structure is converted or demolished in conjunction with the construction of an accessory dwelling unit, 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.
- 6. Passageway not required.** A passageway shall not be required to be provided in conjunction with the construction of an accessory dwelling unit.
- 7. 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.
- 8. Rental, sale and subdivision.**
 - 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.
 - c. Upon the development of an accessory dwelling unit on a lot, the lot shall not be subdivided unless there is adequate land area to divide the lot in compliance with:
 - 1) The Comprehensive Plan including the Coastal Land Use Plan and any applicable Community or Area Plan.
 - 2) This Article.
- 9. Residency of lot owner.**
 - a. The owner of the lot shall:
 - 1) Reside on the lot, either in the principal dwelling or in the accessory dwelling unit except when:
 - a) A disability or infirmity requires institutionalization of the owner, or
 - b) The Director approves in writing the owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause.
 - 2) Prior to issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits):
 - a) Have received a Homeowners' Property Tax Exemption from the County Assessor, or
 - b) Have submitted to the Department a signed and notarized affidavit stipulating that the lot is owner-occupied.
 - b. Upon sale or transfer of ownership of the lot, the new owner shall reside on the lot and shall, within 90 days of taking possession of the property, either receive a Homeowners' Property Tax Exemption from the County Assessor or submit to the Department a signed and notarized affidavit stipulating that the lot is owner-occupied or the use of the accessory dwelling unit shall be

discontinued and the accessory dwelling unit shall be:

- 1) **Attached accessory dwelling unit.** Removed or converted into a portion of the principal dwelling or a legal attached accessory structure.
- 2) **Detached accessory dwelling unit.** Removed or converted into a legal detached accessory structure.

- c. **Notice to Property Owner required.** Before the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), the owner-occupant shall sign and record a Notice to Property Owner that includes at a minimum the requirement that the owner reside on the lot.

10. **Setbacks.** No additional setback shall be required provided the existing side and rear setbacks are sufficient for fire safety purposes.

Section 35-142.7 *Accessory dwelling units located either partially within existing buildings or new accessory buildings and are not located on a lot zoned AG-I.*

A permit for an accessory dwelling unit that is proposed to be located either partially within existing buildings or new accessory buildings on a lot that contains an existing one-family dwelling at the time the application for the accessory dwelling unit is submitted shall not be issued unless it complies with all of the following development standards contained in this Section 35-142.7 (Accessory dwelling units located either partially within existing buildings or new accessory buildings and are not located on a lot zoned AG-I).

1. **Appearance and style.**

- a. **The exterior appearance and architectural style of the proposed accessory dwelling unit shall be subject to review and approval by the decision-maker identified below except where any changes to an existing building are restricted to those that are determined to be minor by the Director.**
 - 1) **Outside the Montecito Community Plan area.** Outside of the Montecito Community Plan area the Director shall be the decision-maker.
 - 2) **Within the Montecito Community Plan area.** Within the Montecito Community Plan area the Chair of the Montecito Board of Architectural Review, or designee, shall be the decision-maker.
- b. **In order to approve the exterior appearance and architectural style of the proposed accessory dwelling unit the decision-maker shall first determine that:**
 - 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 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 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 decision-maker if it would prohibit the construction of an attached accessory dwelling unit on the lot.**
 - 4) **All exterior lighting complies with Section 35-139 (Exterior Lighting), Section 35-212 (Requirements for Exterior Lighting), or Section 35-191.8 (Exterior Lighting), as applicable.**
 - 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.

- c. If the Chair of the Montecito Board of Architectural Review is the decision-maker and the Chair does not approve the exterior appearance and architectural style of the accessory dwelling unit, then the Director shall deny the Coastal Development Permit application for the accessory dwelling unit. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).

2. Coastal resource protection.

- a. All development associated with the construction of an accessory dwelling unit shall be located:
- 1) A minimum of 50 feet from the outer edge of a designated environmentally sensitive habitat area in urban areas and a minimum of 100 feet from the outer edge of a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, then this development standard shall not apply.
 - 2) A minimum of 100 feet from the periphery of wetlands consistent with the requirements of Section 35-97.9 (Development Standards for Wetland Habitats).
- b. Accessory dwelling units shall not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.
- c. Accessory dwelling units shall not obstruct public access to and along the coast, or public trails.

3. Environmentally sensitive habitat areas. The development of an accessory dwelling unit shall be in compliance with the requirements of Section 35-97 (ESH - Environmentally Sensitive Habitat Area Overlay District).

4. 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.

