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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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RECORD PACKET COPY

May 21, 1998

TO: Commissioners and Interested Parties

FROM: Chuck Damm, Senior Deputy Director
Gary Timm, District Manager
Mark H. Capelli, Coastal Program Analyst

RE: SANTA BARBARA COUNTY LCP: Zoning Amendment 1-98 Public Hearing and Final Action at the California Coastal Commission Hearing of June 8-11, 1998 at the Radisson Hotel - Santa Barbara

Background

The County of Santa Barbara submitted Local Coastal Program Amendment (LCP) 1-98 on March 30, 1998. The submittal was deemed complete and filed on April 27, 1998.

The Amendment consists of amending the County's Local Coastal Program Implementation Ordinance to amend and add new permitted uses, development standards, permitting procedural requirements, and definitions.

Staff Recommendation

Amendment Proposal and Staff Recommendation

The amendment proposal would add new permitted uses to several existing zoning districts (the C-2 Retail Commercial, PI Professional/Institutional, and M-1 Light Industrial Zone District); delete duplicative communications regulations; clarify setback requirements for residential development, communication facilities, and special types of lots; specify the conditions under which cabanas may be allowed; exempt the recordation of a final or parcel map from Coastal Development Permits; clarify the procedural requirements for Conditional Use Permits; clarify that land use permits are limited to two years; consolidate double noticing requirements for Development Plans and clarify noticing procedures for Coastal Development Permits that follow and are linked to a previous discretionary permit; allow the County Planning and Development Department to recover certain zoning enforcement costs; clarify that the height requirements established in the overlay for Summerland supersede those identified in the general zone districts; add and modify several definitions; make a number of other minor procedural clarifications and textual corrections.

The staff is recommending approval of the of the Implementation Plan amendment as submitted.

Exhibits

1. Resolution No. 98-107
2. Ordinance No. 4298

I. STAFF RECOMMENDATION

A. Approval of Implementation Ordinance Amendment as Submitted

Staff recommends the adoption of the following Motion and Resolution:

Motion

I move that the Commission reject the Implementation Ordinance Amendment 1-98 to the Santa Barbara County LCP as submitted.

Staff recommends a NO vote on motion I which would result in the adoption of the following resolution of certification and related findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution

The Commission hereby certifies amendment 1-98 to the Implementation Plan of the Santa Barbara County LCP on the grounds that the amendment to the Local Coastal Program Zoning Ordinance, as submitted conforms to and is adequate to carry out the provisions of the LCP Land Use Plan as certified. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant effects which the approval of the Implementation Plan amendment will have on the environment.

II. RECOMMENDED FINDINGS

The standard of review of an amendment to the certified LCP Zoning Ordinance is whether the ordinance conforms with and is adequate to carry out the provisions of the certified LCP Land Use Plan (PRC Section 30513 (a)). In addition, procedural elements of the LCP Zoning Ordinance must conform to the applicable provisions of the California Coastal Act and the applicable provisions of the Commission's Administrative Regulations. The Coastal Act provides that the Commission may only reject the proposed zoning ordinance if a majority of the Commissioners present find that it does not conform with or is inadequate to carry out the provisions of the certified Land Use Plan.

1. Proposal

The following is a summary of the proposed changes to the County's Coastal Zoning Ordinance, arranged by section: (See Exhibits 1 and 2 for full texts of changes.)

Amend Section 35-58, Definitions. Add new definition of Cabana, Determination Use, and Habitable. Delete the definition of Pool House/Cabana, amend the definition of Special Care Home.

Amend Section 35-68, AG-I, Agriculture I. Delete duplicative communication facility regulations.

Amend Section 35-69, AG-II, Agriculture II. Delete duplicative communication regulations.

Amend Section 35-71, R-1/E-1, Single Family Residential. Require that portions of walls with doors be subject the side yard setback regulations in the zone district, notwithstanding the permitted side yard setback variations, and clarify that enclosures for large animals (e.g., paddocks, corrals,) shall be located on a parcel of 20,000 gross square feet or more.

Amend Section 35-72, R-2, Two Family Residential. Clarify that only one single family residence, or one two-family residence is permitted on a lot zoned R-2 Two-Family Residential.

Amend Section 35-78, C-2, Retail Commercial. Clarify that amusement enterprises conducted in enclosed buildings such as video arcades and pool halls, are Permitted Uses; allow microbreweries that are secondary and accessory to a restaurant, bar or lounge, and allow spas or health clubs as Permitted Uses; delete used automobile and machinery sales from those uses requiring a minor Conditional Use permit as they are identified as Permitted Uses and clarify that residential uses are allowed within the Retail Commercial zone district only when they are secondary to a permitted or conditionally permitted commercial use on the same lot.

Amend Section 35-83, PI, Professional Institutional. Clarify that banks and savings/loans are a Permitted Use, and clarify that residential uses are allowed within the Professional Institutional zone district only when they are secondary to a permitted or conditionally permitted commercial use on the same lot.

Amend Section 35-85, M-1, Light Industrial. Allow equipment storage yards in addition to contractor storage yards and certain types of agriculture uses as a permitted use on any abutting parcel zoned for agricultural or residential uses providing agricultural uses are permitted on such abutting parcels.

Amend Section 35-119, Accessory Structures. Clarify setbacks for accessory structures must be equal to side-yard setbacks and delete the term pool house.

Amend Section 35-120, Guest House, Artists Studios, Pool Houses/Cabanas. Limit the number of cabanas to (1) one per legal lot, and clarify that while guest houses, artist studios, and cabanas's are limited to one story they may be located above or below another accessory use such as a garage, and be allowed in conjunction with a proposed pool or sport court.

Amend Section 35-126, Through, Corner, Interior, and Odd-shaped Lots. Require main and accessory structure on a corner lot backing up on a key lot be set back from the side property line by the same distance as structures on the key lot are required to be set back from the side property line.

Amend Section 35-131, Temporary Tract Offices in Subdivisions. Clarify that the permit for a temporary tract office may only be extended one time for one year and allow the Director to grant extensions rather than the Planning Commission.

