

ATTACHMENT 14: COUNTY PLANNING COMMISSION RESOLUTION NO. 17 - 07

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ATTACHMENT C: 16ORD-00000-00014 RESOLUTION AND ORDINANCE

**RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE BOARD)
OF SUPERVISORS THE ADOPTION OF AN AMENDMENT)
TO SECTION 35-1, THE SANTA BARBARA COUNTY)
LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35,)
ZONING, OF THE COUNTY CODE, AMENDING ARTICLE)
35.2, ZONES AND ALLOWABLE LAND USES, ARTICLE)
35.3, SITE PLANNING AND OTHER PROJECT) RESOLUTION NO.: 17 - 07
STANDARDS, ARTICLE 35.4, STANDARDS FOR SPECIFIC)
LAND USES, ARTICLE 35.7, SITE DEVELOPMENT) CASE NO.: 16ORD-00000-00014
REGULATIONS, ARTICLE 35.8, PLANNING PERMIT)
PROCEDURES, ARTICLE 35.10, LAND USE AND)
DEVELOPMENT CODE ADMINISTRATION, AND)
ARTICLE 35.11, GLOSSARY, TO IMPLEMENT NEW)
REGULATIONS AND DEVELOPMENT STANDARDS)
REGARDING ACCESSORY DWELLING UNITS.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Land Use and Development Code, Section 35-1 of Chapter 35 of the Santa Barbara County Code; and
- B. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 16ORD-00000-00014) amending Section 35-1 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code, to implement new regulations regarding the permitting of accessory dwelling units in compliance with State Government Code Section 65852.2.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including the Community and Area Plans, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it will serve to implement the requirements of State law that promote the development of accessory dwelling units that will increase the supply of housing in Santa Barbara County.
- E. This County Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, this County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission, based on the findings included as Attachment A of the County Planning Commission Staff Report dated May31, 2017.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the County Planning Commission.

PASSED, APPROVED AND ADOPTED this June 7, 2017 by the following vote:

AYES: Blough, Brown, Cooney, Ferini

NOES: None.

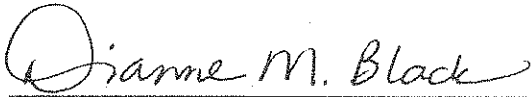
ABSTAIN: None.

ABSENT: None.



MICHAEL COONEY, CHAIR
SANTA BARBARA COUNTY PLANNING COMMISSION

ATTEST:



DIANNE MEESTER BLACK
SECRETARY TO THE COUNTY PLANNING COMMISSION

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By 
Deputy County Counsel

EXHIBITS:

1. 16ORD-00000-00014 County LUDC Ordinance Amendment

EXHIBIT 1: 16ORD-00000-00014 COUNTY LUDC ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES, ARTICLE 35.3, SITE PLANNING AND OTHER PROJECT STANDARDS, ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES, ARTICLE 35.7, SITE DEVELOPMENT REGULATIONS, ARTICLE 35.8, PLANNING PERMIT PROCEDURES, ARTICLE 35.10, LAND USE AND DEVELOPMENT CODE ADMINISTRATION, AND ARTICLE 35.11, GLOSSARY, TO IMPLEMENT NEW REGULATIONS AND DEVELOPMENT STANDARDS REGARDING ACCESSORY DWELLING UNITS.

16ORD-00000-00014

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

SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential section of Table 2-1, Allowed Land Uses and Permit Requirements for Agricultural Zones, of Section 35. 21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, to read as follows:

Table 2-1 - Continued Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	MCUP	Minor Conditional 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
	AG-I	AG-I CZ	AG-II	AG-II CZ	

RESIDENTIAL USES

Accessory dwelling unit	S		—		35.42.015
Agricultural employee housing, 4 or fewer employees	P	MCUP	P	MCUP	35.42.030
Agricultural employee housing, 5 or more employees	CUP	CUP	CUP	CUP	35.42.030
Artist studio	P	P	P	P	35.42.150
Dwelling, one-family (3)	P	P	P	P	
Farmworker dwelling unit	P		P		35.42.135
Farmworker housing complex	P		CUP		35.42.135
Guesthouse	P	P	P	P	35.42.150
Home occupation	P	P	P	P	35.42.190
Monastery	CUP	—	CUP	—	
Residential accessory uses and structures	P	P	P	P	35.42.020
Residential agricultural unit, attached (4)	—	—	P	—	35.42.210
Residential agricultural unit, detached and clustered (4)	—	—	P	—	35.42.210
Residential agricultural unit, remotely sited	—	—	MCUP	—	35.42.210
Residential second unit — attached (4)	P	P	—	—	35.42.230
Residential second unit — detached (4)	P	MCUP	—	—	35.42.230
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

AG-I	Agriculture I
AG-II	Agriculture II

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.21.030.C](#).
- (3) One-family dwelling may be a mobile home on a permanent foundation, see [Section 35.42.205](#).
- (4) Limited to specific locations. See the limitations on location for the use in [Chapter 35.42 \(Standards for Specific Land Uses\)](#).

SECTION 2:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential section of Table 2-7, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional 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
	RR	RR CZ	R-1/E-1	R-1/E-1 CZ	EX-1	EX-1 CZ	

RESIDENTIAL USES

Accessory dwelling unit	<u>S</u>		<u>S</u>		<u>S</u>		35.42.015
Dwelling, one-family	P(3)(4)	P(4)	P(3)(4)	P(4)	P(3)(4)	P(4)	
Dwelling, two-family	—	—	—	—	—	—	
Dwelling, multiple	—	—	—	—	—	—	
Emergency shelter	—	—	—	—	—	—	
Farmworker dwelling unit	P		P		P		35.42.135
Farmworker housing complex	CUP		MCUP		MCUP		35.42.135
Guesthouse or artist studio	P	P	P	P	P	P	35.42.150
Home occupation	P	P	P	P	P	P	35.42.190
Mobile Home Park	CUP	CUP	CUP	CUP	CUP	CUP	
Monastery	CUP	—	CUP	—	CUP	—	
Organizational house (sorority, monastery, etc.)	—	—	—	—	—	—	
Residential accessory use or structure	P	P	P	P	P	P	35.42.020
Residential project convenience facilities	—	—	—	—	—	—	
Residential second unit	P	P	P	P	P	P	35.42.230
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

RR	Rural Residential/Residential Ranchette	EX-1	One-Family Exclusive Residential
R-1/E-1	Single-Family Residential	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.23.030.C](#).
- (3) A Zoning Clearance ([Section 35.82.210](#)) is required instead of a Land Use Permit ([Section 35.82.110](#)) for a primary single-family dwelling on a lot that resulted from the recordation of a Final (tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) One-family dwelling may be a mobile home on a permanent foundation, see [Section 35.42.205](#).