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 would exceed these height limits is:
- 1) Located within the existing space of a one-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.** The height of an accessory dwelling unit that is attached to the principal dwelling shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to:
- 1) **Located below an existing floor.** The bottom of the support system of the floor above.
 - 2) **Located above an existing floor or on-grade where there is no floor above.** The highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof that covers the accessory dwelling unit.
- c. **Detached accessory dwelling units.**
- 1) **Detached accessory dwelling unit not connected to a detached accessory structure.** A detached 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 35-127 (Height).
 - 2) **Detached accessory dwelling unit connected to a detached accessory structure.**
 - a) The height of a detached accessory dwelling unit that is connected to a detached

accessory structure shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to:

- i) **Located below an existing floor.** The bottom of the support system of the floor above.
 - ii) **Located above an existing floor or on grade where there is no floor above.** The highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof that covers the accessory dwelling unit.
- b) The height of the combined structure shall not exceed a height of 25 feet as determined in compliance with Section 35-127 (Height).

6. Maximum and minimum living area requirements. For the purposes of this Subsection 6 (Maximum and minimum living area requirements), 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. Outside the Montecito Community Plan area. The following standards apply to applications for accessory dwelling units that are proposed to be located outside of the Montecito Community Plan area.

- 1) **Maximum living area.** The living area of the accessory dwelling unit shall not exceed eight percent of the net lot area of the lot that the accessory dwelling unit will be located on, provided that the living area of the accessory dwelling unit does not exceed 1,200 square feet.
- 2) **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.

b. Within the Montecito Community Plan area. The following standards apply to applications for accessory dwelling units that are proposed to be located within the Montecito Community Plan area.

- 1) **Maximum living area.** The living area of the accessory dwelling unit shall not exceed the maximum shown in the table below for the applicable lot area:

Lot Area (unless specified = net lot area)	Maximum Accessory Dwelling Unit Living Area
0 - 9,999 square feet	400 square feet
10,000 - 19,999 square feet	600 square feet
20,000 square feet - 1 acre	800 square feet
Over 1 acre to 2 acres	1,000 square feet
Over 2 acres	1,200 square feet

- a) **Attached accessory dwelling unit.** In addition to the maximum living area specified in the table above, the living area of an attached accessory dwelling unit shall not exceed 50 percent of the living area of the principal dwelling that exists at the time of application for the accessory dwelling unit.
- 2) **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.

7. Parking requirements.

a. Except as provided in Subsection 7.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 that the accessory dwelling unit is located on for each bedroom or other room used for sleeping in the accessory dwelling unit. The additional parking shall be provided as specified in the base zone and in Division 6 (Parking Regulations) except that said parking may be provided as tandem parking on a driveway and in compliance with the following.

- 1) The additional parking shall be permitted in setback areas or through tandem parking.

excluding the front setback area, unless:

- a) Specific findings are made by the Director that parking in setback areas or tandem parking is not feasible 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.

b. Additional off-street parking spaces are not required to be provided for 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.

c. Except as provided in Subsection 7.c.1), below, when a garage, carport, or covered parking structure is converted or demolished in conjunction with the construction of an accessory dwelling unit, 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.

1) A mechanical parking lift shall:

- a) Not be located on a driveway between the principal dwelling and any adjacent street.
- b) Be located a sufficient distance away from any structures in order to comply with any fire clearance requirements.
- c) Not be used to provide replacement parking spaces if the project site is located in a very high fire hazard severity zone.
- d) Be rated for all-weather use unless located within a building.
- e) 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.

8. Passageway not required. A passageway shall not be required to be provided in conjunction with the construction of an accessory dwelling unit.

9. 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.

10. Rental, sale and subdivision.

- 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.
- c. Upon the development of an accessory dwelling unit on a lot, the lot shall not be subdivided unless there is adequate land area to divide the lot in compliance with:

- 1) The Comprehensive Plan including the Coastal Land Use Plan and any applicable Community or Area Plan.
- 2) This Article.

11. Residency of lot owner.

- a. The owner of the lot shall:
 - 1) Reside on the lot, either in the principal dwelling or in the accessory dwelling unit except when:
 - a) A disability or infirmity requires institutionalization of the owner, or
 - b) The Director approves in writing the owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause.
 - 2) Prior to issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits):
 - a) Have received a Homeowners' Property Tax Exemption from the County Assessor, or
 - b) Have submitted to the Department a signed and notarized affidavit stipulating that the lot is owner-occupied.
- b. Upon sale or transfer of ownership of the lot, the new owner shall reside on the lot and shall, within 90 days of taking possession of the property, either receive a Homeowners' Property Tax Exemption from the County Assessor or submit to the Department a signed and notarized affidavit stipulating that the lot is owner-occupied or the use of the accessory dwelling unit shall be discontinued and the accessory dwelling unit shall be:
 - 1) **Attached accessory dwelling unit.** Removed or converted into a portion of the principal dwelling or a legal attached accessory structure.
 - 2) **Detached accessory dwelling unit.** Removed or converted into a legal detached accessory structure.
- c. **Notice to Property Owner required.** Before the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), the owner-occupant shall sign and record a Notice to Property Owner that includes at a minimum the requirement that the owner reside on the lot.