Section 35-144F, Communication Facilities. Clarify that certain communication facilities must be setback from existing dwelling units, other residentially zoned parcel lines, and educational facilities;

Amend Section 35-169, Coastal Development Permits. Exempt the recordation of a final or parcel map following an approved tentative map from Coastal Development Permits, except vesting tentative maps, and establish that an approval by the Zoning Administrator of a Coastal Development Permit requires a public hearing and shall be valid for one year and that such approval may be extended one time for one year.

Amend Section 35-172. Conditional Use Permits. Clarify that a revised Conditional Use Permit shall be processed in the same manner as the previously approved Conditional Use Permit and that such revised permit shall supersede the previous permit on approval; consolidate double notice for amendments to Conditional Use Permits into a single notice to be provided prior to the decision on the amendment.

Amend Section 35-174, Development Plans. Consolidate double noticing for amendments to Development Plans into a single notice to be provided prior to the decision on the Amendment.

Amend Section 35-178, Land Use Permits. Clarify that Land Use Permits are valid for two years from the date of issuance and that such Land Use Permits may be extended one time for one year by the Director rather than the Coastal Planner.

Amend Section 35-181, Noticing. Establish noticing procedures for Coastal Development Permits that follow and are directly linked to a previous discretionary approval.

Amend Section 36-185, Enforcement, Legal Procedures, and Penalties. Allow the department to recover costs for staff travel time that is associated with a zoning enforcement case.

Amend Section 35-191, Summerland - SUM. Clarify that the height requirements established in the overlay supersede those identified in the zoning districts and that the maximum height of a structure within the overlay shall be determined by using the standard County methodology contained in the definition of "Building Height".

Amend Section 35-202, Definitions. Add a definition of Cabana.

2. Consistency with County LCP

a. Consistency With Land Use Plan Designations

The proposed Implementation Plan amendment does not modify or effect any of the existing zone designations of specific parcels established in the Coastal Zoning Ordinance. Nor does the Implementation Plan amendment change or effect the definitions of the Zone District, or uses allowed with a Conditional Use Permit for any of the previously certified Zone Districts in the Santa Barbara County Local Coastal Program Implementation Ordinances. (See Exhibits 1 and 2.)

The proposed amendment does, however, modify some of the permitted uses allowed in several of the previously established zone districts. Specifically the amendment would alter the permitted uses in the C-2, Retail Commercial; PI, Professional Institutional; and M-1, Light Industrial zone districts.

The amendment would add video arcades, pool halls, spas or health clubs, as well as microbreweries as a secondary and accessory to a restaurant, bar or lounge, to the list of permitted uses to the C-2, Retail Commercial zone district, and delete used automobile and machine sales establishments. The amendment would add banks and savings/loans to the list of permitted uses to the PI, Professional Institutional zone district. Finally, the amendment would add agricultural uses, including orchards, such and flower gardens and field crops, to the list of permitted uses to the M-1, Light Industrial zone district.

The added permitted uses to the C-2 and PI zone districts are consistent with the basic purposes of the respective zone districts and do not create any conflicts with the underlying land use plan designations associated with these zone districts.

The agricultural uses added to the list of permitted uses in the M-1 zone district does not fall strictly within the purposes of the M-1 zone district; however, the proposed amendment would limit such agricultural uses to situations only where there is an existing permitted agricultural operation on an abutting parcel zoned for agriculture or residential uses. The purpose of this added permitted use is to encourage the agricultural use of vacant lands zoned M-1 which are adjacent to existing agriculture operations. The Commission has previously certified agricultural uses under similar circumstance for other non-agricultural zone districts in the County's Local Coastal Program, including the CH, Highway Commercial zone district. The limited circumstances under which agricultural uses would be allowed as permitted used on M-1 zone lands will prevent any conflicts with adjacent land uses, and is consistent with the strong agricultural preservation policies of the County's certified Local Coastal Program (Policy 8-1 through 8-10.) The added permitted uses to the M-1 zone district can therefore be found consistent with the zone district and does not create any conflicts with the underlying land use plan designation associated with the zone district.

The proposed amendment therefore does not create any inconsistency with County's certified Local Coastal Program Land Use Plan designations.

b. Consistency with LCP Land Plan Policies

The proposed amendment contains a number of minor changes and clarifications to the development standards contained in the County's Local Coastal Program Implementing Ordinance, including set-back standards for residences and accessory structures, development standards for cabanas, and height limitations for the Summerland area. None of these changes modifies or effects any of the existing substantive development standards of the Coastal Zoning Ordinance, and therefore does not affect the consistency of the Coastal Zoning Ordinance with the Land Use Plan policies or its ability to carry out any of the other provisions of the Land Use Plan. (See Exhibits 1 and 2.)

c. Consistency with Procedural Requirements of the California Coastal Act.

The proposed amendment contains a number of changes to the procedural elements of the County's Local Coastal Program Implementing Ordinance, including eliminating double noticing of Development Plans; clarifying the effective life of Land Use Permits; revising noticing procedures for Coastal Development Permits; limiting time extensions for temporary permits; eliminating duplicative communication regulations; and eliminating Coastal Development Permit permitting requirements for the recordation of final or parcel maps

All of these changes are consistent with the procedural requirements of the Coastal Act and related Administrative regulations. Regarding Coastal Development Permit requirements for recording final or parcel maps, the County's Local Coastal Program currently requires a discretionary permit and a follow-up Coastal Development Permit for any division of land, as well as second Coastal Development Permit for the recordation of a final or parcel map. All three of these permits for the same land division are appealable to the Coastal Commission.

The County is proposing to eliminate the second Coastal Development requirement for the recordation of the final or parcel map for the purpose of streamlining the permitting requirements. This change would not eliminate or reduce the opportunity for public or Coastal Commission review of an action resulting in the division of land, but would shift the potential for appeal to the Commission to an earlier stage of the approval process, before the final recordation of the tract or parcel map. Such a change would encourage earlier public review and possible Commission review of the decision to divide land.

The propose changes therefore conform to and are consistent with the procedural requirements established statutorily through the California Coastal Act, as well as the Commission's Administrative regulations.