SECTION 3:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential section of Table 2-8, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)						
	P	Permitted use, Land Use or Coastal Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	ZC	Zoning Clearance						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	R-2	R-2 CZ	DR	DR CZ	MR-O	PRD	PRD CZ	

RESIDENTIAL USES

Accessory dwelling unit	—		—		—	—		
Dwelling, one-family	P(3)	P	P(3)	P	—	P(3)	P	
Dwelling, two-family	P	P	P	P	—	P	P	
Dwelling, multiple	—	—	P	P	ZC	P	P	
Emergency shelter	—	—	—	—	—	—	—	
Farmworker dwelling unit	P		P		—	P		35.42.135
Farmworker housing complex	MCUP		P		—	—		35.42.135
Guesthouse or artist studio	—	—	—	—	—	—	—	
Home occupation	P	P	P	P	P	P	P	35.42.190
Mobile home park	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Monastery	CUP	—	CUP	—	—	CUP	—	
Organizational house (sorority, monastery, etc.)	—	—	CUP(4)	CUP(4)	—	—	—	
Residential accessory use or structure	P	P	P	P	ZC	P	P	35.42.020
Residential project convenience facilities	—	—	P	P	ZC	P	P	35.42.220
Residential second unit	—	—	—	—	—	—	—	
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

R-2	Two-Family Residential	PRD	Planned Residential Development
DR	Design Residential	CZ	Coastal Zone
MR-O	Multi-Family Residential - Orcutt		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.23.030.C](#).
- (3) A Zoning Clearance ([Section 35.82.210](#)) is required instead of a Land Use Permit ([Section 35.82.110](#)) for a primary one-family dwelling on a lot that resulted from recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

SECTION 4:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential section of Table 2-9, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

Table 2-9 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional 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
	SLP	SR-M CZ	SR-H CZ	MHP	MHP CZ	MHS	

RESIDENTIAL USES

<u>Accessory dwelling unit</u>	—			—		—	
Dwelling, one-family	P(3)	P	P	—	—	—	
Dwelling, two-family	—	P	P	—	—	—	
Dwelling, multiple	—	P	P	—	—	—	
Emergency shelter	—	—	P	—	—	—	
Farmworker dwelling unit	P			—		—	35.42.135
Farmworker housing complex	—			—		—	35.42.135
Guesthouse or artist studio	—	—	—	—	—	—	
Home occupation	P	P	P	—	—	P	35.42.190
Mobile home park	CUP	CUP	CUP	P(4)	P(4)	CUP	
Mobile home	—	—	—	P	P	P(5)	
Modular home	—	—	—	—	—	P	
Monastery	CUP	—	—	CUP	—	CUP	
Organizational house (sorority, monastery, etc.)	—	—	P	—	—	—	
Residential accessory use or structure	P	P	P	P	P	P	35.42.020
Residential project convenience facilities	—	—	—	P	P	—	35.42.220
Residential second unit	—	—	—	—	—	—	
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

SLP	Small Lot Planned Development	MHP	Mobile Home Planned Development
SR-M	Medium Density Student Residential	MHS	Mobile Home Subdivision
SR-H	High Density Student Residential	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.23.030.C](#).
- (3) A Zoning Clearance ([Section 35.82.210](#)) is required instead of a Land Use Permit ([Section 35.82.110](#)) for a primary single-family dwelling on a lot that resulted from the recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) See [Section 35.23.080 \(Mobile Home Park zone standards\)](#).
- (5) Mobile home must be on a permanent foundation, see [Section 35.42.205](#).

SECTION 5:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 2-11, Residential Zones Development Standards, of Section 35.23.050, Residential Zones Development Standards, of Chapter 35.23, Residential Zones, to read as follows:

Table 2-11 - Residential Zones Development Standards

Development Feature	Requirement by Zone		
	RR & RR (CZ) Rural Residential Ranchette	R-1/E-1 & R-1/E-1 (CZ) Single Family Residential	EX-1 & EX-1 (CZ) One-Family Exclusive Residential
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 second accessory dwelling unit where allowed in compliance with Section 35.42.230 (Residential Second Units) Section 35.42.015 (Accessory Dwelling Units) ; Farm employee units Agricultural employee housing and farmworker housing if allowed by Section 35.23.030 (Residential Zones Allowable Land Uses). The lot shall also comply with Section 35.23.040 (Residential Zones Lot Standards), as applicable.		
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front - Primary	50 ft from road centerline and 20 ft from right-of-way, or 20 ft from private easement serving 5 or more lots. Lot within SC-MC overlay - as required by Section 35.28.175 (SC-MC Overlay Zone)		75 ft from road centerline; 125 ft from centerline of road with right-of-way of 80 ft or more.
Front - Secondary	Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or more - Same as primary front setback. Lot within SC-MC overlay - as required by Section 35.28.175 (SC-MC Overlay Zone).		
Side	20 ft; 10% of lot width on a lot of less than 1 acre, with no less than 5 ft or more than 10 ft required.	10% of lot width; except where zoned for minimum lot area of: 2 acre or less - 5 ft minimum, 10 ft maximum required; 3 acre or more - 10 ft minimum, 20 ft maximum required.	25 ft; see Section 35.23.070 (EX-1 Zone Standards) for a lot less than 150 ft wide.
Rear	20 ft; 25 ft on a lot of less than 1 acre.	25 ft; 15 ft if rear abuts permanent open space or a street without access.	25 ft.
Accessory structures	See Section 35.42.020 (Accessory Structures and Uses) .		
Building separation	None, except as required by Building Code.	5 ft between a dwelling or guesthouse, and another detached structure; otherwise none, except as required by Building Code..	
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 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft. Toro Canyon Plan area - 25 ft for a residential structure.	Coastal - 25 ft. Inland - 35 ft. Toro Canyon Plan area - 25 ft. for a residential structure. Summerland Community Plan area - 25 ft. for a residential structure in the Urban area and Existing Developed Rural Neighborhoods. 16 ft. in the Rural area. See Section 35.28.210 (Community Plan Overlays).	Coastal Zone - 25 ft. Inland - 30 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards)		
Parking	See Chapter 35.36 (Parking and Loading Standards)		
Signs	See Chapter 35.38 (Sign Standards)		