12. Setbacks. An accessory dwelling unit shall comply with the setback regulations that apply to the principal dwelling except as provided below.

- 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.

13. Tree protection. An application for an accessory dwelling unit shall be in compliance with the following standards in addition to the requirements of Section 35-140 (Tree Removal).

- a. 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.
- b. No grading, paving, or 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 prepared by a licensed arborist, and submitted by the applicant, is that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s).
- c. For the purposes of this Subsection 13 (Tree protection) specimen trees are defined as mature native trees that are healthy and structurally sound and have grown into the natural stature particular to the species.

14. Historic Landmarks Advisory Commission. If the accessory dwelling unit is proposed to be located entirely or partially within a building that is 50 years old or greater, then the application shall 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 that the Historic Landmarks Advisory Commission may choose to comment on.

15. Special additional standards for accessory dwelling units that are proposed to be located within the Montecito Community Plan area.

a. Location on lot. A detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other provisions of this Development Code such as setback requirements prohibit compliance with this standard.

1) Where the lot abuts two or more streets, the principal abutting street shall be considered to be the street that has the highest traffic volumes.

b. Maximum lot coverage. The total gross floor area of all buildings located on a lot, including an accessory dwelling unit, shall not exceed 40 percent of the gross lot area of the lot on which the accessory dwelling unit is proposed to be located.

1) For the purposes of this Subsection 15.b, gross floor area includes any partially enclosed or unenclosed floor area covered by a permanent roof.

c. Site preparation.

1) Grading associated with the development of the accessory dwelling unit shall not exceed 1,500 cubic yards of cut and fill.

2) Any freestanding retaining wall 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.

Section 35-142.8 Accessory dwelling units that are not accessory to existing one-family dwellings or are located on a lot zoned AG-I.

A permit for an accessory dwelling unit that is proposed to be (1) located in an agricultural zone or (2) constructed on a lot located in a residential zone that does not contain an existing, one-family dwelling at the time the application for the accessory dwelling unit is submitted and is proposed to be constructed in conjunction with the construction of a one-family dwelling shall not be issued unless it complies with all of the following development standards contained in this Section 35-142.8 (Accessory dwelling units that are not accessory to existing one-family dwellings or are located on a lot zoned AG-I).

1. Accessory to a principal dwelling. The application for the accessory dwelling unit shall be submitted in conjunction with the application for a principal dwelling. The accessory dwelling unit shall not be occupied prior to occupation of the principal dwelling.

2. Appearance and style.

a. The exterior appearance and architectural style of the proposed accessory dwelling unit shall be subject to review and approval by the decision-maker identified below except where any changes to an existing building are restricted to those that are determined to be minor by the Director.

1) **Outside the Montecito Community Plan area.** Outside of the Montecito Community Plan area the Director shall be the decision-maker.

2) **Within the Montecito Community Plan area.** Within the Montecito Community Plan area the Chair of the Montecito Board of Architectural Review, or designee, shall be the decision-maker.

b. In order to approve the exterior appearance and architectural style of the proposed accessory dwelling unit the decision-maker shall first determine that:

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 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 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 decision-maker if it would prohibit the construction of an attached accessory dwelling unit on the lot.
 - 4) All exterior lighting complies with Section 35-139 (Exterior Lighting), Section 35-212 (Requirements for Exterior Lighting), or Section 35-191.8 (Exterior Lighting), as applicable.
 - 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.
- c. If the Chair of the Montecito Board of Architectural Review is the decision-maker and the Chair does not approve the exterior appearance and architectural style of the accessory dwelling unit, then the Director shall deny the Coastal Development Permit application for the accessory dwelling unit. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).

3. Coastal resource protection.

- a. A detached accessory dwelling unit located on property zoned AG-I (Agricultural I) shall comply with all of the additional development standards shown below. If these requirements are in conflict with other provisions of the Coastal Land Use Plan or any applicable community or area plan, this Article, or any permit conditions established by the County, the requirements which are most protective of coastal resources shall control.
 - 1) Avoid prime soils or where there are no prime soils be sited so as to minimize impacts to ongoing agriculturally-related activities.
 - 2) Include buffers from sensitive areas.
 - 3) Preserve natural features, landforms and native vegetation such as trees to the maximum extent feasible.
- b. All development associated with the construction of accessory dwelling units shall be located a minimum of 50 feet away from the outer edge of a designated environmentally sensitive habitat area in urban areas and a minimum of 100 feet away from the outer edge of a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, then this development standard shall not apply.
- c. All development associated with the construction of accessory dwelling units shall be located a minimum of 100 feet from the periphery of wetlands consistent with the requirements of Section 35-97.9 (Development Standards for Wetland Habitats).
- d. Accessory dwelling units shall not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.
- e. Accessory dwelling units shall not obstruct public access to and along the coast, or public trails.