IV. LCP/CEQA

The proposed amendment is to the County of Santa Barbara's certified Local Coastal Program. The Commission originally certified the County's Local Program Land Use Plan and Zoning Ordinance in 1981 and 1982 respectively.

Pursuant to Section 21080.99 of the California Environmental Quality Act (CEQA) the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying Local Coastal Programs qualified for certification under Section 21080.5 of CEQA.

In addition to making the finding that the Local Coastal Program amendment is in full compliance with CEQA, the Commission must also make a finding that the least environmentally damaging feasible alternative has been chosen. Section 21080.5(d)(2)(A) of CEQA and Section 1350(f) of the Coastal Commission's Administrative Regulations require that the Commission not approve or adopt a Local Coastal Program amendment "if there are feasible alternatives or feasible mitigation measures available which would substantially lessen and significantly adverse impacts which the activity may have on the environment."

As discussed the findings above, the proposed Implementation Plan amendment, as submitted, would mitigate impacts associated with the proposed amendment including land uses allowed under the provisions of the Zoning Ordinances, to the maximum extent feasible consistent with the relevant provisions of the California Coastal Act.

The amendment is therefore consistent with the provisions of the California Environmental Quality Act and the California Coastal Act.

8430A

ATTACHMENT A
 RESOLUTION OF THE BOARD OF SUPERVISORS
 COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING AMENDMENTS)
 TO THE SANTA BARBARA COUNTY LOCAL)
 COASTAL PROGRAM TO AMEND THE COASTAL)
 ZONING ORDINANCE, ARTICLE II OF CHAPTER 35)
 OF THE SANTA BARBARA COUNTY CODE TO)
 UPDATE, CLARIFY, AND REVISE PERMIT)
 REQUIREMENTS AND REGULATIONS; AND)

RESOLUTION NO. 98-107
 CASE NO.: 97-OA-010

IN THE MATTER OF SUBMITTING THE)
 AMENDMENTS TO THE VARIOUS TEXTS OF THE)
 SANTA BARBARA COUNTY LOCAL COASTAL)
 PROGRAM TO THE COASTAL COMMISSION)

EXHIBIT NO. 1
APPLICATION NO.
S.B. Co. LCP Amend
1-98

WITH REFERENCE TO THE FOLLOWING:

1 of 4

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. The Board of Supervisors, having deemed it to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County, has amended the Local Coastal Program as specified below:

97-OA-010: Amend Article II of Chapter 35 of the Santa Barbara County Code, as follows:

Amend Section 35-58., Definitions., Add new definitions of Cabaña, Determination (Use), Habitable, delete the definition of Pool House/Cabana, and amend the definition of Special Care Home; Section 35-68., AG-I Agriculture I., Delete duplicative communication facility regulations, Section 35-69., AG-II Agriculture II., Delete duplicative communication facility regulations; Section 35-71., R-1/E-1 Single Family Residential., Require that portions of walls with doors be subject to the side yard setback regulations in the zone district, notwithstanding the permitted side yard setback variations, and clarify that enclosures for large animals (e.g., paddock, corral) shall be located on a parcel of 20,000 gross square feet or more; Section 35-72., R-2 Two Family Residential., Clarify that only one single family residence or one two-family residence is permitted on a lot zoned R-2 Two-Family Residential; Section 35-78., C-2 Retail Commercial., Clarify that amusement enterprises conducted in enclosed

buildings, such as video arcades and pool halls are Permitted Uses; allow microbreweries that are secondary and accessory to a restaurant, bar or lounge and allow spas or health clubs as Permitted Uses; delete used automobile and machinery sales from those uses requiring a minor Conditional Use permit as they are identified as a Permitted Use; and clarify when secondary residential uses are allowed within the Retail Commercial zone district; **Section 35-83., PI Professional Institutional.**, Clarify that banks and savings/loans are a Permitted Use, and clarify when secondary residential uses are allowed within the Professional Institutional zone district; **Section 35-85., M-1 Light Industrial.**, Allow storage yards other than contractor storage yards and certain types of agriculture as Permitted Uses; **Section 35-119., Accessory Structures.**, Clarify setbacks for accessory structures and delete the term pool house; **Section 35-120., Guest House, Artist Studios, Pool Houses/Cabanas.**, Limit the number of cabañas to (1) one per legal lot, clarify that while guest houses, artist studios, and cabañas are limited to one story they may be located above or below another accessory use such as a garage, and allow cabañas to be built for use in conjunction with the ocean or sports court; **Section 35-131., Temporary Tract Offices in Subdivisions.**, Clarify that the permit for a temporary tract office may only be extended one time for one year and allow the Director to grant extensions rather than the Planning Commission; **Section 35-126., Through, Corner, Interior, and Odd-Shaped Lots.**, Require main and accessory structures on a corner lot backing up on a key lot that be setback from the rear property line by the same distance structures on the key lot are required to be setback from the side property line; **Section 35-144F., Communication Facilities.**, Clarify that certain communication facilities must be setback from existing dwelling units, other residentially zoned parcel lines, and educational facilities; **Section 35-169., Coastal Development Permits.**, Exempt the recordation of a final or parcel map following an approved tentative map from Coastal Development Permits, except vesting tentative maps,, and establish that an approval by the Zoning Administrator of a Coastal Development Permit requiring a public hearing shall be valid for one year and that such approval may be extended one time for one year; **Section 35-172., Conditional Use Permits.**, Clarify that a revised Conditional Use Permit shall be processed in the same manner as the previous Conditional Use Permit and that such revised Permit shall superseded the previous permit on approval, consolidate double noticing for amendments to Conditional Use Permits into a single notice to be provided prior to the decision on the Amendment; **Section 35-174., Development Plans.**, consolidate double noticing for amendments to Development Plans into a single notice to be provided prior to the decision on the Amendment; **Section 35-178., Land Use Permits.**, Clarify that Land Use Permits are valid for two years from the date of issuance and that such Land Use Permit may be extended one time for one year by the Director rather than the Coastal Planner; **Section 35-181., Noticing.**, Establish noticing procedures for Coastal Development Permits that follow and are directly linked to a previous discretionary approval; **Section 35-185., Enforcement, legal procedures, and penalties.**, Allow the department to recover costs for staff travel time that is associated with a zoning enforcement case; **Section 35-191., Summerland - SUM.** Clarify that the height requirements established in the overlay supersede those identified in the zoning districts and that the maximum height of a structure within the overlay shall be determined by using the standard County methodology outlined in the definition of

"Building Height"; and **Section 35-202., Definitions**, Add a definition of Cabaña. Said ordinance (Case Number 97-OA-010) is attached hereto as Exhibit A and is incorporated herein by reference.

- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendments in duly noticed public hearings pursuant to Section 65353 of the Government Code, and the Planning Commission has sent its written recommendations to the Board pursuant to Section 65354 of the Government Code.
- E. This Board has held duly noticed public hearings, as required by Section 65355 AND 65856 of the Government Code, on the proposed amendments, at which hearings the amendments were explained and comments invited from the persons in attendance.
- F. These amendments to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal plan, and the requirements of State Planning and Zoning laws as amended to this date.
- G. The Board now wishes to submit these amendments to the California Coastal Commission.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

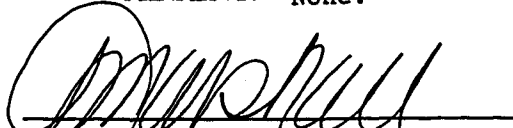
1. The above recitations are true and correct.
2. Pursuant to the provisions of Section 65356 and 65857 of the Government Code and section 30514 of the Public Resources Code, the above described changes are hereby adopted as amendments to the Santa Barbara County Coastal Plan and Coastal Zoning Ordinance text.
3. The Board certifies that these amendments are intended to be carried out in a manner fully in conformity with the said California Coastal Act.
4. The Board submits these Local Coastal Plan amendments to the California Coastal Commission for review and certification.
5. The Chairman and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 24th day of, March, 1998, by the following vote:

AYES: Supervisors Schwartz, Graffy, Marshall, Staffel, Urbanske.

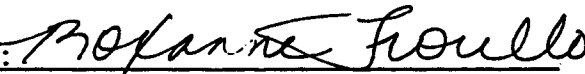
NOES: None.

ABSENT: None.


Chair of the Board of Supervisors
County of Santa Barbara

ATTEST:

Michael F Brown
Clerk of the Board of Supervisors

By: 
Deputy Clerk

APPROVED AS TO FORM:
STEPHEN SHANE STARK
County Counsel

By: 
Deputy County Counsel

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This is a true certified copy of the original document
in file or of record in my office. It bears the seal
and signature, imprinted in purple ink, of the
Clerk of the Board of Supervisors




Clerk of the Board, Santa Barbara County, California

on: 3-25-98 By Deputy: Propanne Frouillo

ORDINANCE NO. 4298

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS; DIVISION 4, ZONING DISTRICTS; DIVISION 7, GENERAL REGULATIONS; DIVISION 11, PERMIT PROCEDURES; DIVISION 12, ADMINISTRATION; AND DIVISION 15, MONTECITO COMMUNITY PLAN OVERLAY DISTRICT; TO DEFINE CABAÑA, DETERMINATION (USE), AND HABITABLE, DELETE DEFINITION POOL HOUSE/CABAÑA, AMEND THE DEFINITION OF SPECIAL CARE HOME; TO RESTRICT THE DISTANCE OF DOORS WITH WINDOWS FROM THE SIDE YARD SETBACK; TO ALLOW SPAS, HEALTH CLUBS, VIDEO ARCADES, AND MICROBREWRIES IN THE C-2 RETAIL COMMERCIAL ZONE DISTRICT; TO CLARIFY THAT SAVINGS AND LOANS ARE A PERMITTED USE IN THE PI PROFESSIONAL INSTITUTIONAL ZONE DISTRICT; TO CLARIFY THAT RESIDENCES ARE ALLOWED IN THE PI PROFESSIONAL INSTITUTIONAL ZONE DISTRICT IF THEY ARE SECONDARY TO A PERMITTED COMMERCIAL USE WITH A USE ALLOWED BY A CONDITIONAL USE PERMIT; TO ALLOW AGRICULTURE AND STORAGE YARDS IN THE M-1 LIGHT INDUSTRY ZONE DISTRICT; TO CLARIFY THAT CABAÑAS SERVE POOLS OR SPORTS COURTS; TO ALLOW THE DIRECTOR TO EXTEND A TEMPORARY TRACT OFFICE PERMIT; TO CLARIFY THE SETBACKS FOR STRUCTURES ON CORNER LOTS THAT BACK UP ON KEY LOTS; TO CLARIFY THE SETBACKS FOR WIRELESS COMMUNICATION FACILITIES; TO EXEMPT FINAL MAP CLEARANCES FROM A COASTAL DEVELOPMENT PERMIT; TO CLARIFY THAT THE ZONING ADMINISTRATOR'S APPROVAL FOR A COASTAL DEVELOPMENT PERMIT WITH A HEARING SHALL BE VALID FOR ONE YEAR; TO CLARIFY THAT COASTAL DEVELOPMENT PERMITS SHALL NOT BE ISSUED UNTIL THE APPEAL PERIOD HAS EXPIRED OR FINAL ACTION HAS BEEN TAKEN ON THE APPEAL BY EITHER THE COUNTY OR THE CALIFORNIA COASTAL COMMISSION; TO DELETE DOUBLE NOTICING FOR AMENDMENTS TO DEVELOPMENT PLANS AND CONDITIONAL USE PERMITS; TO ESTABLISH NOTICING PROCEDURES FOR COASTAL DEVELOPMENT PERMITS THAT FOLLOW A PREVIOUS DISCRETIONARY PROJECT; TO ALLOW FOR THE RECOVERY OF TRAVEL COSTS FOR ZONING ENFORCEMENT ACTIVITIES; AND TO MAKE OTHER MINOR CORRECTIONS AND CLARIFICATIONS.