SECTION 6:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential section of Table 2-24, Allowed Land Uses and Permit Requirements for Special Purpose Zones, of Section 35.26.030, Residential Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to read as follows:

Table 2-24 - 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)				
	MCUP	Minor Conditional 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
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

RESIDENTIAL USES

Accessory dwelling unit	—	CUP (3)	P (4)	P (4)(5)	P (4)(5)	35.42.015
Agricultural employee housing, 4 or fewer employees	—	MCUP	—	—	—	35.42.030
Agricultural employee housing, 5 or more employees	—	CUP	—	—	—	35.42.030
Caretaker/manager dwelling	P	—	—	—	—	
Dwelling, one-family	—	P (3-6)	P (3-6)	P (3-5)(4-6)	P (3-5)(4-6)	
Dwelling, two-family	—	—	P (4-5)	P (4-5)	P (4-5)	
Dwelling, multiple	P	—	P (4-5)	P (4-5)	P (4-5)	
Emergency shelter	—	—	—	—	—	
Farmworker dwelling unit	—	P	P	P	P	35.42.135
Farmworker housing complex	—	P	P	—	—	35.42.135
Guest house or artist studio	—	P	—	—	—	35.42.160
Home occupation	P	P	P (4-5)	P (4-5)	P (4-5)	35.42.190
Live/work unit	P	—	—	—	—	35.26.050
Mixed use development, residential component	P	—	—	—	—	35.26.050
Mobile home park	—	—	—	—	—	35.42.180
Monastery	—	—	CUP	CUP	CUP	
Residential accessory use or structure	P	P	P (4-5)	P (4-5)	P (4-5)	35.42.020
Residential project convenience facility	P	—	P (4-5)	—	—	35.42.220
Residential second unit	—	CUP (5)	P (6)	P (4)(6)	P (4)(6)	35.42.230
Single room occupancy facility (SRO)	—	—	—	P	P	
Special care home, 7 or more clients	MCUP	—	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.26.030.C.
- (3) Not allowed in addition to an artist studio.
- (4) Accessory dwelling units restricted to lots where the primary use is a one-family dwelling.
- (5) Use not allowed if the OT designation is OT-LC or OT-GC, and not OT-R/LC or OT-G/LC.
- (6) A Zoning Clearance ([Section 35.82.210](#)) is required instead of a Land Use Permit for a primary one-family dwelling on a lot that resulted from recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- ~~(4) Use not allowed if the OT designation is OT-LC or OT-GC, and not OT-R/LC or OT-G/LC.~~
- ~~(5) Not allowed in addition to an artist studio.~~
- ~~(6) Second unit restricted to lots where the primary use is a one family dwelling.~~
- (7) May include beer brewing and wine making provided (a) the area devoted to beer brewing and wine making, including the area devoted to equipment and storage of materials and supplies, does not exceed 50 percent of the interior floor area of the primary business, and (b) the product is primarily sold for on-site consumption.
- (8) Must be conducted within a completely enclosed building.

SECTION 7:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential section of Table 2-25, Allowed Land Uses and Permit Requirements for Special Purpose Zones, of Section 35.26.030, Residential Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to read as follows:

Table 2-25 - Continued Allowed Land Uses and Permit Requirements for the Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional 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	PU CZ	REC	REC CZ	TC CZ(3)	

RESIDENTIAL USES

Accessory dwelling unit	—		—			
Caretaker/manager dwelling	—	—	MCUP	MCUP	—	
Dwelling, one-family	—	—	—	—	—	
Dwelling, two-family	—	—	—	—	—	
Dwelling, multiple	—	—	—	—	—	
Emergency shelter	—	—	—	—	—	
Farmworker dwelling unit	—		—			35.42.135
Farmworker housing complex	—		—			35.42.135
Home occupation	—	—	—	—	—	
Mobile home park	—	—	—	—	—	
Monastery	—	—	—	CUP	CUP	
Residential accessory use or structure	—	—	—	—	—	
Residential project convenience facility	—	—	—			
Residential second unit	—	—	—	—	—	
Single room occupancy facility (SRO)	—	—	—	—	—	
Special care home, 7 or more clients	—	—	—	MCUP	MCUP	35.42.090

Key to Zone symbols

PU	Public Works Facilities	TC	Transportation Corridor
REC	Recreation	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.26.030.C.
- (3) Uses allowed as a “P” in abutting zones and in compliance with any applicable specific use regulations.
- (4) Allowed only in an urban area designated by the Coastal Land Use Plan.

SECTION 8:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend to amend Subsection a, One-family dwellings, of Subsection 1, Floor area limit, of Subsection G, Summerland Community Plan area, of Section 35.28.210, Community Plan overlays, of Chapter 35.28, Overlay Zones, to read as follows:

a. One-family dwellings. All new one-family dwellings and additions to existing one-family dwellings 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 Subsection G.1.a shall be in

compliance with the following Table 2-31 (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 2-31 One-family Dwelling Floor Area Limits

Net Lot Area (square feet)	FAR	Maximum Allowable Net Floor Area per Lot Area (square feet)
2,500 or less	0.50	950
2,501 to 3,600	0.38	1,296
3,601 to 4,700	0.36	1,598
4,701 to 5,800	0.34	1,856
5,801 to 6,900	0.32	2,070
6,901 to 8,100	0.30	2,268
8,101 to 9,400	0.28	2,538
9,401 to 10,800	0.27	2,808
10,801 to 12,000	0.26	3,100

- (2) **Lots of 12,000 square feet and greater.** On lots with a lot area (net) of 12,000 square feet and greater, the net floor area of structures subject to this Subsection G.1.a 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) See Subsection G.1.b, below, for allowable adjustments to the maximum floor area.
- (4) **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 that is in compliance with Section 35.42.015 (Accessory dwelling units).

SECTION 9:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend to amend Subsection (4), Residential Second Units, of Subsection b, Adjustments to maximum floor area, of Subsection 1, Floor area limit, of Subsection G, Summerland Community Plan area, of Section 35.28.210, Community Plan overlays, of Chapter 35.28, Overlay Zones, 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 G.1, above.

SECTION 10:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection C, Exceptions, of Section 35.30.025, Agricultural Buffers, of Chapter 35.30, Standards for All Development and Land Uses, 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 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 35.84.040 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 35.30.110.B.3.c.