4. Environmentally sensitive habitat areas. The development of an accessory dwelling unit shall be in compliance with the requirements of Section 35-97 (ESH - Environmentally Sensitive Habitat Area Overlay District).

5. 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.

6. 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 would exceed these height limits is:

- 1) Located within the existing space of a 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.** The height of an accessory dwelling unit that is attached to the principal dwelling shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to:

- 1) **Located below a floor.** The bottom of the support system of the floor above.
- 2) **Located above a floor or on-grade where there is no floor above.** The highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof that covers the accessory dwelling unit.

c. **Detached accessory dwelling units.**

1) **Detached accessory dwelling unit not connected to a detached accessory structure.** A detached 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 35-127 (Height).

2) **Detached accessory dwelling unit connected to a detached accessory structure.**

a) The height of a detached accessory dwelling unit that is connected to a detached accessory structure shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to:

- i) **Located below a floor.** The bottom of the support system of the floor above.
- ii) **Located above a floor or on-grade where there is no floor above.** The highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof that covers the accessory dwelling unit.

b) The height of the combined structure shall not exceed a height of 25 feet as determined in compliance with Section 35-127 (Height).

7. Lot area and coverage requirements.

a. **Minimum net lot area.**

1) **Attached accessory dwelling units.** The minimum net lot area on which attached accessory dwelling units may be located shall be 7,000 square feet; however, for lots legally created before June 2, 1966 this minimum net lot area shall be 6,000 square feet.

2) **Detached accessory dwelling units.** Except as provided in Subsection 7.a.2)a), below, the minimum net lot area on which detached accessory dwelling units may be located shall be 10,000 square feet.

a) Within the Montecito Community Plan area the minimum gross lot area shall be five acres.

b. **Maximum lot coverage.** The total gross floor area of all buildings located on a lot, including an accessory dwelling unit, shall not exceed 40 percent of the gross lot area of the lot on which the accessory dwelling unit is proposed to be located.

1) For the purposes of this Subsection 7.b, gross floor area includes any partially enclosed or unenclosed floor area covered by a permanent roof.

8. Maximum and minimum floor area requirements. For the purposes of this Subsection 8 (Maximum and minimum floor area requirements), gross floor area relates only to directly accessible appurtenant interior spaces and does not include any floor area not contained within the accessory dwelling unit, including the floor area of any attached accessory structures or spaces not directly accessible from the living area of the accessory dwelling second unit.

a. Maximum gross floor area.

1) Outside the Montecito Community Plan area. For lots located outside the Montecito Community Plan area, the gross floor area of an accessory dwelling unit shall not exceed the standards included in the following table:

<u>Type of Accessory Dwelling Unit</u>	<u>Lot Area (unless specified = net lot area)</u>	<u>Maximum Accessory Dwelling Unit Gross Floor Area</u>
<u>Attached</u>	<u>6,000 - 9,999 square feet</u>	<u>600 square feet</u>
	<u>10,000 - 19,999 square feet</u>	<u>800 square feet</u>
	<u>20,000 square feet or greater</u>	<u>1,200 square feet</u>
<u>Detached</u>	<u>10,000 - 19,999 square feet</u>	<u>800 square feet</u>
	<u>20,000 square feet or greater</u>	<u>1,200 square feet</u>

2) Within the Montecito Community Plan area. For lots located within the Montecito Community Plan area, the gross floor area of an accessory dwelling unit shall not exceed the standards included in the following table:

<u>Type of Accessory Dwelling Unit</u>	<u>Lot Area (unless specified = net lot area)</u>	<u>Maximum Accessory Dwelling Unit Gross Floor Area</u>
<u>Attached</u>	<u>6,000 - 9,999 square feet</u>	<u>400 square feet</u>
	<u>10,000 - 19,999 square feet</u>	<u>600 square feet</u>
	<u>20,000 square feet - 1 acre</u>	<u>800 square feet</u>
	<u>Over 1 acre</u>	<u>1,000 square feet</u>
<u>Detached</u>	<u>5 acres (gross) or greater</u>	<u>1,000 square feet</u>

3) Attached accessory dwelling unit. In addition to the maximum accessory dwelling unit gross floor areas shown in Subsections 8.a.1) and 8.a.2), above, an attached accessory dwelling unit shall be located within the living area of the principal dwelling, or if an increase in floor area is requested, the increase in floor area shall not exceed 30 percent of the existing living area.

a) The floor area of the garage attached to the principal dwelling may be included in the calculation of existing living area provided the garage is to be converted to living area of the principal dwelling as part of the same permit to allow the attached 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. Not allowed if in addition to certain other structures.

- a. An accessory dwelling unit shall not be allowed on a lot in addition to a guesthouse, dwellings other than the principal dwelling determined to be nonconforming as to use, or agricultural employee housing unless the lot is zoned AG-I (Agriculture I).
- b. If an accessory dwelling unit has been approved on a lot, a guesthouse or similar structure, not including farm employee dwellings on lots zoned AG-I (Agriculture I), shall not subsequently be approved unless the accessory dwelling unit is removed.