Case Number 97-OA-010

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

EXHIBIT NO. 2
APPLICATION NO.
S.B. Co. LCP Amend
1-98

SECTION 1:

Section 35-58., Definitions, DIVISION 2, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to add new definitions for Cabaña, Determination, and Habitable and to amend the definition Special Care Home as follows:

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CABAÑA: A building, the use of which is incidental and accessory to the use of the beach, a pool, or a sports court (e.g., tennis, basketball, handball, and other similar facility) that may include bathrooms, but excludes sleeping quarters and/or cooking facilities.

DETERMINATION, USE: An action by the Planning Commission, appealable to the Board of Supervisors, determining and/or finding that a use which is not specified as a Permitted Use in a zone district is similar in nature and/or character to the other Permitted Uses in that zone district and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, traffic congestion, danger to life and property, or other similar causes, and is therefore also considered a Permitted Use.

HABITABLE: A space within a building that is suitable for living, sleeping, eating, cooking and which may or may not be conditioned (heated, cooled, etc.).

POOLHOUSE/CABANA: A building or structure designed as accessory to a pool located on the same lot as the pool house/cabana.

SPECIAL CARE HOME: A residential home providing twenty-four (24) hour non-medical care and supervision that has is eligible for a license for a capacity of seven (7) or more clients from the State Department of Social Services, Community Care Licensing Division or a licensing agency authorized by said Department as a "Group Home-Children," "Transitional Home", "Adult Residential Home", "Residential Care Facility for the Elderly or Handicapped", or "Foster Home." Note: Facilities which serve six or fewer persons shall be considered a residential use and the residents and operators of the facility shall be considered a family [Health and Safety Code §1566.3]."

SECTION 2:

Section 35-68., AG-I Agriculture I, DIVISION 4 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-68.4, Uses Permitted with a Major Conditional Use Permit, to delete subsection 3. and renumber subsequent sections, as follows:

~~“3. Communication and navigational aids, antennas, structures and facilities, including uses for land measurement, air and sea navigation, communications test facilities or other similar uses provided such use does not prevent or interfere with the agricultural use of the land.~~

34. Facilities for the sorting, cleaning, packing, freezing, loading, transporting and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form provided:

- a. the facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County),
- b. the primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale,
- c. the primary intent of the development of this facility shall be to serve south coast agriculture,
- d. the products are determined by the Planning Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands,
- e. the facility processes products grown on the premises or on other local agricultural lands,
- f. all application for such facilities shall be accompanied by a landscape plan pursuant to the requirements of Sec. 35-68.4 of this Article,

- g. siting of this type of facility on prime agricultural lands or agriculturally productive non-prime soils should be avoided where feasible, and
- h. all applications for such facilities shall be accompanied by defined truck and vehicle routes proposed to serve the facility.

No conditional use permit shall be required under this section for such facilities if they are devoted primarily to the handling of products grown on the premises and the processing of products grown off premises if accessory and customarily incidental to the marketing of products in their natural form grown on the premises.

- 45. Farm labor camps, including trailers, for housing five or more employees engaged full-time in agriculture working on or off the farm or ranch upon which the dwelling(s) is located, subject to the provisions of Sec. 35-132.9 (General Regulations)."

SECTION 3:

Section 35-69., AG-II Agriculture II, DIVISION 4 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-69.4, Uses Permitted with a Major Conditional Use Permit, to delete subsection 8. and renumber subsequent sections, as follows:

- ~~"8. Communication and navigational aids, antennas, structures and facilities, including uses for land measurement, air and sea navigation, communications test facilities or other similar uses provided such use does not prevent or interfere with the agricultural use of the land.~~
- 89. Farm labor camps, including trailers, for housing five or more persons engaged full-time in agriculture working on or off the farm or ranch upon which the dwelling(s) is located, subject to the provisions of Sec. 35-132.9 (General Regulations).
- 940. Exploration and production of offshore oil and gas reservoirs from onshore locations, including exploratory and production wells, pipelines, temporary storage tanks, dehydration and separation facilities, and temporary truck terminals located within the Gaviota or Las Flores Canyon Consolidated Oil and Gas Planning Areas, subject to the requirements set forth in DIVISION 9, OIL & GAS FACILITIES."

SECTION 4:

Section 35-71., R-1/E-1 Single Family Residential, DIVISION 4 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-71.8, Permitted Variations of Setbacks for Buildings, and to amend Section 35-71.12., Animals as follows:

4.1 Amend Section 35-71.8., Permitted Variations of Setbacks for Buildings, to amend subsection 1.b., to read:

"b. No portion of a wall containing windows or doors opening into rooms of a building (except a garage or other non-habitable space) shall be closer to the side lines of a lot than the required side yard setback."

4.2 Amend Section 35-71.12., Animals, to amend subsection 2. to read:

"2. No stable, ~~or~~ barn, or other enclosure for large animals (e.g., paddock, corral) shall be located on a single legal lot, excluding a combination of lots, having a gross area of less than 20,000 square feet. No portion of a stable, ~~or~~ barn, or other enclosure for large animals shall be located closer than: (1) 40 feet to the door or window of any dwelling on another lot; (2) 70 feet to any street centerline and 20 feet to the right-of-way; (3) 15 feet from the rear property line; and (4) 10 feet from the side property lines."

SECTION 5:

Section 35-72., R-2 Two Family Residential, DIVISION 4 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-72.3, Permitted Uses, to amend subsection 1., as follows:

"1. One ~~Single-family dwelling or one and two-family dwellings, i.e., duplex, es~~ per legal lot."

SECTION 6:

Section 35-78., C-2 Retail Commercial, DIVISION 4 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-78.3., Permitted Uses, and to amend Section 35-78.5, Uses Permitted with a Minor Conditional Use Permit, as follows:

6.1 Amend Section 35-78.3., Permitted Uses, to amend subsection 1., to read:

"1. Amusement enterprises if conducted wholly within a completely enclosed building, such as video arcades and pool halls.

6.2 Amend Section 35-78.3., Permitted Uses, to amend subsection 7., read:

"7. Restaurants, bars, ~~and~~ cocktail lounges, and microbreweries that are secondary and accessory to a restaurant, bar, or lounge."