SECTION 11:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.30.090, Height Measurement, Exceptions and Limitations, of Chapter 35.30, Standards for All Development and Land Uses, to add a new Subsection F titled “Accessory dwelling units” to read as follows; to re-letter existing Subsection F, Fences and Walls, as Subsection G, to delete existing Subsection G, Greenhouses and greenhouse related development located within the Carpinteria Agricultural (CA) overlay zone, to delete existing Subsection I, Residential second units, and to re-letter existing Subsection J, Telecommunication facilities, and Subsection K, Vision clearance, as Subsections I and J, respectively:

F. Accessory dwelling units. See [Section 35.42.015 \(Accessory Dwelling Units\)](#) for height limits and exceptions for accessory dwelling units.

SECTION 12:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 3-5 - Residential Parking Standards, of Subsection A, Not applicable to CM-LA zone, of Section 35.36.050, Required Number of Spaces: Residential Uses, of Chapter 35.36, Parking and Loading Standards, to read as follows:

Table 3-5 - Residential Parking Standards

Residential	Parking Spaces Required
One-family and two-family dwellings (excluding EX-1 & SLP zones)	2 spaces per dwelling unit (1) (2)
One-family located within EX-1 Zone	6 spaces per dwelling unit
Small Lot Planned Development	2 spaces per dwelling unit and 1 space per 5 lots (for storage of recreational vehicles)
Multiple dwelling units - single bedroom or studio dwelling unit (3) (4)	1 space per dwelling unit and 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 2 bedrooms (3) (4)	1 space per dwelling unit and 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 3 bedrooms or more (3) (4)	2 spaces per dwelling unit and 1 space per 5 dwelling units (for visitor parking)
Fraternities, sororities, dormitories and boarding and lodging houses	1 space per 4 beds and 1 space per 2 employees
Mobile Homes - MHP zone	2 spaces per mobile home space and 1 space per 3 mobile home spaces (for visitor parking) and 1 space per 5 mobile home spaces (for storage of recreational vehicles)
Mobile Home - MHS zone	2 spaces per lot and 1 space per 5 lots (for storage of recreational vehicles)
Retirement and special care homes (not including senior housing) (4) (5)	1 space per guest room and 1 space per 2 employees
Guesthouse	1 space per guesthouse
Residential second <u>Accessory dwelling unit</u>	1 space per bedroom <u>As determined by Section 35.42.015 (Accessory Dwelling Units)</u>

Notes:

- (1) In the Mission Canyon Community Plan area (excluding the RR zone), a minimum of 3 spaces shall be required for:
 - (a) A new dwelling unit,
 - (b) Habitable additions to an existing dwelling unit, either individually or combined, greater than 500 square feet, or
 - (c) An addition or remodel of an existing dwelling that includes one or more new bedrooms and results in a dwelling with three or more bedrooms.
- (2) In the Summerland Community Plan area additional parking spaces may be required in compliance with Section 35.28.210 (Community Plan Overlays).
- (3) Includes residential units constructed as a live/work unit or a mixed-use residential component.
- (4) See Section 35.23.060.D for parking requirements for qualifying affordable housing, senior housing, or special care housing developments.
- (5) Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.

SECTION 13:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection K, Modification of parking requirements, of Section 35.36.080, Standards for All Zones and Uses, of Chapter 35.36, Parking and Loading Standards, to read as follows:

K. Modifications of parking requirements. Modifications to the parking requirement may be granted, in compliance with ~~Section 35.42.230 (Residential Second Units)~~ Section 35.42.015 (Accessory Dwelling Units), Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), Section 35.82.080 (Development Plans), Section 35.82.130 (Modifications), or Section 35.82.200 (Variances).

SECTION 14:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended by adding a new Section 35.42.015 titled “Accessory Dwelling Units” to read as follows:

35.42.015 - 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 accessory dwelling units may be located on a lot zoned as follows in compliance with Table 2-7 (Allowed Land Uses and Permit Requirements for Residential Zones) and Table 2-24 (Allowed Land Uses and Permit Requirements for Special Purpose Zones):

1. Agricultural I (AG-I) provided the lot is zoned either AG-I-5, AG-I-10 or AG-I-20.
2. Residential Ranchette (RR).
3. Single-Family Residential (R-1/E-1).
4. One-Family Exclusive Residential (EX-1).
5. Naples Townsite (NTS).
6. Old Town - Residential (OT-R).
7. Old Town - Residential/Light Commercial (OT-R/LC) where the primary use of the lot is a one-family dwelling.
8. Old Town - Residential/General Commercial (OT-R/GC) where the primary use of the lot is a one-family dwelling.

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 only one accessory dwelling unit.

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 on a lot that is not zoned NTS (Naples Townsite), an application for Zoning Clearance or a Land Use Permit, as applicable, shall be submitted in compliance with Section 35.80.030 (Application Preparation and Filing), and the Land Use Permit or Zoning Clearance shall be issued in compliance with Section 35.82.110 (Land Use Permits) or Section 35.82.210 (Zoning Clearances), as applicable.

(1) Zoning Clearance required. An application for an accessory dwelling unit that is in compliance with the development standards of Subsection F (Accessory dwelling units located entirely within existing buildings and are not located on a lot zoned AG-I or NTS), below, may be permitted with a Zoning Clearance issued in compliance with Section 35.82.210 (Zoning Clearances).

(2) Land Use Permit required.

- (a) 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 new accessory buildings and are not located on a lot zoned AG-I or NTS), below, may be permitted with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits).

- (b) An application for an accessory dwelling unit that is in compliance with the development standards of Subsection H (Development standards for accessory dwelling units that are not accessory to existing one-family dwellings or are located on a lot zoned AG-I or NTS), below, may be permitted with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits).
- (c) In order to approve or conditionally approve a Land Use Permit for a detached accessory dwelling unit on a lot zoned AG-I the Director shall first make all of the following findings in addition to the required findings under Section 35.82.110 (Land Use Permits):
 - (i) The accessory dwelling unit is compatible with the design of adjacent residences and the surrounding neighborhood and shall not cause excessive noise, traffic, parking, or other disturbance to the existing neighborhood.
 - (ii) Provisions for onsite parking are adequate for existing and proposed uses.
 - (iii) The accessory dwelling unit does not substantially change the character, or cause a concentration of accessory dwelling units sufficient to change the character of the neighborhood in which it is located.
 - (iv) The accessory dwelling unit does not significantly infringe upon the privacy of the surrounding residents.
 - (v) The proposal complies with the applicable standards of this Section 35.42.015 (Accessory Dwelling Units).