10. Parking requirements.

a. Except as provided in Subsection 10.a.1), 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 that the accessory dwelling unit is located on for each bedroom or other room used for sleeping in the accessory dwelling unit. The additional parking shall be provided as specified in the base zone and

in Division 6 (Parking Regulations).

- 1) Except for lots zoned AG-I (Agricultural I), additional off-street parking spaces are not required to be provided for accessory dwelling units that comply with any of the following criteria:
 - a) The accessory dwelling unit is located within one-half mile of public transit (e.g., a bus stop).
 - b) The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - c) The accessory dwelling unit is proposed to be located entirely within the existing space of an accessory building.
 - d) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - e) When there is a car share vehicle located within one block of the accessory dwelling unit.
- b. The Director may grant modifications to allow the additional parking required by these provisions to be located within the setbacks, excluding the front setback, based on a finding that because of the topography of the site and the location of the principal dwelling on the site, the setback requirements cannot be met.
- c. The number of additional parking spaces required for the accessory dwelling unit shall not be reduced.

11. Private and public services.

- a. **Potable water.**
 - 1) If the principal dwelling is currently served by a public water district or mutual water company not subject to moratorium for new connections, then the accessory dwelling unit shall also be served by the appropriate public water district or mutual water company.
 - 2) If the principal dwelling is currently served by a public water district or mutual water company subject to a moratorium for new connections, or if the existing service is by a private water system and the property is not located in an overdrafted water basin, then 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.

12. Rental, sale and subdivision.

- 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.
- c. Upon the development of an accessory dwelling unit on a lot, the lot shall not be subdivided unless there is adequate land area to divide the lot in compliance with:
 - 1) The Comprehensive Plan including the Coastal Land Use Plan including any applicable Community or Area Plan.
 - 2) This Article.

13. Residency of lot owner.

- a. The owner of the lot shall:

- 1) Reside on the lot, either in the principal dwelling or in the accessory dwelling unit except when:
 - a) A disability or infirmity requires institutionalization of the owner, or
 - b) The Director approves in writing the owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause.
- 2) Within 90 days of final building permit inspection for the principal dwelling, owner shall:
 - a) Have received a Homeowners' Property Tax Exemption from the County Assessor, or
 - b) Have submitted to the Department a signed and notarized affidavit stipulating that the lot is owner-occupied.
- b. Upon sale or transfer of ownership of the lot, the new owner shall reside on the lot and shall, within 90 days of taking possession of the property, either receive a Homeowners' Property Tax Exemption from the County Assessor or submit to the Department a signed and notarized affidavit stipulating that the lot is owner-occupied or the use of the accessory dwelling unit shall be discontinued and the accessory dwelling unit shall be:
 - 1) **Attached accessory dwelling unit.** Removed or converted into a portion of the principal dwelling or a legal attached accessory structure.
 - 2) **Detached accessory dwelling unit.** Removed or converted into a legal detached accessory structure.
- c. **Notice to Property Owner required.** Before the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), the owner-occupant shall sign and record a Notice to Property Owner that includes at a minimum the requirement that the owner reside on the lot.
- d. This requirement for owner-occupancy is not required for consistency with the Coastal Act or the Coastal Land Use Plan; however, it is included by the County as allowed by the State Government Code.
14. **Setbacks.** An accessory dwelling unit shall comply with the setback regulations that apply to the principal dwelling.
15. **Tree protection.** An application for an accessory dwelling unit shall be in compliance with the following standards in addition to the requirements of Section 35-140 (Tree Removal).
 - a. 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.
 - b. No grading, paving, or 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 prepared by a licensed arborist, and submitted by the applicant, is that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s).
 - c. For the purposes of this Subsection 15 (Tree protection) specimen trees are defined as mature native trees that are healthy and structurally sound and have grown into the natural stature particular to the species.
16. **Historic Landmarks Advisory Commission.** If the accessory dwelling unit is proposed to be located entirely or partially within a building that is 50 years old or greater, then the application shall 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 that the Historic Landmarks Advisory Commission may choose to comment on.

17. Additional development standards applicable to accessory dwelling units located in residential zones.

a. Location on lot.

- 1) Outside the Montecito Community Plan area.** Outside of the Montecito Community Plan area a detached accessory dwelling unit proposed on a lot of one acre or less in gross lot area shall not be located closer to the principal abutting street than the principal dwelling unless:
 - a) The detached accessory dwelling unit is to be located in a permitted structure existing on July 1, 2003 and no exterior alterations are proposed, or
 - b) Other provisions of this Article, such as setback requirements, prohibit construction of the accessory dwelling unit further from the principal abutting street than the principal dwelling.
- 2) Within the Montecito Community Plan area.** Within the Montecito Community Plan area a detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other provisions of this Article such as setback requirements prohibit compliance with this standard.
- 3) Where the lot abuts two or more streets, the principal abutting street shall be considered to be the street that has the highest traffic volumes.**

18. Special additional standards for accessory dwelling units that are proposed to be located within the Montecito Community Plan area.

a. Site preparation.