6.3 Add Section 35-78.3., Permitted Uses, to add a new subsection 21 and renumber subsequent sections., to read

20. Spas or health clubs.

21. Accessory uses, buildings, and structures, which are customarily incidental to any of the above uses provided:

- a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments, and provided further that there shall be not more than five persons engaged in any such manufacture, processing, or treatment of products.
- b. Such operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life or property, or other similar causes."

6.4 Amend Section 35-78.5, Uses Permitted with a Minor Conditional Use Permit, to delete subsection 3., renumber subsequent sections, and amend subsection 21., to read:

~~"3. Used automobile and machinery sales conducted partially or wholly outdoors.~~

- 34. Boat sales yard and boat repair and services, but not including painting or junk yards for boats.
- 45. Cabinet shop.
- 56. Cleaning and dyeing establishment.
- 67. Electrical shop.
- 78. Frozen food locker as part of a retail store.
- 89. Furniture repair and upholstery.
- 940. Handicraft-type industries subject to the provisions of Sec. 35-172.11. (Conditional Use Permits).
- 1044. Lumber and building materials sales yard.
- 1142. Mechanical car wash.
- 1243. Plumbing, heating, and ventilating shop.
- 1344. Pump sales and service.
- 1445. Outdoor sale of pool supplies, patio furniture, and spas.
- 1546. Sale of fresh fruit, vegetables, and flowers from a motor vehicle or stand not affixed to the ground.
- 1647. Sales or storage lot for trailers* and recreational vehicles.
- 1748. Sign painting shop.
- 1849. Trailer* and truck rentals.
- 1920. Welding and small tool machine shop.
- 2024. Residences, provided the residential use is secondary to a permitted or conditionally permitted (i.e., Conditional Use Permit) commercial use on the same lot(s).
- 2122. Certified Farmer's Market.
- 2223. Emergency Shelter.
- 2324. Single Room Occupancy Facility."

SECTION 7:

Section 35-83., PI Professional Institutional, DIVISION 4 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-83.4., Permitted Uses, and to amend Section 35-83.6, Uses Permitted with a Minor Conditional Use Permit, as follows:

7.1 Amend Section 35-83.4., Permitted Uses, to add a new subsection 11 and renumber consecutive sections to read:

“11. Banks and savings and loans offices.”

~~14~~2. Accessory uses, buildings, and structures which are incidental, and subordinate to permitted uses.”

7.2 Amend Section 35-83.6, Uses Permitted with a Minor Conditional Use Permit, to amend subsection 1. to read:

“1. Residences, provided the residential use is secondary to a ~~primary~~ permitted or conditionally permitted (i.e., Conditional Use Permit) commercial use on the same lot.”

SECTION 8:

Section 35-85., M-1 Light Industrial, DIVISION 4 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-85.4. Permitted Uses, as follows:

8.1 Amend Section 35-85.4., Permitted Uses, to amend subsection 4. to read:

“4. Equipment storage yard ~~Contractors' equipment yard or plant,~~ or rental of equipment ~~commonly used by contractors.~~”

8.2 Amend Section 35-85.4., Permitted Uses, to add subsection 15 to read:

“15. Orchards, truck and flower gardens, raising of field crops, or other such agricultural uses as are permitted on any abutting parcel zoned for agricultural or residential uses.”

SECTION 9:

DIVISION 7, General Regulations, of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-119., Accessory Structures., as follows:

9.1 Amend Section 35-119.6 to read:

- "6. For a corner lot backing on a key lot, ~~no~~ an accessory structure shall be located ~~closer than ten (10) feet to~~ setback from the rear property line by a distance equal to the side yard setback requirement applicable to the key lot."

9.2 Amend Section 35-119.9 to read:

- "9. Accessory buildings and structures shall not be used for sleeping purposes and shall not be used as guest houses, artist studios, or ~~pool houses/~~ cabañas, unless specifically permitted for such use."

SECTION 10:

Section 35-120., Guest House, Artist Studio, and Pool House/Cabana., DIVISION 7 of Article II of the Santa Barbara County Code is hereby amended as follows:

"Sec. 35-120. Guest House, Artist Studio and ~~Pool House/~~Cabaña.

1. Accessory structures used as Guest houses, artist studios, or ~~and~~ ~~pool house/~~ cabañas must conform to criteria set forth in this section and as defined by ordinance.
2. No guest house or artist studio shall be located on a lot containing less than one (1) gross acre.
3. There shall not be more than one (1) guest house or artist studio on any lot. There shall be not more than (1) one cabaña on any lot.
4. The floor area of such guest house, artist studio, or ~~pool house/~~ cabaña, shall not exceed 800 square feet; however, such structures may be attached to ~~an~~ another accessory structure so that the total area of the combined structures exceeds 800 square feet, provided no interior access exists between the guest house, artist studio, or ~~pool house/~~ cabaña and the other accessory structure.
5. No guest house, artist studio, or ~~pool houses/~~ cabañas, shall exceed a height of one story. Such story may be located ~~over~~ above or below another ~~an~~ accessory structure.

6. There shall be no kitchen or cooking facilities within a guest house, artist studio or ~~pool-houses/~~ cabañas. However, a wet bar may be provided limited to the following features:
 - a. A counter area with a maximum length of seven (7) feet.
 - b. The counter area may include a bar sink and an under counter refrigerator.
 - c. The counter area may include an overhead cupboard area not to exceed seven (7) feet in length.
 - d. The counter area shall be located against a wall or, if removed from the wall, it shall not create a space more than four (4) feet in depth. The seven (7) foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.
 - e. No cooking facilities shall be included in the wet bar area.
7. Guest houses and ~~pool-house/~~ cabañas may contain bathrooms as defined by ordinance. However, in artist studios, plumbing facilities shall be limited to those required for a wetbar, if provided, and/or a restroom. No bathing facilities shall be permitted in artist studios.
8. Guest houses, artist studios, and ~~or pool-houses/~~ cabañas must conform to all of the setback regulations set forth in the applicable zone district for dwellings.
9. A guest house shall be used on a temporary basis only by the occupants of the main dwelling or their non-paying guests or servants and is not to be rented or let out, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. Temporary is defined as occupying the premises for no more than one hundred twenty (120) days in any twelve (12) month period.
10. Artist studios and ~~pool-house/~~ cabañas shall not be used as temporary sleeping quarters, guest houses, or as a dwelling unit.
11. A Notice to Property Owner document shall be required to be recorded by the property owner prior to issuance of a Coastal Development Permit for any guest house, artist studio, or ~~pool-houses/~~ cabañas, that specifies, at a minimum, the allowable uses of the structure.