b. Conditional Use Permit required. Prior to the development or use of a building or portion thereof as an accessory dwelling unit on a lot that is zoned NTS (Naples Townsite), an application for Conditional Use Permit shall be submitted in compliance with Section 35.80.030 (Application Preparation and Filing), and the Conditional Use Permit shall be approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

2. Ministerial review. An application for a Zoning Clearance or Land Use Permit for an accessory dwelling unit shall be considered ministerially without discretionary review or hearing.

a. The Director shall approve, conditionally approve, or deny an application for an accessory dwelling unit that complies with either Subsection F (Accessory dwelling units located entirely within existing buildings and are not located on a lot zoned AG-I or NTS), or Subsection G (Accessory dwelling units located either partially within existing buildings or new accessory buildings and are not located on a lot zoned AG-I or NTS), below, within 120 days following the submittal of an application to the Department in compliance with Section 35.80.030 (Application Preparation and Filing).

3. Conflicts with other Sections of this Development Code. Where there are conflicts between the standards in this Section 35.42.015 (Accessory Dwelling Units), the standards in Section 35.42.020 (Accessory Structures and Uses), and the standards in the specific zone regulations (Article 35.2 (Zones and Allowable Land Uses)), the provisions of this Section shall prevail.

E. Exclusion areas. Because of the adverse impacts on the public health, safety, and welfare, accessory dwelling units shall not be allowed in Special Problem Areas designated by the Board except as provided in Subsections E.1 or E.2 below, 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.

1. Within a designated Special Problem Area, an accessory dwelling unit may be approved if the Director can make all of the following findings:
 - a. The project application involves two contiguous legal lots under one-ownership, at least one of which is vacant.
 - b. Except as provided in Subsection E.1.b.(1), below, the owner has submitted an offer to dedicate a Covenant of Easement in compliance with Article VII (Covenants of Easement) of Chapter 35 of the County Code over the vacant lot so long as an accessory dwelling unit is maintained on the developed lot.
 - (1) Within the Mission Canyon Community Plan area, the owner shall merge the two contiguous legal lots through the recordation of a Voluntary Merger prior to issuance of the building permit for the accessory dwelling unit.
 - c. The vacant lot is determined to be residentially developable in compliance with the following criteria:
 - (1) The lot was legally created, it is not a fraction lot and the documents reflecting its creation do not preclude the lot from being used for residential purposes or designate the lot for a nonresidential purpose including well sites, reservoirs, and roads.
 - (2) The lot has adequate water resources to serve the estimated interior and exterior needs for residential development as evidenced by:
 - (a) A letter of service from the appropriate district or company that documents that adequate water service is available to the lot and that the service is in compliance with the company's Domestic Water Supply Permit, or
 - (b) The owner demonstrates that the lot could be served by a Public Health Department or State approved water system.
 - (3) The lot:
 - (a) Is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district, or
 - (b) Can be served by an onsite wastewater treatment system that meets all the requirements of the Public Health Department.
 - (4) The lot:
 - (a) Is currently served by an existing private road that meets applicable fire agency roadway standards that connects to a public road or right-of-way easement, or
 - (b) Can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.
 - (5) The Special Problems Committee has reviewed the lot and has determined that site conditions would not cause the Committee to recommend denial of the site for residential purposes.
2. Except within the Mission Canyon Community Plan area, the Director may approve an accessory dwelling unit within a designated Special Problem Area where all the applicable development standards can be met and the project has been reviewed by the Special Problems Committee.

F. Accessory dwelling units located entirely within existing buildings and are not located on a lot zoned AG-I or NTS. 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 at the time the application for the accessory dwelling unit is submitted and is not zoned Agricultural I (AG-I) or NTS (Naples Townsite) shall not be issued unless it complies with all of the following development standards contained in this Subsection F (Accessory dwelling units located entirely within existing buildings and are not located on a lot zoned AG-I or NTS).

- 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 Subsection F (Accessory dwelling units located entirely within existing buildings and are not located on a lot zoned AG-I or NTS), 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 building.
 - 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 Subsection F (Accessory dwelling units located entirely within existing buildings and are not located on a lot zoned AG-I or NTS).
 - 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 any applicable Community Plan or Area Plan.
- (2) This Development Code.

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 Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances):

- 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 Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances), 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.

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

1. Appearance and style. The exterior appearance and architectural style of the proposed accessory dwelling unit shall be in compliance with the following.

a. The design of an accessory dwelling unit that will be attached to an existing building shall reflect the exterior appearance and architectural style of the existing building and use the

- same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
- b. The design of an accessory dwelling unit that will not be attached to an existing building shall reflect the exterior appearance and architectural style of the principal dwelling and use the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
 - c. 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 Director if it would prohibit the construction of an attached accessory dwelling unit on the lot.
 - d. All exterior lighting complies with Section 35.30.120 (Outdoor Lighting).
 - e. 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.
- 2. Environmentally sensitive habitat areas.** The development of an accessory dwelling unit shall be in compliance with the requirements of Section 35.28.100 (Environmentally Sensitive Habitat Area Overlay Zone).
- 3. 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.
- 4. 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 35.30.090 (Height Measurement, Exceptions and Limitations).
 - (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 35.30.090 (Height Measurement, Exceptions and Limitations).

5. Maximum and minimum living area requirements. For the purposes of this Subsection G.5 (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. 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.

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.

6. Parking requirements.

a. Except as provided in Subsection G.6.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 Chapter 35.36 (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 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 G.6.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.

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

8. 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.

9. 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 any applicable Community Plan or Area Plan.
 - (2) This Development Code.

10. 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 Land Use Permit in compliance with Section 35.82.110 (Land Use 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 Land Use Permit in compliance with Section 35.82.110 (Land Use 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.

11. 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.

12. Tree protection. An application for an accessory dwelling unit shall be in compliance with the following standards.

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 12 (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.

13. Historic Landmarks Advisory Commission. If the accessory dwelling unit is proposed to be located entirely or partially within a building that was constructed prior to 1960, 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.

H. Development standards for accessory dwelling units that are not accessory to existing one-family dwellings or are located on a lot zoned AG-I or NTS. A permit for an accessory dwelling unit that is proposed to be constructed on a lot 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, or is located on a lot zoned AG-I (Agricultural I) or NTS (Naples Townsite), shall not be issued unless it complies with all of the following development standards contained in this Subsection H (Development standards for accessory dwelling units that are not accessory to existing one-family dwellings or are located on a lot zoned AG-I or NTS).