- 1) Grading associated with the development of the accessory dwelling unit shall not exceed 1,500 cubic yards of cut and fill.**
- 2) Any exposed portion of a retaining wall shall not exceed six feet in height.**

Section 35-142.9 Public Notice.

- 1. Notice of an application for an accessory dwelling units shall be given consistent with Section 35-181 (Noticing) requirements for discretionary decision-maker actions. The notice shall state that the grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the standards set forth in the certified Local Coastal Program or does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).**

Section 35-142.10 Findings for Approval.

- 1. A Coastal Development Permit application for an accessory dwelling unit shall only be approved or conditionally approved if, in addition to the findings required under Section 35-169 (Coastal Development Permits), the decision-maker first finds that the proposal is consistent with the applicable policies and development standards of the certified Local Coastal Program.**
- 2. A Minor Conditional Use Permit application for a detached accessory dwelling unit shall only be approved or conditionally approved on a lot zoned AG-I-5, AG-I-10 or AG-I-20 if, in addition to the findings required under Section 35-172 (Conditional Use Permits), the decision-maker first makes all of the following findings:**
 - a. The detached accessory dwelling unit is compatible with the design of the adjacent residences and the surrounding neighborhood and will not cause excessive noise, traffic, parking or other disturbance to the existing neighborhood.**
 - b. Provisions for on-site parking are adequate for existing and proposed uses.**
 - c. The detached accessory dwelling unit will not substantially change the character of the neighborhood in which it is located, or cause a concentration of accessory dwelling units sufficient to change the character of the neighborhood in which it is located.**
 - d. The detached accessory dwelling unit does not significantly infringe on the privacy of surrounding**

residents.

Section 35-142.11 Appeals

1. The action of the decision-maker to approve, conditionally approve, or deny an application for an accessory dwelling unit shall be final subject to appeal in compliance with Section 35-182 (Appeals) except that the grounds for appeal of an approved or conditionally approved Coastal Development Permit not processed concurrently with a Conditional Use Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).
2. All decisions to approve, or conditionally approve, a Coastal Development Permit for an accessory dwelling unit that is defined as appealable development shall be subject to appeal to the Coastal Commission pursuant to Section 35-182.6.d.

Section 35-142.12 Revocation.

Revocation of Coastal Development Permit or a Conditional Use Permit for an accessory dwelling unit shall be in compliance with Section 35-169.9 (Coastal Development Permits - Revocation) or Section 35-172.10 (Conditional Use Permits - Revocation), as applicable.

SECTION 15:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 3, Accessory structures, of Subsection B, Standards for address numbers, of Section 35-144.N.6, Address Numbers - Procedures, Standards and Display, of Section 35-144N, Road Naming and Address Numbering, to read as follows:

3. **Accessory structures.** ~~Except for accessory dwellings, including residential second~~ 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.

SECTION 16:

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

- C. **Exceptions.** This Section does not apply to the following:
 1. Single-family dwelling, ~~residential second~~ accessory dwelling units and residential accessory structures.
 2. Farm employee dwellings and farm labor camps.
 3. Non-agricultural, discretionary development approved prior to March 11, 2015.
 4. Changes to a non-agricultural, discretionary project approved prior to March 11, 2015, provided that prior to an action by the decision-maker to approve an application in compliance with Subsections 35-172.11.1, 35-172.11.2, 35-174.10.1 and 35-174.10.2, the decision-maker 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 decision-maker 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 35-134.A.3.a(3).

SECTION 17:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection c, Decision-maker, hearing requirements and notice requirements, of Section 35-169.4.2, Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with Section 35-169.4.3, of Section 35-169.4, Processing, of Section 35-169, Coastal Development Permits, to read as follows:

- 1) **Applications for certain solar energy facilities and ~~Residential-Second~~ Accessory Dwelling Units.** Applications for freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system is accessory and incidental to, and ~~Residential-Second~~ Accessory Dwelling Units on lots located in residential zone districts shall be processed in compliance with the following:
 - a) Notice of the submittal of the application and pending decision of the Director shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
 - b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.
 - c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with Section 35-182 (Appeals).
- 2) **All other applications.** Applications for development other than such development specified in Subsection 2.c.1) (Applications for certain solar energy facilities and ~~Residential-Second~~ Accessory Dwelling Units), above, shall be processed in compliance with the following:
 - a) The decision-maker shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations.
 - b) The Zoning Administrator shall hold at least one noticed public hearing unless waived in compliance with Subsection 2.d (Waiver of public hearing), below, on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.
 - c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - d) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).