12. A ~~pool house or~~ cabaña may be approved in conjunction with a proposed pool or sport court (see definition of Cabaña) provided that occupancy of the building is simultaneous with completion of the pool or court. A cabaña may also be approved on a lot that is directly adjacent to the beach.
13. A home occupation permit shall be required for all artist studios.
14. If either an Attached or a Detached Residential Second Unit exists or has current approval on a parcel, a guest house or artist studio may not also be approved (see also Sec. 35-142.6.I).
15. Additional requirements, identified in Division 15 (Montecito Community Plan Overlay District), exist for parcels identified with the MON overlay zone.”

SECTION 11:

Section 35-126., Through, Corner, Interior, and Odd-Shaped Lots., DIVISION 7 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-126.2., as follows:

- “2. **Comer Lots Abutting Two or More Streets.**
 - a. If a corner lot is less than 100 feet in width, the front yard setback along the property line not considered the front line shall be not less than 20 percent of the width of the lot, but in no case shall said front yard setback be less than ten (10) feet.
 - b. If a corner lot is 100 feet or greater in width, there shall be a front yard setback along each street abutting the lot and all such setbacks shall conform to the front yard setback requirements of the applicable zone district.
 - c. The rear yard setback ~~of~~ for a corner lot backing up on a key lot may be reduced to the size of the required side yard setback for the key lot or to a depth of ten (10) feet, whichever ever is greater, provided the total front, side, and rear yard area required ~~on the building site~~ by the applicable district regulations is not ~~thereby~~ reduced. An accessory structure on a corner lot backing up on a key lot shall be setback from the rear property line by a

distance equal to the side yard setback requirements applicable to the key lot."

SECTION 12:

Section 35-131., Temporary Tract Offices in Subdivisions., DIVISION 7 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-131.5., as follows:

- "5. The permit shall expire after either: 1) initial sales have been made of all lots within the tract within which it is located or all lots in a subdivision of the same subdivider in the immediate vicinity; or 2) one (1) year after its issuance, whichever is earlier. The permit may be extended one time for one year by the ~~Planning Commission~~ Director upon application of the subdivider for good cause shown."

SECTION 13:

Section 35-144F., Communication Facilities, DIVISION 7 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-144F.4, Development Criteria for Wireless Communication Facilities, as follows:

13.1 Amend Section 35-144F.4. 3.c., to amend subsection iv., to read:

- "iv) The facility is not located within a residential zone district, unless the subject site has a Comprehensive Plan Land Use Designation or Overlay of Institutional/Government Facility and the facility is a minimum of 100 feet from the nearest existing residential dwelling unit, existing educational facility, including licensed day care centers, on an adjacent parcel, or other residentially zoned parcel line. ~~and educational facility, including licensed day care centers, on an adjacent parcel.~~"

13.2 Amend Section 35-144F.4. 4.c., to amend subsection iii., to read

- "iii) Macrocell facility shall be a minimum of 100 feet from the nearest existing residential dwelling unit, existing educational facility, including licensed day care

~~centers, on an adjacent parcel, or other residentially zoned parcel line. and educational facility, including licensed day care centers, on an adjacent parcel."~~

SECTION 14:

Section 35-169., Coastal Development Permit, DIVISION 11 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-169.2., Applicability, and to amend Section 35-169.5., Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project, as follows:

14.1 Amend Section 35-169.2., Applicability, to add a new subsection 16., to read:

"16. Recordation of a Final or Parcel map following an approved tentative map, except vesting tentative maps."

14.2 Amend Section 35-169.5., Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project, to amend subsection 4., to read:

"4. An approval of a Coastal Development Permit by the Zoning Administrator shall be valid for one year. Prior to the expiration of the approval, the Zoning Administrator may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required pursuant to Section 35-169.6., can still be made. A Coastal Development Permit approved pursuant to this Section shall not be considered to be in effect and shall not be issued until a) all conditions and provisions which are required to be complied with prior to issuance of the permit are complied with, b) the applicant has signed the Coastal Development Permit, and c) the applicable appeals period has expired or if appealed, final action has been taken by the County on the appeal by the appropriate body, either the County or the California Coastal Commission

SECTION 15:

Section 35-172., Conditional Use Permits, DIVISION 11 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-172.7, Processing, and to amend Section 35-172.11.2, Substantial Conformity, Amendments and Revisions, as follows:

15.1 Amend Section 35-172.7, Processing, to add subsection 6., to read:

"6. If a Revised Conditional Use Permit is required as provided in Sec. 35-172.11., it shall be processed in the same manner as the original permit. When approved by the decision-maker, such revised permit shall automatically supersede any previously approved permit."

15.2 Amend Section 35-172.11.2, Amendments, to amend subsection c., to read:

"c. A public hearing shall not be required for amendments to an approved Conditional Use Permit. However, notice shall be given at least ten (10) days prior to the date of the decision-maker's decision as provided in Sec. 35-181. (Noticing). The decision-maker may approve, conditionally approve, or deny the Amendment. ~~Notice of action shall be given in the same manner as provided in Sec. 35-181. (Noticing).~~"

SECTION 16:

Section 35-174., Development Plans, DIVISION 11 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-174.10.2, Amendments, to amend subsection c. as follows:

"c. A public hearing shall not be required for amendments to an approved Final Development Plan. However, notice shall be given at least ten (10) days prior to the date of the Director's decision as provided in Sec. 35-181. (Noticing). The Director may approve, conditionally approve, or deny the Amendment. ~~Notice of action shall be given in the same manner as provided in Sec. 35-181. (Noticing).~~"

SECTION 17:

Section 35-178., Land Use Permits, DIVISION 11 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-178.6., Expiration, as follows:

"A Land Use Permit shall expire ~~one~~ two years from the date of issuance if the use, building, or structure for which the permit was issued has not been established, or commenced, ~~except that for "major public works and major energy facilities," the Land Use Permit shall expire two (2) years from the date of issuance.~~ Prior to the expiration of the ~~such one or two~~ (2) year period, the Director Coastal Planner may extend such period one time for one year if good cause shown."