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.** The exterior appearance and architectural style of the proposed accessory dwelling unit shall be in compliance with the following.

 - a. The design of an accessory dwelling unit that will be attached to an existing building shall reflect the exterior appearance and architectural style of the existing building and use the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
 - b. The design of an accessory dwelling unit that will not be attached to an existing building shall reflect the exterior appearance and architectural style of the principal dwelling and use the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
 - c. 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 Director if it would prohibit the construction of an attached accessory dwelling unit on the lot.
 - d. All exterior lighting complies with Section 35.30.120 (Outdoor Lighting).
 - e. 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.
- 3. Environmentally sensitive habitat areas.** The development of an accessory dwelling unit shall be in compliance with the requirements of Section 35.28.100 (Environmentally Sensitive Habitat Area Overlay Zone).
- 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 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 35.30.090 (Height Measurement, Exceptions and Limitations).

(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 35.30.090 (Height Measurement, Exceptions and Limitations).

6. Location on lot.

- a. A detached accessory dwelling unit proposed on a lot of one acre or less in gross lot area located within a residential zone shall not be located closer to the principal abutting street than the principal dwelling unless:
- (1) The detached accessory dwelling unit is proposed to be located in a permitted structure that existed as of July 1, 2003 and no exterior alterations are proposed, or
 - (2) Other provisions of this Development Code, such as setback requirements, prohibit construction of the second unit further from the principal abutting street than the principal dwelling.
- b. 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.

7. Lot area and coverage requirements.

a. Minimum 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 lot area shall be 6,000 square feet.
- (2) Detached accessory dwelling units. The minimum net lot area on which detached accessory dwelling units may be located shall be 10,000 square feet.

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 H.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 H.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 unit.

a. Maximum gross floor area. The gross floor area of an accessory dwelling unit shall not exceed the maximum shown in the table below for the applicable lot area:

<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 more</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 more</u>	<u>1,200 square feet</u>

(1) Attached accessory dwelling unit. In addition to the maximum gross floor area specified in the table 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) In the event that an application proposes an addition to the living area of the existing principal dwelling concurrently with an attached accessory dwelling unit, the proposed additional living floor area for the principal dwelling shall be used to calculate existing living area of the principal dwelling.

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:

(1) Agricultural employee dwellings unless the accessory dwelling unit is proposed to be located on a lot zoned AG-1.

(2) A guesthouse, or

(3) Dwellings other than the principal dwelling that are determined to be nonconforming as to use, or

(4) An artist studio if the accessory dwelling unit is proposed to be located on a lot zoned NTS.

b. If an accessory dwelling unit has been approved on a lot, a guesthouse or similar structure (e.g., artist studio) 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 Chapter 35.36 (Parking and Loading Standards).

(1) Except for lots zoned AG-I (Agricultural I) and NTS (Naples Townsite), 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 any applicable Community Plan or Area Plan.
 - (2) This Development Code.

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, the 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 Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Conditional Use Permit or a Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), as applicable, 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.
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.
 - 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 was constructed prior to 1960, 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. Standards that apply to detached accessory dwelling units located on lots zoned AG-I. In addition to the development standards listed in Subsections H.1 through H.16, above, all development associated with the construction of a detached accessory unit located on a lot zoned AG-I shall comply with all of the additional development standards below. If these requirements are in conflict with other provisions of the Comprehensive Plan or any applicable Community Plan or Area Plan, this Development Code, or any permit conditions established by the County, the more restrictive requirements shall control. Detached accessory dwelling units that do not comply with

the following may be allowed with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Minor Conditional Use Permits and Conditional Use Permits).

- a. The development shall avoid or minimize significant impacts to agricultural to the maximum extent feasible by siting structures so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.
- b. The development shall be located no less than 100 feet from the following environmentally sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential.
 - (1) Native plant communities recognized as rare by California Department of Fish and Game (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.
 - (2) Native Woodlands and Forests.
 - (3) Nesting, roosting, and/or breeding areas for Rare, Endangered or Threatened animal species.
 - (a) Rare, Endangered, or Threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet the definition of "rare" in Section 15380 of California Environmental Quality Act.
 - (b) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100 foot separation may not fully protect known breeding ponds for California Tiger Salamander).
 - (4) Plant communities known to contain Rare, Endangered, or Threatened species.
 - (5) Streams, riparian areas, vernal pools, and wetlands.
 - (6) Any designated Environmentally Sensitive Habitat Areas.
- c. The development shall preserve natural features, landforms and native vegetation such as trees to the maximum extent feasible.
- d. The development shall be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards.
 - (1) Exterior lighting shall be for safety purposes only and shall comply with the following requirements:
 - (a) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (b) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
 - (2) Building materials and colors (earth tones and non-reflective paints) compatible with the surrounding natural environment shall be used to maximize the visual compatibility of the development with surrounding areas.
- e. The review authority may add other conditions, consistent with general law and applicable State and County standards, as necessary to preserve the health, safety, welfare and character of the residential neighborhood provided that such conditions do not conflict with applicable policies and provisions of the Comprehensive Plan.

18. Standards that apply to detached accessory dwelling units located on residentially zoned lots.
In addition to the development standards listed in Subsections H.1 through H.16, above, all development associated with the construction of a detached accessory dwelling unit located on residentially zoned lots shall comply with all of the additional development standards below. If these requirements are in conflict with other provisions of the Comprehensive Plan or any applicable Community Plan or Area Plan, this Development Code, or any permit conditions established by the County, the more restrictive requirements shall control.

a. All development shall be located no less than 50 feet from a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from 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, this development standard shall not apply.

I. Public notice. Notice of an application for an accessory dwelling unit shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).

J. Appeals. The action of the Director to approve, conditionally approve, or deny an application for an accessory dwelling unit is final subject to appeal in compliance with Chapter 35.102 (Appeals).

K. Revocation. Revocation of a Conditional Use Permit, Land Use Permit, or Zoning Clearance, for a accessory dwelling unit shall be in compliance with Section 35.84.060 (Revocations).

SECTION 15:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 3, Height of Structures, of Subsection B, Development standards, of Section 35.42.020, Accessory Structures and Uses, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

3. Height restrictions. Accessory structures shall comply with the height restrictions of the applicable zones except as specified below:

a. **Accessory dwelling units.** See [Section 35.42.015 \(Accessory Dwelling Units\)](#) for height limits for accessory dwelling units.

b. **Fences and walls.** See [Section 35.30.070 \(Fences and Walls\)](#) for height limits for fences and walls.