SECTION 18:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance,

of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 3 of Section 35-179.2, Applicability, of Section 35-179, Modifications, to read as follows:

3. Modifications may only be granted in conjunction with a specific development proposal and are limited to all of the following:
 - a. The total area of each front, side or rear setback area shall not be reduced by more than 20 percent of the minimum setback area required pursuant to the applicable District regulations.
 - 1) If a portion of a front, side or rear setback area that is requested to be reduced is occupied by a nonconforming structure(s) at the time of application for the Modification, then the setback area occupied by the nonconforming structure(s) shall be added to the amount of setback area requested to be reduced in determining whether the requested reduction in front, side or rear setback area would exceed 20 percent of the minimum setback area required pursuant to the applicable District regulations.
 - b. No setback reduction for buildings and structures, except for unenclosed, attached, porches or entryways, shall result in:
 - 1) A front yard setback depth, as measured from the right of way or easement line of a street or driveway, of less than 16.5 feet.
 - 2) A side yard setback depth from property lines of less than three feet.
 - 3) A rear yard setback depth from property lines of less than 15 feet.
 - c. No unenclosed, attached porch or entryway shall result in a front yard setback depth, as measured from the right of way or easement line of a street or driveway, of less than 10 feet.
 - d. Up to a 10 percent increase in District height regulations, excluding parcels within the MON Overlay District.
 - e. Up to a 10 percent increase in mandatory Floor Area Ratio (FAR) requirements for buildings originally constructed prior to the adoption of such FAR regulations (e.g., if the required FAR is 0.50 the maximum modification allowed would be 0.55.), excluding parcels within the MON Overlay District.
 - f. A reduction in the required number and/or a modification in the design, ~~loading zone~~ or location of parking spaces. ~~In and loading zones may be allowed provided that in~~ no case shall:
 - (1) ~~the~~ The number of required parking spaces be reduced in the Medium Density Student Residential, High Density Student Residential, or Single Family Restricted Overlay Districts;
 - (2) ~~any required~~ The number of required bicycle parking spaces be reduced;
 - (3) ~~any Modification of parking requirements be granted, pursuant to this Section, for an Attached Residential Second Unit, or~~ The number of spaces required for an accessory dwelling unit be reduced, or the parking spaces allowed to be located within the required front setback area, unless such reduction in the number of spaces is allowed in compliance with Section 35-142 (Accessory Dwelling Units).
 - (4) ~~any~~ Any parking or screening requirement ~~Modification be granted~~ for a vehicle with more than two-axles, a recreational vehicle or bus, a trailer or other non-passenger vehicle be modified.

SECTION 19:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 1, General, of Section 35-184.3, Exceptions, of Section 35-184, Board of Architectural Review, to read as follows:

1. **General.** Board of Architectural Review approval is not required for the following:
 - a. Interior alterations.
 - b. Decks.
 - c. Swimming pools, hot tubs, and spas.
 - d. Fences, gates, gateposts and walls as follows; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the architectural review of a new residence, a remodeling, or an addition to a structure requiring architectural review:
 - 1) Fences, gates, and walls six feet or less in height and gateposts of eight feet or less in height, when located in the front setback area.
 - 2) Fences, gates, and walls of eight feet or less in height and gateposts of 10 feet or less in height when located outside of front setback areas and not closer than 20 feet from the right-of-way line of any street.
 - e. Solar panels.
 - f. Any other exterior alteration determined to be minor by the Director.
 - g. ~~Residential second units; however approval from the Board of Architectural Review Chair, or designee, is required~~ Accessory dwelling units; however approval from the decision-maker may be required in compliance with Section 35-142 (Accessory Dwelling Units).

SECTION 20:

DIVISION 13, Summerland Community Plan Overlay, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection a, One-family dwellings, of Subsection 1, Floor area limit, of Section 35-191.5, Floor Area Limit, of Section 35-191, Summerland - SUM, to read as follows:

- a. **One-family dwellings.** All new one-family dwellings and additions to existing one-family dwellings in any zone district except the Design Residential (DR) Zone District are subject to the following standards:
 - 1) **Lots having a lot area (net) of less than 12,000 square feet.** On lots with a lot area (net) of less than 12,000 square feet, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall be in compliance with the following Table 13-1 (One-Family Dwelling Floor Area Limits). The net floor area shall not exceed the amount calculated using the FAR or the Maximum Allowable Square Footage per Lot Area, whichever is less.