SECTION 18:

Section 35-181., Noticing, DIVISION 12 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-181.3., Coastal Development Permit Noticing as follows:

18.1 Amend Section 35-181.3 Coastal Development Permit Noticing, to amend the title to read:

"Sec. 35-181.3. Coastal Development Permit and Land Use Permit Noticing."

18.2 Amend Section 35-181.3 Coastal Development Permit Noticing, to amend subsection 1., to read:

"1. Minimum Requirements. Notice of a pending decision on a Coastal Development Permit not subject to the special hearing requirements of Section 35-169.5. and not following a previous discretionary action, shall be given seven (7) days prior to the decision on the permit in the following manner:"

18.3 Amend Section 35-181.3 Coastal Development Permit Noticing, to add a new subsection 2., and renumber subsequent sections, to read:

"2. Minimum Requirements for Coastal Development and Land Use Permits Following a Previous Discretionary Action. Notice of a pending decision on a Coastal

Development or Land Use Permit following a previous discretionary action and with the same project description shall be given in the following manner:

- a. Planning and Development shall conspicuously post notice at one (1) public place within the County's jurisdiction (e.g., Planning and Development Department).
- b. The applicant shall conspicuously post notice of Coastal Development or Land Use Permit, as provided by the Planning and Development Department, at a minimum of three (3) locations on and around the perimeter of the subject property with at least one notice posted in a location that can be viewed from the nearest public street. The applicant shall provide proof of posting notice by filing an affidavit of noticing, and any other required documentation, with the Planning and Development Department, prior to permit issuance or such other date as may be required. Failure of the applicant to comply with this Section may result in revocation of the permit.
- c. Notice required pursuant to subsections a. and b., above, shall be posted by a date identified by the Planning and Development Department. If no such date is identified, the required date of posting shall be the next working day following the date of the approval of the Permit.
- d. Notice required to be posted shall be continuously posted for a minimum of ten (10) calendar days from the date prescribed pursuant to subsection 1.c., above.
- e. Notice of the Planning and Development Department's approval of a Coastal Development or Land Use Permit shall also be mailed to: 1) all persons who have filed a written request and has supplied the Planning and Development Department with self-addressed stamped envelopes, 2) all parties that received notice of the previous discretionary action, including but not limited to property owners and residents within 100 feet of the perimeter of the subject parcel, and 3) the Coastal Commission.,

32. Contents of Notice. The notice shall contain the following information?"

- a. The name of the applicant and date of filing of the application.
- b. The Planning and Development Department application number.
- c. A description of the project, its proposed location, and a statement that the development is within the Coastal Zone.
- d. The date of decision on the permit and the date of expiration of the appeal period for the Coastal Development Permit
- e. The procedure for appeal of the Coastal Development Permit approval.
- f. The procedure for submitting written or oral comments prior to the decision on the Coastal Development Permits, excluding permits that follow a previous discretionary approval
- g. A statement that the public comment period commences upon the date that such notice is given and allows for submission of public comments prior to the decision on the Coastal Development Permit, excluding permits that follow a previous discretionary approval."

SECTION 19:

Section 35-185., Enforcement, legal procedures, and penalties, DIVISION 12 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-185.6, Recovery of Costs, to amend subsection 2., as follows:

"2. Definitions

For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them herein.

~~Department: The Department of Planning and Development of the County of Santa Barbara;~~

~~Director: The Director of the Department of Planning and Development, or any person within the Department authorized by the Director;~~

Owner: The record owner or any person having possession and control of the subject property;

Costs: Administrative costs, including staff time expended and reasonably related to enforcement for items including site inspections, summaries, reports, telephone

contacts, and correspondence with the owner and any concerned citizens or officials, and related travel time. Travel time for inspections shall not be included."

SECTION 20:

Division 13, Summerland Community Plan Overlay, of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-191.4 Building Height as follows:

"Notwithstanding the height requirements contained in individual zone districts, ~~the~~ maximum height for structures within the Urban Area shall be 22 feet and the maximum height for structures within the Rural Area shall be 16 feet. The height limitations as identified in the BAR Guidelines for Summerland must be adhered to for all development within the SUM Overlay District. For the purposes of this Section, "urban" and "rural" are ~~shown~~ as designated on the "Summerland Community Land Use Map."

SECTION 21:

Division 15, Montecito Community Plan Overlay District, of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-202., Definitions to add the definition of Cabaña, as follows:

"CABAÑA: A building, the use of which is incidental and accessory to the use of the beach, a pool, or a sports court (i.e., regulation size tennis or basketball court) that may include bathrooms, but excludes sleeping quarters and/or cooking facilities."

SECTION 22:

Except as amended by this ordinance, Divisions 2, 4, 7, 11, 12, 13 and 15 of Article II of Chapter 35, of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

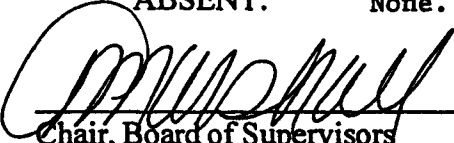
SECTION 23:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force thirty (30) days from the date of its passage or upon the date that it is certified by the

Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 24th day of March, 1998, by the following vote:

- AYES: Supervisors Schwartz, Graffy, Marshall, Staffel, Urbanske.
- NOES: None.
- ABSTAINED: None.
- ABSENT: None.



 Chair, Board of Supervisors
 County of Santa Barbara


ATTEST:

 MICHAEL F. BROWN
 Clerk of the Board of Supervisors


This is a true certified copy of the original document on file or of record in my office. It bears the seal and signature, imprinted in purple ink, of the Clerk of the Board of Supervisors


 Clerk of the Board, Santa Barbara County, California



By 

 Deputy Clerk

3-25-98 By Deputy 

APPROVED AS TO FORM:

 SHANE STARK
 County Counsel

By 

 Deputy County Counsel