~~b-c.~~ **Guesthouses, artist studios and cabañas.** See Section 35.42.150 (Guesthouses, Artist Studios, and Cabañas) for height limits for guesthouses, artist studios and cabañas.

~~e-d.~~ **Located in the rear setback.** The height limit for accessory structures located in the rear setback is 12 feet except as allowed in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#).

~~d.~~ **Residential second units.** See [Section 35.42.230 \(Residential Second Units\)](#) for height limits for residential second units.

e. **Telecommunication facilities.** See Chapter 35.44 (Telecommunications Facilities) height limits and exception for commercial and noncommercial telecommunication facilities.

SECTION 16:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection a, Location in rear setback, Subsection 4, Setback Requirements, of Subsection B, Development standards, of Section 35.42.020, Accessory Structures and Uses, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

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 35.42.015 \(Accessory Dwelling Units\)](#).
- (2) **Other accessory structures.** Except as provided in Subsection B.4.a.(1), above, an ~~An~~ accessory structure, other than guesthouses, artist studios and cabañas (Section 35.42.150), and ~~residential second units (Section 35.42.230)~~ may be located in the required rear setback provided that:
 - (+) (a) It is not attached to the principal structure.
 - (+) (b) It is located no closer than five feet to the principal structure.
 - (+) (c) It does not exceed 40 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.

SECTION 17:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 5, Kitchen or cooking facilities/amenities prohibited, of Subsection B, Development standards, of Section 35.42.020, Accessory Structures and Uses, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

5. **Kitchen or cooking facilities/amenities prohibited.** Accessory structures, including artist studios, cabañas and guesthouses, shall not contain kitchen or cooking facilities unless the accessory structure is specifically permitted as a dwelling (e.g., agricultural employee dwellings, ~~residential second~~ accessory dwelling units). Artist studios, cabañas and guesthouses are not dwellings.

SECTION 18:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 6, Gross floor area and footprint limitations, of Subsection B, Development standards, of Section 35.42.020, Accessory Structures and Uses, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

6. **Gross floor area and footprint limitations.** Except for accessory dwelling units allowed in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#), accessory ~~Accessory~~ structures, excluding barns, garages and stables, shall not exceed a gross floor area 800 square feet if located on a lot of one acre or less. See also [Section 35.42.230 \(Residential Second Units\)](#).
 - a. **Summerland Community Plan area.** See Section 35.28.210.G (Summerland Community Plan area) for additional standards regarding the allowable floor area of detached accessory structures.

SECTION 19:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 8, Use restrictions, of Subsection B, Development standards, of Section 35.42.020, Accessory Structures and Uses, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

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

SECTION 20:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection F, Additional standards for agricultural employee dwellings located in the NTS zone, of Section 35.42.030, Agricultural Employee Dwellings, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

- F. Additional standards for agricultural employee dwellings located in the NTS zone.** On a lot zoned NTS:
- a. The minimum gross lot area on which an agricultural employee dwelling may be approved is 100 acres.
 - b. An agricultural employee dwelling shall not be allowed in addition to an accessory dwelling unit, artist studio, or guesthouse ~~or residential second unit~~.
 - c. The gross floor area of an agricultural employee dwelling shall not exceed 1,200 square feet.
 - d. Only one Conditional Use Permit that allows additional dwellings housing five or more employees may be allowed within each project site area covered by an approved Final Development Plan.

SECTION 21:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection O, Additional standards for agricultural employee dwellings located in the NTS zone, of Section 35.42.150, Guesthouses, Artist Studios, and Cabañas, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

- O. ~~Residential second~~ Accessory dwelling unit.** If a ~~residential second~~ an accessory dwelling unit exists or has current approval on a lot, a guesthouse or artist studio shall not also be approved.

SECTION 22:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete existing Section 35.42.230, Residential Second Units, of Chapter 35.42, Standards for Specific Land Uses, in its entirety and reserve the section number for future use.

SECTION 23:

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, 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 35.76.060, Address Numbers - Procedures, Standards and Display, of Chapter 35.76, Road Naming and Address Numbering, to read as follows:

3. **Accessory structures.** Except for ~~accessory dwellings, including residential second units,~~ 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 24:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 4, Design review required, of Subsection D, Processing, of Section 35.82.060, Conditional Use Permits and Minor Conditional Use Permits, of Chapter 35.82, Permit Review and Decisions, to read as follows:

4. **Design review required.** Except for ~~Residential Second~~ Accessory Dwelling Units approved in compliance with Section ~~35.42.230 (Residential Second Units)~~ 35.42.015 (Accessory Dwelling Units), the following applications shall be subject to Design Review in compliance with Section 35.82.070 (Design Review).
 - a. An application for a Conditional Use Permit.
 - b. An application for a Minor Conditional Use Permit as specifically identified by the Director, Zoning Administrator, Commission, or Board.

SECTION 25:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 1, General, of Subsection C, Exceptions to Design Review Requirements, of Section 35.82.070, Design Review, of Chapter 35.82, Permit Review and Decisions, to read as follows:

1. **General.**
 - a. Accessory dwelling units; however approval from the Director may be required in compliance with Section 35.42.015 (Accessory Dwelling Units).
 - b. Decks.
 - ~~b~~c. 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 Design Review of a new structure or a remodeling or an addition to a structure requiring Design 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.d. Hot tubs, spas, and swimming pools.
- d.e. Interior alterations.
- e.f. Solar panels.
- f.g. Other exterior alterations determined to be minor by the Director.
- g. ~~Residential second units; however, approval from the Board of Architectural Review Chairperson, or designee, is required, if the residential second unit would otherwise be subject to Design Review in compliance with Subsection B (Applicability) above.~~

SECTION 26:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection f, Reduction of parking spaces, of Subsection 3, Allowed Modifications, of Subsection B, Applicability, of Section 35.82.130, Modifications, of Chapter 35.82, Permit Review and Decisions, to read as follows:

- f. 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 parking spaces be reduced in the High Density Student Residential (SR-H), Medium Density Student Residential (SR-M) or the Single Family Restricted (SF) overlay zones.~~
 - (2) The ~~required~~ number of required bicycle parking spaces be reduced,
 - (3-2) The number of spaces required for ~~a residential second~~ an accessory dwelling unit be reduced or be allowed to be located within the required front setback area, unless such reduction in the number of spaces is allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).
 - (4-3) 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.
 - (5-4) A reduction in the required number of parking spaces for development within the Summerland Community Plan Area be allowed that results in an increase in on-street parking.
 - (6-5) The required number of parking spaces in the Mission Canyon Community Plan area be reduced from three to two in the R-1/E-1 (Single Family Residential) zone for habitable additions to an existing dwelling unit of 500 square feet or greater or an addition or remodel that includes one or more new bedrooms and results in a dwelling with three or more bedrooms, unless:
 - (a) The reduction would preserve the integrity of a historic structure, or
 - (b) There is no space for the third parking space due to topography, lot configuration, or other physical constraints as determined by the Director. The reduction shall not be granted if the addition or remodel is proposed in a location that would be suitable for the required third parking space.
 - (c) The floor area of the addition is located within an accessory dwelling unit approved in compliance with Section 35.42.015 (Accessory Dwelling Units).

SECTION 27:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is

hereby amended to amend Subsection (1), Residential structures, of Subsection a, Inland area, of Subsection 5, Sites within the Mission Canyon Community Plan area or the Toro Canyon Plan Area, of Subsection B, Damage, of Section 35.101.030, Nonconforming Structures, of Chapter 35.101, Nonconforming Uses, Structures and Lots, to read as follows:

(1) Residential structures.

- (a) A residential structure that is damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure may be reconstructed to the same or lesser size on the same site and in the same general footprint location.
- (b) A residential structure that is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted under the applicable Plan that requires partial or complete reconstruction or structural repair due to normal wear-and-tear (e.g., structural pest damage or dry rot) may be reconstructed or repaired to the same or lesser size on the same site and in the same general footprint location.
- (c) A residential structure that is nonconforming solely due to its location within an Environmentally Sensitive Habitat area or Environmentally Sensitive Habitat buffer area may be expanded upward, or outward and away from the Environmentally Sensitive Habitat area, consistent with Development Standards BIO-MC-3.8 of the Mission Canyon Community Plan or BIO-TC-7.5 and BIO-TC-7.8 of the Toro Canyon Plan, and in a manner that otherwise complies with the regulations of the applicable Plan and this Development Code.
- (d) For the purpose of this Subsection, “residential structure” shall mean primary dwellings, secondary dwellings including ~~Residential Second Units~~ accessory dwelling units, agricultural employee dwellings, farmworker dwelling units, farmworker housing complexes, farm employee dwellings, guesthouses, and all attached appurtenances (e.g., garages and storage rooms) that share at least one common wall with the residential structure. One detached private garage structure may be included within the meaning of “residential structure” in compliance with [Section 35.82.140 \(Nonconforming Status and Extent of Damage Determination\)](#).

SECTION 28:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Subsection b, Coastal Zone, of Subsection 5, Sites within the Mission Canyon Community Plan area or the Toro Canyon Plan Area, of Subsection B, Damage, of Section 35.101.030, Nonconforming Structures, of Chapter 35.101, Nonconforming Uses, Structures and Lots, in its entirety:

SECTION 29:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection b, Appeals regarding residential second units, of Subsection 2, Additional requirements for certain appeals, of Subsection C, Requirements for contents of an appeal, of Section 35.102.020, General Appeal Procedures, of Chapter 35.102, Appeals, to read as follows:

b. Appeals regarding ~~residential second~~ accessory dwelling units.

- ~~(1) **Coastal Zone.** The grounds for an appeal of the approval or conditional approval of a Coastal Development Permit or Land Use Permit for a residential second unit in compliance with [Section 35.42.230 \(Residential Second Units\)](#) shall be limited to whether the approved or conditionally approved project is in compliance with the applicable provisions and policies of the Coastal Land Use Plan and the provisions of this Development Code. If the approval or conditional approval of a~~

~~Coastal Development Permit or Land Use Permit for a residential second unit is appealed, the appellant shall identify how the approved or conditionally approved project is not in compliance with the applicable provisions and policies of the Coastal Land Use Plan and the provisions of this Development Code.~~

- (2) ~~Inland area.~~ The grounds for an appeal of the approval or conditional approval of a Land Use Permit for ~~residential second~~ an accessory dwelling unit in compliance with ~~Section 35.42.230 (Residential Second Units)~~ Section 35.42.015 (Accessory Dwelling Units) shall be limited to whether the approved or conditionally approved project is in compliance with the applicable development standards for residential second accessory dwelling units provided in Subsection 35.42.230.G (Development standards) Section 35.42.015 (Accessory Dwelling Units). If the approval or conditional approval of a Land Use Permit for ~~a residential second~~ an accessory dwelling unit is appealed, the appellant shall identify how the approved or conditionally approved project is not in compliance with development standards for residential second units provided in ~~Subsection 35.42.230.G (Development standards)~~ Section 35.42.015 (Accessory Dwelling Units).

SECTION 30:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection e of Subsection 1, By the Department, of Subsection A, Minimum requirements, of Section 35.106.050, Land Use Permits, of Chapter 35.106, Noticing and Public Hearings, to read as follows:

- e. The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.
- (1) Notice of applications for ~~Residential Second Units~~ accessory dwelling units, and additions thereto, as may be allowed in compliance with ~~Section 35.42.230 (Residential Second Units)~~ Section 35.42.015 (Accessory Dwelling Units) shall include a statement that the grounds for appeal of an approved or conditionally approved Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable provisions of ~~Subsection 35.42.230.G (Development standards)~~ Section 35.42.015 (Accessory Dwelling Units).

SECTION 31:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to amend the existing definition of “Residential Second Unit” to read as follows:

~~**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 dwelling on the same lot. The residential second unit may either be an attached residential second unit or detached residential second unit. See Accessory Dwelling Unit.~~

- ~~**1. Attached Residential Second Unit.** A residential second unit that shares a common wall with the principal dwelling.~~
- ~~**2. Detached Residential Second Unit.** A residential second unit not attached to the principal dwelling by a common wall.~~

SECTION 32:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section

35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to add new definitions of “Accessory Dwelling Unit” 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.

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

SECTION 33:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to delete the existing definitions of “Attached Residential Second Unit,” and “Detached Residential Second Unit.”

SECTION 34:

Except as amended by this Ordinance, Articles 35.2, 35.3, 35.4, 35.7, 35.8, 35.10 and 35.11 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 34:

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

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ 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