Table 13-1 - One-Family Dwelling Floor Area Limits

Net Lot Area (square feet)	FAR	Maximum Allowable Net Floor Area per Lot Area (square feet)
2,500	.50	950
2,501 to 3,600	.38	1,296
3,601 to 4,700 sf	.36	1,598
4,701 to 5,800 sf.	.34	1,856
5,801 to 6,900 sf.	.32	2,070
6,901 to 8,100 sf.	.30	2,268
8,101 to 9,400 sf.	.28	2,538
9,401 to 10,800 sf.	.27	2,808
10,801 to 12,000 sf.	.26	3,100

- 2) **Lots between 12,000 square feet and 10 acres.** On lots with a lot area (net) of 12,000 square feet and greater but less than 10 acres, the net floor area of structures subject to this Section 35-191

(Summerland - SUM) shall not exceed 2,500 square feet plus five percent of the net lot area; however, in no case shall the net floor area exceed 8,000 square feet.

- 3) **Lots between 10 acres and 20 acres.** On lots with a lot area (net) of 10 acres and greater but less than 20 acres, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall not exceed 8,000 square feet plus 0.25 percent of the net lot area; however, in no case shall the net floor area exceed 10,000 square feet.
- 4) **Lots between 20 acres and 40 acres.** On lots with a lot area (net) of 20 acres and greater but less than 40 acres, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall not exceed 8,000 square feet plus 0.25 percent of the net lot area; however, in no case shall the net floor area exceed 12,000 square feet.
- 5) **Lots 40 acres and greater.** On lots with a lot area (net) of 40 acres or greater, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall not exceed 8,000 square feet plus 0.25 percent of the net lot area; however, in no case shall the net floor area exceed 15,000 square feet.
- 6) **Accessory dwelling units.** The floor area limits enumerated above do not apply to additions to an existing one-family dwelling that are proposed in order to develop an accessory dwelling unit.

SECTION 21:

DIVISION 13, Summerland Community Plan Overlay, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection e, Residential Second Units, of Subsection 2, Adjustments to maximum floor area, of Section 35-191.5, Floor Area Limit, of Section 35-191, Summerland - SUM, to read as follows:

- e. ~~Residential Second~~ **Accessory Dwelling Units.** Up to 300 square feet of floor area (net) devoted to an attached ~~residential second~~ accessory dwelling unit that is not accessory to an existing one-family dwelling is not included in the net floor area used to determine compliance with the Subsection 1, above.

SECTION 22:

DIVISION 16, Toro Canyon Plan (TCP) Overlay District, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 1, Nonconforming residential structures damaged or destroyed by calamity, of Section 35-194.5, Nonconforming Structures and Uses, of Section 35-194, General, to read as follows:

1. **Nonconforming residential structures damaged or destroyed by calamity:** Any nonconforming residential structure that is damaged or destroyed by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, "residential structure" shall mean primary dwellings, secondary dwellings including ~~Residential Second~~ Accessory Dwelling Units, guesthouses, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage existed, one detached private garage structure may be included provided that evidence of such structure's use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction shall commence within 24 months of the time of damage or destruction and shall be diligently carried to completion. The 24 month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the 24 month period. Where the reconstruction permitted above does not commence within the specified 24 months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article.

SECTION 23:

DIVISION 16, Toro Canyon Plan (TCP) Overlay District, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 2, Reconstruction of nonconforming residential structures located within Rural Neighborhood Areas and within or adjacent to an Environmentally Sensitive Habitat (ESH) area, of Section 35-194.5, Nonconforming Structures and Uses, of Section 35-194, General, to read as follows:

2. **Reconstruction of nonconforming residential structures located within Rural Neighborhood Areas and within or adjacent to an Environmentally Sensitive Habitat (ESH) area:** Lawfully established structures that serve as residences in an Existing Developed Rural Neighborhood located within ESH buffer areas or adjacent to ESH, which are damaged due to normal wear and tear such as structural pest damage or dry rot, may be reconstructed to the same or lesser size (square footage, height, and bulk) in the same footprint. If the reconstructed residence is proposed to be larger than the existing structure, it may only be permitted where findings are made that such development shall not adversely impact the adjacent riparian species, meets all other provisions of this Plan and the Local Coastal Program including development standards for native and non-native protected tree species, and complies with development standards DevStd BIO-TC-5.1 through DevStd BIO-TC-5.4. Reconstruction includes any project that results in the demolition of more than 50 percent of the exterior walls. For the purpose of this section, "residential structure" shall include primary dwellings, secondary dwellings including ~~Residential Second~~ Accessory Dwelling Units, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage exists, one detached private garage structure may be included provided that evidence of such structure's use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction or structural repair shall commence within 24 months of the time of the owner's first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The 24 month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the 24 month period. Where the reconstruction or structural repair permitted above does not commence within the specified 24 months or the extended time period that may be granted by the Director, such structure shall not be reconstructed or repaired except in conformity with the regulations of the Toro Canyon Plan and this Article.

SECTION 24:

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 25:

Except as amended by this Ordinance, Divisions 2, 4, 7, 11, 12, 13 and 16 of the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 26:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

JOAN HARTMAN, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel