COUNTY OF SANTA BARBARA

Planning and Development

Santa Barbara County
Montecito
Land Use & Development Code

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Attachment B
STB-MAJ-1-09-A and -B
Montecito Land Use and
Development Code

NOTE:

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

The following replacement pages were published in August 2008 to reflect revisions to the Development Code resulting from the adoption of Ordinance No.4681 (Case No. 08ORD-00000-00007) by the Board of Supervisors on July 15, 2008:

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SANTA BARBARA COUNTY

MONTECITO LAND USE & DEVELOPMENT CODE

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DIVISION 35.1

Montecito Development Code Applicability

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CHAPTER 35.400 - PURPOSE AND APPLICABILITY OF DEVELOPMENT CODE

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

35.400.010 - Purposes of Development Code

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

A. Provide standards and guidelines for the continuing orderly growth and development of the Montecito community that will assist in protecting the character and stability (social and economic) of agricultural, residential and commercial uses, as well as the character and identity of the Montecito community;

B. Conserve and protect the Montecito's natural beauty and setting, including waterways, hills and trees, scenic vistas, and historic and environmental resources;

C. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;

D. Encourage the most appropriate uses of land in order to prevent overcrowding of land and avoid undue concentration of population, and maintain and protect the value of property; and

E. Ensure compatibility between different types of development and land use.

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

A. Authority. The regulations within this Development Code are enacted based on the authority vested in the Santa Barbara County by the State of California, including: the California Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); the California Coastal Act (Public Resources Code Section 30,000 et seq.); the Subdivision Map Act (Government Code Section 66410 et seq.); and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

B. Consistency with Comprehensive Plan and Montecito Community Plan and Local Coastal Program. This Development Code is a primary tool used by the County to carry out the goals, objectives, and policies of the Santa Barbara County Comprehensive Plan, including the Montecito Community Plan, and the Local Coastal Program. The Santa Barbara County Board of Supervisors intends that all provisions of this Development Code be consistent with the Comprehensive Plan, Montecito Community Plan and Local Coastal Program and that any land use, subdivision, or development approved in compliance with these regulations will also be consistent with the Comprehensive Plan, Montecito

Community Plan and Local Coastal Program.

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

35.400.030 - Responsibility for Administration

A. Responsible bodies and individuals. This Development Code shall be administered by:

1. The Santa Barbara County Board of Supervisors, hereafter referred to as the "Board;"
2. The Montecito Planning Commission, hereafter referred to as the "Montecito Commission;"
3. The Montecito Board of Architectural Review;
4. The Director of the Santa Barbara County Planning and Development Department, hereafter referred to as the "Director;" and
5. The Santa Barbara County Planning and Development Department is hereafter referred to as the "Department."

B. Responsibility and authority of Director. Whenever this Division refers to the Department, it is expressly understood that the Department staff are acting under the direction and control of the Director and that they report directly to the Director rather than the Montecito Commission, or Board.

35.400.040 - Applicability of the Development Code

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

A. New land uses or structures, changes to land uses or structures. It shall be unlawful, and a violation of this Development Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 35.420.020 (Prerequisites for Development and New Land Uses), and Chapter 35.491 (Nonconforming Uses, Structures, and Lots). No Building Permit or Grading Permit shall be issued by the Department unless the proposed construction complies with all applicable provisions of this Development Code.

B. Subdivisions. Any subdivision of land proposed within the County after the effective date of this Development Code shall be consistent with the minimum lot area and width requirements of Division 35.2 (Montecito Zones and Allowable Land Uses), unless a reduction is allowed in compliance with Section 35.472.180 (Variances), the County's Subdivision Regulations (County Code Chapter 21), and all other applicable requirements of this Development Code.

C. Continuation of an existing land use. An existing land use is lawful and not in violation of this Development Code only when operated and maintained in compliance with all applicable provisions of this Development Code, including Chapter 35.491 (Nonconforming Uses, Structures, and Lots). However, the requirements of this Development Code are not retroactive in their effect on a land use that was lawfully established before the effective date of this Development Code or any applicable amendment, except as otherwise provided by Chapter 35.491 (Nonconforming Uses, Structures, and Lots).

D. Effect of Development Code changes on projects in progress. A project that is under construction on the effective date of this Development Code or any Amendment, need not be changed to satisfy any new or different requirements of this Development Code, provided that construction, (i.e., the placing of

construction materials in permanent position and fastened in a permanent manner) was lawfully begun prior to the effective date of this Development Code or any Amendment.

E. Incorporation of existing ordinances and development plans. Previously adopted ordinances which added development and zone text provisions applicable to particular property in compliance with the following provisions of previously adopted zoning regulations are hereby incorporated by reference into this Section and shall have the same force and effect as if the provisions of those ordinances were specifically and fully set forth in this Section.

1. Ordinances.

a. Ordinance No. 453, Article 3.1.

b. Preliminary Development Plans incorporated into rezoning ordinances in compliance with Article II of Chapter 35 of the County Code.

c. Preliminary Development Plans incorporated into rezoning ordinances in compliance with Article IV of Chapter 35 of the County Code.

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

a. Development Plans and Precise Plans previously adopted in compliance with Ordinance No. 453.

b. Development Plans and Plot Plans within the Coastal Zone which received County approval prior to February 1, 1973.

c. Development Plans or Plot plans that received a Coastal Development Permit from the State Coastal Commission.

d. Development Plans previously adopted in compliance with Article II of Chapter 35 of the County Code for property located within the Montecito Community Plan Area.

e. Development Plans previously adopted in compliance with Article IV of Chapter 35 of the County Code.

F. Conflicting requirements.

1. Development Code and County Code provisions. If conflicts occur between requirements of this Development Code, or between this Development Code and the Santa Barbara County Code, or other regulations of the County, the most restrictive shall control unless specifically indicated otherwise. Within the Coastal Zone, conflicts shall be resolved in manner which on balance is the most protective of significant coastal resources**.**

2. Development Agreements or Specific Plans. If conflicts occur between the requirements of this Development Code and standards adopted as part of any Development Agreement or applicable Specific Plan, the requirements of the Development Agreement or Specific Plan shall apply.

3. Private agreements. This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs) without affecting the applicability of any agreement or restriction. The County shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement, or a portion thereof.

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

1. Inland Area. Within the Inland areas of the Montecito Community Plan area, the provisions of this

Development Code do not apply to the following governmental properties and activities.

a. Development by the Federal Government on leased or Federally owned land.

b. Development by the County or any district of which the Board is the governing body.

c. Development within any state university or college.

d. Development by the State or an agency of the State acting in its sovereign (governmental) capacity.

e. Certain facilities of local agencies as defined in Government Code Section 53090 et seq.

2. Coastal Zone. Within the Coastal Zone of the Montecito Community Plan area, the provisions of this Development Code do not apply to the following governmental properties and activities:

a. Lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents. (16 USC Section 1453, Federal Coastal Zone Management Act of 1972).

b. New or expanded thermal electric generating plants and electric transmission lines connecting such plants to existing electric transmission systems under the exclusive jurisdiction of the California Energy Resources Conservation and Development Commission in compliance with Public Resources Code Sections 25500 and 30264.

c. Any development proposed or undertaken within any state university or college, in compliance with Public Resources Code Section 30519.

d. Repair and maintenance, other than within an environmentally sensitive habitat area, undertaken by the County or any district or agency of which the Board is the governing body.

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

35.400.050 - Validity

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

CHAPTER 35.402 - INTERPRETATION OF CODE PROVISIONS

Sections:

35.402.010 - Purpose
35.402.020 - Authority
35.402.030 - Rules of Interpretation

35.402.010 - Purpose

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

35.402.020 - Authority

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

35.402.030 - Rules of Interpretation

A. **Language.** When used in this Development Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to …"

B. **Time limits.** Whenever a number of days are specified in this Development Code, or in any permit, condition of approval, or notice provided in compliance with this Development Code, the number of days shall be construed as calendar days, unless specifically stated otherwise.

C. **Zoning Map boundaries.** See Section 35.404.020 (Zoning Map and Zones).

D. **Allowable uses of land.** See Section 35.420.030 (Allowable Development and Planning Permit Requirements).

E. **State law requirements.** Where this Development Code references applicable provisions of State law (e.g., the California Government Code, Coastal Act, Subdivision Map Act, or Public Resources Code) the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

CHAPTER 35.404 - ZONING MAP

Sections:

35.404.010 - Purpose
35.404.020 - Zoning Map and Zones

35.404.010 - Purpose

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

35.404.020 - Zoning Map and Zones

A. Zones established. The Santa Barbara County shall be divided into zones that implement the Santa Barbara County Comprehensive Plan. The zones shown in Table 1-1 (Zones) below, are hereby established, and shall be shown on the Zoning Map.

B. Inclusion by reference. The zone boundaries have been adopted by the Board in compliance with Government Code Sections 65800 et seq., and are hereby incorporated into this Development Code by reference as though they were fully included herein.

C. Zone boundaries. The boundaries of the zones established by Subsection B. (Inclusion by reference) above, shall be shown upon the map or maps designated as the Santa Barbara County Zoning Map (hereafter referred to as the "Zoning Map") which are on file with the Department.

D. Interpretation of zone boundaries. If there is uncertainty about the location of any zone boundary shown on the official Zoning Map, the location of the boundary shall be determined by the Director as follows:

1. Where a zone boundary approximately follows a lot line, alley, or street line, the lot line, street or alley centerline shall be construed as the zone boundary, as applicable;

2. If a zone boundary divides a lot, and the boundary line location is not specified by distances printed on the Zoning Maps, the location of the boundary will be determined by using the scale appearing on the Zoning Maps; and

3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zone that applies to the adjoining property on either side of the vacated or abandoned street or alley, or property line resulting from the abandonment.

E. Map Amendments. Amendments to the Zoning Map shall follow the process established in Chapter 35.494 (Amendments).

1. The adoption of a Zoning Map Amendment shall be by ordinance.

2. An exhibit shall be attached to said ordinance that shows in sufficient detail the area that is subject to the Zoning Map Amendment and the zone that the area will be zoned to as a result of the Zoning Map Amendment.

Table 1-1 - Zones

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

DIVISION 35.2

Montecito Zones and Allowable Land Uses

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CHAPTER 35.420 - DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS

Sections:

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

35.420.010 - Purpose

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

35.420.020 - Prerequisites for Development and New Land Uses

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

A. **Allowable use.** A proposed land use must be allowed by this Development Code in the zone applied to the site. The basis for determining whether a use is allowable is in Section 35.420.030 (Allowable Development and Planning Permit Requirements).

B. **Permit and approval requirements.** Any planning permit or other approval required by Section 35.420.030 (Allowable Development and Planning Permit Requirements) shall be obtained before the issuance of any grading, building, or other construction permit, and before commencing any work pertaining to any development or use or using any land or structure, unless such structure or use is listed in Section 35.420.040 (Exemptions from Planning Permit Requirements).

C. **Development standards, conditions of approval, Comprehensive Plan and Montecito Community Plan requirements.** Each land use and structure shall comply with the development standards of this Chapter, the requirements of Division 35.3 through Division 35.7, all other applicable requirements of this Development Code, any applicable conditions imposed by a previously granted planning permit, the Comprehensive Plan and the Montecito Community Plan.

D. **Legal lot.** The site of a proposed development or land use shall be one or more lots as defined in this Development Code.

35.420.030 - Allowable Development and Planning Permit Requirements

A. **Allowable land uses.** The land uses allowed by this Development Code in each zone and overlay zone are listed in Chapters 35.421 through 35.428, together with the type of planning permit required for each use. Each listed land use type is defined in Division 35.10 (Glossary).

1. **Establishment of an allowable use.** Any land use identified by Chapter 35.421 through Chapter 35.428 as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements of Subsection B. (Permit requirements) below and compliance with all applicable requirements of this Development Code.

2. **Use not listed.** A land use not listed in Chapter 35.421 through Chapter 35.428 or not shown in the table of allowable land uses and permit requirements for a particular zone is not allowed, except as

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

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

a. Applicable zones:

(1) CN (Neighborhood Commercial)

(2) PU (Public Utilities)

(3) REC (Recreation)

(4) TC (Transportation Corridor)

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

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

1. General planning permit requirements. The allowable land use tables within Chapter 35.421 through Chapter 35.425 provide for land uses that are:

a. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Coastal Development Permit (Section 35.472.050) or a Land Use Permit (Section 35.472.110). These are shown as "P" uses in the tables;

b. Allowed subject to the approval of a Conditional Use Permit (Section 35.472.060), and shown as "CUP" uses in the tables;

c. Allowed as an exempt use as listed in Section 35.420.040 (Exemptions from Planning Permit Requirements) and shown as “E” uses in the tables.

d. Allowed subject to the type of County approval required by a specific provision of Chapter 35.442 (Standards for Specific Land Uses), and shown as "S" uses in the tables. Where the last column in each table ("Specific Use Regulations") includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use; and

e. Not allowed in particular zones, and shown as "—" in the tables.

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

2. Design Review. Development authorized in compliance with Subsection B.1 (General planning permit requirements) above, may also require Design Review approval in compliance with Section 35.472.070 (Design Review).

3. **Coastal Development Permit.** Proposed development and land uses within the Coastal Zone shall require the approval of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits), unless located within the original permit jurisdiction of the Coastal Commission, in which case a Land Use Permit is required following the issuance of a Coastal Development Permit by the Coastal Commission.

35.420.040 - Exemptions from Planning Permit Requirements

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

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

1. The use, activity, or structure is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Development Code, the required provisions and conditions of any existing, approved permits for the subject lot and, where applicable, Chapter 35.491 (Nonconforming Uses, Structures, and Lots); and

2. Any permit or approval required by regulations other than this Development Code is obtained (e.g., a Building Permit and/or Grading Permit).

B. Exempt activities and structures. The following are exempt from all planning permit requirements of this Development Code when in compliance with Subsection A. (General requirements for exemption) above, except if addressed by the Environmentally Sensitive Habitat overlay zone within the Coastal Zone.

1. **Activities and structures exempt both within the Inland area and the Coastal Zone.** The following activities and structures are exempt in compliance with this Section when located either in the Inland area or the Coastal Zone.

   a. **Animal keeping.** Animal keeping when shown as an “E” in Section 35.442.040 (Animal Keeping).

   b. **Antennas.** Ground or roof mounted receive-only satellite dish or wireless television antenna less than one meter in diameter used solely by the occupants of the property on which the antenna is located for the noncommercial, private reception of communication signals, see Section 35.444.020 (Noncommercial Telecommunications Facilities).

   c. **Cultivated agricultural, orchards and vineyards.** Cultivated agriculture, orchards and vineyards when shown as an "E" in the Land Use Tables in Chapter 35.421 through Chapter 35.425.

   d. **Fences, gates, gateposts, walls.** See Section 35.430.070 (Fences and Walls).

   e. **Grading.** Grading activities that do not require the approval of a Development Plan by the requirements of the applicable zone and grading for which a permit is not required by County Code Chapter 14. The provisions of this Subsection shall not be construed to alter the requirements of County Code Chapter 14.

   f. **Grazing.** Grazing when shown as an "E" in the Land Use Tables in Chapter 35.421 through Chapter 35.425 and the Animal Keeping Table (Table 4-1) in Section 35.442.040 (Animal

Keeping).

g. **Interior alterations.** Interior alterations that do not increase the gross floor area within the structure, do not increase the required number of parking spaces, or do not result in a change in the permitted use of the structure.

h. **Irrigation lines.** The installation of irrigation lines that do not require a Grading Permit in compliance with County Code Chapter 14.

i. **Minor additions and accessory structures.** The following improvements and structures are exempt from planning permit requirements within the Inland area, and are exempt within the Coastal Zone provided that the lot on which the improvement is proposed is not within 300 feet of the edge of a coastal bluff, or the inland extent of any beach, and is not within or contiguous to an Environmentally Sensitive Habitat area.

(1) **Accessory structures.** One story detached accessory structures used as tool or storage sheds, playhouses, gazebos, pergolas, and similar structures, provided that the height does not exceed 12 feet, roof area does not exceed 120 square feet, and the structure does not have plumbing or electrical facilities.

(2) **Decks, platforms, walk, driveways.** Decks, platforms, walks, and driveways that are not required to have a Building Permit or Grading Permit, and that are not over 30 inches above finish grade, or located over a basement or story below.

(3) **Door, window features and skylights.** Doors, windows, and skylights, and window awnings that are supported by an exterior wall and project no more than 54 inches from an exterior wall.

(4) **Spa, hot tub, pond.** A spa, hot tub, fish pond, or other water feature that does not exceed a total area of 120 square feet, including related equipment, or does not contain more than 2,000 gallons of water.

j. **Propane tanks.** Propane tanks located in residential or agricultural zones.

k. **Repair and maintenance.** Repair and maintenance activities that:

(1) Do not result in addition to, or enlargement or expansion of the object of the repair or maintenance activities.

(2) Within the Coastal Zone, comply with the County Guidelines on Repair and Maintenance, and Utility Connection to Permitted Development Within the Coastal Zone Only (See Appendix C).

l. **Seismic retrofitting.** Seismic retrofits to existing structures that are limited to the addition of foundation bolts, hold-downs, lateral bracing at cripple walls and other structural elements required by County Ordinance 4062. The seismic retrofits shall not increase the gross square footage of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure.

m. **Signs, flags, and devices.** Signs, flags and devices in compliance with Section 35.438.030 (Exempt Signs, Flags, and Devices).

n. **Solar energy collectors.** The addition of solar energy collection systems to the roofs of existing structures.

2. **Activities and structures exempt within the Inland area**. The following activities and structures are exempt within the Inland area, in addition to those listed in Subsection B.1 (Activities and

structure exempt both within the Inland area and the Coastal Zone) above, but are not exempt in the Coastal Zone.

a. **Damaged or destroyed structure.** The replacement or restoration of a conforming structure damaged or destroyed by a disaster, as determined by the Director.

(1) The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use, shall be in the same general footprint location, and shall not exceed the floor area, height, or bulk of the destroyed structure. For the purposes of this Section only, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.

(2) If the Director determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure shall require Design Review in compliance with Section 35.472.070 (Design Review).

b. **Demolition.** The demolition of a structure less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.

c. **Final or Parcel Map recordation.** The recordation of a Final Map or Parcel Map following the approval of a Tentative Map including vesting Tentative Maps.

d. **Lot Line Adjustment recordation.** The recordation of documents required to complete a Lot Line Adjustment.

e. **Onsite wastewater treatment systems.** Onsite wastewater treatment systems and the installation and performance testing of dry wells for sewage disposal.

f. **Utility facilities.** Poles, wires, underground pipelines less than 12 inches in diameter, and similar installations erected, installed, or maintained by a public agency or public service or utility district or company.

g. **Water wells.**

(1) The testing and installation of a water well to serve one domestic, commercial, industrial, or recreational connection.

(2) Except in zones requiring Development Plans, water wells for water systems for agricultural purposes.

h. **Structures of limited value.** A structure with an aggregate value of less than $2,000, as determined by the Director.

3. **Activities and structures exempt within Coastal Zone.** The following activities and structures are exempt within the Coastal Zone in addition to those listed in Subsection B.1 (Activities and structures exempt both within the Inland area and the Coastal Zone) above, but are not exempt in the Inland area.

a. **Agricultural accessory structures.** In the AG-I zone, agricultural accessory structures that are roofed and supported by posts or poles, do not exceed 500 square feet of roof area, are unenclosed on all sides, and do not have any plumbing or electrical facilities.

b. **Damaged or destroyed structure.** In compliance with the intent of Public Resources Code Section 30610(g) and this Development Code, the restoration or reconstruction of a conforming structure (other than a public works facility) damaged or destroyed by a disaster, as determined by the Director. For the purposes of this Section only, disaster is defined as a

situation in which the force or forces that destroyed the structure to be replaced were beyond the control of the owners.

(1) The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use, shall be in the same footprint location, and shall not exceed the floor area, height, or bulk of the damaged or destroyed structure by more than 10 percent. For the purposes of this Section, "structure" shall include landscaping and any erosion control structure or device; and bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.

(2) If the Director determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure shall require Design Review in compliance with Section 35.472.070 (Design Review).

c. **Development subject to State approval.** Development proposed or undertaken on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, in compliance with Public Resources Code Section 30519.

d. **Final or Parcel Map recordation.** The recordation of a Final Map or Parcel Map following the approval of a Tentative Map, except vesting Tentative Maps.

e. **Individual sewage treatment systems.** The installation and performance testing of dry wells for sewage disposal.

f. **Utility connection to approved development.** Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has been granted a Coastal Development Permit (Section 35.472.050).

g . **Structures of limited value.** A structure with an aggregate value of less than $2,000, as determined by the Director, except for telecommunications facilities allowed in compliance with Chapter 35.444 (Telecommunications Facilities).

35.420.050 - Temporary Uses

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

CHAPTER 35.421 - AGRICULTURAL ZONE

Sections:

35.421.010 - Purpose
35.421.020 - Purpose of the Agricultural Zone
35.421.030 - Agricultural Zone Allowable Land Uses
35.421.040 - Agricultural Zone Lot Standards
35.421.050 - Agricultural Zone Development Standards
35.421.060 - AG-I Zone Standards

35.421.010 - Purpose

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

35.421.020 - Purpose of the Agricultural Zone

The Agricultural (AG-I) zone is applied to areas appropriate for agricultural use within Urban areas, as designated on the Comprehensive Plan maps. The intent is to preserve prime agricultural soils.

35.421.030 - Agricultural Zone Allowable Land Uses

A. **General permit requirements.** Table 2-1 (Allowed Land Uses and Permit Requirements for the Agricultural Zone) identifies the uses of land allowed by this Development Code in the Agricultural zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).

B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-1 (Allowed Land Uses and Permit Requirements for the Agricultural Zone) includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.

C. **Development Plan approval required.** Final Development Plan approval in compliance with Section 35.472,080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit for a structure, other than an agricultural reservoir located in the Coastal Zone, that is not otherwise required by this Development Code to have discretionary permit approval, and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that, together with existing structures on the site will total 20,000 square feet or more in gross floor area.

D. **Design review required.** Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with Section 35.472.070 (Design Review).

E. **Accessory structures and uses.** Each use allowed by Table 2-1 (Allowed Land Uses and Permit Requirements for the Agricultural Zone) may include accessory structures and uses that are customarily incidental to the primary use.

Table 2-1

Allowed Land Uses and Permit Requirements for the Agricultural Zone

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal Permit required (2)
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	AG-I	AG-I CZ	
AGRICULTURAL, MINING & ENERGY FACILITIES			
Agricultural accessory structure	P	P	35.442.020
Agricultural processing - on premise products	P	P	
Agricultural processing - off premise products	CUP	CUP	35.421.060.C
Animal keeping (except for equestrian facilities - see RECREATION below)	S	S	35.442.040
Cultivated agriculture, orchard, vineyard	E	E	
Grazing	E	E	
Greenhouse	P	P	35.442.110
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES			
Equestrian facilities	CUP	CUP	
Meeting facility, religious	CUP	CUP	
School	CUP	CUP	
Sports facility, field sports	CUP	CUP	
RESIDENTIAL USES			
Agricultural employee housing, 4 or fewer employees	CUP	CUP	35.421.060.A
Artist Studio	P	P	35.442.120
Dwelling, one-family (3)	P	P	
Guesthouse	P	P	35.442.120
Home occupation	P	P	35.442.130
Residential accessory uses and structures	P	P	35.442.020
Special care home, 7 or more clients	CUP	CUP	35.442.070
RETAIL TRADE			
Agricultural product sales	P	P	35.421.060.B
SERVICES			
Large family day care home	P	P	35.442.070
Small family day care home	E	E	35.442.070
Child care center, Non-residential	CUP	CUP	35.442.070
Child care center, Residential	CUP	CUP	35.442.070
Medical services - Animal hospital	CUP	CUP	

Key to Zone Symbols

AG-I	Agriculture I	**CZ**	Coastal Zone

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

(2) Development Plan approval may also be required; see 35.421.030.C.

(3) One-family dwelling may be a mobile home on a permanent foundation, see Section 35.442.140.

Table 2-1 - Continued

Allowed Land Uses and Permit Requirements for the Agricultural Zone

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal Permit required (2)
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	AG-I	AG-I CZ	
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE			
Drainage channel, watercourse, storm drain less than 20,000 sf	—	P	
Drainage channel, watercourse, storm drain 20,000 sf or more	—	CUP	
Electrical substation - Minor (3)	CUP	CUP	
Electrical substation - Major (3)	CUP	—	
Electrical transmission line (4)	CUP	CUP (5)	
Flood control project less than 20,000 sf total area (6)	—	P	
Flood control project 20,000 sf or more total area (6)	—	CUP	
Public works and utilities	CUP	CUP	
Road, street less than 20,000 sf total area	—	P	
Road, street 20,000 sf or more total area	—	CUP	
Sea wall, revetment, groin or other shoreline structure	—	CUP	
Telecommunications facility	S	S	35.444
Utility service line with 4 or fewer connections (6)	—	P	
Utility service line with 5 or more connections (6)	—	CUP	
WATER SUPPLY & WASTEWATER FACILITIES			
Pipeline - Water, reclaimed water, wastewater less than 20,000 sf	—	P	
Pipeline - Water, reclaimed water, wastewater 20,000 sf or more	—	CUP	
Reservoir, less than 20,000 sf of total development	CUP	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	
Wastewater treatment system, individual, alternative	CUP	CUP	
Wastewater treatment system, individual	E	P	
Wastewater treatment facility, less than 200 connections	CUP	CUP	
Water diversion project	—	CUP	
Water or sewer system pump or lift station	CUP	P	
Water system with 1 connection	E	P	
Water system with 2 or more connections	CUP	CUP (7)	
Water well, agricultural	E	P	

Key to Zone Symbols

AG-I	**Agriculture I**	**CZ**	**Coastal Zone**

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.
(2) Development Plan approval may also be required; see 35.421.030.C (Development Plan Approval Required).
(3) Shall comply with the requirements of the PU zone; see Table 2-15 and Section 35.425.050 (PU Zone Standards).
(4) Does not include electrical transmission lines outside the jurisdiction of the County.
(5) Not allowed in the VC overlay.
(6) Not applicable to facilities constructed by the County outside the Coastal Zone.
(7) Limited to a maximum of 199 connections.

35.421.040 - Agricultural Zone Lot Standards

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

A. Minimum lot area. Each lot in a proposed subdivision shall comply with the minimum gross lot area requirements in Table 2-2 (Minimum Lot Area/Building Site Area).

B. Minimum building site area for residential use. Each primary dwelling shall be located on a lot with the minimum gross area shown in Table 2-2 (Minimum Lot Area/Building Site Area). A dwelling and its accessory structures and uses may also be located on a smaller existing legal lot unless it is a fraction lot.

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

Zoning Map Symbol	Minimum Gross Lot Area
AG-I-5	5 acres
AG-I-10	10 acres

35.421.050 - Agricultural Zone Development Standards

Development within the Agricultural zone shall be designed, constructed, and established in compliance with the requirements in Table 2-3 (Agricultural Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code. These standards apply within the Coastal Zone and Inland area.

Table 2-3 - Agricultural Development Standards

Development Feature	Requirement by Zone
	AG-I & AG-I (CZ) - Agriculture I
Residential density	*Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.*
Maximum density	1 one-family dwelling per lot; plus agricultural employee housing where allowed by Table 2-1 and applicable standards provided that the lot complies with Section 35.421.040 (Agricultural Zone Lot Standards) above.
Setbacks	*Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.*
Front - Primary	50 ft from road centerline and 20 ft from edge of right-of-way.
Front - Secondary	Lot less than 100 ft wide - 20% of lot width 10 ft minimum Lot 100 ft wide or more Same as primary front setback.
Side	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.
Rear	20 ft; 25 ft on a lot of less than 1 acre.
Building separation	None except as required by Building Code
Site Coverage	See Section 35.442.110 (Greenhouses)
Height limit	*Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.*
Maximum height	35 f
Exception	The height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.
Landscaping	See Chapter 35.434 (Landscaping Standards).
Parking	See Chapter 35.436 (Parking and Loading Standards).
Signs	See Chapter 35.438 (Sign Standards).

35.421.060 - AG-I Zone Standards

Proposed development and new land uses within the AG-I zone shall comply with the following standards, in addition to those in Section 35.421.050 (Agricultural Zone Development Standards).

A. Agricultural employee dwellings. Additional dwellings housing up to, but not exceeding, four employees of the owner or lessee of the land engaged full-time in agriculture on the farm or ranch upon which the dwelling is located, are allowed, provided:

1. The applicant can document the existing and proposed agricultural use of the land and demonstrate a need for additional dwellings to support the use; and

2. The applicant provides proof of the full-time employment of the employees.

B. Agricultural Product Sales. The sale of agricultural products produced on the premises is allowed in compliance with the following:

1. The sale is conducted either within an existing agricultural structure or from a separate stand not exceeding 200 square feet; and

2. The stand is located no closer than 20 feet to the right-of-way line.

C. Agricultural processing - off-premise products. 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:

1. 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 the County);

2. 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 the County for local processing, distribution, or sale;

3. The primary intent of the development of this facility shall be to serve south coast agriculture;

4. The products are determined by the Montecito Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands;

5. The facility processes products grown on the premises or on other local agricultural lands;

6. All application for such facilities shall be accompanied by a landscape plan pursuant to the requirements of Section 35.434.050 (Agricultural (AG-I) Zone Landscaping Requirements);

7. Siting of this type of facility on prime agricultural lands or agriculturally productive non-prime soils should be avoided where feasible; and

8. 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.

CHAPTER 35.422 - RESOURCE PROTECTION ZONE

Sections:

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

35.422.010 - Purpose

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

35.422.020 - Purpose of the Resource Protection Zone

A. Applicability. The Resource Management Zone (RMZ) is applied only within the Inland area to protect lands that are unsuited for intensive development and that have:

1. Slopes in excess of 40 percent; or
2. Valleys surrounded by slopes exceeding 40 percent; or
3. Isolated table land surrounded by slopes exceeding 40 percent; or
4. Areas with outstanding resource values, including environmentally sensitive habitats and/or watersheds.

B. Intent. The intent is to limit development because of extreme fire hazards, minimum services, and/or environmental constraints, and to encourage the preservation of these areas for uses including grazing, scientific and educational study, and limited residential uses.

35.422.030 - Resource Protection Zone Allowable Land Uses

A. General permit requirements. Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) identifies the uses of land allowed by this Development Code in the Resource Management Zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).

B. Requirements for certain specific land uses. Where the last column ("Specific Use Regulations") in Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) includes a Section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.

C. Development Plan approval required. Final Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required prior to the approval of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or the issuance of a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) for all development, including grading.

D. Design Review required. Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with Section 35.472.070

(Design Review).

E. Accessory Structures and Uses. Accessory structures and uses that are customarily incidental to the primary use allowed by Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) are not allowed except as follows:

1. Swimming Pools and Water Storage Tanks. Swimming pools and water storage tanks shall be approved or conditionally approved as accessory structures in compliance with Section 35.472.080 (Development Plans).

Table 2-4

Allowed Land Uses and Permit Requirements for Resource Protection Zone

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal Permit required (2)
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE	Specific Use Regulations
	RMZ	
AGRICULTURAL, MINING & ENERGY FACILITIES		
Animal keeping	S	35.442.040
Aquaculture	CUP	
Cultivated agriculture, orchard, vineyard, new	CUP	
Cultivated agriculture, orchard, vineyard, historic legal use	CUP	
Grazing	E	
Mining	CUP	35.472.140
RECREATION, EDUCATION & PUBLIC ASSEMBLY		
Education or research facility, limited	CUP	
Meeting facility, religious	CUP	
Rural recreation	CUP	
School	CUP	
Spa	CUP	35.442.170
RESIDENTIAL		
Guesthouse	P	35.442.120
Home occupation	P	35.442.130
Dwelling, one-family	P	
Residential accessory uses and structures	P	35.422.030.E
Special care home, 7 or more clients	CUP	35.442.070
SERVICES		
Large family day care home	P	35.442.070
Small family day care home	E	35.442.070
Child care center, Non-residential	CUP	35.442.070
Child care center, Residential	CUP	35.442.070

Key to Zone Symbols

RMZ	Resource Management

Notes:
(1) See Division 35.10 (Glossary) for land use definitions.
(2) Development Plan approval may also be required; see 35.422.030.C (Development Plan approval required).

Table 2-4 - Continued

Allowed Land Uses and Permit Requirements for Resource Protection Zone

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal Permit required (2)
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE	Specific Use Regulations
	RMZ	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE		
Electrical substation - Minor (3)	CUP	
Electrical substation - Major (3)	CUP	
Electrical transmission line (4)	CUP	
Private services and utilities	CUP	
Public works and utilities	CUP	
Telecommunications facility	S	35.444
WATER SUPPLY & WASTEWATER FACILITIES		
Reservoir, less than 20,000 sf of total development	CUP	
Reservoir, 20,000 sf or more of total development	CUP	
Wastewater treatment system, individual, alternative	CUP	
Wastewater treatment system, individual	E	
Wastewater treatment facility, less than 200 connections	CUP	
Water or sewer system pump or lift station	CUP	
Water system with 1 connection	E	
Water system with 2 or more connections	CUP	
Water well, agricultural	E	

Key to Zone Symbols

RMZ	Resource Management

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

(2) Development Plan approval may also be required; see 35.422.030.C (Development Plan approval required).

(3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).

(4) Does not include electrical transmission lines outside the jurisdiction of the County.

35.422.040 - Resource Protection Zone Lot Standards

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

A. Minimum lot size. Each lot in a proposed subdivision shall comply with the minimum gross lot area requirements in Table 2-5 (Minimum Lot Area/Building Site Area). Minimum lot width and depth shall be determined by the review authority through the subdivision approval process.

B. Minimum building site area for residential use. Each primary dwelling shall be located on a lot with the minimum gross area shown in Table 2-5 (Minimum Lot Area/Building Site Area). A dwelling and its accessory structures and uses may also be located on a smaller existing legal lot, except for a fraction lot.

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

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

35.422.050 - Resource Protection Zone Development Standards

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

Table 2-6 - Resource Protection Zone Development Standards

Development Feature	Requirement by Zone
	RMZ - Resource Management
Residential density	*Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.*
Maximum density	1 one-family dwelling per lot.
Setbacks	*Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.*
Front - Primary	50 ft from road centerline and 20 ft from edge of right-of-way.
Front - Secondary	Lot less than 100 ft wide - 20% of lot width - 10 ft minimum Lot 100 ft wide or more - Same as primary front setback.
Side and Rear	20 ft
Building separation	10 ft
Height limit	*Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height limit exceptions.*
Maximum height	25 ft
Landscaping	See Chapter 35.434 (Landscaping Standards).
Parking	See Chapter 35.436 (Parking and Loading Standards).
Signs	See Chapter 35.438 (Sign Standards).

35.422.060 - Resource Protection Zone Findings for Project Approval

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

CHAPTER 35.423 - RESIDENTIAL ZONES

Sections:

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

35.423.010 - Purpose

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

35.423.020 - Purposes of the Residential Zones

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

A. **R-1/E-1 (One-Family Residential) zone.** The R-1 and E-1 zones are applied to areas appropriately located for family living at a reasonable range of population densities, consistent with sound standards of public health, safety, and welfare. This zone is intended to protect the residential characteristics of an area and to promote a suitable environment for family life.

B. **R-2 (Two-Family Residential) zone.** The R-2 zone is applied to areas appropriate for multiple residential development in the form of two-family dwellings (duplexes) and to maintain a residential character similar to that of one-family neighborhoods. This zone is intended to ensure the compatibility of duplex development with surrounding multiple and one-family dwellings and neighborhoods.

C. **DR (Design Residential) zone.** The DR zone is applied to areas appropriate for one-family, two-family and multi-family dwellings. This zone is intended to ensure comprehensively planned and well-designed residential development, while allowing flexibility and encouraging innovation and diverse design, and requiring that substantial open space be maintained within new residential developments.

D. **PRD (Planned Residential Development) zone.** The PRD zone ensures the comprehensively planned development of large acreage within designated Urban areas that are intended primarily for residential use. The intent of this zone is to:

1. Promote flexibility and innovative design of residential development, to provide desirable aesthetic and efficient use of space and to preserve significant natural, scenic, and cultural resources of a site;

2. Encourage clustering of structures to preserve a maximum amount of open space;

3. Allow for a diversity of housing types; and

4. Provide recreational opportunities for use by both the residents of the site and the public.

35.423.030 - Residential Zones Allowable Land Uses

A. **General permit requirements.** Table 2-7 and Table 2-8 (Allowed Land Uses and Permit Requirements for the Residential Zones) identify the uses of land allowed by this Development Code in each residential

zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).

B. Requirements for certain specific land uses. Where the last column ("Specific Use Regulations") in the tables includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Land Use Permit, Development Plan, or Conditional Use Permit and/or may establish other requirements and standards applicable to the use.

C. Development Plan approval required. Final Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit as follows:

1. R-1/E-1 and R-2 zones. Final Development Plan approval is required for a structure that is not otherwise required by this Development Code to have discretionary permit approval, and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the same lot will total 20,000 square feet or more in gross floor area.

2. DR zone. Final Development Plan approval is required for all development, including grading, except that the development of one, one-family dwelling and its accessory uses and structures on a single lot does not require Development Plan approval unless required in compliance with Subsection C.1 above. Such one-family dwellings, including those subject to Subsection C.1 above, shall be developed in compliance with the development standards applicable to the R-1/E-1 zone provided in Section 35.423.050 (Residential Zones Development Standards).

3. PRD zone. Final Development Plan approval is required for all development, including grading.

D. Design Review required. Design Review may be also required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with Section 35.472.070 (Design Review).

E. Accessory structures and uses. Each use allowed by Table 2-7 and Table 2-8 (Allowed Land Uses and Permit Requirements for Residential Zones) may include accessory structures and uses that are customarily incidental to the primary use, provided that the uses and structures are:

1. Within the R-1/E-1, R-2 and DR zones, when accessory to dwellings, for the exclusive use of the residents of the site and their guests, and do not involve a commercial enterprise on the site; and

2. In compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in Chapter 35.442 (Standards for Specific Land Uses).

Table 2-7

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)
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ	
AGRICULTURAL, MINING, & ENERGY FACILITIES					
Agricultural accessory structure	P	P	P	P	35.442.020
Animal keeping (except for equestrian facilities- see RECREATION below)	S	S	S	S	35.442.040
Cultivated agriculture, orchard, vineyard	E	E	E	E	
Greenhouse - commercial or noncommercial, 300 sf or less	P	P	P	P	35.442.110
Greenhouse - commercial or noncommercial, greater than 300 sf to less than 800 sf	CUP	CUP	CUP	CUP	35.442.110
RECREATION, EDUCATION & PUBLIC ASSEMBLY					
Community center	P	P	P	P	
Conference center	—	CUP	—	—	35.442.080
Country club, swim and tennis club	CUP	CUP	—	—	
Equestrian facilities	—	—	—	—	
Golf course	CUP	CUP	—	—	
Library	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	
Park, playgrounds - Commercial	—	—	—	—	
Park, playgrounds - Private	—	—	—	—	
Park, playground - Public	P	P	P	P	
Private residential recreation facility	—	—	—	—	
School	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	
RESIDENTIAL					
Artist studio	P	P	—	—	35.442.120
Dwelling, one-family (3)	P	P	P	P	35.442.140
Dwelling, two-family	—	—	P	P	
Dwelling, multiple	—	—	—	—	
Guesthouse	P	P	—	—	35.442.120
Home occupation	P	P	P	P	35.442.130
Mobile home park	CUP	CUP	CUP	CUP	
Organizational house (fraternity, sorority, etc.)	—	—	—	—	
Residential accessory use or structure	P	P	P	P	35.442.020
Residential project convenience facilities	—	—	—	—	
Residential second unit	P	P	—	—	35.442.160
Special care home, 7 or more clients	CUP	CUP	CUP	CUP	35.442.070

Key to Zone Symbols

R-1/E-1	Single-Family Residential	**CZ**	Coastal Zone
R-2	Two-Family Residential		

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

(2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).

(3) One-family dwelling may be a mobile home on a permanent foundation, see Section 35.442.140 (Mobile Homes on Foundations).

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)
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ	
SERVICES					
Cemetery	—	CUP	—	—	
Large family day care home	P	P	P	P	35.442.070
Small family day care home	E	E	E	E	35.442.070
Child care center, Non-residential	CUP	CUP	CUP	CUP	35.442.070
Child care center, Non-residential, accessory	—	—	—	—	35.442.070
Child care center, Residential	CUP	CUP	CUP	CUP	35.442.070
Mausoleum	—	CUP	—	—	
Medical services - Clinic	—	—	—	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	
Mortuary	—	—	—	—	
Mortuary, accessory to cemetery	—	CUP	—	—	

Key to Zone Symbols

R-1/E-1	Single-Family Residential	**CZ**	Coastal Zone
R-2	Two-Family Residential		

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

(2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).

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)
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE					
Drainage channel, watercourse, storm drain less than 20,000 sf	—	P	—	P	
Drainage channel, watercourse, storm drain 20,000 sf or more	—	CUP	—	CUP	
Electrical substation - Minor (3)	CUP	CUP	CUP	CUP	
Electrical substation - Major (3)	CUP	—	CUP	—	
Electrical transmission line (4)	CUP	CUP (5)	CUP	CUP (5)	
Flood control project less than 20,000 sf total area (6)	—	P	—	P	
Flood control project 20,000 sf or more total area (6)	—	CUP	—	CUP	
Public safety facility (7)	CUP	CUP	CUP	CUP	
Public works and utilities	CUP	CUP	CUP	CUP	
Road, street less than 20,000 sf total area (6)	—	P	—	P	
Road, street 20,000 sf or more total area (6)	—	CUP	—	CUP	
Sea wall, revetment, groin or other shoreline structure	—	CUP	—	CUP	
Telecommunications facility	S	S	S	S	35.444
Utility service line with 4 or fewer connections (6)	—	P	—	P	
Utility service line with 5 or more connections (6)	—	CUP	—	CUP	
WATER SUPPLY & WASTEWATER FACILITIES					
Pipeline - Water, reclaimed water, wastewater less than 20,000 sf	—	P	—	P	
Pipeline - Water, reclaimed water, wastewater 20,000 sf or more	—	CUP	—	CUP	
Reservoir, less than 20,000 sf total development	CUP	P	CUP	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual	E	P	E	P	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station	CUP	P	CUP	P	
Water system with 1 connection	E	P	E	P	
Water system with 2 or more connections	CUP	CUP (8)	CUP	CUP (8)	
Water well, agricultural	E	P	E	P	

Key to Zone Symbols

R-1/E-1	Single-Family Residential	**CZ**	Coastal Zone
R-2	Two-Family Residential		

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.
(2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
(3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
(4) Does not include electrical transmission lines outside the jurisdiction of the County.
(5) Not allowed in the VC overlay.
(6) Not applicable to facilities constructed by the County outside of the Coastal Zone.
(7) May include paramedic services associated with a fire station.
(8) Limited to a maximum of 199 connections.

Table 2-8

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)
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	DR	DR CZ	PRD	PRD CZ	
AGRICULTURAL, MINING, & ENERGY FACILITIES					
Agricultural accessory structure	—	—	—	—	35.442.020
Animal keeping (except for equestrian facilities- see RECREATION below)	S	S	S	S	35.442.040
Cultivated agriculture, orchard, vineyard	—	—	—	—	
Greenhouse, commercial or noncommercial 300 sf or more	P (3)	P (3)	—	—	35.442.110
Greenhouse, commercial or noncommercial greater than 300 sf to less than 800 sf	—	—	—	—	
RECREATION, EDUCATION & PUBLIC ASSEMBLY					
Community center	P	P	—	—	
Conference center	—	—	—	—	
Country club, swim and tennis club	—	—	—	—	
Equestrian facilities	—	—	—	—	
Golf course	CUP	CUP	—	—	
Golf driving range	—	—	—	—	
Library	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	
Parks, playgrounds - Commercial	—	—	—	—	
Parks, playgrounds - Private	—	—	—	—	
Parks, playground - Public	P	P	—	—	
Private residential recreation facility	P	P	P	P	
School	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	

Key to Zone Symbols

DR	Design Residential	**CZ**	Coastal Zone
PRD	Planned Residential Development		

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

Table 2-8 - Continued

Allowed Land Uses and Permit Requirements for Residential Zones

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal Permit required (2)
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	DR	DR CZ	PRD	PRD CZ	
RESIDENTIAL					
Artist studio	—	—	—	—	
Dwelling, one-family	P	P	P	P	
Dwelling, two-family	P	P	P	P	
Dwelling, multiple	P	P	P	P	
Guesthouse	—	—	—	—	
Home occupation	P	P	P	P	35.442.130
Mobile home parks	CUP	CUP	CUP	CUP	
Organizational house (fraternity, sorority, etc.) (3)	CUP	CUP	—	—	
Residential accessory use or structure	P	P	P	P	35.442.020
Residential project convenience facilities	P	P	P	P	
Residential second unit	—	—	—	—	
Special care home, 7 or more clients	CUP	CUP	CUP	CUP	35.442.070
SERVICES					
Cemetery	—	—	—	—	
Large family day care home	P	P	P	P	35.442.070
Small family day care home	E	E	E	E	35.442.070
Child care center, Non-residential	CUP	CUP	CUP	CUP	35.442.070
Child care center, Non-residential, accessory	P	P	P	P	35.442.070
Child care center, Residential	CUP	CUP	CUP	CUP	35.442.070
Mausoleum	—	—	—	—	
Medical services - Clinic	—	—	—	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	
Mortuary	—	—	—	—	
Mortuary, accessory to cemetery	—	—	—	—	

Key to Zone Symbols

DR	Design Residential	**CZ**	Coastal Zone
PRD	Planned Residential Development		

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

(2) Development Plan approval may also be required; see Section 35.423.030.C (Development Plan approval required).

(3) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

Table 2-8 - Continued

Allowed Land Uses and Permit Requirements for Residential Zones

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal Permit required (2)
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	DR	DR CZ	PRD	PRD CZ	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE					
Drainage channel, watercourse, storm drain less than 20,000 sf	—	P	—	P	
Drainage channel, watercourse, storm drain 20,000 sf or more	—	CUP	—	CUP	
Electrical substation - Minor (3)	CUP	CUP	CUP	CUP	
Electrical substation - Major (3)	CUP	—	CUP	—	
Electrical transmission line (4)	CUP	CUP (5)	CUP	CUP (5)	
Flood control project less than 20,000 sf total area (6)	—	P	—	P	
Flood control project 20,000 sf or more total area (6)	—	CUP	—	CUP	
Public safety facility (7)	CUP	CUP	CUP	CUP	
Public works and utilities	CUP	CUP	CUP	CUP	
Road, street less than 20,000 sf total area (6)	—	P	—	P	
Road, street 20,000 sf or more total area (6)	—	CUP	—	CUP	
Sea wall, revetment, groin or other shoreline structure	—	CUP	—	CUP	
Telecommunications facility	S	S	S	S	35.444
Utility service line with 4 or fewer connections (6)	—	P	—	P	
Utility service line with 5 or more connections (6)	—	CUP	—	CUP	
WATER SUPPLY & WASTEWATER FACILITIES					
Pipeline - Water, reclaimed water, wastewater less than20,000 sf	—	P	—	P	
Pipeline - Water, reclaimed water, wastewater 20,000 sf or more	—	CUP	—	CUP	
Reservoir, less than 20,00 sf total development	CUP	P	CUP	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual	E	P	E	P	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station	CUP	P	CUP	P	
Water system with 1 connection	E	P	E	P	
Water system with 2 or more connections	CUP	CUP (8)	CUP	CUP (8)	
Water well, agricultural	—	—	—	—	

Key to Zone Symbols

DR	Design Residential	**CZ**	Coastal Zone
PRD	Planned Residential Development		

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.
(2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
(3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
(4) Does not include electrical transmission lines outside the jurisdiction of the County.
(5) Not allowed in the VC overlay.
(6) May include paramedic services associated with a fire station.
(7) Not applicable to facilities constructed by the County outside of the Coastal Zone.
(8) Limited to a maximum of 199 connections.

35.423.040 - Residential Zones Lot Standards

A. Minimum lot size.

1. Minimum area and width. Each lot in a proposed subdivision shall comply with the minimum lot area and width requirements in Table 2-9 (Minimum Lot Size). Area requirements are gross or net as noted; minimum lot widths are gross or net, as noted.

2. Minimum depth. Minimum lot depth shall be determined by the review authority through the subdivision approval process.

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

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

2. A dwelling and its accessory structures and uses may be located on a lot of less width.

Table 2-9 - Minimum Lot Size

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

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

35.423.050 - Residential Zones Development Standards

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

Table 2-10 Residential Zone Development Standards

Development Feature	Requirement by Zone	
	R-1 /E-1 & R-1/E-1 (CZ) **Single Family Residential**	**R-2 & R-2 (CZ)** **Two-Family Residential**
Minimum lot size	*Minimum area and width for lots proposed in new subdivisions.*	
Area, width	See Subsection 35.423.040.A (Minimum lot size)	
Residential density	*Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.*	
Maximum density	1 one-family dwelling per lot; plus one second unit where allowed by Section 35.442.160 (Residential Second Units).	1 one-family dwelling or 1 two-family dwelling per lot.
Setbacks	*Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.*	
Front - Primary	**Inland** - 50 ft from road centerline and 20 ft from the edge of the right-of-way. **Coastal** - 50 ft from road centerline and 20 ft from right-of-way, or 20 ft from private easement serving 5 or more lots.	
Front - Secondary	Lot less than 100 ft wide - 20% of lot width - 10 ft minimum Lot 100 ft wide or more - Same as primary front setback.	
Side	10% of lot width, where minimum lot area requirement is: **2 acres or less** - 5 ft minimum, 10 ft maximum required; **3 acres or more** - 10 ft minimum, 20 ft maximum required.	10% of lot width, 5 ft minimum, 10 ft maximum required.
Rear	**Inland** - 25 ft **Coastal** - 25 ft; 15 ft if rear abuts permanent open space or a street without access.	
Accessory structures	See 35.442.020 (Accessory Structures and Uses)	
Building separation	**Inland** - 10 ft between a dwelling or guesthouse and any other detached structure on the same site. **Coastal** - 5 ft between a dwelling or guesthouse and another detached structure	
Site coverage	*Maximum percentage of net site area that may be covered by buildings.*	
Maximum coverage	None	
Height limit	*Maximum allowable height of structures, except where a lesser height is required by design review or other provisions of this Development Code. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirement and height limit exceptions.*	
Maximum height	**Inland** - 35 ft and 2 stories **Coastal** - 25ft	25 ft
Exception	The height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.	
Landscaping	See Chapter 35.434 (Landscaping Standards).	
Parking	See Chapter 35.436 (Parking and Loading Standards).	
Signs	See Chapter 35.438 (Sign Standards).	

Table 2-10 - Residential Zone Development Standards - Continued

Development Feature	Requirement by Zone	
	DR & DR (CZ) **Design Residential**	**PRD & PRD (CZ)** **Planned Residential Development**
Minimum lot size	*Minimum area and width for lots proposed in new subdivisions.*	
Area, width	None	
Residential density	*Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval. Required land area is expressed as gross area.*	
Maximum density	See Table 2-11 (DR Zone Maximum Density)	As specified by the Comprehensive Plan.
Setbacks	*Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.*	
Front - Primary	**Inland** - 20 ft from right-of-way **Coastal** - 50 ft from public road centerline; 45 ft from a private road centerline; 20 ft from a right-of-way.	As determined by Final Development Plan.
Front - Secondary	**Inland** - 20 ft from right-of-way. **Coastal** - Lot less than 100 ft wide - 20% of lot width, 10 ft minimum; Lot 100 ft wide or more - same as primary front setback.	
Side	**Inland** - 10 ft, except where a larger setback is required by the Montecito Commission in the review of a discretionary planning permit for light, air, or privacy. **Coastal** - One-half the height of the structure subject to the setback.	
Rear	**Inland** - Same as side. **Coastal** - One-half the height of the structure subject to the setback.	
Accessory Structures	See Section 35.442.020 (Accessory Structures and Uses).	
Building separation	**Inland** - 10 ft between a habitable building and any other building on the same site. **Coastal** - 5 ft between a habitable structure and another structure.	
Site coverage	*Maximum percentage of net site area that may be covered by buildings.*	
Maximum coverage	**Inland** - 30 % **Coastal** - 30% for structures containing dwelling units.	**Inland** - 30 % **Coastal** - 30% for structures containing dwelling units; 50% for all structures.
Height limit	*Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations).*	
Maximum height	35 ft	
Exception	The height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.	
Open space	*Minimum percentage of gross site area to be maintained as common open space.*	
Minimum open space	See Section 35.423.060.B (Open Space)	See Section 35.423.070.E (Open Space)
Landscaping	See Chapter 35.434 (Landscaping Standards).	
Parking	See Chapter 35.436 (Parking and Loading Standards).	
Signs	See Chapter 35.438 (Sign Standards).	

35.423.060 - DR Zone Standards

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

A. Maximum density. The number of dwelling units on a lot shall not exceed the maximum specified by Table 2-11 (DR Zone Maximum Density) for each DR zoning designation shown in Table 2-11 (DR Zone Maximum Density).

Table 2-11 - DR Zone Maximum Density

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

B. Open space.

1. Minimum area.

a. Coastal Zone. A minimum of 40 percent of the net site area shall be reserved for the life of the project as common open space and/or public open space.

b. Inland area. A minimum of 40 percent of the net site area shall be reserved for the life of the project as common open space within the Inland area.

2. Title to open space area. Title to the common open space, common recreational facilities, common parking areas, and private streets shall be held by a non-profit association of all homeowners within the project area, or any other non-profit individual or entity on such reasonable terms and conditions as the Board may prescribe. The reasonable terms and conditions may include restricting the rights to develop the property to the uses described in the approved Final Development Plan for the project. The preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to these areas.

C. Condominiums, stock cooperatives, community apartments - Inland area. In the Inland area only, the review authority may apply the following standards as conditions of approval of a condominium, stock cooperative, or community apartment project where allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses):

1. Laundry facilities. Each dwelling unit shall be provided separate laundry facilities. The Final Development Plan shall show sufficient space, utility connections, and vents to allow for the installation of a clothes washer and dryer in each unit or in a garage, not to encroach upon parking.

a. Affordable housing projects. For affordable housing overlay projects or housing developments that provide a minimum of 50 percent of the housing units at the required affordable income levels, the laundry facilities may be provided in a common area within the development. A minimum of one standard capacity size washer and dryer shall be provided for each four dwelling units contained within the same structure.

2. Open space.

a. Common. Common open space and recreation areas shall be designed to provide access for

the handicapped.

b. **Private.** Each dwelling unit shall include a private outdoor patio area in the form of ground level patios or upper story balconies. Private patios shall not be less than 20 percent of the gross floor area of the dwelling unit. If the required patio area is less than 200 square feet, then this requirement shall be satisfied by providing only one patio or balcony for the dwelling unit.

3. **Storage space.** Each dwelling unit shall be provided with at least 180 cubic feet of weatherproofed, enclosed, lockable, and easily accessible storage space onsite in addition to the storage space of closets, cabinets, and pantries contained within the dwelling units.

4. **Utility metering.** Individual metering for utilities shall be provided for each unit, unless the metering would conflict with an innovative energy efficient or resource conserving utility system designed for the project.

35.423.070 - PRD Zone Standards

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

A. **Specific Plans.** For areas requiring a Specific Plan in compliance with the Comprehensive Plan, a Specific Plan shall be filed and approved in compliance with Chapter 35.478 (Specific Plans) prior to the submittal of a Preliminary Development Plan. The Director may waive the requirement for the Preliminary Development Plan if the Director determines that the approved Specific Plan provides the same information as required for a Preliminary Development Plan. All Development Plans shall comply with the Specific Plan for the project area.

B. **Requirements of the Comprehensive Plan.** Additional site specific requirements for property designated for Planned Development (PD) on the Land Use Element Maps or Coastal Land Use Plan maps may be set forth in the text of the Comprehensive Plan.

C. **Setback requirements.** Setbacks shall be proposed and approved on the Preliminary and Final Development Plans to protect and preserve property values of the site and adjacent properties, ensure compatibility of different uses, avoid nuisances, and advance the general welfare within the PRD zone. In addition, siting of structures shall be based on the following factors: privacy, light and air, solar exposure, building configuration, and aesthetics.

D. **Streets.** Streets may be public or private; provided that all private streets shall be constructed to County standards, and adequate provisions shall be made in the codes, covenants and restrictions to ensure the adequate maintenance of private streets. The standards for any onsite improvements (streets, walks, drainage, and utilities) may be modified for a planned residential development by the County upon recommendation from the Public Works Department. Street design shall relate to the function of the street and, particularly in hillside areas where no on-street parking is necessary or permitted, street widths may be reduced. Innovation in street and walkway design, the use of cul-de-sacs and loop streets, and reduction of grading for streets is encouraged. Vehicular access to individual lots or units shall generally be only from project streets.

E. **Open space.**

1. **Amount.** The County shall specify the required amount of public and/or common open space in a planned residential development at the time of approval of the Development Plan but in no case shall the total amount of public and/or common open space be less than 40 percent of the gross acreage. Determination of the appropriate amount of public and/or common open space shall be based on consideration of the following factors:

a. The need to protect for public use areas historically used by the public such as beaches and trails;

b. The avoidance of siting of structures in hazardous areas or on steep slopes;

c. The protection of environmentally sensitive habitat areas and archaeological sites; and

d. Within the Inland area, the protection of scenic areas of the site.

Lands to be preserved as open space may be dedicated in fee to the County or other public agency or may remain in private ownership with dedication of only appropriate scenic and/or open space easements. For lands counted as public open space that remain in private ownership, the County shall require granting of an easement guaranteeing the public's right of access and use of such open space.

2. Maintenance of public open space. The County may require the applicant or Homeowners' Association to maintain all public open spaces and related facilities for a specified period after occupancy of the planned residential development or may require payment of an in-lieu fee if the County maintains the public open space and related facilities. If the applicant or Homeowners' Association is to maintain public open spaces, prior to the approval of any permits for construction, a bond or other approved financial security shall be posted guaranteeing maintenance.

3. Maintenance of common open space. Common open space shall be deeded to the Homeowners' Association and held in undivided ownership by the owners of the planned residential development. Preservation and maintenance of all common open space and communal recreational facilities shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvements and running with the land as described in the approved Final Development Plan.

F. Homeowners' Association. At the time of submittal of a Preliminary or Final Development Plan, the applicant shall file a description of the proposed organization of the Homeowners' Association including conditions, covenants, and restrictions that will govern the Association. The description shall include the following provisions:

1. The Homeowners' Association shall be established before the homes are sold;

2. Membership shall be mandatory for each home buyer and any successive buyer;

3. The Association shall be responsible for liability insurance, property taxes, and maintenance of common open space and recreational and other common facilities;

4. Homeowners shall pay their pro rata share of all costs of the Association and the assessment levied by the Association can become a lien on the property; and

5. The Association shall be able to adjust the assessment to meet changed needs.

CHAPTER 35.424 - COMMERCIAL ZONES

Sections:

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

35.424.010 - Purpose

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

35.424.020 - Purposes of the Commercial Zones

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

A. **CN (Neighborhood Commercial) zone.** The CN zone is applied to areas within residential neighborhoods appropriate for local retail or service businesses to meet daily needs for food, drugs, gasoline, and other incidentals of residents in the immediate area. The intent is to provide local serving commercial establishments while preserving the residential character of the area.

B. **CV (Resort/Visitor Serving Commercial) zone.** The CV zone is applied to areas of unique scenic and recreational value appropriate for tourist recreational development, while providing for maximum conservation of site resources through comprehensive site planning. The intent is to provide for maximum public access, enjoyment, and use of an area's scenic, natural, and recreational resources while ensuring preservation of such resources. This zone is not intended for highway related uses that normally service travelers. Where this zone is applied to areas adjacent to the shoreline, uses permitted shall in part require an oceanfront location in order to operate.

35.424.030 - Commercial Zones Allowable Land Uses

A. **General permit requirements.** Table 2-12 (Allowed Land Uses and Permit Requirements for Commercial Zones) identifies the uses of land allowed by this Development Code in each commercial zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).

B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-12 (Allowed Land Uses and Permit Requirements for Commercial Zones) includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.

C. **Development Plan approval required.** Final Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit for all development, including grading, except that residential units that meet the County's definition of affordable housing with the Housing Element of the Comprehensive Plan.

D. **Design Review required.** Design Review is required prior to the approval of a planning permit for a structure, or an addition to or alteration of, an existing structure in compliance with Section 35.472.070

(Design Review).

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

Table 2-12

Allowed Land Uses and Permit Requirements for Commercial Zones

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal Permit required (2)
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	
AGRICULTURAL, MINING & ENERGY FACILITIES					
Animal keeping	S	S	S	S	35.442.040
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES					
Campground	—	—	—	CUP	
Conference center	—	—	—	P	35.442.080
County club, swim and tennis club	—	—	—	P	
Equestrian facility	—	—	CUP	CUP	
Fairgrounds	—	—	—	—	
Golf course	—	—	P	P	
Golf driving range	—	—	P	P	
Library	P	P	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	
Park, playground - Public	—	—	P	P	
School	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facility	CUP	CUP	CUP	CUP	
Studio - Art, dance, martial arts, music, etc.	P	P	—	—	
Theater - Performing arts, 100 person maximum capacity	CUP	CUP	—	—	
Trail	—	—	P	P	
RESIDENTIAL USES					
Caretaker/Manager dwelling	—	—	CUP	CUP	35.442.060
Home occupation	P	P	P	P	35.442.130
Mixed use project residential component - market rate	CUP	CUP	—	CUP	35.424.050
Mixed use project residential component - 1 unit (3)	P	P	P	P	35.424.050
Mixed use project residential component 2 to 4 units (3)	CUP	CUP	CUP	CUP	35.424.050
Special care home, 7 or more clients	CUP	CUP	CUP	CUP	35.442.070

Key to Zone Symbols

CN	Neighborhood Commercial	**CZ**	Coastal Zone
CV	Resort/Visitor Serving Commercial		

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

(2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).

(3) Must comply with standards of Section 35.424.050.A (Mixed use affordable residential unit standards) or 35.424.060.D (Mixed use affordable residential unit standards) as applicable to the specific zone.

Table 2-12 - Continued

Allowed Land Uses and Permit Requirements for Commercial Zones

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal Permit required (2)
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	
RETAIL TRADE					
Drive-through facility	CUP	CUP	—	—	35.442.100
General retail	P	P	—	—	
Grocery and specialty food stores	P	P	—	—	
Health club, spa	P	P	P (3)	P (3)	
Restaurant, café, coffee shop	P	P	P (3)	P (3)	
Service station	P	P	—	—	35.442.050
Visitor serving commercial	—	—	P (3)	P (3)	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL					
Bank, financial services	P	P	—	—	
Business support service	P	P	—	—	
Drive-through facility	CUP	CUP	—	—	35.442.100
Medical services - Clinic, urgent care	P	P	—	—	
Medical services - Doctor office	P	P	—	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	
Office - Business/service	P	P	—	—	
Office - Professional/administrative	P	P	—	—	
Public safety facility	P	P	—	—	
SERVICES - GENERAL					
Cemetery, mausoleum	—	—	—	—	
Charitable or philanthropic organization	—	—	—	—	
Large family day care home	P	P	P	P	35.442.070
Small family day care home	E	E	E	E	35.442.070
Child care center, Non-residential	CUP	CUP	CUP	CUP	35.442.070
Child care center, Non-residential, accessory	P	P	P	P	35.442.070
Child care center, Residential	CUP	CUP	CUP	CUP	35.442.070
Drive-through, facility	CUP	CUP	—	—	35.442.100
Furniture repair accessory to furniture store or interior decorator	CUP	CUP	—	—	
Lodging, Hotel or Motel	—	—	—	P	
Lodging - Resort hotel, guest ranch	—	—	P	P	35.424.060
Personal services	P	P	P (3)	P (3)	
Vehicle services - Minor maintenance/repair	P	P	—	—	35.442.050

Key to Zone Symbols

CN	Neighborhood Commercial	**CZ**	Coastal Zone
CV	Resort/Visitor Serving Commercial		

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

(2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).

(3) Use only allowed accessory and incidental to an approved resort or guest ranch.

Table 2-12 - Continued

Allowed Land Uses and Permit Requirements for Commercial Zones

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal Permit required (2)
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE					
Drainage channel, water course, storm drain less than 20,000 sf	—	P	—	P	
Drainage channel, water course, storm drain 20,000 sf or more	—	CUP	—	CUP	
Electrical substation - Minor (3)	CUP	CUP	CUP	CUP	
Electrical substation - Major (3)	CUP	—	CUP	—	
Electrical transmission line (4)	CUP	CUP (5)	CUP	CUP (5)	
Flood control project less than 20,000 sf total area (6)	—	P	—	P	
Flood control project 20,000 sf or more total area (6)	—	CUP	—	CUP	
Public works and utilities	CUP	CUP	CUP	CUP	
Road, street less than 20,000 sf total area (6)	—	P	—	P	
Road, street 20,000 sf or more total area (6)	—	CUP	—	CUP	
Sea wall, revetment, groin, or other shoreline structure	—	CUP	—	CUP	
Telecommunications facility	S	S	S	S	
Utility service line with 4 or fewer connections (6)	—	P	—	P	
Utility service line with 5 or more connections (6)	—	CUP	—	CUP	
WATER SUPPLY & WASTEWATER FACILITIES					
Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	—	P	—	P	
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more	—	CUP	—	CUP	
Reservoir, less than 20,000 sf of total development	CUP	P	CUP	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual	E	P	E	P	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station	CUP	CUP	CUP	P	
Water system with 1 connection	E	P	E	P	
Water system with 2 or more connections	CUP	CUP (7)	CUP	CUP (7)	

Key to Zone Symbols

CN	Neighborhood Commercial	**CZ**	Coastal Zone
CV	Resort/Visitor Serving Commercial		

Notes:
(1) See Division 35.10 (Glossary) for land use definitions.
(2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
(3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
(4) Does not include electrical transmission lines outside the jurisdiction of the County.
(5) Not allowed in VC overlay.
(6) Not applicable to facilities constructed by the County outside of the Coastal Zone.
(7) Limited to a maximum of 199 connections.

35.424.040 - Commercial Zones Development Standards

Development within the commercial zones shall be designed, constructed, and established in compliance with the requirements in Table 2-13 (Commercial Zones Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code.

Table 2-13 - Commercial Zones Development Standards

Development Feature	Requirement by Zone	
	CN & CN (CZ) **Neighborhood Commercial**	**CV & CV (CZ)** **Resort/Visitor Serving Commercial**
Minimum lot size	*Minimum area for lots proposed in new subdivisions.*	
Area	None required; minimum lot size shall be determined by the review authority through the subdivision approval process.	
Residential density	*Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.*	
Maximum density	See Table 2-12 (Allowed Land Uses and Permit Requirements for the Commercial Zones) - Residential Uses	
Setbacks	*Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.*	
Front - Primary	50 ft from road centerline and 20 ft from right-of-way.	
Front - Secondary	Same as primary front.	Lot less than 100 ft wide - 20% of lot width, 10 ft minimum Lot 100 ft wide or more - Same as primary front setback.
Side	5 ft	20 ft; 50 ft from a lot zoned residential.
Rear	10% of lot depth to a maximum requirement of 10 ft; 25 ft if abutting a residential zone.	20 ft; 50 ft from a lot zoned residential.
Building separation	**Inland** - Buildings contained dwellings shall be located a minimum of 10 feet from any other detached building on the same building site. **Coastal** - Buildings contained dwellings shall be located a minimum of 5 feet from any other detached building on the same building site.	**Inland** - Buildings contained dwellings shall be located a minimum of 10 feet from any other detached building on the same building site. **Coastal** - None required.
Height limit	*Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.*	
Maximum height	35 ft	35 ft and 2 stories.
Exception	Within the Coastal Zone, the height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.	
Floor Area Ratio	*Maximum floor area ratio allowed.*	
Maximum FAR	0.25	**Inland** - 0.10 **Coastal** - 0.25
Site coverage	*Maximum percentage of net site area that may be covered by structures.*	
Maximum coverage	30 %	**Inland** - 30 % **Coastal** - 33% (gross) on a lot surrounded by residential zoning; no maximum elsewhere.
Open space	*Minimum percentage of net site area to be maintained as common open space.*	
Minimum open space	No minimum.	40%
Landscaping	See Chapter 35.434 (Landscaping Standards).	
Parking	See Chapter 35.436 (Parking and Loading Standards).	
Signs	See Chapter 35.438 (Sign Standards).	

35.424.050 - CN Zone Standards

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

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

1. **Floor area limitations.** The maximum net floor area shall not exceed 800 square feet for a studio or one-bedroom unit, and 1,000 square feet for a two-bedroom unit.

2. **Limitation on rental.** The unit shall be rented only to a low or moderate income household at a level that meets the County's affordability criteria.

3. **Limitation on sale.** The residential unit shall not be sold or financed separately from the principal commercial structure.

B. Mixed use market-rate residential unit standards. One or more residential units accessory to a commercial use that do not comply with the affordability requirements of Subsection A. (Mixed use affordable residential unit standards) above, shall comply with the following:

1. **Bedroom limitations.** The total number of bedrooms of the residential development shall not exceed two bedrooms per 1,000 square feet of total gross floor area of commercial development on the same lot.

2. **Floor area limitations.** The total gross floor area of the residential development shall not exceed the total gross floor are of the commercial uses

C. Restaurant, café or coffee shop. A restaurant, café or coffee shop may include a bar or cocktail lounge only if accessory to the principal use.

D. Site planning.

1. **Enclosure of activities required.** Within the CN zone, the land use types identified by Table 2-12 (Allowed Land Uses and Permit Requirements for the Commercial Zones) shall occur within a completely enclosed building, except for service stations and outdoor restaurants, cafes, and tearooms, or other appropriately screened outdoor uses specifically approved by the review authority.

2. **Storage areas and trash enclosures.** Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.

35.424.060 - CV Zone Standards

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

A. Allowable uses.

1. **Resorts and guest ranches.** Resort and guest ranches shall be of a self-contained, destination-point nature rather than those that primarily provide short-term overnight accommodations for travelers.

2. **Visitor serving commercial.** The approval of allowable visitor-serving commercial uses shall require that the review authority first determine that each commercial use is designed and limited to be incidental and directly oriented towards the needs of visitors, is part of a larger resort/visitor-serving facility, and will not substantially change the character of the larger resort/visitor-serving facility of which it is part.

B. Development standards, general.

1. **Height limitations.** Two-thirds of any new or reconstructed buildings which are guest rooms shall

be limited to 16 feet in height except as allowed in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).

2. **Limitation on separate occupancies.** New or reconstructed cottages shall be limited to six units (keys) per cottage, except as provided in Chapter 35.491 (Nonconforming Uses, Structures, and Lots).

C. Development standards, hotel resort.

1. **Area.** A hotel shall be located on a lot having a minimum lot area of five acres.

2. **Building limitations.**

   a. Not less than 80 percent of the sleeping accommodations for guests shall be provided in one-story detached buildings.

   b. Said buildings shall have an aggregate building area not to exceed one-third of the total area of the site.

   c. Said buildings shall contain no more than six sleeping rooms.

3. **Personal services.** Hotel resorts shall provide personal services customarily furnished at hotels, including the serving of meals. Such services shall be limited as follows:

   a. There shall be no advertising displays, visible from a public street.

   b. Access to the personal services shall be provided from within the hotel resort only and there shall be no outside entrances.

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

1. **Floor area limitations.** The maximum net floor area shall not exceed 800 square feet for a studio or one-bedroom unit, and 1,000 square feet for a two-bedroom unit.

2. **Limitation on rental.** The unit shall be rented only to a low or moderate income household at a level that meets the County's affordability criteria.

3. **Limitation on sale.** The residential unit shall not be sold or financed separately from the principal commercial structure.

4. **Secondary to existing commercial use - Coastal Zone**. In the Coastal Zone, the residential use of the lot shall be secondary to the exiting commercial use for projects that have more than one residential unit.

CHAPTER 35.425 - SPECIAL PURPOSE ZONES

Sections:

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

35.425.010 - Purpose

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

35.425.020 - Purposes of the Special Purpose Zones

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

A. **PU (Public Utilities) zone.** The PU zone is applied to areas appropriate for the siting of public works and utility facilities; however, the requirements of this zone do not apply to local agencies exempted by Section 35.420.040 (Exemptions from Planning Permit Requirements). The intent is to provide adequate design requirements to ensure that these facilities are compatible with surrounding land uses.

B. **REC (Recreation) zone.** The REC zone is applied to provide public or private open space areas appropriate for various forms of outdoor recreation. The intent is to encourage outdoor recreational uses that will protect and enhance areas with the potential to accommodate both active and passive recreation because of their beauty and natural features. Proposed recreational uses should compliment and be appropriate to the area because of the natural features.

C. **TC (Transportation Corridor) zone**. The TC zone is applied to established and proposed transportation corridors to regulate land uses within and adjacent to the corridors, to preserve and protect the corridors, and to provide uniform development standards.

1. Notwithstanding any provision of this Development Code, this zone applies local authority to transportation corridor-related matters of public health, safety and welfare, land use, and zoning, insofar as the exercise of this authority does not conflict with applicable general law. The further intent of this zone is to ensure that development within transportation corridors is consistent with the Coastal Plan and other elements of the Comprehensive Plan.

2. County review of TC development recognizes that transportation facilities may cause adverse impacts on surrounding residents and properties, including, for example, noise, vibration, emissions, pollutants, run-off, odors, visual appearance, detraction from natural scenic values, electrical interference, and potential for hazards and disasters, and that transportation facilities may also be adversely affected by incompatible uses nearby. This review is not intended to regulate or interfere with road or railway operations, but instead evaluates alternative routes for proposed corridors, and analyzes TC development to avoid or feasibly mitigate potentially significant, adverse environmental impacts.

3. Major transportation corridors parallel the coastline, often in close proximity to the shoreline. As such, the corridors can attract, or even constitute the only feasible location for competing land uses

such as pipelines, utility cables, bikeways and other non-motorized modes of transportation. Transportation corridors may also act as a potential barrier to recreational access to and along the coast, as well as to other land uses afforded high priority under the Coastal Act. It is the intent of this TC zone to accommodate these priority uses within the transportation corridor wherever feasible.

35.425.030 - Special Purpose Zones Allowable Land Uses

A. General permit requirements. Table 2-14 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) identify the uses of land allowed by this Development Code in each special purpose zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).

B. Requirements for certain specific land uses. Where the last column (Specific Use Regulations) in Table 2-14 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.

C. Development Plan approval required. Development Plan approval in compliance with Section 35.472.080 is required prior to the approval of a Coastal Development Permit or Land Use Permit as follows:

1. PU and REC zones. Final Development Plan approval is required for all development, including grading.

2. TC zone. Final Development Plan approval is required for all development, including excavation or grading, except as listed below.

a. Transportation-related development or structures necessary for the operation of railroads or highways in existence at the time of adoption of the ordinance creating the TC zone (August 10, 1994) shall not be deemed legal non-conforming uses. This provision is intended to permit new development without requiring a Development Plan for existing public works or public utilities that will not be affected by the new development, and to allow for the repair of existing facilities.

b. Safety, signalization, barriers, and grade crossing devices installed for the purpose of improving the safe operation of railroads or highways shall be exempt from the permit requirements of the TC zone.

D. Accessory uses and structures. Each use allowed by Table 2-14 (Specific Use Regulations) may include accessory uses and structures that are customarily incidental to the use, provided that within the REC zone, accessory structures and uses shall be limited to those required to support the recreational activities (e.g., parking areas, water and sanitary facilities, boat launching facilities, ranger stations and limited concession facilities).

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

F. TC zone allowable land uses and permit requirements. The uses allowed as principally permitted in zones abutting a site in the TC zone (i.e., those shown as "P" uses) are also allowed in the TC zone with Conditional Use Permit approval in compliance with Section 35.472.060 (Conditional Use Permits) in addition to the land uses listed in Table 2-14 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) as permitted or conditionally permitted within the TC zone.

Table 2-14

Allowed Land Uses and Permit Requirements for Special Purpose Zones

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal Permit required (2)
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	REC	REC CZ	PU	PU CZ	TC CZ (3)	
AGRICULTURAL, MINING & ENERGY FACILITIES						
Animal keeping (except equestrian facilities- see RECREATION below)	S	S	S	S	S	35.442.040
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES						
Campground	—	P	—	—	—	
Conference center	—	CUP	—	—	—	35.442.080
County club, swim and tennis club	CUP	CUP	—	—	—	
Equestrian facility	CUP	CUP	—	—	—	
Golf course	P	P	—	—	—	
Library	CUP	CUP	CUP	CUP	—	
Meeting facility, public or private	CUP	CUP	CUP	CUP	—	
Meeting facility, religious	CUP	CUP	CUP	CUP	—	
Museum	CUP	CUP	CUP	CUP	—	
Park, playground - Public	P	P	—	—	—	
School	CUP	CUP	CUP	CUP	—	
Sports & outdoor recreation facilities	CUP	CUP	CUP	CUP	—	
Trail for bicycles, hiking, or riding	P	P	—	—	P	
Zoo	CUP	CUP	—	—	—	
RESIDENTIAL USES						
Caretaker/Manager dwelling	CUP	CUP	—	—	—	35.442.060
RETAIL TRADE						
Restaurant, café, coffee shop, accessory to allowed recreation use	CUP	CUP (4)	—	—	—	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL						
Medical services - Extended care	CUP	CUP	CUP	CUP	—	
Medical services - Hospital	CUP	CUP	CUP	CUP	—	
Office - Accessory	P	P	P	P	—	
SERVICES - GENERAL						
Large family day care home	P	P	—	—	—	35.442.070
Small family day care home	E	E	—	—	—	35.442.070
Child care center, Non-residential	CUP	CUP	CUP	CUP	—	35.442.070
Child care center, Residential	CUP	CUP	—	—	—	35.442.070

Key to Zone Symbols

REC	Recreation	**TC**	Transportation Corridor
PU	Public Utilities	**CZ**	Coastal Zone

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.
(2) Development Plan approval may also be required; see 35.425.030.C (Development Plan approval required).
(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.

Table 2-14 - Continued

Allowed Land Uses and Permit Requirements for Special Purpose Zones

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal Permit required (2)
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	REC	REC CZ	PU	PU CZ	TC CZ (3)	
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE						
Boat launching facility accessory to approved recreation use	—	P	—	—	—	
Drainage channel, water course, storm drain less than 20,000 sf	—	P	—	P	P	
Drainage channel, water course, storm drain 20,000 sf or more	—	CUP	—	CUP	CUP	
Electrical substation - Minor (4)	CUP	CUP	P	P	CUP	
Electrical substation - Major (4)	CUP	—	P	P	—	
Electrical transmission line (5)	CUP	CUP (6)	CUP	CUP (6)	CUP	
Flood control project less than 20,000 sf total area (7)	—	P	—	P	P	
Flood control project 20,000 sf or more total area (7)	—	CUP	—	CUP	CUP	
Freeways and related facilities	—	—	—	—	P	
Pier, dock	—	P	—	—	—	
Public works and utilities	CUP	CUP	CUP	CUP	CUP	
Railroad	—	—	—	—	P	
Road, street less than 20,000 sf total area (7)	—	P	—	P	P	
Road, street 20,000 sf or more total area (7)	—	CUP	—	CUP	CUP	
Sea wall, revetment, groin, or other shoreline structure	—	CUP	—	CUP	CUP	
Telecommunications facility	S	S	S	S	S	35.444
Underground gas storage	—	—	P	P	—	
Utility service line with 4 or fewer connections (7)	—	P	—	P	P	
Utility service line with 5 or more connections (7)	—	CUP	—	CUP	CUP	
WATER SUPPLY & WASTEWATER FACILITIES						
Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	—	P	—	P	P	
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more	—	CUP	—	CUP	CUP	
Reservoir, less than 20,000 sf of total development	CUP	P	CUP	P	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	CUP	CUP	CUP	
Sewage treatment facility - Central plant	—	—	P	P	—	
Wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual	E	P	E	P	P	
Wastewater treatment facility, less than 200 connections	—	—	—	—	—	
Water or sewer system pump or lift station (8)	CUP	P	CUP	P	P	
Water supply, treatment, storage facilities - Central plant	—	—	P	P	—	
Water system with 1 connection	E	P	E	P	P	
Water system with 2 or more connections	CUP	CUP	CUP	CUP	CUP	
Water well, agricultural	—	—	—	—	—	

Key to Zone Symbols

REC	Recreation	**TC**	Transportation Corridor
PU	Public Utilities	**CZ**	Coastal Zone

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.
(2) Development Plan approval may also be required; see 35.425.030.C.
(3) Uses allowed as a "P" in abutting zones and in compliance with any applicable specific use regulations.
(4) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
(5) Does not include electrical transmission lines outside the jurisdiction of the County.
(6) Not allowed in the VC overlay.
(7) Not applicable to facilities constructed by the County outside of the Coastal Zone.
(8) In the Inland area, such facilities are allowed in compliance with the required planning permit to which the water or sewer pump or lift station is accessory.

35.425.040 - Special Purpose Zones Development Standards

Development within the Special Purpose zones shall be designed, constructed, and established in compliance with the requirements in Table 2-15 (Special Purpose Zone Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code.

Table 2-15 - Special Purpose Zones Development Standards

Development Feature	Requirement by Zone		
	REC & REC (CZ) Recreation	**PU & PU (CZ) Public Utilities**	**TC (CZ)**
Minimum lot size	*Minimum area for lots proposed in new subdivisions.*		
Area, width	1 acre	None	
Residential density	*Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.*		
Maximum density	1 caretaker dwelling.	None allowed.	
Setbacks	*Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.*		
Front - Primary	**Inland** - 50 ft from road centerline and 20 ft from edge of right-of-way. **Coastal** - 10 ft	50 ft from road centerline and 20 ft from edge of right-of-way.	10 ft where lot abuts another zone; except that no setback is required for fences, walls, utility poles (in compliance with the height limits of this Development Code), ingress and egress.
Front - Secondary	Lot less than 100 ft wide - 20% of lot width - 10 ft minimum. Lot 100 ft wide or more - Same as primary front setback.	Same as primary front.	
Side	**Inland** - 10 ft; 25 ft from a lot zoned residential. **Coastal** - 10 ft.	10 ft	Same as primary front.
Rear	**Inland** - 10 ft; 25 ft from a lot zoned residential. **Coastal** - 10 ft	10 ft; 50 ft from a lot zoned residential.	Same as primary front.
Building separation	None, except as required by Building Code.		
Height limit	*Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.*		
Maximum height	25 ft	**Inland** - 35 ft **Coastal** - 45 ft	25 ft, except for bridges and related equipment, and any structural clearance required by safety or other standards required by State or Federal law.
Exception	Within the Coastal Zone, the height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.		

Table 2-15 - Special Purpose Zones Development Standards - Continued

Development Feature	Requirement by Zone		
	REC & REC (CZ) Recreation	**PU & PU (CZ) Public Utilities**	**TC (CZ)**
Site coverage	*Maximum percentage of net site area that may be covered by structures.*		
Maximum coverage	**Inland** - 20 % **Coastal** - 10%	None	
Open space	*Minimum percentage of net site area to be maintained as common open space.*		
Minimum open space	No minimum.		
Landscaping	See Chapter 35.434 (Landscaping Standards).		
Parking	See Chapter 35.436 (Parking and Loading Standards).		
Signs	See Chapter 35.438 (Sign Standards).		

35.425.050 - PU Zone Standards

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

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

B. **Odors, fumes, gasses, liquids, heat, glare, radiation.** No offensive odors or fumes, noxious gases or liquids, heat, glare, or radiation generated by or resulting from any use, other than motor vehicles or lighting fixtures, operated on any lot shall be detectable at any point along the boundary of or outside of the lot upon which such use is located.

C. **Outdoor storage.** Open storage of equipment and materials shall be permitted only in areas screened from view of surrounding lots.

D. **Public health, safety, and welfare.** All activities shall be conducted in such a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the neighborhood by reason of danger to life or property.

E. **Smoke or dust.** Except for the heating of buildings there shall be no smoke or dust generated by or resulting from any use, other than motor vehicles located upon the lot.

F. **Vibration.** The ground vibration inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not be perceptible without instruments at any point along the boundary of or outside of the lot upon which such use is located.

35.425.060 - REC Zone Additional Standards

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

A. **Coastal Zone development standards.**

1. **Prohibition on structures on beach.** No buildings, structures, or facilities shall be located on the dry sandy beach except for those structures that require this location (e.g., lifeguard towers, volleyball nets).

2. **Priority for recreational uses.** In any area within 250 feet of the mean high tide line, priority shall

be given to coastal dependent and coastal related recreational activities.

3. **Location of camping facilities.** Camping facilities should be set back from the beach and bluffs and near-shore areas should be reserved for day use activities.

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

35.425.070 - TC Zone Standards

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

A. Land use limitations.

1. **Building and landscape materials sales - outdoor.** Building and landscape materials sales - Outdoor shall be limited to lumber yards.

2. **Temporary loading and shipping facilities.** Temporary loading and shipping facilities are allowed only if subject to a short-term lease of 45 days or less, unless a longer time period is approved by the Montecito Commission.

B. Open storage. The permanent open storage of equipment and materials shall be permitted only in areas screened from view of surrounding lots and from public viewing places.

C. Performance standard. All activities shall be conducted in a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the vicinity by reason of danger to life or property.

D. Requirements for transportation project approval. The County shall ensure the identification of feasible methods to provide alternative transportation for the efficient use of the U.S. Highway 101 transportation corridor to accommodate further local, regional, and statewide transportation needs. Prior to the approval of a Coastal Development Permit/Development Plan for major metropolitan transportation investment projects pursuant to Chapter 1 of Title 23 CFR, Part 450, dated October 28, 1993, including the addition, relocation, or widening of any lanes, or construction of highway interchanges along U.S. Highway 101, the Commission, or Board of Supervisors on appeal, shall find that the approval complies with either of the following:

1. The project is consistent with the portions of the Santa Barbara Association of Governments' Regional Transportation Plan that are applicable to the County's portion of the Coastal Zone and which (a) includes an alternative transportation mode study as described below, and (b) has been incorporated by amendment into the County's certified Local Coastal Program; or

2. The project sponsor/applicant has completed an alternative transportation mode study to determine the type and extent of improvements needed to accommodate projected transportation levels. The study shall also evaluate the effectiveness and cost of alternative investments or strategies in attaining local, state and national goals and objectives. The study shall consider the costs of reasonable alternatives and such factors as mobility improvements; social, economic, and environmental effects; safety; operating efficiencies; land use and economic development; financing, and energy consumption, consistent with federal regulations (Chapter 1 of Title 23 CFR, Part 450, dated October 28, 1993). The study shall specifically investigate the feasibility of alternative transportation modes such as, but not limited to, lanes dedicated to public commuter vehicles or multiple rider vehicles; mass transportation systems such as rail service; or other means of increasing the efficient use of the transportation corridor. The study shall also investigate the feasibility of accommodating non-motorized traffic through the development of recreational trails

or commuter bikeways as an integral part of the transportation corridor.

3. For the purposes of satisfying the application filing requirements relative to this standard for a Coastal Development Permit/Development Plan, the scope of the alternative transportation modes study shall be developed jointly by the Department and the Santa Barbara County Association of Governments and shall be both proportionate and related to the scope of the proposed development. Further, the alternative transportation modes studies shall be coordinated with the cities within the Santa Barbara County Coastal Zone, and with San Luis Obispo and Ventura Counties. The informational requirements under this standard will be deemed to be met upon a determination by the Director that the scope of work has been fulfilled through the completion of the alternative transportation modes study.

4. As an alternative to the above study, the Director may determine that the environmental review for a project on U.S. Highway 101, or any combination of existing studies, adequately satisfies this application filing requirement. In this instance, no further study shall be required, providing that the information upon which the environmental review or other studies is based is current. This determination shall be based on finding that the study/documents contain an adequate analysis of the plans, methods, and potential actions to implement feasible alternative transportation modes as described above.

5. The cost of complying with either Subsections D.1 or D.2, above, shall be the responsibility of the project sponsor/applicant. The application for a Coastal Development Permit/Development Plan shall be deemed complete only after this requirement is satisfied.

CHAPTER 35.428 - MONTECITO OVERLAY ZONES

Sections:

35.428.010 - Purpose
35.428.020 - Applicability of the Overlay Zones
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35.428.040 - Environmentally Sensitive Habitat (ESH) Overlay Zone
35.428.050 - Flood Hazard (FA) Overlay Zone
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35.428.070 - Montecito Hillside (H-MON) Overlay Zone - Inland area
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35.428.010 - Purpose

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

35.428.020 - Applicability of the Overlay Zones

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

A. **Mapping of overlay zones.** The applicability of any overlay zone to a specific site is shown by the overlay zone Zoning Map symbol established by Section 35.404.020 (Zoning Map and Zones) being appended as a suffix to the symbol for the primary zone on the Zoning Map. The overlay zones are applied to property through the rezoning process in compliance with Chapter 35.494 (Amendments) subject to any specific rezoning requirements of the applicable overlay zone.

B. **Allowed land uses, permit requirements, development standards.** Except as may be otherwise provided by this Chapter for a specific overlay zone:

1. Any land use normally allowed in the primary zone by this Chapter may be allowed within an overlay zone, subject to any additional requirements of the overlay zone;

2. Development and land uses within an overlay zone shall obtain the planning permits required by this Chapter for the primary zone, and the overlay zone, as applicable; and

3. Development and land uses within an overlay zone shall comply with all applicable development standards of the primary zone and the overlay zone, except as modified by this Chapter.

35.428.030 - Affordable Housing (AH) Overlay Zone

A. **Purpose and intent.** The Affordable Housing (AH) overlay zone is intended to promote affordable housing production, and implement the policies of the Housing Element by providing substantial incentives to developers through standards of development and performance.

B. **Applicability.**

1. **Density bonus.** A residential development project within the AH overlay zone is eligible for increased density up to the maximum number of units designated by the overlay zone on the Zoning Map; provided that either:

a. 30 percent or more of all new units are available to very low income households; or

b. 50 percent or more of all new units are available to a mix of very low, low, lower-moderate and upper-moderate income units according to the proportional allocations for each income category as indicated in Table 2-16 (AH Overlay 50% Mix Allotment) below:

Table 2-16 - AH Overlay Zone - 50% Mix Allotment

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

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

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

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

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

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

1. Any land use allowed in the primary zone, subject to the permit requirements established by the primary zone for the use; and

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

D. Permit and processing requirements.

1. Final Development Plan required. Final Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit for all development, including grading. Final Development Plan approval shall be subject to conditions and requirements determined by the review authority to be appropriate and necessary to ensure compliance with the purposes of the County's affordable housing program, the Housing Element and applicable provisions of the Comprehensive Plan.

2. Fast track processing. Each qualifying AH overlay zone project shall be subject to the fast track permit process outlined in the Housing Element Implementation Guidelines to ensure that each AH

overlay zone project receives timely and preferential processing.

3. **Pre-application procedure.** Prior to submitting an application for an AH overlay zone project, the applicant should obtain pre-application and other preliminary consultations with the Department and other officials to obtain information and guidance before entering into binding commitments and incurring substantial expense in the preparation of plans, surveys and other data. These preliminary consultations shall relate to a specific development proposal that outlines the concept and characteristics of the project.

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

1. **Zoning or improvement standards.** Facilities, improvements, and/or development or zoning standards normally required for residential development, other than those in this Section, may be modified by the Montecito Commission if deemed necessary to ensure dwelling unit affordability or to provide additional incentives. Examples of the modified facility requirements include the waiver or phasing of any required off-site improvements.

2. **Fees.** If deemed appropriate by the Board, any or all fees normally imposed by the County on development projects may be waived, reduced, or deferred. In these cases, reduced fees shall be based upon the applicant supplying the Board with evidence and assurances that savings realized from the reductions will be passed on to future residents by way of reduced rent or purchase price for units.

3. **Development Standards.** The following modifications may be approved for all qualified AH overlay zone projects in the DR (Design Residential) and PRD (Planned Residential Development) zones, provided that the modifications are consistent with all applicable provisions of the Coastal Land Use Plan for projects in the Coastal Zone.

   1. One side yard setback per lot may be reduced from the requirement of the applicable zone to a zero setback. The width of any setback thereby reduced shall be applied to the opposite side yard setback. In cases of corner lots, the side yard setback may be reduced to zero with no additional setback requirement for the opposite setback.

   2. The total amount of common and/or public open space may be reduced to 30 percent of the gross acreage.

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

1. The sales and/or rental prices for the various types of units to be established; and

2. Provisions for the sale, resale, renting and restrictions that will be applicable to the project, to ensure the continued availability of units for purchase or occupancy by target households, in compliance with the Housing Element.

35.428.040 - Environmentally Sensitive Habitat (ESH) Overlay Zone

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

1. Protect and preserve specified areas in which plant or animal life or their habitats are either rare or especially valuable because of their role in the ecosystem, and that could be easily disturbed or degraded by human activities and developments; and

2. Ensure that development permitted in the overlay zone is designed and carried out in a manner that will provide maximum protection to sensitive habitat areas.

B. Applicability.

1. Determination of applicability. The zoning map shall guide determining whether this overlay zone applies to any area of land or water. If a particular lot or lots within an ESH overlay zone are determined by the Director not to contain the pertinent species or habitat, the regulations of this overlay zone shall not apply.

2. Identification of newly documented sensitive habitat areas. If an environmentally sensitive habitat area is identified by the Director to be onsite during permit application review, but the habitat area does not have an ESH overlay zone designation, the applicable requirements of Subsection C through Subsection O below, shall apply to the development. The Director will periodically update the zoning map to apply the ESH overlay zone to the new habitat areas and applicable setback areas (including the 250-foot area around the habitat).

3. Relationship to primary zone. Each land use and proposed development within the ESH overlay zone shall comply with all applicable requirements of the primary zone in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the primary zone, the requirements of this Section shall control.

4. Relationship to overlay zone. Each land use and proposed development within the ESH overlay zone shall comply with all applicable requirements of any additional overlay zone, in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the any other overlay zone, the requirements of this Section shall control.

C. Permit and processing requirements. An application for development within the ESH overlay zone shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing) and the requirements of this Section.

1. Application review - Inland area. Upon receipt of an application for development within the ESH overlay zone, the Director shall determine if the proposed development is located in or within 100 feet of an environmentally sensitive habitat area.

a. Site inspection.

(1) If the Director determines that the proposed development is located in or within 100 feet of an environmentally sensitive habitat area, a site inspection shall be required, if the Director determines it necessary, by a qualified biologist to be selected jointly by the Director and the applicant. Upon completion of the site inspection, and if determined to be necessary, conditions shall be applied to the permit that will protect the environmentally sensitive habitat area to the maximum extent feasible, consistent with the applicable development standards in Subsection D. through Subsection N. below.

(2) If the Director determines that the proposed development is not located in or within 100 feet of an environmentally sensitive habitat area, then a site inspection by a qualified biologist is not required.

2. Application review - Coastal Zone. Upon receipt of an application for development within the ESH overlay zone, the Director shall determine the potential of the proposed development to

adversely impact an environmentally sensitive habitat area.

a. Project with no adverse impact. If the proposed development is exempt from the California Environmental Quality Act and is determined by the Director to have no potential for adverse impact on an environmentally sensitive habitat area and meets all the other requirements for a Coastal Development Permit, the Director shall approve the permit in compliance with Subsection C.3 (Findings required for Coastal Development Permit or Land Use Permit approval) below.

b. Project with potential adverse impact. If the proposed development is exempt from the California Environmental Quality Act and is determined by the Director to have the potential for adverse impacts on an environmentally sensitive habitat area, the project shall require environmental review and, where necessary, a site inspection by a qualified biologist to be selected jointly by the County and the applicant shall be required.

(1) If the environmental document indicates that the development has no significant unavoidable adverse impacts on an environmentally sensitive habitat area and meets all the other requirements for a Coastal Development Permit, the Director shall approve the Coastal Development Permit in compliance with Subsection C.3 (Findings required for Coastal Development Permit or Land Use Permit approval) below, with appropriate conditions if necessary.

(2) If the environmental document indicates that the development has significant unavoidable adverse impacts on an environmentally sensitive habitat area, the Montecito Commission shall be the review authority for the application for development.

(a) The Montecito Commission shall hold at least one public hearing on the requested application and shall approve, conditionally approve or deny the request.

(b) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

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

3. Findings required for Coastal Development Permit or Land Use Permit approval. An application for a Coastal Development Permit (Section 35.472.050) or a Land Use Permit (Section 35.472.110) for a project within the ESH overlay zone shall be approved only if the Director first finds that the proposed development meets all applicable development standards contained in Subsection D through Subsection O, below, in addition to the findings required for Coastal Development Permit or a Land Use Permit as applicable.

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

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

or conditionally permitted by the primary zone.

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

D. Development standards - Monarch butterfly habitats.

1. Coastal Zone.

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

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

2. Inland area.

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

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

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

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

3. Native vegetation shall be maintained within this buffer.

c. Trimming or cleanup plan. A trimming or clean-up plan shall be required for trimming or clearing associated with a Land Use Permit within 50 feet of a monarch butterfly habitat and shall be approved by the Director and shall include supervision by a qualified biologist.

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

1. Preservation requirement. Each area of coastal sage scrub that is of one or more acres shall be preserved to the maximum extent feasible. Development shall avoid impacts that would isolate, interrupt, or cause a break in a contiguous habitat which would disrupt animal movement patterns,

seed dispersal routes, or increase vulnerability of species to local extirpations such as fire, flooding, disease, etc.

2. **Native plant buffer.** Impacts shall be minimized by providing a 10 foot buffer vegetated with native plant species and placing the project on the outer edge of the buffer rather than in or through the middle of the habitat area, except where this would prevent reasonable development of the lot.

3. **Additional onsite mitigation measures.** Onsite mitigation such as revegetation, erosion and water quality protection, and other measures which would minimize the impact of development shall be included in project design as necessary.

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

1. Recreational activities near or on areas used for marine mammal hauling grounds shall be carefully monitored to ensure continued habitat viability.

2. Marine mammal rookeries shall not be altered or disturbed by recreational, industrial, or any other uses during the times of the year when the rookeries are in use for reproductive activities (i.e., mating, pupping, and pup care). These times of year are:

   a. Harbor seal - February through April.

   b. Northern Elephant seals - Mid-December through February.

   c. Sea Lions and fur seals - May through September.

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

G. Development standards - Native grasslands - Coastal Zone.

1. Grazing shall be managed to protect native grassland habitats.

2. Development shall be sited and designed to protect native grassland areas.

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

1. Oak trees shall be protected because they are particularly sensitive to environmental conditions. All land use activities, including cultivated agriculture and grazing, should be carried out in a manner so as to avoid damage to native oak trees. The regeneration of oak trees on grazing lands is encouraged.

2. When a site is graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.

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

1. No unauthorized vehicles shall be allowed on beaches adjacent to intertidal areas, to prevent the destruction of organisms that thrive in the intertidal areas.

2. Only light recreational uses shall be permitted on public beaches which include or are adjacent to

rocky points or intertidal areas.

3. Shoreline structures, including piers, groins, breakwaters, drainages, seawalls, and pipelines, should be sited or routed to avoid significant rocky points and intertidal areas

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

K. Development standards - Streams.

1. Stream habitat buffer. The minimum buffer strip for development near streams and creeks in Rural Areas as designated on the Comprehensive Plan maps shall be presumptively 100 feet from the top of bank and 50 feet for streams in Urban Areas as designated on the Comprehensive Plan maps. These minimum buffers may be adjusted upward or downward on a case-by-case basis but within the Inland area the buffer shall not preclude reasonable development of a lot. To protect the biological productively and water quality of streams, each buffer shall be established based on an investigation of the following factors, and after consultation with the California Department of Fish and Game and California Regional Water Quality Control Board:

a. Soil type and stability of stream corridors;

b. How surface water filters into the ground;

c. Slope of land on either side of the stream;

d. Location of the 100-year flood plain boundary; and

e. Consistency with adopted plans, particularly Biology/Habitat policies of the Montecito Community Plan.

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

2. Prohibition on development within a riparian corridor. No structure shall be located within a stream corridor except:

a. Public trails that would not adversely affect existing habitat;

b. Dams necessary for water supply projects;

c. Flood control projects where no other method for protecting existing structures in the floodplain is feasible, and where the protection is necessary for public safety;

d. Other development where the primary function is for the improvement of fish and wildlife habitat; and

e. Within the Inland area, other development where this requirement would preclude reasonable development of a lot.

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

3. Limitation on development, revegetation required. All development, including dredging, filling, and grading within stream corridors shall be limited to activities necessary for the construction of

uses specified in Subsection K.2 (Prohibition on development within a riparian corridor) above.

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

(1) When development requires the removal of riparian plant species, re-vegetation with local native plants shall be required, except where undesirable for flood control purposes.

(2) The minor clearing of vegetation for hiking, biking, and equestrian trails shall be permitted.

(3) All permitted construction and grading within stream corridors shall be carried out in a manner that minimizes impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.

(4) Other than projects that are currently approved and/or funded, no further concrete channelization or other major alterations of streams shall be permitted unless in compliance with the Public Resources Code Section 30236.

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

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

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

a. A setback of 50 feet from either side of top-of-bank of the creek, that precludes all ground disturbance and vegetation removal; and

b. That protective fencing shall be installed along the outer buffer boundary at the applicant's expense prior to initiation of any grading or development activities associated with a Land Use Permit. Storage of equipment, supplies, vehicles, or placement of fill or refuse, shall not be permitted within the fenced buffer region.

(1) This measure may be modified or deleted in the event that the Director finds that it is not necessary to protect biological resources (e.g., due to topographical changes or other adequate barriers).

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

L. Development standards - Subtidal reefs - Coastal Zone.

1. Recreational and commercial uses shall be permitted as long as such uses do not result in depletion of marine resources.

2. If evidence of depletion is found, the Department shall work with the California Department of Fish and Game, and sport and commercial fishing groups, to assess the extent of damage and implement mitigating measures.

M. Development standards - Vernal pools - Coastal Zone.

1. No mosquito control activity shall be carried out in vernal pools unless it is required to avoid severe nuisance.

2. Grass cutting for fire prevention shall be conducted in such a manner as to protect vernal pools. No grass cutting shall be allowed within the vernal pool area or within a buffer zone of five feet or greater.

3. Development shall be sited and designed to avoid vernal pool sites as depicted on the resource maps.

N. Development standards - Wetlands - Coastal Zone.

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

   a. Dredging shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.

   b. Dredging shall be limited to the smallest area feasible.

   c. Designs for dredging and excavation projects shall include protective measures such as silt curtains, diapers, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials. During permitted dredging operations, dredge spoils may only be temporarily stored on existing dikes, or on designated spoil storage areas. A project that results in the discharge of water into a wetland requires a permit from the California Regional Water Quality Control Board.

2. Dredge spoils shall not be deposited permanently in areas subject to tidal influence or in areas where public access would be significantly adversely affected. When feasible, spoils should be deposited in the littoral drift, except when contaminants would adversely affect water quality or marine habitats, or on the beach.

3. Boating shall be prohibited in all wetland areas, except for research or maintenance purposes.

4. A buffer strip with a minimum width of 100 feet shall be maintained in a natural condition along the periphery of all wetlands. No permanent structures shall be permitted within a wetland or buffer area, except minor structures (e.g., fences, or structures necessary to support the uses in Subsection N.5 below). Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or manmade features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within

100 feet of a wetland. The upland limit of a wetland shall be defined as:

a. The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; or

b. The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or

c. In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not.

5. Light recreation including bird-watching or nature study, and scientific and educational uses, shall be permitted with appropriate controls to prevent adverse impacts.

6. Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that the discharge improves the quality of the receiving water.

7. Wetland sandbars may be dredged, when permitted in compliance with Subsection N.1 above, and when necessary for maintenance of tidal flow to ensure the continued biological productivity of the wetland.

8. No unauthorized vehicle traffic shall be permitted in a wetland, and pedestrian traffic shall be regulated and incidental to the permitted uses.

9. New development adjacent to or in close proximity to a wetland shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.

10. Mosquito abatement practices shall be limited to the minimum necessary to protect health and prevent damage to natural resources. Spraying shall be avoided during nesting seasons to protect wildlife, especially the endangered light-footed clapper rail and Belding's savannah sparrow. Biological controls are encouraged.

11. No grazing or other agricultural use shall be permitted in a coastal wetland.

O. Development standards - White-tailed kite habitats - Coastal Zone.

1. There shall be no development including agricultural development, structures and roads, within the area used for roosting and nesting.

2. Recreational use of the roosting and nesting area shall be minimal, i.e., walking, bird watching. Protective measures for this area should include fencing and posting so as to restrict, but not exclude, use by people.

3. Any development around the nesting and roosting area shall be set back sufficiently far as to minimize impacts on the habitat area.

35.428.050 - Flood Hazard (FA) Overlay Zone

A. Purpose and intent. The Flood Hazard (FA) overlay zone is intended to promote public health, safety and welfare and to minimize public and private losses due to flood conditions in area within the 100-year flood plain by alerting by alerting property owners that County Code Chapter 15A (Floodplain Management) applies to their property, and avoiding the exposure of new development to flood hazard, minimizing the need for future flood control protective works and resulting alteration of stream and wetland environments. This overlay zone serves as a mechanism whereby members of the public and staff can easily identify areas of special flood hazard that are subject to County Code Chapter 15A (Floodplain

Management).

B. Applicability. The requirements of this Section apply to special flood hazard areas as defined in County Code Chapter 15A (Floodplain Management).

1. Additional standards. Each land use shall comply with the requirements of the primary zone, and "development" as defined in County Code Chapter 15A shall also comply with the additional requirements in Chapter 15A.

2. Flood Hazard Overlay Map. The Flood Hazard Overlay Map shall reflect the boundaries of special flood hazard areas as shown on the current Federal Emergency Management Agency (FEMA) maps on file with the County Flood Control and Water Conservation District (referred to in this Section as the "Flood Control District").

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

C. Permit and processing requirements.

1. Referral and determination. Prior to the approval of a Coastal Development Permit (Section 35.472.050) or Land Use Permit (Section 35.472.110) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances), all development subject to the FA overlay zone shall be referred to the Flood Control District for a determination as to whether the development is subject to the requirements of County Code Chapter 15A. If the Flood Control District determines that the proposed development is subject to Chapter 15A, the development shall comply with the requirements of Chapter 15A. If the Flood Control District determines that the proposed development is not subject to Chapter 15A, the development is exempt from the requirements of Chapter 15A.

2. Permit requirement. After obtaining the appropriate clearance or receiving a written exemption from the Flood Control District, the proposed development shall comply with the Coastal Development Permit or Land Use Permit or Zoning Clearance requirements of the primary zone.

35.428.060 - Growth Management Ordinance (GMO) Overlay Zone

A. Purpose and intent. The Growth Management Ordinance (GMO) overlay zone identifies areas where a growth management ordinance has been adopted due to infrastructure, public service, and resource constraints. The overlay zone defines development restrictions in addition to the other applicable requirements of this Development Code.

B. Applicability.

1. The GMO overlay zone is applied only to property that is subject to a growth management ordinance. All new development including subdivisions within the GMO overlay zone shall comply with the applicable growth management ordinance in addition to the requirements of the primary zone.

2. The overlay zone shall continue to apply to the areas designated until the County determines that additional development can be accommodated by available infrastructure, public services, and resources such that a growth management ordinance is no longer necessary.

C. Permit and processing requirements. The permit and processing requirements of the applicable growth management ordinance shall apply within the GMO overlay zone in addition to the requirements of this Development Code.

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

A. Purpose and intent. The Montecito Hillside (H-MON) overlay zone is intended to preserve, enhance, and protect the visual and biological importance and natural mountainous setting of areas of Montecito that are steeply sloped and visually prominent. The overlay zone is also intended to protect mountainous areas and adjacent areas from erosion, scarring, flood and fire hazard and to promote safety, thereby implementing the policies of the Montecito Community Plan.

B. Applicability. This overlay zone is applied to mountainous areas and areas adjacent to mountainous areas in the Montecito Community Plan area as shown on applicable Santa Barbara County Zoning Maps.

1. Exceptions. The regulations of this overlay zone shall not apply to:

a. Existing lawful structures and their reconstruction if they are of the same or lesser size, height and location and;

b. Projects that have received preliminary or final approval from the Board of Architectural Review prior to June 15, 1995; and

c. Subdivisions which have received Tentative Parcel or Final Map approval and contain specific conditions that mitigate size of structures, visibility, building materials and colors, erosion and flooding, as determined by the Director.

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

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

35.428.080 - Site Design (SD) Overlay Zone - Coastal Zone

A. Purpose. The Site Design (SD) overlay zone is intended to ensure the well-planned subdivision of large sites within the Coastal Zone that are zoned for large-lot, one-family residential uses (e.g., R-1/E-1) by avoiding piecemeal subdivisions that could result in resource degradation and the creation of lots unsuited for development. Therefore, this overlay zone provides for the conceptual review by the County of the ultimate division of a lot at the time any land division is proposed.

B. Applicability. The SD overlay zone may be applied only within the Coastal Zone.

1. Effect on land divisions. The regulations of the SD overlay zone apply only to land division applications and no land division shall be approved within the SD overlay zone unless found consistent with the requirements of this Section.

2. Effect of approved site design plan. When a site design plan has been conceptually approved for a lot in compliance with Subsection D. (Permit and processing requirements) below, all future land divisions shall be in conformance with the approved site design plan for that lot.

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

C. Application requirements. An application for subdivision within the SD overlay zone shall include a site design plan with the following information, in addition to the information and materials otherwise required for a subdivision application by County Code Chapter 21 (Subdivisions), unless the proposed

subdivision is for the ultimate parcelization of the subject land or a site design plan has been previously approved for the subject land.

1. **Other site and subdivision features.** The site design plan shall exhibit:

   a. The proposed lot lines of the ultimate lots.

   b. Contour lines.

   c. Proposed circulation patterns for the ultimate lots.

   d. Locations of significant existing vegetation and sensitive habitat areas (e.g., unusual species, native habitats, and riparian vegetation).

   e. Areas within the 100-year flood plain.

   f. Areas subject to geologic hazards.

   g. A general indication of the potential building sites.

   h. Other information deemed necessary for proper review and required depending on the particular circumstances and location of the lots.

D. Permit and processing requirements.

1. **Subdivision/Development Review Committee**. The Subdivision/Development Review Committee shall consider the proposed land division along with the site design plan and make recommendations to the Montecito Commission.

2. **Montecito Commission.** The Montecito Commission shall consider the proposed site design plan at a noticed public hearing and conceptually approve, modify, or disapprove the proposed site design plan.

   a. At the same public hearing, the Montecito Commission may approve, conditionally approve, or deny the proposed land division, but the proposed land division shall not be approved unless the Montecito Commission first conceptually approves the site design plan and finds that the proposed land division is consistent with the conceptually approved site design plan.

   b. In no case shall conceptual approval of the site design plan by the Montecito Commission be deemed to commit the County to final approval of any land division.

3. **Findings required for conceptual approval of site design plan.** A site design plan shall be conceptually approved only if all of the following findings are first made:

   a. The lot is physically suitable for the density proposed under the site design plan;

   b. All lots proposed on the site design plan shall have adequate building sites and adequate road access; and

   c. The design and creation of the lots according to the site design plan protects environmentally sensitive habitat areas and agricultural lands, avoids flood, fire, and geologic hazards, and protects hillsides and watersheds.

4. **Filing of approved plan.** A copy of the approved site design plan shall be kept on file in the Department.

5. **Plan amendment.** An amendment to the site design plan shall be processed in the same manner as the original site design plan. The Montecito Commission shall not approve a site design plan

amendment unless the amended plan is in conformance with any previously approved land divisions that were in conformance with the previously approved site design plan. When a site design plan has been approved for a lot and the lot is subsequently rezoned, the site design plan shall become void.

35.428.090 - View Corridor (VC) Overlay Zone - Coastal Zone

A. Purpose and intent. The View Corridor (VC) overlay zone is intended to protect significant existing coastal view corridors from US Highway 101 to the ocean.

B. Applicability. The VC overlay zone may be applied only within the Coastal Zone.

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

C. Permit and processing requirements.

1. **Design review required.** Any structural development within the VC overlay zone shall require Design Review in compliance with Section 35.472.070 (Design Review) prior to approval of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances).

2. **Application requirements.** The application for Design Review shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

3. **Criteria for approval.** The Montecito Board of Architectural Review shall approve the plans only if it finds conformance with the following standards:

   a. Each structure shall be sited and designed to preserve unobstructed broad views of the ocean from US Highway 101, and shall be clustered to the maximum extent feasible;

   b. Building height shall not exceed 15 feet above average finished grade, unless an increase in height would facilitate clustering of development and result in greater view protection, or a height in excess of 15 feet would not impact public views to the ocean, in which case the height limitations of the primary zone shall apply; and

   c. No structure shall be of an unsightly or undesirable appearance.

4. **Criteria for denial.** If, after review, the Montecito Board of Architectural Review determines that a proposed structure obstructs views to the ocean, is of a height or scale that is inharmonious with the surrounding area, or is of an undesirable or unsightly appearance, the Montecito Board of Architectural Review shall confer with the applicant in an attempt to bring the plans into conformance with the standards in Subsection C.3 (Criteria for approval) above.

5. **Appeal.** The action of the Montecito Board of Architectural Review may be appealed in compliance with Chapter 35.492 (Appeals).

D. Land use limitations. Electrical transmission lines are prohibited within the VC overlay zone.

DIVISION 35.3

Montecito Site Planning and Other Project Standards

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CHAPTER 35.430 - STANDARDS FOR ALL DEVELOPMENT AND LAND USES

Sections:

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35.430.040 - Coastal Trails
35.430.050 - Density
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35.430.190 - Subdivisions, Lot Size

35.430.010 - Purpose

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

A. Produces an environment of stable and desirable character;

B. Is compatible with existing and future development; and

C. Protects the use and enjoyment of neighboring properties, consistent with the Comprehensive Plan, including the Montecito Community Plan.

35.430.020 - Applicability

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

35.430.030 - Bikeways

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

35.430.040 - Coastal Trails

Within the Coastal Zone, easements for trails shown on the Comprehensive Plan maps shall be required as a condition of project approval for the portion of the trail crossing the lot upon which a project is proposed.

35.430.050 - Density

A. The densities specified in the Comprehensive Plan are maximums and may be reduced through discretionary project review if the review authority determines that a reduction is warranted by conditions specifically applicable to a site, including topography, geologic or flood hazards, habitat areas, or steep slopes.

B. Density may be increased for an affordable housing project in compliance with Housing Element policies, provided that any project in the Coastal Zone is found consistent with all applicable provisions of the Local Coastal Program.

35.430.060 - Design Compatibility Standards

A. Rural. Within Rural areas as designated on the Comprehensive Plan maps, the height, scale, and design of each structure shall be compatible with the character of the surrounding natural environment, as determined by the review authority, except where the review authority determines that technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms, shall be designed to follow the natural contours of the landscape, and shall be sited so as not to intrude into the skyline as seen from public viewing places.

B. Urban and Existing Developed Rural Neighborhoods. Within Urban areas and Existing Developed Rural Neighborhoods (Inland area) or Rural Neighborhoods (Coastal Zone) as designated on the Comprehensive Plan maps, new structures conform to the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.

35.430.070 - Fences and Walls

A. Purpose. This Section provides regulations for the installation, construction, and placement of fences. For the purposes of this Section, the term "fence" includes fences, walls, gates, gateposts, and other structures in the nature of a fence, except where any of these are specifically identified and separately regulated by this Section.

B. Measurement of fence height. Fence height shall be measured as the vertical distance between the natural grade at the base of the lower side of the fence, and the top edge of the fence material. See Figure 3-1 (Measurement of Fence Height) below.

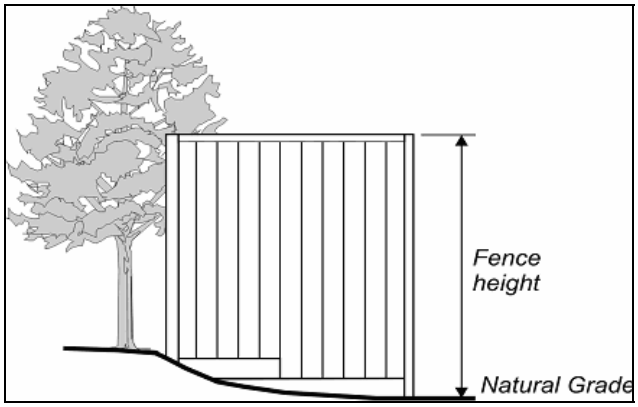


Figure 3-1 - Measurement of Fence Height

C. Height limits and permit requirements. Each fence shall comply with the height limits and permit requirements in Table 3-1 (Fence Height and Permit Requirements) below. In no case shall the height of the fence exceed the height limit established for the applicable zone district by Division 35.2 (Montecito Zones and Allowable Land Uses). Additionally, a fence on a corner lot shall also comply with the vision

clearance requirements in Section 35.430.090 (Height Measurement, Exceptions and Limitations).

Table 3-1 - Fence Height and Permit Requirements

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

Notes:

(1) Within the Coastal Zone, fences shall be exempt only if the fence will:

a Not be located within or adjacent to a wetland, beach, environmentally sensitive habitat or on or within 50 feet of a costal bluff; and

b. Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantive evidence of prescriptive rights); and

c. Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.

If the fence does not meet the preceding criteria for an exemption, than a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) is required.

1. **Exception to height limits.** A maximum of 10 percent of the total linear length of a wall or fence may be allowed to exceed the maximum height specified for exemption from a permit in Table 3-1 (Fence Height and Permit Requirements), where the review authority first determines that topographic or other unavoidable conditions will destroy its architectural integrity if held to the maximum height specified for its entire length.

2. **Retaining wall exemption.** A retaining wall (retaining earth only) that is not over four feet in height measured from the bottom of the footing to the top of the wall and does not require a Grading Permit in compliance with County Code Chapter 14 is exempt from Coastal Development Permit or Land Use Permit requirements except when located within 300 feet of the edge of a coastal bluff or the inland extent of any beach, or within an Environmentally Sensitive Habitat area.

35.430.080 - Flood Hazard Development Standards

A. Purpose. The intent of the Flood Hazard development standards is to avoid exposing new development to flood hazards and to reduce the need for future flood control protective works and resulting alteration of stream and wetland environments by regulating development within the 100-year flood plain.

B. Development within floodway. All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway, as determined by the County Public Works Department, unless off-setting improvements in accordance with Housing and Urban Development regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, providing creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation as specified in County Code Chapter 15A (Floodplain Management).

C. Permitted development limitations. Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, such as dams, stream channelizations, etc.

35.430.090 - Height Measurement, Exceptions and Limitations

A. Purpose. This Section describes the required methods for measuring the height of structures to determine compliance with the height limits established by this Development Code and provides exceptions to those height limits.

B. Height limit of structures. The height of each structure shall not exceed the applicable height limit established for the applicable zone by Division 35.2 (Montecito Zones and Allowable Land Uses) and/or other requirements of this Development Code, except as otherwise provided by this Section and this Development Code.

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

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

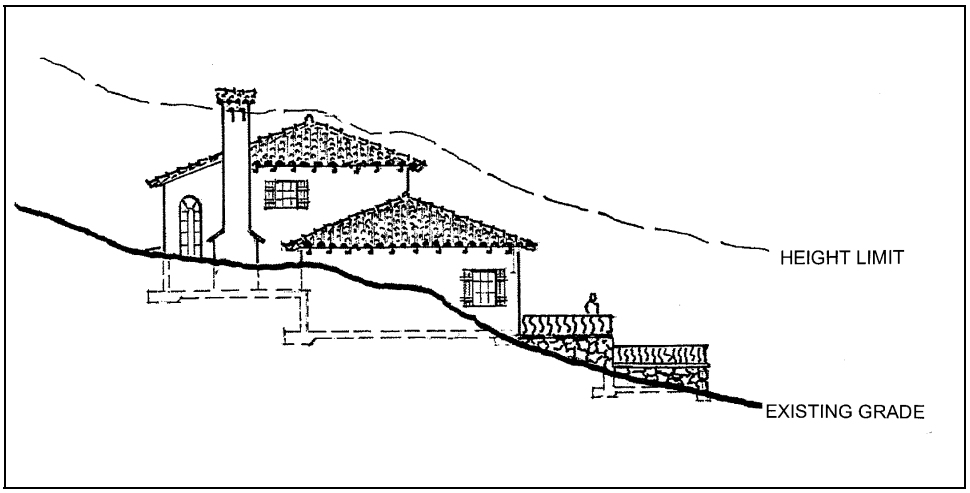


Figure 3-2 - Height Limit

a. Measurement from finished grade.

(1) Located on fill.

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

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

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

uppermost point of the structure directly above that grade.

2. **Maximum height in ridgeline/hillside locations.** In addition to the height limit applicable to a structure as described in Subsection C.1 (Height of structures) above, a structure subject to Chapter 35.452 (Montecito Ridgeline and Hillside Development) or Section 35.428.070 (Montecito Hillside Overlay Zone) shall not exceed a maximum height of 32 feet as measured from the highest part of the structure, excluding chimneys, vents and noncommercial antennas, to the lowest point of the structure where an exterior wall intersects the finished grade or the existing grade, whichever is lower. In the case where the lowest point of the structure is cantilevered over the ground surface, then the calculated maximum height shall include the vertical distance below the lowest point of the structure to the finished grade or the existing grade, whichever is lower, See Figure 3-3 (Maximum Height).

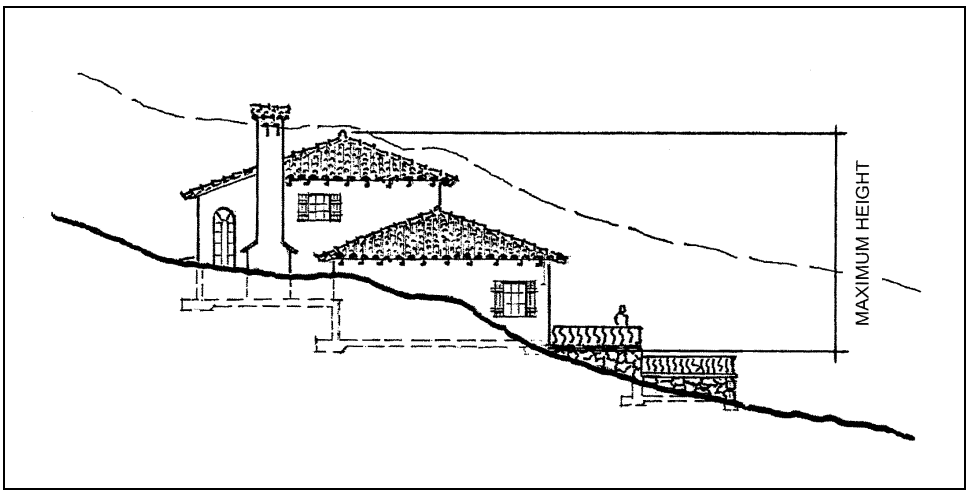


Figure 3-3 - Maximum Height

D. General height limit exceptions. The height of a structure may exceed the applicable height limit in compliance with the following:

1. Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, towers, vents, and similar structures which are not used for human activity may be up to 50 feet in height in all zones where the excess height is not prohibited by Section 35.428.090 (View Corridor Overlay). The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity. No such structure shall be employed for any commercial or advertising use unless specifically allowed by the applicable zone, except that antennas and associated equipment may be located within such structures.

2. Portions of a structure may exceed the applicable height limit by no more than three feet where the roof exhibits a pitch of four in 12 (rise to run) or greater.

3. In order to provide for architectural character, architectural elements, whose aggregate area is less than or equal to 10 percent of the total roof area of the structure or 400 square feet, whichever is less, may exceed the height limit by no more than eight feet when approved by the Montecito Board of Architectural Review.

4. Allowances for exceeding the applicable height limit in compliance with Subsections D.2 and D.3 above are not cumulative.

E. Fences and walls. A fence or wall shall comply with the height limits established by Section 35.430.070 (Fences and Walls).

F. **Guesthouses, artist studios and cabañas.** See Section 35.442.120 (Guesthouses, Artist Studios, and Cabañas) for height limits and exceptions for guesthouses, artist studios, and cabañas.

G. **Residential second units.** See Section 35.442.160 (Residential Second Units) for height limits and exceptions for residential second units.

H. **Telecommunication facilities.** See Chapter 35.444 (Telecommunications Facilities) height limits and exception for commercial and noncommercial telecommunication facilities

I. **Vision clearance.** Structures and landscaping on a corner lot shall not exceed the height limits provided by this Subsection within a required vision clearance area.

1. **Measurement of vision clearance area.** See Figure 3-4 (Vision Clearance Area).

a. **Straight corners.** The boundaries of a vision clearance area are defined by drawing lines from the point of intersection of a lot's street property lines at the corner to a point a minimum of 10 feet from the corner along the two property lines, and then connecting the two points with a straight line forming the hypotenuse of the triangle.

b. **Rounded corners.** In the case of rounded corners, the boundaries of a vision clearance area are defined by extending the street property lines from the tangents at the beginning and end of the curving corner to a point of intersection, then drawing lines from the point of intersection to a point a minimum of 10 feet from the point of intersection along the two property lines, and then connecting the two points with a straight line forming the hypotenuse of the triangle.

2. **Height limits within vision clearance area.** No planting, fence, wall, or other structure shall exceed a height of two and one-half feet above the adjacent curb grade, or three feet above the adjacent surface of pavement, whichever is less, within a vision clearance area.

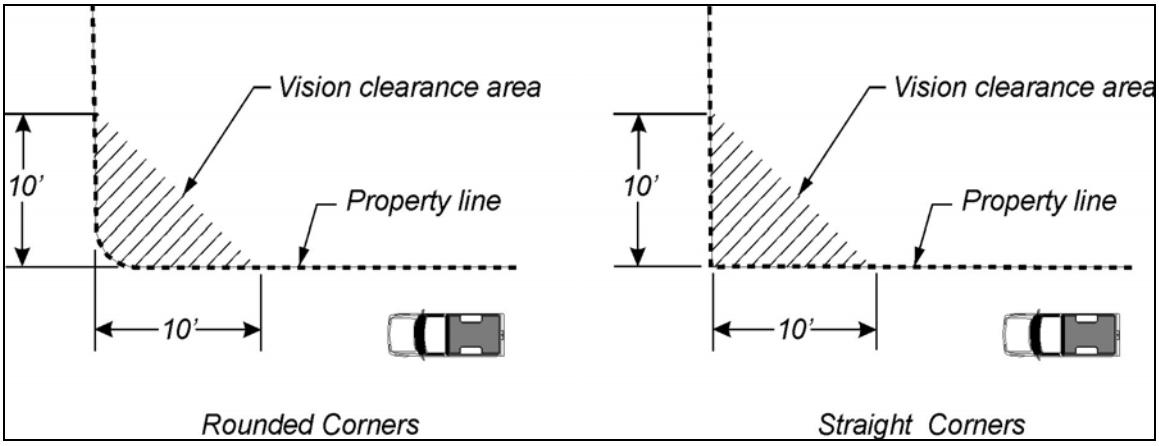


Figure 3-4 -Vision Clearance Area

35.430.100 - Infrastructure Services, Utilities and Related Facilities

A. **Adequacy of infrastructure required.** Approval of a Coastal Development Permit (Section 35.472.050) or a Land Use Permit (Section 35.472.110) or Zoning Clearance (Section 35.472.190) shall require that the review authority first find, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (e.g., water, sewer, roads) are available to serve the proposed development.

B. **Applicant responsibilities.** The applicant shall assume full responsibility for costs incurred in service

extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the Comprehensive Plan including the Montecito Community Plan.

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

D. Services, utilities and related facilities located within the Coastal Zone. The following standards apply to development within the Coastal Zone, in addition to those in Subsection A. through Subsection C. above.

1. Electrical transmission lines.

a. Protection of viewshed and resources. Transmission line rights-of-way shall be routed to minimize impacts on the viewshed, especially in scenic rural areas, and to avoid locations that are on or near archaeological, habitat, or recreational resources, whenever feasible.

b. Vegetation. Grading, scarring, or other vegetative removal shall be repaired, and the affected areas revegetated with plants similar to those in the area to the extent safety and economic considerations allow.

c. Undergrounding. In important scenic areas, where above-ground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically feasible, unless it can be shown, to the satisfaction of the review authority, that other alternatives are less environmentally damaging.

d. Compatibility. When aboveground facilities are necessary, color and design of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow.

2. Utility Lines.

a. Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding would be so high as to deny service.

b. Annexation of rural areas to a sanitary district or extensions of sewer lines into Rural areas designated on the Comprehensive Plan maps shall not be permitted unless required to prevent adverse impacts on an environmentally sensitive habitat, to protect public health, or as a logical extension of services.

c. Water, gas, sewer, or electrical transmission and distribution lines which cross fault lines shall be subject to additional safety standards, including emergency shutoff where applicable, in accordance with appropriate California Public Utilities Commission regulations.

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

a. The long-term integrity of groundwater basins or sub-basins located wholly within the Coastal Zone shall be protected. To this end, the safe yield as determined by competent hydrologic evidence of such a groundwater basin or sub-basin shall not be exceeded except on a temporary basis as part of a conjunctive use or other program managed by the appropriate water district. If the safe yield of a groundwater basin or sub-basin is found to be exceeded for reasons other than a conjunctive use program, new development, including

land division and any other use dependent upon private wells, shall not be permitted if the net increase in water demand for the development causes basin safe yield to be exceeded, but in no case shall any existing lawful lot be denied development of one one-family residence. This standard shall not apply to appropriators or overlying property owners who wish to develop their property using water to which they are legally entitled pursuant to an adjudication of their water rights.

b. In the furtherance of better water management, the County may require applicants to install meters on private wells and to maintain records of well extractions for use by the appropriate water district.

c. Water-conserving devices shall be used in all new development.

d. Where affordable housing projects proposed pursuant to the Affordable Housing Overlay regulation, special needs housing projects or other affordable housing projects which include at least 50 percent of the total number of units for affordable housing or 30 percent of the total number of units affordable at the very low income level are to be served by entities that require can-and-will-serve letters, such projects shall be presumed to be consistent with the water and sewer service requirements of this Section if the projects have, or are conditioned to obtain, all necessary can-and-will-serve letters at the time of Final Map or Parcel Map recordation, or if no map, prior to issuance of Coastal Development Permits.

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

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

35.430.110 - Lot Line Adjustments

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

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

1. The Lot Line Adjustment is in conformity with all applicable provisions of the Comprehensive Plan, including the Montecito Community Plan, and this Development Code.

2. No lot involved in the Lot Line Adjustment that conforms to the minimum lot size of the applicable zone shall become nonconforming as to lot size as a result of the Lot Line Adjustment.

3. Except as provided in this Section, all lots resulting from the Lot Line Adjustment shall comply with the minimum lot size requirements of the applicable zone. A Lot Line Adjustment may be approved that results in one or more lots that are nonconforming as to size, provided that it complies with all of the following requirements.

   a. Four or fewer existing lots are involved in the adjustment.

b. The Lot Line Adjustment shall not result in increased subdivision potential for any affected lot.

c. The Lot Line Adjustment will not result in a greater number of residential developable lots than existed prior to the adjustment. For the purposes of this Subsection only, a lot shall not be deemed residentially developable if the documents reflecting its approval and/or creation identify that: 1) the lot is not a building site, or 2) the lot is designated for a non-residential purpose including well sites, reservoirs and roads. A lot shall be deemed residentially developable for the purposes of this Subsection if it has an existing one-family dwelling constructed in compliance with a valid County permit. Otherwise, to be deemed a residentially developable lot for the purposes of this Subsection, existing and proposed lots shall comply with all of the following criteria.

(1) **Water supply.** The lot shall have adequate water resources to serve the estimated interior and exterior needs for residential development as follows: 1) a letter of service from the appropriate district or company shall document that adequate water service is available to the lot and that the service complies with the Company's Domestic Water Supply Permit; or 2) a Public Health Department or State approved water system.

(2) **Sewage disposal.** The lot is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district. A lot to be served by an onsite wastewater treatment system shall meet all applicable County requirements for permitting and installation, including percolation tests, as determined by the Public Health Department.

(3) **Access.** The lot is currently served by an existing private road meeting applicable fire agency roadway standards that connects to a public road or right-of-way easement, or can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.

(4) **Slope stability.** Development of the lot including infrastructure avoids slopes of 30 percent and greater.

(5) **Agriculture viability.** Development of the lot shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the lot.

(6) **Environmentally sensitive habitat.** Development of the lot avoids or minimizes impacts where appropriate to environmentally sensitive habitat and buffer areas, and riparian corridor and buffer areas.

(7) **Hazards.** Development of the lot shall not result in a hazard to life and property. Potential hazards include flood, geologic and fire.

(8) **Consistency with Comprehensive Plan and Development Code.** Development of the lot is consistent with the setback, lot coverage and parking requirements of the Development Code and consistent with the Comprehensive Plan and the public health, safety and welfare of the community.

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

4. The Lot Line Adjustment will not increase any violation of lot width, setback, lot coverage, parking or other similar requirement of the applicable zone, or make an existing violation more

onerous.

5. The affected lots are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Development Code, or the Lot Line Adjustment has been conditioned to require compliance with these rules and regulations, and any zoning violation fees imposed in compliance with applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the requirements of Chapter 35.491 (Nonconforming Uses, Structures, and Lots).

6. Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.

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

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

2. There is no net decrease in the amount of the acreage restricted. In cases where two lots involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

3. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

4. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use.

5. The lot line adjustment would not compromise the long-term agricultural productivity of the lot or other agricultural lands subject to a contract or contracts.

6. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

7. The lot line adjustment does not result in a greater number of developable lots than existed prior to the adjustment, or an adjusted lot that is inconsistent with the Comprehensive Plan.

35.430.120 - Outdoor Lighting

A. All exterior lighting shall be hooded and no unobstructed beam of exterior light shall be directed toward any area zoned or developed residential.

B. Lighting shall be designed so as not to interfere with vehicular traffic on any portion of a street.

C Recreational court lighting is prohibited in all residential zones.

35.430.130 - Performance Standards

A. Inland area standards. The following standards apply within all Inland areas.

1. Location of development. No urban development shall be permitted outside of the Urban area as designated on the Comprehensive Plan maps.

2. **Environmental Resource Management.** The standards in this Section are from the Environmental Resource Management Element, and serve to implement policies and key recommendations contained in other elements of the Comprehensive Plan (e.g., the Seismic Safety and Safety, Conservation, and Open Space Elements).

   a. **Urbanization prohibited.** Urbanization should be prohibited in all cases on lands subject to one or more of the following environmental factors:

      (1) Geologic Problems Index V (see Seismic Safety and Safety Element);

      (2) Reservoirs and areas tributary to existing and proposed reservoirs;

      (3) Slopes of 30 percent or greater;

      (4) Existing croplands with a high agricultural suitability rating (see Environmental Resource Management Element) or a Class I or II soil capability classification. However, urban uses may be permitted within urban areas on lots of 10 acres or less;

      (5) Mineral resource sites;

      (6) Existing parks and recreation sites, historic sites, and archaeological sites; and

      (7) Proposed scientific preserves.

   b **Urbanization limited.** Urbanization should be prohibited except in a relatively few special instances on lands subject to one or more of the following environmental factors:

      (1) Geologic Problems Index IV (see Seismic Safety and Safety Element);

      (2) Slopes of 20 percent or greater but less than 30 percent;

      (3) Existing croplands with a moderate or low agricultural suitability rating (see Environmental Resource Management Element) or a Class III or IV soil capability classification;

      (4) Land highly suitable for expansion of cultivated agriculture (see Environmental Resource Management Element);

      (5) Significant habitats and/or prime examples of common ecological communities (see Environmental Resource Management and Conservation Elements).

35.430.140 - Recreation and Visitor Serving Uses - Coastal Zone

A. Recreational uses on oceanfront lands, both public and private, that do not require extensive alteration of the natural environment (e.g., tent campgrounds) shall have priority over uses requiring substantial alteration (e.g., recreational vehicle campgrounds).

B. Visitor-serving commercial recreational development that involves construction of major facilities (e.g., motels, hotels, restaurants), should be located within urban areas, and should not change the character of, or impact residential areas.

C. Visitor-serving commercial recreational development in rural areas should be limited to low intensity uses (e.g., campgrounds) that are designed to protect and enhance visual resources, and minimize impacts on topography, habitats, and water resources.

D. Visitor-serving facilities shall be permitted in rural areas only if it is determined that approval of such development will not result in a need for major ancillary facilities on nearby lands (e.g., residences, stores, or gas stations).

35.430.150 - Setback Requirements and Exceptions

A. Purpose. This Section provides standards for the use and minimum dimension of setbacks. These standards provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for landscaping and recreation.

B. Setback requirements.

1. General. Each structure shall be located on its site so that it is set back from property lines and other structures in compliance with the setback requirements of the applicable zone in Division 35.2 (Montecito Zones and Allowable Land Uses), and with any setbacks established for specific uses by Chapter 35.442 (Standards for Specific Land Uses), except as otherwise provided by this Section.

2. Property lines and rights-of-way. No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line or into a public street right-of-way, except as provided by Subsection 35.444.020.D.1.d (Extension over neighboring property).

C. Measurement of setbacks. The setbacks required by Subsection B (Setback requirements) above shall be measured as follows.

1. Front setback. A front setback shall be measured at right angles from the front line of the lot.

a. Corner lot. A corner lot shall have a front setback along each property line adjacent to a street. If the corner lot has a lot width of 100 feet or more, then each front setback shall be considered to be a primary front setback. If the corner lot has a lot width of less than 100 feet, then the front setback adjacent to the front line (see definition of Front Line) of the lot shall be considered the primary front setback and the front setback that is not adjacent to the front line shall be considered a secondary front setback. See Figure 3-5 (Corner Lot Setbacks) below.

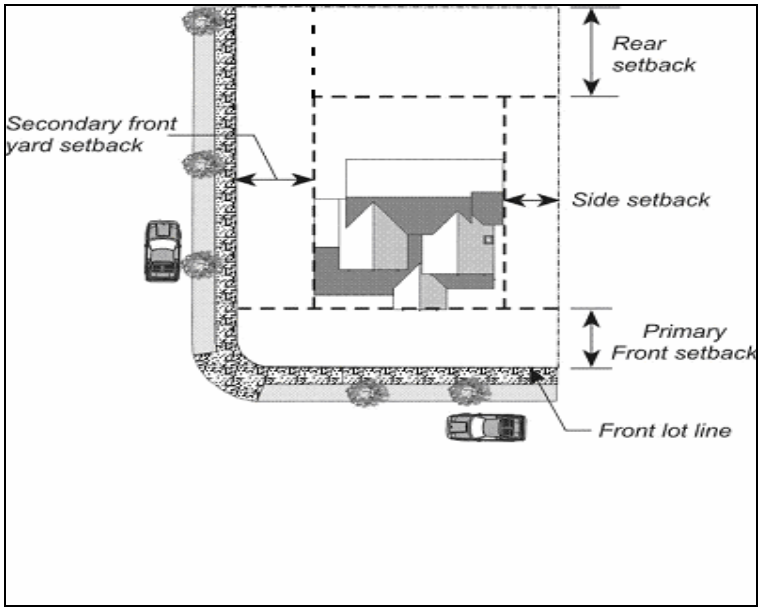


Figure 3-5 - Corner Lot Setbacks

(1) Corner lot 100 feet or greater in width. There shall be a primary front setback along each street abutting the lot and all such setbacks shall conform to the front setback requirements of the applicable zone.

(2) **Corner lot less than 100 feet in width.** There shall be a primary front setback along the property line considered the front line of the lot. The secondary front setback along the property line not considered the front line shall be not less than 20 percent of the width of the lot, but in no case shall said secondary front setback be less than 10 feet.

b. **Through lot.** A through lot shall provide front setbacks as required by the applicable zone adjacent to each abutting street.

c. **Sloping lot setback.** Where the elevation of the ground at a point 50 feet from the centerline of any street is seven feet or more below or above the grade of the centerline, the front setback for a private detached garage (not carport) may be decreased by 40 percent and the front setback for a dwelling may be decreased by 20 percent, provided that the front face of the garage is no closer than 10 feet to the abutting street right-of-way.

2. **Side setbacks.** A required side setback shall be measured at right angles from the side property line, establishing a setback line parallel to the side property line which extends between the front and rear setbacks.

a. **Side setback adjacent to alley.** In computing the width of a side setback, if the setback abuts an alley, and the owner of the lot owns all or one-half of the underlying fee of the alley, up to one-half of the width of the alley may be included in the side yard.

b. **Side setback variations in R-1/E-1 and R-2 zones.** The required side setback for portions of a structure may be varied subject to all of the following limitations.

(1) No portion of the structure shall be less than five feet from the side lines of the lot.

(2) No portion of an exterior wall of a structure containing non-fixed windows or doors opening into rooms of a structure (except a garage or other non-habitable space) shall be located closer to the side lines of a lot than the required side setback prior to any variation allowed by Subsection b.(3) below.

(3) A portion of a structure may be located within the required side setback provided that the footprint area of the portion of the structure that intrudes into the required side setback shall be compensated by an equal or greater area that is not covered by any footprint area located outside of and adjacent to the same side setback and the side setback line. The compensating area shall not be located farther from the adjacent side lot line than one-half of the lot width.

(4) The compensating area used to vary a side setback shall not be used to vary a rear setback on the same lot.

c. **Through lot.** On a through lot, the side setbacks shall extend the full depth of the lot between the front setbacks.

3. **Rear setback.** The rear setback shall be measured at right angles from the rear property line, establishing a setback line parallel to the rear property line.

a. **Corner lot.** The rear setback for a corner lot backing upon a key lot may be reduced to the size of the required side setback for the key lot or 10 feet, whichever is greater, provided that the total front, side, and rear setback area required by the applicable zone is not reduced. An accessory structure on a corner lot backing on a key lot shall be set back from the rear property line by a distance equal to the side setback requirements applicable to the key lot.

b. **Rear setback adjacent to alley.** In computing the depth of a rear setback, if the setback

abuts an alley, and the owner of the lot owns all or one-half of the underlying fee of the alley, up to one-half of the width of the alley may be included in the rear setback.

c. Rear setback on triangular lot. Where a triangular lot has no rear lot line because its side lot lines converge to a point, an assumed line 10 feet long within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed to be the rear lot line for the purpose of measuring the required rear setback. See Figure 3-6 (Triangular lot rear setback measurement).

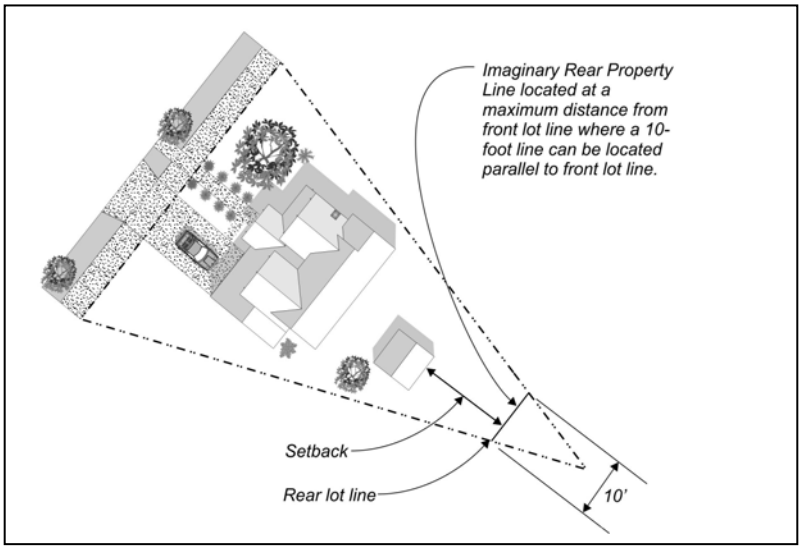


Figure 3-6 - Triangular lot rear setback measurement

d. Rear setback variations in R-1/ E-1 and R-2 zones. The required rear setback for portions of a structure may be varied subject to all of the following limitations.

(1) No portion of a structure used for dwelling purposes shall be closer than 15 feet to the rear line of the lot.

(2) A portion of a structure may be located within the required rear setback provided that the footprint area of the portion of the structure that intrudes into the required rear setback shall be compensated by an equal or greater area that is not covered by any footprint area located outside of and adjacent to the rear setback and the rear setback line. The compensating area used to vary a rear setback shall not be located farther from the rear lot line than one-half of the lot depth.

(3) The compensating area used to vary a rear setback shall not be used to vary a side setback on the same lot.

4. Interior and odd-shaped lots.

a. Interior lot. The setback requirements of the applicable zone shall not apply, and any structure located on an interior lot shall have a setback of at least 10 feet from all property lines, and the total setback area shall equal the total area of all setbacks required by in the applicable zone. See Figure 3-7 (Interior Lot) below.

b. Odd-shaped lots. In the case of odd-shaped lots, the Director shall determine the required setbacks, which widths and depths shall approximate as closely as possible the required widths and depths of corresponding setbacks on rectangular lots in the applicable zone district.

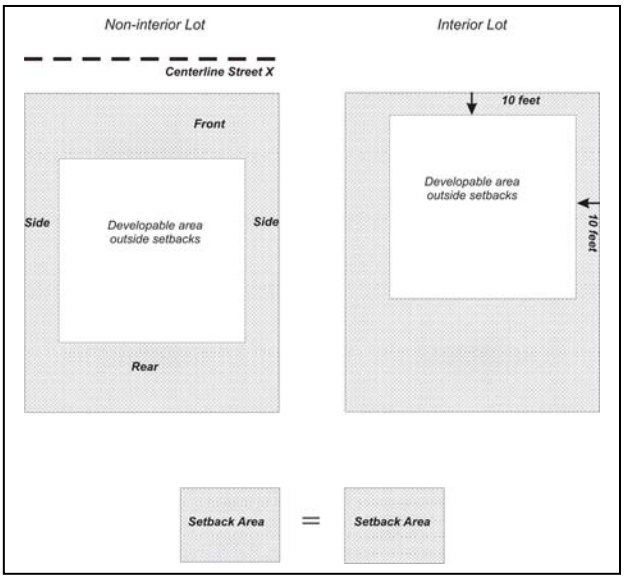


Figure 3-7 - Interior lot

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

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

1. The ordinary projection of sills, belt courses, buttresses, cornices, chimneys, eaves, and ornamental features may extend into a required setback no more than three feet. Handrails on outdoor stairways may extend into the setback an additional six inches.

2. Fire escapes, balconies, and unroofed and unenclosed porches or landings, may extend into a setback as provided below when constructed and placed in a manner that shall not obstruct light to or ventilation of structures or the ready use of the setbacks for ingress or egress:

   a. The front or rear setback by four feet.

   b. A side setback by three feet;

3. Ornamental garden and landscaping structures without roofs (e.g., fountains, elevated ponds, planters) may be located within the front and side setbacks provided the feature is either:

   a. Less than 30 inches high, or

   b. Covers an area of 50 square feet or less and is less than either six feet in height and, if located within a vision clearance area, is consistent with the regulations of Subsection 35.430.090.I (Vision Clearance).

4. Decks less than 32 inches in vertical distance as measured from finished grade to the top of the decking material may be located within the front or side setback unless located in a designated Environmentally Sensitive Habitat area.

5. Non-habitable structures may be located in the side setback provided that the structures comply with all of the following:

   a. Cumulatively the structures do not occupy an area greater than 10 percent of the side setback

in which they are located, or 120 square feet, which ever is less.

b. Do not contain any utilities.

c. Are screened from view from abutting properties by a wall or fence at least as tall as the structure.

d. Are located no closer than five feet to any other structure located on the same lot.

6. Pedestals supporting utility meters no greater than four feet in height and 24 square feet in area may be located in a front or side setback provided they are completely screened from view from any public or private street and adjoining lots.

35.430.160 - Solar Panels

A. Solar panels located on the roof of an existing structure do not require planning permit approval.

B. Solar panels located on the ground shall be classified as accessory structures, and shall require the issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits).

35.430.170 - Solid Waste and Recycling Storage Facilities

A. Purpose. This Section provides standards which recognize County support for and compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Section 42900 through 42911).

B. Applicability. These requirements apply to the following projects:

1. Non-residential development. Any new, non-residential development including commercial, industrial, or institutional buildings, or marina or any changes to such an existing non-residential development which requires a building permit.

2. Residential building. Any new residential building having five or more dwelling units or any changes to such an existing residential building which requires a building permit.

3. Residential development. Any new residential project where solid waste is collected and loaded in a location serving five or more dwelling units, or any changes to an existing residential project which requires a building permit.

4. One-family subdivision. Any subdivision of one-family detached dwellings if, within such subdivisions there is an area where solid waste is collected and loaded in a location which serves five or more dwelling units. In such instances, recycling areas as specified in this Section are only required to serve the needs of the dwelling units which utilize the solid waste collection and loading area.

5. Public facility. Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste.

C. Standards for storage areas. All projects identified in Subsection B (Applicability) above, shall be required to provide solid waste areas specifically identified for the storage of both trash and recycling containers in compliance with the following.

1. Functional use. Solid waste enclosures shall be properly located, exterior of living space, for functional use by occupants and by the disposal and hauling companies providing collection services.

2. **Size and location.** The exact size and location of the solid waste and recycling facilities storage areas shall be determined by the review authority on a case-by-case basis taking into account types and quantities of recyclable materials to be generated by the proposed land use and by the mode of collection.

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

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

35.430.180 - Storm Water Runoff Requirements

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

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

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

35.430.190 - Subdivisions, Lot Size

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

B. Area of lots.

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

   a. The lot or group of lots were legally created prior to the effective date of any County zoning regulations applicable to the lots;

b. The lots or group of lots having a total combined area in one ownership less than 6,000 square feet exclusive of any portion within a street right-of-way may not be used for more than one dwelling per lot; and

c. The lots comply with all other applicable requirements of this Development Code.

2. Lot reconfiguration. Two or more legal lots with insufficient area to meet the minimum lot area requirements of the applicable zone may be combined or resubdivided provided:

a. All other regulations of this Development Code and County Code Chapter 21 are complied with;

b. The combined or resubdivided lots are as large or larger than the original lots; and

c. The minimum area of each new lot is 7,000 square feet.

C. Measurement of lot area.

1. The lot area or building site area of a lot shall be as defined in Division 35.10 (Glossary), provided that:

a. In any zone in which portions of a street right-of-way are specifically excluded, the lot or building site area of a lot shall be exclusive of the portion of the lot within the street right-of-way.

b. For the purpose of computing the lot area or building site area of a lot in any zone, any portion of a driveway or easement less than 40 feet in width and reserved for access to a public street, the length of which portion is not adjacent to any front, side, or rear yard of said lot shall be excluded.

2. For the purpose of computing the lot area or building site area of any lot, the boundaries of the lot shall be the boundaries established by the latest recorded deed, subdivision map, etc., provided that the recorded document does not create or attempt to create a lot in violation of any applicable California or County law or ordinance.

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

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

1. The subdivider has demonstrated that adequate water is available to serve the newly created lots except for lots to be designated as "Not A Building Site" on the Final Map or Parcel Map; and

2. For a proposed subdivision of agricultural land designated as AG-I, the long-term agricultural productivity of the land will not be diminished by the proposed division.

CHAPTER 35.432 - DENSITY BONUS FOR AFFORDABLE HOUSING

Sections:

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

35.432.010 - Purpose and Intent

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

35.432.020 - Eligibility for Density Bonus, Incentives or Concessions

A. **Residential units.** The County shall grant a density bonus and other incentives or concessions to applicants for residential projects who agree to provide affordable or senior housing pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute, Housing Element Policy 1.1 and the Housing Element Implementation Guidelines.

B. **Land donations and child care facilities.** The County shall grant an additional density bonus or other incentives or concessions to applicants for residential projects who agree to donate land for affordable housing development and/or provide a child care facility pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute, Housing Element Policy 1.1 and the Housing Element Implementation Guidelines.

C. **Minimum project size.** The density bonus and incentives or concessions provided by this Chapter shall be available only to housing developments of five or more dwelling units.

35.432.030 - Allowed Density Bonuses

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

A. **Bonus determination.** The County may choose to grant a density bonus greater than provided in the provisions of Government Code Sections 65915 through 65918 or successor statute for a development that exceeds the requirements of state law.

B. **Requirements for amendments or discretionary approval.** The granting of a density bonus shall not be interpreted, in and of itself, to require a Comprehensive Plan Amendment, Local Coastal Program Amendment, zoning change or other discretionary approval separate from the discretionary approvals otherwise required for the project.

35.432.040 - Allowed Incentives or Concessions

A. **Applicant request and County approval.** An applicant may submit to the County a proposal for the

specific incentives or concessions listed in Subsection B. (Types of incentives) below, that the applicant requests in compliance with this Chapter. The County shall grant an incentive or concession request that complies with this Section unless the County makes specific findings pursuant to Government Code Sections 65915 through 65918 or successor statute.

B. Types of incentives. For the purposes of this Chapter, incentives or concessions include any of the following:

1. **Modification of development standards.** A reduction in site development standards of this Development Code or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that result in identifiable, financially sufficient, and actual cost reductions.

2. **Mixed use project approval.** Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the housing project will be located.

3. **Other regulatory incentives.** Other regulatory incentives proposed by the applicant or the county that will result in identifiable, financially sufficient, and actual cost reductions.

C. Additional parking incentives or concessions. An applicant may request alternative vehicular parking, in addition to other incentives or concessions provided in this Section.

D. Requirements for amendments or discretionary approval. The granting of an incentive or concession shall not be interpreted, in and of itself, to require a Comprehensive Plan amendment, Local Coastal Program Amendment, Development Code text amendment, Zoning Map amendment or other discretionary approval separate from the discretionary approval otherwise required for the project.

35.432.050 - Siting Criteria

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

A. Land use and development standards. All uses of land should comply with the regulations of the primary zone. In cases where conflict occurs between the primary zone standards and the provisions of the Density Bonus Program, the provisions of the Density Bonus Program shall apply except in the Coastal Zone, where the conflict shall be resolved in compliance with the provisions of the Coastal Land Use Plan.

B. Location of project. The site should be located within the existing Urban Boundary Line as shown on the Comprehensive Plan map.

C. Access to transportation. All proposed development should be sited to provide maximum access to transit and alternative transportation services and facilities.

D. Water and sewer service. Density bonus projects should be in areas served by municipal water providers and municipal sanitary service providers.

35.432.060 - Processing of Density Bonus and Incentive Request

A. Preliminary proposal and formal application. Consistent with Government Code Section 65915(d) and Section 35.432.040 (Allowed Incentives or Concessions) above, prior to the submittal of a formal application, an applicant should obtain pre-application and other preliminary consultations with the Department and other officials in order to obtain information and guidance before entering into binding

commitments and incurring substantial expense in the preparation of plans, surveys and other data. The preliminary consultation should relate to a specific development proposal that outlines the concept and characteristics of the project, and the application shall contain the following information. If no preliminary proposal is submitted, the applicant shall provide the following information at the time of formal application in addition to the County's standard application requirements. The County may, at its discretion, waive any of these submittal requirements.

1. **Site information.** The Assessor's Parcel Number, gross and net lot acreage, land use and zone designation of the project site.

2. **Number of units.** The total number of units proposed (not including the density bonus units).

3. **Density bonus units.** The number of density bonus units requested.

4. **Affordable units.** The number of very low income, low income, moderate income and/or senior units proposed.

5. **Incentives.** Any additional incentive requested.

6. **Financial information.** Complete financial information and projections for the project. The County may request and the applicant shall provide any additional information the County deems necessary to determine the financial feasibility of the income restricted units. The County may require the applicant to pay for a review by an independent consultant to assist the County in determining whether certain development incentives are necessary to make the income restricted units economically feasible.

7. **Site plan.** A site plan containing all required information as identified in the Department application for a site plan associated with a Coastal Development Permit (Section 35.472.050) for sites located in the Coastal Zone or Land Use Permit (Section 35.472.110) for sites located in the Inland area.

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

B. Affordable Housing (AH) overlay zone. The Affordable Housing (AH) overlay zone provides density bonus and other incentives for projects that provide a significant amount of affordable housing. Density bonuses and other development incentives granted pursuant to the AH overlay zone shall be inclusive of the incentives offered in this Section, and shall not be in addition to the development incentives offered in this Section.

C. Density bonus distribution. A project that includes multiple lots is not required to distribute the density bonus evenly over each of the lots. The density bonus units may be concentrated on only a portion of the project site with lower residential densities on other portions of the project site.

D. Affordable housing agreement. Prior to the issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) for a density bonus project, each project shall record an affordable housing agreement and resale and/or rental restrictive covenant, or other equivalent document approved as to form by County Counsel, which outlines:

1. The sales and/or rental prices for the various types of units to be established; and

2. Provisions for the sale, resale, renting and restrictions that will be applicable to the project and

which ensure the continued availability of units for purchase or occupancy by persons of very low, low and moderate incomes. All affordable units shall be restricted the maximum period allowed by Government Code Sections 65915 through 65918 or successor statute.

CHAPTER 35.434 - LANDSCAPING STANDARDS

Sections:

35.434.010 - Purpose
35.434.020 - Applicability
35.434.030 - Landscape Plans
35.434.040 - Landscape Agreement and Performance Security
35.434.050 - Agricultural (AG-I) Zone Landscaping Requirements
35.434.060 - Residential Zones Landscaping Requirements
35.434.070 - Commercial Zones Landscaping Requirements
35.434.080 - Special Purpose Zones Landscaping Requirements
35.434.090 - Landscaping Requirements for Parking Areas

35.434.010 - Purpose

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

35.434.020 - Applicability

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

35.434.030 - Landscape Plans

A. Landscape plans. Landscape plans shall be required in compliance with Section 35.434.050 through Section 35.434.090 below, as a condition of an approved project, and where a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits and Minor Conditional Use Permits) or a Development Plan in compliance with Section 35.472.080 (Development Plans) is required. A landscape design professional shall prepare landscape plans. Landscape plans shall be in compliance with the Department handout, "Landscape Plan and Performance Security Procedures."

B. Plan review.

1. **Director.** For landscape plans that do not require review and approval by the Montecito Board of Architectural Review in compliance with Subsection B.2 (Montecito Board of Architectural Review) below, the Director shall review the landscape plan and shall approve, conditionally approve, or deny the plan.

2. **Montecito Board of Architectural Review.** The Montecito Board of Architectural Review shall approve, conditionally approve, or deny:

   a. Landscape plans required by the Montecito Board of Architectural Review.

   b. Landscape plans that require review and approval of the landscape plan by the Montecito Board of Architectural Review as a condition of approval of a planning permit.

C. Duration. Landscaping shall be installed and permanently maintained in accordance with the approved landscape plan.

35.434.040 - Landscape Agreement and Performance Security

A. Landscape agreement and performance security required. Prior to the issuance of a Coastal

Development Permit in compliance with Section 35.472.050 (Coastal Development Permits), or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits), or a Zoning Clearance in compliance Section 35.472.190 (Zoning Clearances), a signed and notarized landscape agreement and a performance security that guarantees the installation of plantings, walls, and fences, in compliance with the approved landscape plan, and provides for adequate maintenance for a designated time period shall be filed with the Department in compliance with Section 35.474.020 (Performance Guarantees) and Section 35.474.070 (Post Approval Inspections).

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

35.434.050 - Agricultural (AG-I) Zone Landscaping Requirements

A. **Agricultural (AG-I) zone.** A landscape plan shall be approved for the following development within the AG-I zone:

1. A commercial hothouse, a greenhouse, or other plant protection structure shall require a landscape plan in compliance with the following:

a. **Plan requirements**. The plan shall include landscaping that, within five years, will reasonably screen the view of structures and onsite parking areas from adjacent public streets. The plan shall also include landscaping along all public streets. The landscaping shall consist of plant material compatible with existing plants and may include existing trees and plants on the property.

b. **Installation requirements**. Landscaping shall be completely installed prior to final Building Permit inspection..

c. **Maintenance requirements.** The landscape agreement shall guarantee the maintenance of the landscaping for a minimum of two years.

d. **Parking areas**. Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas) below.

35.434.060 - Residential Zones Landscaping Requirements

A. **Design Residential (DR) zone.** A landscape plan shall be approved for all development requiring a Development Plan within the DR zone. The landscape plan shall include, at a minimum, the following:

1. Uncovered parking areas shall be screened from the street and adjacent residences by hedges, dense plantings, shrubbery, solid fences or walls not less than four feet in height.

2. A landscape area with a minimum width of five feet shall be provided between all lot lines and any driveway or uncovered parking area except for areas provided for site access.

3. A landscape area with a minimum width of 10 feet shall be provided adjacent to the perimeter lot lines of a clustered residential development.

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

B. **Planned Residential Development (PRD) zone.** A landscape plan shall be approved for all development requiring a Development Plan within the PRD zone. The landscape plan shall include, at a minimum, the

following:

1. An adequate buffer area comprised of fencing/walls, plant materials, or any combination thereof shall be provided adjacent to any portion of a lot line that abuts property zoned other than PRD to protect adjacent properties from impacts of noise or lighting and to provide separation between different uses. The buffer area shall be depicted on any Preliminary or Final Development Plan associated with the development project.

2. Uncovered parking areas shall be screened from the street and adjacent residences by hedges, dense plantings, shrubbery, solid fences, or walls not less than four feet in height.

3. Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas).

35.434.070 - Commercial Zones Landscaping Requirements

A. Neighborhood Commercial (CN) zone. A landscape plan shall be approved for all development within the CN zone. The landscape plan shall include, at a minimum, those items listed below. The Montecito Commission may alter the landscaping requirements listed below where it finds that such alterations are warranted by topographic conditions.

1. A minimum of five percent of the net lot area shall be landscaped.

2. A landscape area with a minimum width of five feet and an ornamental wall not less than five feet in height extending to within 20 feet of the street right-of-way line of existing and proposed streets shall be provided adjacent to any portion of a lot that abuts a residential zone. The wall shall be reduced in height to three feet when located within a front setback area.

3. An ornamental masonry wall not less than three feet in height shall be provided along and located a minimum of three feet from any street right-of-way line that abuts the project site where the property on the opposite side of the street has a residential zone.

   a. The area between the wall and the street right-of-way line shall be landscaped.

   b. This requirement shall not apply to areas provided for site access.

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

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

1. An adequate buffer area with a minimum width of 10 feet comprised of fencing, walls, plant materials, or any combination thereof, shall be provided adjacent to any portion of a lot line that abuts a residential zone to protect adjacent properties from impacts of noise or lighting and to provide separation between residential and commercial uses. The buffer area shall be depicted on any Preliminary or Final Development Plan associated with the development project.

2. Cottage units shall be separated by landscaping to minimize the bulk and scale of development.

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

35.434.080 - Special Purpose Zones Landscaping Requirements

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

1. A landscape area with a minimum width of five feet shall be provided adjacent to any street right-of-way line except for areas provided for site access.

2. A landscape area with a minimum width of five feet and a masonry wall not less than six feet in height shall be provided adjacent to any portion of a lot line that abuts a residential or commercial zone.

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

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

1. Landscaping, fencing, and/or walls adequate to properly screen the facilities (e.g., tennis courts, concession stands, restrooms, and other structures) shall be provided when the lot is adjacent to a residential zone.

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

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

1. Landscaping shall not conflict with the safety and visibility requirements of Transportation Corridor uses.

2. Drought-tolerant native species shall be utilized to the maximum extent feasible.

3. To the maximum extent feasible, development, including expansions of the U.S. Highway 101, shall incorporate provisions for landscaping to preserve the scenic and visual amenities that exist along the affected transportation corridor, or to replace landscaping with comparable scenic and visual amenities. To the extent feasible, the existing historic landscaping scheme shall be preserved and maintained.

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

35.434.090 - Landscaping Requirements for Parking Areas

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

A. Screening between residential and nonresidential uses. Where nonresidential parking areas abut residentially zoned or developed property a wall or solid fence not less than five feet in height shall be constructed and maintained between the parking area and the adjoining residentially zoned or developed property.

B. Existing trees. The design of the parking area should make the best use of this growth and shade provided by existing trees on the project site.

C. Screening requirements and authority. Screening shall be provided adjacent to all lot lines consisting of a five-foot wide strip, planted with sufficient shrubbery to effectively screen the parking area, or a solid fence or wall not less than four feet in height. Fences or walls abutting streets shall be ornamental in texture, pattern, or shadow relief. Planting, fences, or walls abutting streets shall not exceed 30 inches in

height for a distance of 25 feet on either side of entrances or exits to the property. This requirement for screening may be waived or modified by the review authority if the adjacent property already has provided a solid wall not less than four feet in height.

D. Additional requirements for uncovered parking areas exceeding 3,600 square feet. When the total uncovered parking area on the project site (including adjoining lots over which the project has parking privileges) exceeds 3,600 square feet, the following shall be required, in addition to other provisions of this Section, as part of a landscape plan:

1. Trees, shrubbery, and ground cover shall be provided at suitable intervals in order to break up the continuity of the parking area. Planting islands for these trees and shrubs shall be protected from automobile traffic by either asphalt or concrete curbs.

2. Landscape islands shall be provided at the ends of all parking lanes.

CHAPTER 35.436 - PARKING AND LOADING STANDARDS

Sections:

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

35.436.010 - Purpose and Intent

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

35.436.020 - Applicability

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

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

A. **Change of use.** Upon the change of a use, the number of parking spaces to be provided shall be calculated according to the requirements of this Chapter for the new use. Previous parking modifications granted by the review authority shall be null and void.

B. **Addition to use or structure.** For additions to existing developments, the increased or decreased parking requirement shall be based on the aggregate total of the floor area and/or number of employees of existing and proposed structures and uses on the property.

35.436.040 - Required Number of Spaces: Agriculture Uses

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

Table 3-2 - Agriculture Parking Standards

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

35.436.050 - Required Number of Spaces: Residential Uses

Residential parking requirements shall be in compliance with the provisions in this Section, and in Section

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

Table 3-3 - Residential Parking Standards

Residential	Parking Spaces Required
One-family and two-family dwellings	2 covered spaces per dwelling unit and; 1 uncovered space per dwelling unit (1)
Multiple dwelling units - Single bedroom or studio dwelling unit	1 space per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 2 bedrooms	2 spaces per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 3 bedrooms or more	2.5 spaces per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Dormitories, boarding and lodging houses	1 space per 4 beds and; 1 space per 2 employees
Retirement and special care homes (3)	1 space per guest room and; 1 space per 2 employees
Guesthouse	1 space per guesthouse
Residential second dwelling unit	1 space per bedroom

Notes:

(1) A minimum of two covered or uncovered parking spaces shall be required for all additions, individually or combined with previous additions permitted subsequent to May 16, 1995 of less than 50 percent of the floor area of the principal dwelling as it existed as of May 16, 1995. One-family and two-family dwellings legally existing as of May 16, 1995 shall not be considered nonconforming solely because the parking required by this section is not provided.

(2) If located within a one-mile radius of the boundaries of a college or university, a minimum of 2 parking spaces shall be provided, one of which shall be covered.

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

35.436.060 - Required Number of Spaces: Nonresidential Uses

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

Table 3-4 - Nonresidential Parking Standards

Recreation, Education & Public Assembly Uses	Parking Spaces Required
Library, museum, art gallery, or similar use	1 space per 2 employees and; 1 space per 300 square feet of gross floor area
Religious institutions, school auditoriums, college auditoriums, theaters, general auditoriums, stadiums, mortuaries, lodges, halls, and other places of general assembly	With fixed seats - 1 space per 4 fixed seats Without fixed seats - 1 space per 30 square feet of auditorium floor space
Racquetball and tennis facility	1.5 spaces per court
School - College	1 space per 5 students and; 1 space per 3 employees
School - Day school or Nursery school	1 space per 10 students and; 1 space per 2 employees
School - Elementary and Middle School	1.5 spaces per teaching station
School - High School	6 spaces per teaching station
Spas, health clubs, etc.	1 space per 200 square feet of spa area and; 1 space per 500 square feet of area related to the spa facilities
Spectator seating	1 space per 5 seats or 1 space per 35 square feet of seating area

Swimming pools, public	1 space per 200 square feet of pool area and; 1 space per 500 square feet of area related to the pool facilities
Retail Trade	**Parking Spaces Required**
Furniture and appliance stores, hardware stores	1 space per 1,000 square feet of gross floor area
Restaurants, cafes, , etc.	1 space per 300 square feet of space devoted to patrons and; 1 space per 2 employees
Retail business and general commercial	1 space per 500 square feet of gross floor area
Services & Offices - Business, Financial, Professional	**Parking Spaces Required**
Business and professional offices e.g., banks, lawyers' offices	1 space for each 300 square feet of gross floor area
Hotels/motels	1 space per guest room and; 1 space per 5 employees
Medical services - extended care	1 space per 3 beds and; 1 space per 3 employees
Medical services - hospitals	1 space per 2 beds and; 1 space per 3 employees
Medical services - medical clinics, medical and dental offices	1 space per 200 square feet of gross floor area

35.436.070 - Standards for All Zones and Uses

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

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

B. Construction and design.

1. Parking areas shall be graded and drainage shall be provided so as to dispose of surface water without erosion, flooding, and other inconveniences or hazards.

2. Uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, or equivalent on a suitable base.

3. Parking spaces shall be marked and access lanes clearly defined. Bumpers and wheel stops shall be installed as necessary. Every stall designed to accommodate compact cars shall be clearly marked as a compact car stall.

4. Except for residential uses within the 20-R-1 through 7-R-1, and 7-R-2 zones, parking areas shall be designed so that no vehicle shall be required to encroach into a street or sidewalk when backing out of a parking space.

5. The design of parking areas shall not require the moving of a car to gain access to a required parking space unless the applicable zone regulations specifically allow tandem parking.

6. Parking areas serving uses operating at night shall be adequately lighted. Lighting shall be directed away from adjoining residences.

7. The design of parking spaces and the maneuvering space in connection with the spaces shall be in compliance with the requirements of Table 3-5 (Parking Dimensions: One-Way Traffic) and Table 3-6 (Parking Dimensions: Two-Way Traffic), below, and as illustrated in Figure 3-8 through Figure

3-10, below.

C. Driveways.

1. **Width, number, and location.** Unless otherwise provided in the specific, applicable zone, the width and number of driveways in relation to intersections, obstructions, other driveways, and property lines shall be in compliance with the engineering design standards adopted by the Board.

2. **Driveways to parking areas.** A driveway used for access to a parking area shall be a minimum of 10 feet wide in clear distance between any obstruction to vehicular traffic.

3. **Special requirements.** Upon recommendation of the Director or the Public Works Department, or upon their own initiative when considering a project, the Montecito Commission may place special requirements on an individual building site that will have the effect of reducing or increasing the number or width of driveways or prescribing their location on the building site when the Montecito Commission determines that special requirements either reduce or do not create traffic hazards or street parking problems. The imposition of these special requirements shall be final subject to appeal to the Board in compliance with Chapter 35.492 (Appeals).

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

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

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

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

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

I. Maintenance of minimum parking requirements. The minimum number of parking spaces required in this Chapter shall be provided and continuously maintained.

J. Maintenance of parking areas and parking spaces. A parking area or parking space provided for the purpose of complying with the provisions of this Chapter shall not be eliminated, reduced, or converted unless equivalent facilities approved by the review authority are provided elsewhere in compliance with this Chapter. The permit for the use for which the parking was provided shall immediately become void upon the failure to comply with the requirements of this Section.

K. Modifications of parking requirements. Modifications to the parking requirement may be granted, in compliance with Section 35.442.160 (Residential Second Units), Section 35.472.060 (Conditional Use Permits), Section 35.472.080 (Development Plans), Section 35.472.120 (Modifications), or Section 35.472.180 (Variances).

L. Parking requirement not listed. Where the parking requirement for a use is not specifically provided in this Chapter, the parking requirement shall be determined by the Director based upon the requirement for the most comparable use specified in this Chapter.

M. Size. Parking space sizes shall comply with the following standards:

1. Residential parking spaces shall be a minimum of 8.5 feet wide by 16.5 feet long.

2. Nonresidential parking spaces:

   a. Compact spaces shall be a minimum of 8 feet wide by 14.5 feet long.

   b. Standard spaces shall be a minimum of 9 feet wide by 16.5 feet long.

35.436.080 - Standards for Agricultural Zone and Uses

A. Marking or striping.

1. Agricultural developments not requiring Development Plan approval shall not be required to comply with design specifications for marking or striping, except for handicap parking spaces required under State and Federal law.

2. Agricultural development projects requiring Development Plan approval may request that the review authority waive certain design specifications for marking or striping otherwise required in Subsection 35.436.070.B.3 above.

B. Screening - Greenhouses. Onsite parking areas for greenhouses, and other plant protection structures located shall be screened from the view of adjacent public streets in compliance with Section 35.434.050 (Agricultural (AG-I) Zone Landscaping Requirements) and Section 35.434.090 (Landscaping Requirements for Parking Areas).

35.436.090 - Standards for Residential Zones and Uses

A. Location. Required residential parking spaces shall be provided on the same site that the dwelling is located. For dwelling units containing two or more bedrooms in multiple-family residential developments, spaces shall be located within 200 feet of the dwelling that the space serves.

B. Overnight parking of commercial vehicles, R-1/E-1 and R-2 zones. For one-family and two-family dwelling units located on property zoned either R-1/E-1 or R-2, not more than one bus or non-passenger motor vehicle or trailer used in commerce may be parked overnight on a lot. The bus, motor vehicle, or trailer shall not exceed two axles, four tons, or eight feet in height. This restriction shall not apply to the emergency overnight parking of disabled motor vehicles or trailers and the occasional overnight parking of moving vans, pickup, or delivery or construction vehicles or trailers when occasional overnight parking is reasonably serving the residential use of a particular lot.

C. Storage of oversized vehicles, Inland area, R-1/E-1 and R-2 zones. On property zoned either R-1/E-1 or R-2 zone, no portion of an actual yard shall be used for a period of 48 or more consecutive hours for the storage of motor vehicles over seven feet in height, trailers, airplanes, boats, campers, or camper shells, unless screened from the abutting streets and adjacent properties by landscaping, fencing, or walls. Within this subsection, the term "yard" is defined as an open space that lies between any principal or accessory building and the nearest lot line.

D. Tandem parking. Tandem parking shall be allowed on residentially zoned lots of 7,000 square feet or less.

E. Design Residential (DR) zone.

1. **Construction and design.** Parking areas shall be arranged to prevent through traffic to other parking areas.

2. **Landscape/screening of parking areas.** Uncovered parking areas shall be screened in compliance

with Subsection 35.434.060.A (Design Residential (DR) zone Requirements) and Section 35.434.090 (Landscaping Requirements for Parking Areas).

3. **Location.** Parking lots, carports, and garages designed and used for individual units within a development may be either adjacent to the units or centrally located to serve a group of units.

4. **Setbacks.** Uncovered parking areas shall not be located closer than 15 feet to the street right-of-way line and, five feet to any other property line.

F. Planned Residential Development (PRD) zone.

1. **Construction and design.** Parking areas shall be arranged to prevent through traffic to other parking areas.

2. **Landscape/screening of parking areas.** Uncovered parking areas shall be screened and landscaped in compliance with Subsection 35.434.060.B (Planned Residential Development (PRD) zone) and Section 35.434.090 (Landscaping Requirements for Parking Areas).

35.436.100 - Standards for Nonresidential Zones and Uses

A. Compact spaces. Thirty percent of the required parking for nonresidential uses may be provided as compact car spaces.

B. Location. For nonresidential structures or uses, the required parking spaces shall be provided within 500 feet of the principal structure, or site if there is no principal structure, as measured along streets excluding alleys.

C. Off-street loading facilities. Off-street loading facilities shall be in compliance with the following standards:

1. **Number of loading spaces.** For every newly constructed structure to be occupied by commercial uses requiring the receipt or distribution by vehicles of materials and merchandise (e.g., retail store, market, restaurant, hotel), one off-street loading space shall be provided for every 3,000 or more square feet gross floor area.

2. **Dimensions.** Each loading space shall not be less than 10 feet in width, 30 feet in length, and with an overhead clearance of 14 feet.

3. **Setback restrictions.** The space may not be located in any part of any required front or side setback.

4. **Safety.** The space shall be designed to ensure that it will not interfere with vehicular circulation, parking, or with pedestrian circulation.

D. Neighborhood Commercial (CN) zone. Required parking spaces shall be provided as follows:

1. On the same lot or premises as the main structure;

2. In public or private parking lots permanently committed to parking within 500 feet of the lot or premises on which the main structure is located as measured along streets not alleys.

E. Resort/Visitor Serving Commercial (CV) zone.

1. The Montecito Commission may require additional parking for projects that provide for public access to and use of recreational facilities or open space.

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

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

Table 3-5 - Parking Dimensions: One-Way Traffic
(All Dimensions in Feet)

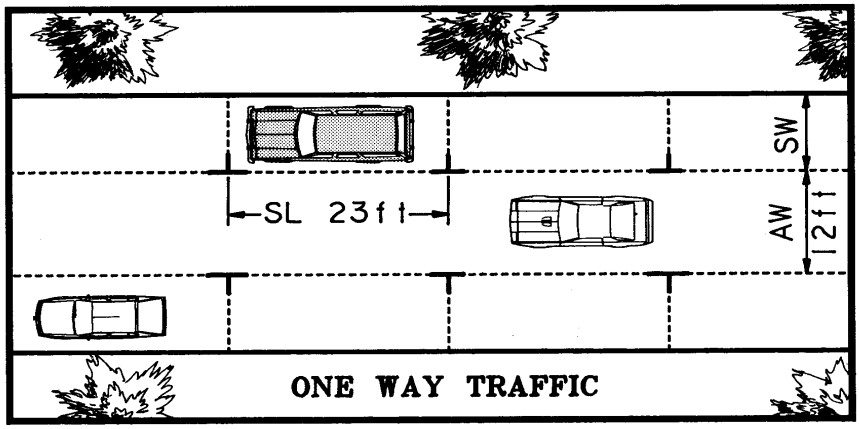
Angle	W1			W2			W3			W4		
	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width
30	24.0	25.0	25.0	36.0	38.5	38.5	33.5	36.0	36.0	31.0	33.0	33.0
35	24.5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

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

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

Angle	W1			W2			W3			W4		
	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width
30	32.0	33.0	33.0	44.5	47.0	47.0	42.0	44.5	44.5	39.5	41.5	41.5
35	33.0	34.0	34.0	46.0	40.5	40.5	44.0	46.0	46.5	41.5	43.5	43.5
40	33.5	35.0	35.0	47.5	50.5	50.5	45.5	48.0	48.0	43.0	45.5	45.5
45	34.5	35.5	35.5	48.5	52.0	52.0	47.0	50.0	50.0	45.0	47.5	47.5
50	35.0	36.5	36.5	50.0	53.0	53.0	48.0	51.0	51.0	46.5	49.0	49.0
55	35.5	37.0	37.0	50.5	54.0	54.0	49.0	52.5	52.5	47.5	50.5	50.5
60	35.5	37.0	37.0	51.5	55.0	55.0	50.0	53.5	53.5	48.5	52.0	52.0
65	35.5	37.5	37.5	51.5	55.5	55.5	50.5	54.0	54.0	49.5	52.5	52.5
70	36.0	37.5	37.5	51.5	55.5	55.5	51.0	54.5	54.5	50.0	53.5	53.5
75	36.0	38.5	37.5	51.5	56.5	55.5	51.0	56.0	54.5	50.0	55.0	53.5
80	36.0	41.5	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5
85	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5

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



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

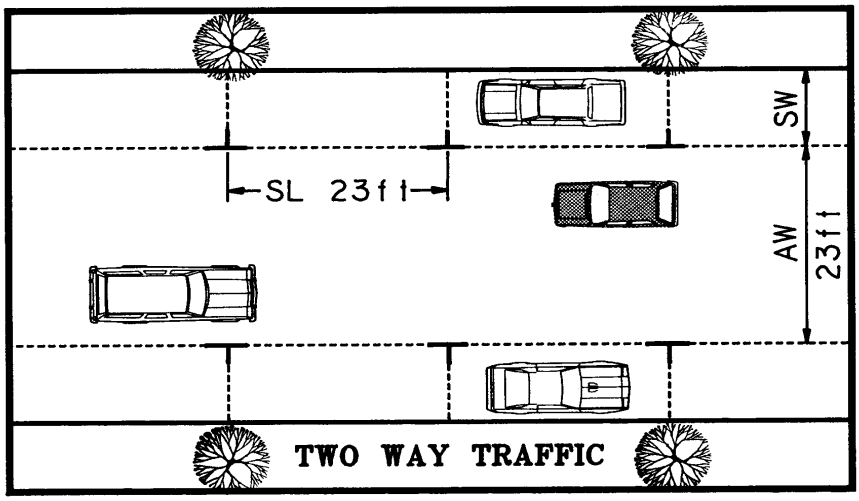


Figure 3-8 - Parallel Parking Diagram

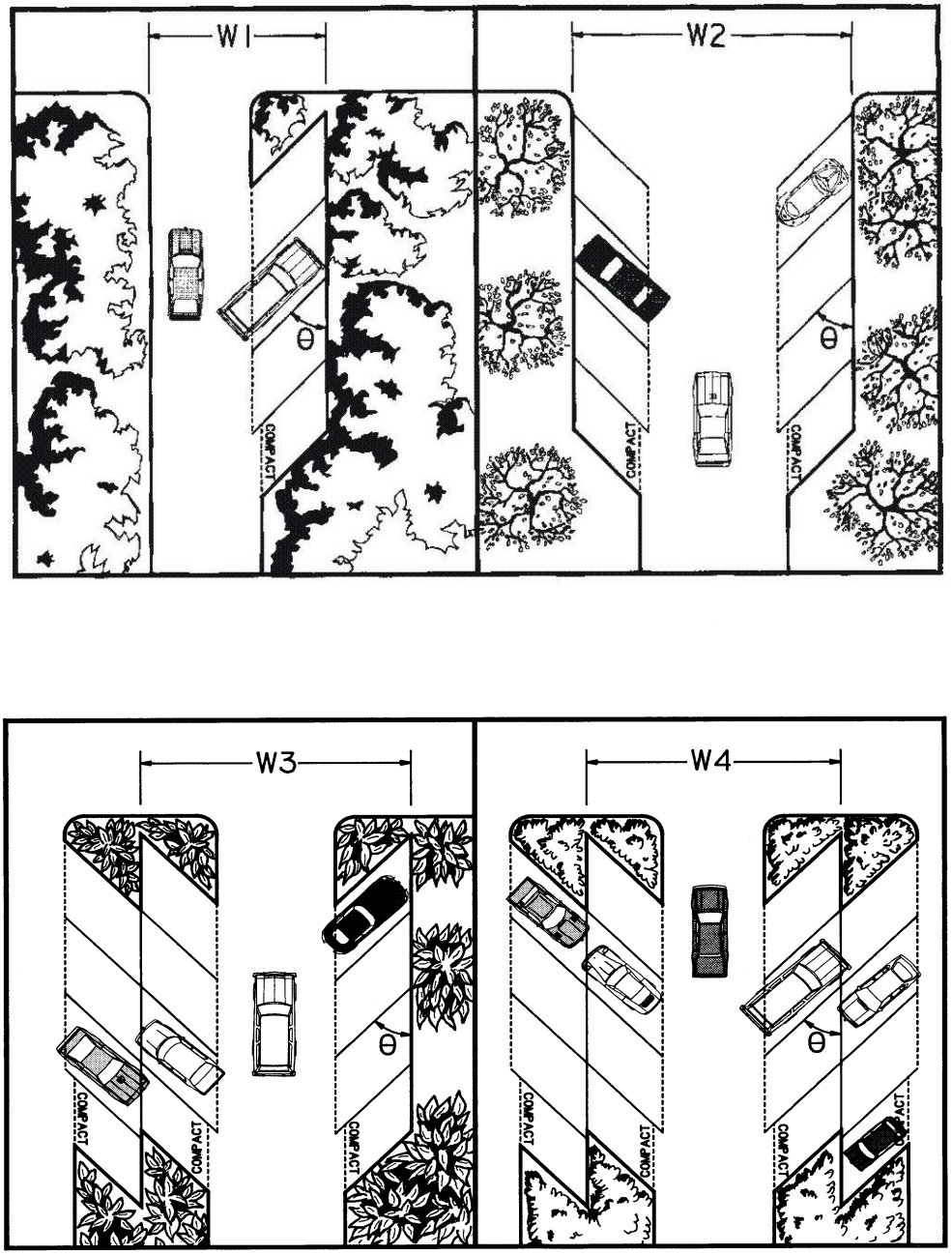


Figure 3-9 - Angle Parking One-Way Traffic Diagram

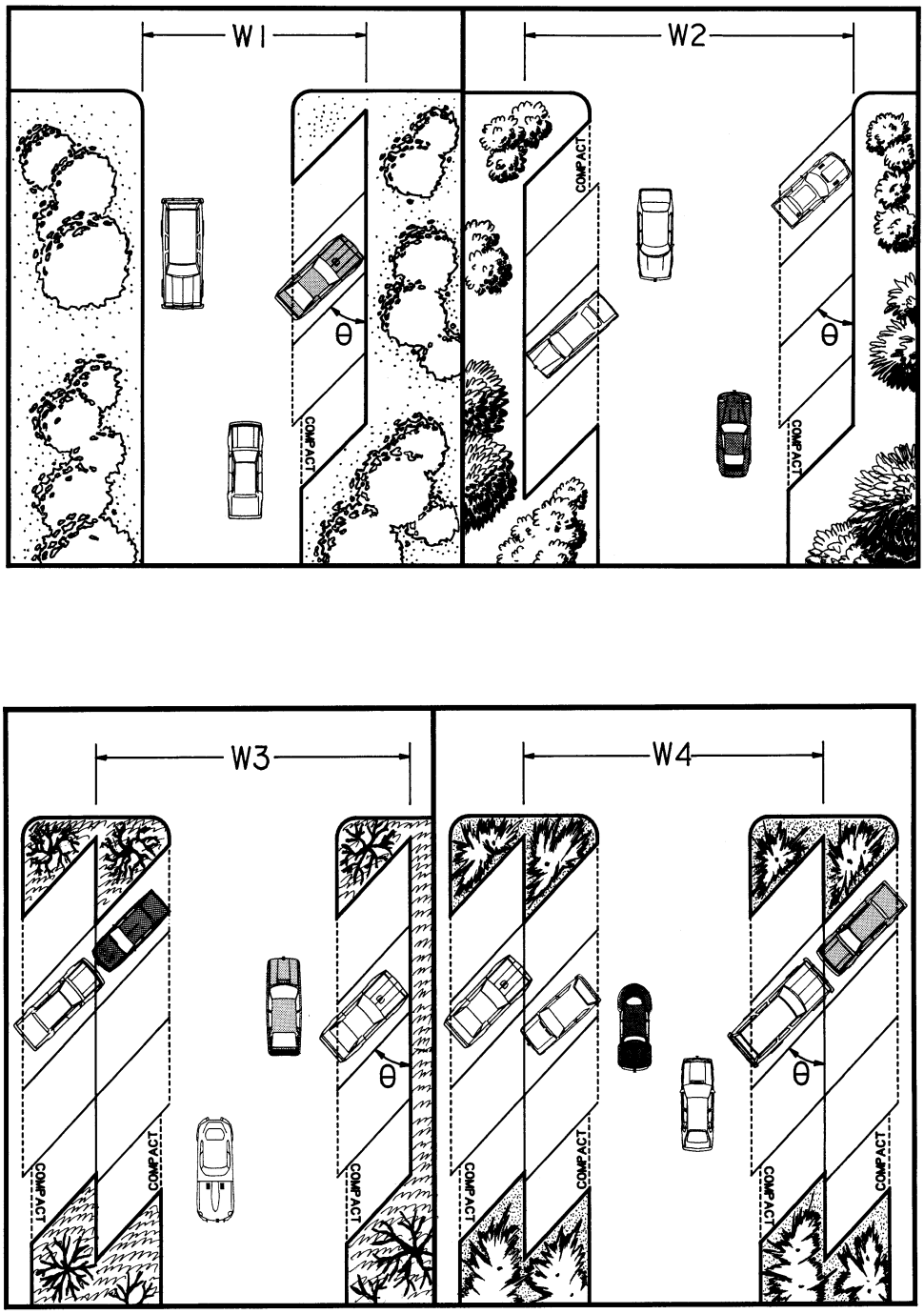


Figure 3-10 - Angle Parking Two-Way Traffic Diagram

CHAPTER 35.438 - SIGN STANDARDS

Sections:

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

35.438.010 - Purpose

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

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

35.438.020 - Prohibited Signs

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

A. Animated signs.

B. Marquee signs.

C. Portable signs.

D. Roof signs.

35.438.030 - Exempt Signs, Flags, and Devices

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

A. Flags of a governmental entity (e.g., United States, California, Santa Barbara County, municipalities within Santa Barbara County, other governmental entities).

B. Signs and devices erected by a governmental entity, including public schools.

C. Signs erected by a public utility or common carrier to warn of dangers (e.g., the location of underground facilities and railroad crossings).

D. Signs required to be maintained or posted by law or governmental order, rule, or regulation.

E. Signs located entirely within structures.

35.438.040 - Permit Requirements

A. Permit requirements.

1. Sign Certificates of Conformance required.

a. Except for the exempt signs identified in Section 35.438.030 (Exempt Signs, Flags, and Devices) above, and the signs identified in Subsection 1.c below, a sign shall not be erected, applied, installed, affixed, altered, relocated, or projected as an image and a copy shall not be changed without a Sign Certificate of Conformance issued in compliance with Section 35.472.150 (Sign Certificates of Conformance) and, if required, Section 35.472.130 (Overall Sign Plans).

b. Sign Certificates of Conformance are not required to change the copy in an approved changeable copy sign and off-site sign or to repair, maintain or clean an existing sign.

c. The following signs shall comply with the regulations of this Chapter but may be erected, installed, affixed, altered, or relocated without a Sign Certificate of Conformance:

(1) For sale, lease, or rent signs.

(2) Farm organization signs.

(3) Sale of farm products signs.

(4) Combination farm signs.

(5) Temporary identification signs for recorded subdivisions.

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

35.438.050 - Requirements for All Signs

A. Architectural projections and sign structures.

1. Architectural projections or sign structures shall not increase the number or area of allowed signs, nor shall they be used as a device that is, in itself, a sign, unless the sign is allowed under this Chapter.

2. Sign structures shall be free of unsightly supporting features (e.g., bracing, angle iron, guy wires, and cables).

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

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

D. Measuring sign height. The height of a sign is the vertical distance from the uppermost point used in

measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest.

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

35.438.060 - Signs Allowed in All Zones

A. Changeable copy signs.

1. Religious institutions. Each religious institution may be allowed one onsite changeable copy sign using perimeter lighting, not exceeding 24 square feet in area, and not exceeding a height of 10 feet above ground level.

2. Service stations. Service stations may utilize changeable copy only for displaying gas prices.

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

C. Directional and informational signs.

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

a. The content, design, shape and size, shall be subject to final approval by the Board; however, in no case shall such signs exceed 400 square feet in total area for any one sign.

b. The informational content of the sign shall be limited to the name of the area within the County, its distance from the sign and other directional and informational matter designed to inform the traveling public of the accommodations, points of interest, or resources existing in the area.

c. The sign shall not mention, or be used in any way to for the advertising of any individual business.

d. The sign shall be placed so as to be visible by the traveling public but shall not be placed as to interrupt a traveler's view of the skyline from the highway or obstruct any desirable view of the public from the highway.

e. Signs within 10 miles of any area or within 10 miles of the point of departure from the freeway to such area will be allowed in each of two directions from the area.

f. It is the Board's intention that such signs will be few in number, simple in content, no larger than is necessary to accomplish the purpose, aesthetically pleasing, and that they will genuinely add the public in providing needed information concerning County resources.

g. Such signs shall be constructed or installed only along freeways within the unincorporated area of the County.

h. Prior to any installation, construction, moving, removing, replacing, destruction, modification, or redesigning of any such official signs, the Board shall hold a public hearing in compliance with Chapter 35.496 (Noticing and Public Hearings).

2. Other directional and informational signs.

a. Subject to obtaining a Conditional Use Permit approved in compliance with Section

35.472.060 (Conditional Use Permits) that specifies the size and location of the directional and informational signs.

b. Limited to those which, in the opinion of the review authority, are necessary to direct or inform the public as to the location of:

(1) Publicly owned facilities.

(2) Governmentally (i.e., federal, state, county, or municipality) designated historical points of interest.

(3) Hospitals.

(4) Service Club Meetings.

(a) The review authority may require that the permittee erect a structure designed to hold more than one service club sign.

(b) The permittee shall allow additional service club signs to be placed on the same structure when so required by the review authority.

(5) Onsite or off-site parking areas if the location is not readily apparent to the public.

D. Entrance/exit signs. One onsite sign for each entrance and exit but not exceeding three feet in height and two square feet in sign area. The sign may be freestanding.

E. Institutional signs. Each facility shall be allowed one onsite institutional sign not exceeding 20 square feet in area.

F. Safety sign. Onsite signs, not exceeding two square feet in sign area, and subject to the approval of the Director as to the necessity for, number, location, and height of these signs.

G. Subdivision signs. For each subdivision of five or more lots where the Tentative Map has been approved by the County, the following signs shall be allowed.

1. One temporary onsite advertising sign.

a. Not exceeding 32 square feet in area.

b. Allowed for a one-year period.

2. One additional temporary onsite advertising sign.

a. Where the subdivision abuts upon two or more streets that do not intersect at or near the subdivision.

b. Subject to the same conditions as the first sign.

3. Not to exceed three temporary off-site directional and informational signs.

a. Each not exceeding 12 square feet in area.

b. Allowed for a one-year period.

4. One temporary lot identification sign.

a. For each undeveloped lot in the subdivision.

b. Not exceeding one square foot in area.

c. Containing only the subdivision lot number.

d. Allowed until the lot is sold.

35.438.070 - Signs Allowed in Agricultural Zones

A. Farm organization signs.

1. Two onsite signs.

2. Each sign not to exceed four square feet in sign area.

B. Sale of farm products signs.

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

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

C. Identification signs.

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

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

D. Combination farm signs.

1. One for each farm or ranch.

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

E. For sale, lease, or rent signs.

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

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

35.438.080 - Signs Allowed in Residential Zones

A. For sale, lease, or rent sign.

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

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

B. Identification sign.

1. Limited to wall signs.

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

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

C. Gate or entrance sign.

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

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

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

35.438.090 - Signs Allowed in Commercial Zones Outside of Shopping Centers

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

B. For sale, lease, or rent signs.

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

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

C. Wall signs.

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

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

   b. In the case where an enterprise occupies more than one floor of a structure, then the sign area shall not exceed one-eighth of the structure façade of that portion of one floor occupied by the enterprise.

   c. Each sign shall not exceed 100 square feet in sign area unless a Sign Modification is approved in compliance with Section 35.472.160 (Sign Modifications).

   d. For places of public entertainment or assembly where the public attraction is constantly changing (e.g., theaters, auditoriums, sports arenas) changeable copy may be used on a wall sign and wall signs may exceed the allowed size subject to the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).

D. Under canopy signs.

1. One for each enterprise having entrance under or offering service under the canopy.

2. Not exceeding six square feet in sign area.

3. Lower edge of the sign shall be at least eight feet above finished ground level.

E. Projecting signs.

1. One projecting sign on each street frontage consisting of only a symbol with or without words relating to the activity on the premises.

2. Shall not project more than three feet beyond the structure façade.

3. Shall not exceed three square feet in sign area.

4. The lower edge of the sign shall be at least eight feet above finished ground level.

5. Shall not be lighted.

F. Arcade signs.

1. One sign per street frontage may be located on an arcade where an arcade obstructs the view from the street of a wall sign located under the arcade and the arcade exists under a valid encroachment permit.

2. Shall not exceed 10 square feet in sign area.

3. Shall not be lighted.

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

1. Not to exceed two onsite, single face signs.

2. Limited to locations adjacent to a vehicle queuing lane for the service point of the drive-through restaurant.

3. Free-standing menu boards shall not exceed eight feet in height as measured from the finished elevation of the vehicle queuing lane.

4. Menu board wall signs shall not exceed the height of the eave of the roof over the wall on which the sign is located.

5. Not to exceed 36 square feet in the total combined area of both signs unless a Sign Modification is approved in compliance with Section 35.472.160 (Sign Modifications).

H. Freestanding signs.

1. One on each lot occupied by an enterprise, if the lot has a street frontage of at least 125 feet.

   a. Not more than two separate signs may be placed on each freestanding sign structure.

   b. If only one sign is placed on a freestanding sign structure, it shall not exceed 100 square feet in sign area.

   c. If two signs are placed on a freestanding structure, the lower sign shall not exceed 20 square feet in sign area, and the total area of both signs shall not exceed 100 square feet. The lower sign area may be a changeable copy sign or a multiple copy sign.

   d. The height of a freestanding sign shall not exceed 30 feet. Height shall be measured from the centerline of the improved portion of the public right-of-way to which the property has access and more specifically, from that point in the centerline that is closest to the sign. If the sign is located an equal distance from several centerlines, the 30 feet shall be measured from the highest of these centerlines.

   e. A part of the sign or supporting structure shall not project over the street right-of-way.

   f. The base of the supporting structure shall comply with the front setback of the applicable zone and shall be set back at least five feet from the street right-of-way.

   g. For places of public entertainment or assembly where the public attraction is constantly changing (e.g., theaters, auditoriums, sports arenas) changeable copy may be used whether one or two signs are placed on the freestanding sign. The sign may exceed the allowed size with approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).

35.438.100 - Signs Allowed in Shopping Centers

A. Conformance with Overall Sign Plan. All signs located within a shopping center, except service station signs, shall conform to an Overall Sign Plan approved in compliance with Section 35.472.130 (Overall Sign Plans). Signs for service stations may be allowed compliance with Section 35.438.090 (Signs

Allowed in Commercial Zones Outside of Shopping Centers) above.

B. Wall signs.

1. For each enterprise, one on each frontage or an area open to the public.

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

   b. In the case where an enterprise occupies more than one floor of a structure, then the sign area shall not exceed one-eighth of the structure façade of that portion of one floor occupied by the enterprise.

   c. Not to exceed a 100 square feet of sign area unless a larger sign area is allowed within an Overall Sign Plan approved in compliance with Section 35.472.130 (Overall Sign Plans).

   d. For places of public entertainment or assembly where the public attraction is constantly changing (e.g., theaters, auditoriums, sports arenas) changeable copy may be used whether one or two signs are placed on wall signs and wall signs may exceed the permitted size with approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).

C. Under canopy signs.

1. One for each enterprise having entrance under or offering service under the canopy.

2. Not to exceed six square feet in area unless otherwise provided in the Overall Sign Plan approved in compliance with Section 35.472.130 (Overall Sign Plans).

3. Lower edge of the sign shall be at least eight feet above finished ground level.

D. Projecting signs.

1. One for each enterprise on each street frontage to which the lot has access when specifically allowed in the Overall Sign Plan approved in compliance with Section 35.472.130 (Overall Sign Plans).

2. Sign copy shall consist of only a symbol, with or without words, relating to the activity on the premises.

3. Shall not project more than three feet beyond the structure façade.

4. Not to exceed three square feet in sign area.

5. Lower edge of the sign shall be at least eight feet above finished ground level.

6. Sign shall not be lighted.

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

1. Not to exceed two onsite, single face signs.

2. Limited to locations adjacent to a vehicle queuing lane for the service point of the drive-through restaurant.

3. Freestanding menu boards shall not exceed eight feet in height as measured from the finished elevation of the vehicle queuing lane.

4. Menu board wall signs shall not exceed the height of the eave of the roof over the wall on which the sign is located.

5. Not to exceed 36 square feet in the total combined area of both signs unless a larger area is allowed in compliance with Section 35.472.130 (Overall Sign Plans).

F. Freestanding signs.

1. One for each shopping center if the shopping center has a street frontage of at least 125 feet, not including any street frontage occupied by a service station.

2. Not more than one sign may be placed on each freestanding sign structure.

3. Sign shall only identify the shopping center and may not advertise or identify an enterprise or service conducted or merchandise sold within the shopping center.

4. Changeable copy shall not be used.

5. Sign shall not exceed 100 square feet in area.

6. The height of the sign shall not exceed 30 feet. Height shall be measured from the centerline of the improved portion of the public right-of-way to which the property has access and more specifically, from that point in the centerline that is closest to the sign. If the sign is located an equal distance from several centerlines, the 30 feet shall be measured from the highest of these centerlines.

7. No part of the sign or sign structure shall project over the street right-of-way.

8. The base of the supporting structure shall comply with the front setback of the applicable zone and shall be set back at least five feet from the street right-of-way.

9. More than one freestanding sign, a larger sign, or a higher sign may be allowed in compliance with Section 35.472.130 (Overall Sign Plans).

35.438.110 - Nonconforming Signs

A. Nonconforming signs. A sign that was lawfully erected and maintained before May 28, 1970 or the effective date of any applicable amendment to sign regulations of this Chapter, including predecessor ordinances, but that does not comply with the provisions of this Chapter or any amendments, is a nonconforming sign.

1. "Lawfully erected" shall include:

   a. Signs erected before a sign regulation was applicable to the property.

   b. Signs erected in compliance with the then applicable sign regulations, but for which a permit or other clearance was not required.

   c. Signs erected in compliance with an approved Development Plan, Sign Modification, Variance, or a Conditional Use Permit.

2. "Lawfully maintained" shall include:

   a. Signs maintained in compliance with the applicable sign regulations existing immediately before May 28, 1970, including signs maintained in compliance with Development Plans, Sign Modification, Variances, or Conditional Use Permits.

b. Signs maintained as nonconforming signs without a termination date under an operative amortization period.

3. "Nonconformance" may include:

a. Sign use.

b. Type of sign.

c. Height.

d. Location.

e. Number.

f. Size.

g. Failure to comply with an approved Overall Sign Plan for a shopping center.

4. "Nonconformance" does not include failure to obtain any permit or other clearance required at the time the sign was erected.

B. Abatement. Nonconforming signs may be continued and maintained for a nine-year period of amortization from the date of any amendment rendering them nonconforming. At the end of the nine-year amortization period, nonconforming signs lose their status as nonconforming signs and become illegal signs in violation of the provisions of this Chapter and shall be removed or brought into conformance by obtaining a permit, if allowed.

C. New signs during nine-year amortization period.

1. Outside of shopping centers and for service stations. In all zones, except for non-service station uses in shopping centers, during a nine-year amortization period for nonconforming signs, signs may be erected, installed, affixed, altered, relocated, applied, and projected as an image and copy may be changed on that lot, provided:

a. The signs will be in compliance with this Chapter.

b. When added together, the nonconforming and conforming signs on the lot will not exceed either the total number of signs or the total sign area for all signs allowed by this Chapter.

c. A Sign Certificate of Conformance, if required, is issued by the Director.

2. Within shopping centers, except for service stations, without an Overall Sign Plan. If an Overall Sign Plan has not been adopted for a shopping center, during a nine-year amortization period, signs may be erected, installed, affixed, altered, relocated, applied, and projected as an image and copy may be changed in the shopping center, and the signs or copy may be maintained for the remainder of the amortization period provided:

a. A Sign Certificate of Conformance, if required effective for the remainder of the nine-year amortization period is issued by the Director.

b. The signs, except for the nonconformance to an Overall Sign Plan, will be in conformance with this Chapter.

c. When added together, the nonconforming and conforming signs on the premises, either the premises of an individual business or those of the management controlled common premises, will not exceed either the total number of the signs or the total sign area for all signs allowed by this Chapter.

3. **Within shopping centers, with an Overall Sign Plan.** If an Overall Sign Plan has been adopted for a shopping center, during a nine-year amortization period for nonconforming signs, signs may be erected, installed, affixed, altered, relocated, applied, and projected as an image and copy may be changed in the shopping center, provided:

   a. A Sign Certificate of Conformance, if required is issued by the Director.

   b. The signs will be in compliance with this Chapter.

   c. When added together, the nonconforming and conforming signs on the premises, either the premises of an individual or those of the management controlled common premises, will not exceed the total number of signs or the total sign area for all signs allowed by this Chapter.

35.438.120 - Violations and Enforcement of Sign Regulations

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

B. **Enforcement.** Enforcement of the provisions of this Chapter shall be in compliance with Chapter 35.498 (Enforcement and Penalties).

DIVISION 35.4

Montecito Standards for Specific Land Uses

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Reserved

CHAPTER 35.440 - RESERVED

CHAPTER 35.442 - STANDARDS FOR SPECIFIC LAND USES

Sections:

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35.442.020 - Accessory Structures and Uses
35.442.030 - Agricultural Employee Dwellings
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35.442.050 - Automobile Service Stations
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35.442.160 - Residential Second Units
35.442.170 - Spa Facilities - Inland area
35.442.180 - Temporary Uses and Trailers

35.442.010 - Purpose and Applicability

A. **Purpose.** This Chapter provides site planning, development, and/or operating standards for certain land uses allowed by Division 35.2 (Montecito Zones and Allowable Land Uses) within individual or multiple zones that require special standards.

B. **Applicability.** A land use and/or activity addressed by this Chapter shall comply with the provisions of each Section applicable to the specific use, in addition to all other applicable provisions of this Development Code.

1. **Where allowed.** The uses that are subject to the standards in this Chapter shall be located only where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses).

2. **Planning permit requirements.** The uses that are subject to the standards in this Chapter shall be authorized by the planning permit required by Division 35.2 (Montecito Zones and Allowable Land Uses), except where a planning permit requirement is established by this Chapter for a specific land use.

3. **Development standards.** The standards for specific uses in this Chapter supplement and are required in addition to those in Division 35.2 (Montecito Zones and Allowable Land Uses) and Division 35.3 (Montecito Site Planning and Other Project Standards). In the event of any conflict between the requirements of this Chapter and those of Division 35.2 or Division 35.3, the requirements of this Chapter shall control. Within the Coastal Zone, conflicts shall be resolved in a manner which on balance is the most protective of significant coastal resources.

35.442.020 - Accessory Structures and Uses

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

B. Development standards.

1. Sequence of construction. Except in agricultural zones, accessory structures shall not be constructed on a lot until construction of the principal structure has begun or the principal use has been established and commenced, and an accessory structure shall not be used unless the principal structure on a lot is also being used or the principal use has been established and commenced.

2. Standards for attached structures. An accessory structure attached to the principal structure shall comply with the use, setback, and height requirements applicable to the principal structure.

3. Height restrictions. Accessory structures shall conform to the following height limits:

a. Accessory structures other than barns and stables. The height limit for accessory structures other than barns and stables is 16 feet unless located in the rear setback, in which case the height limit is 12 feet.

b. Barns and stables. Barns and stables shall comply with the height limit of the applicable zone unless located in the rear setback, in which case the height limit is 12 feet.

c. Fences and walls. See Section 35.430.070 (Fences and Walls) for height limits for fences and walls.

d. Guesthouses, artist studios and cabañas. See Section 35.442.120 (Guesthouses, Artist Studios, and Cabañas) for height limits for guesthouses, artist studios and cabañas.

e. Residential second units. See Section 35.442.160 (Residential Second Units) for height limits for residential second units.

f. Telecommunication facilities. See Chapter 35.444 (Telecommunications Facilities) height limits and exception for commercial and noncommercial telecommunication facilities.

4. Setback requirements. Accessory structures, including swimming pools, spas, and appurtenant equipment, shall comply with the front and side setback requirements of the applicable zone unless otherwise specifically allowed in compliance with this Development Code.

a. Location in rear setback. An accessory structure, other than guesthouses, artist studios and cabañas (Section 35.442.120), and residential second units (Section 35.442.160) may be located in the required rear setback provided that:

(1) It is not attached to the principal structure.

(2) It is not located closer than 10 feet to the principal structure.

(3) It does not exceed 30 percent of the required rear setback.

(4) It does not exceed a height of 12 feet.

(5) 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.

(6) A swimming pool, spa, and appurtenant equipment shall not be located closer than five feet to any property line.

(7) An accessory structure may otherwise be located adjacent to the rear property line provided that all other provisions (e.g., building code or fire code requirements for separation between structures) are complied with.

b. Corner lot setbacks. Accessory structures located on a corner lot having a width of less than 100 feet shall not be located closer to the front line of the lot than the principal structure on that lot.

c. Swimming pools and spas in setback area. Swimming pools, spas, and appurtenant equipment shall not be located in the required front or side setback areas and shall not be closer than five feet to any property line.

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

6. Gross floor area and footprint limitations. Accessory structures, excluding barns and stables, containing one or more accessory uses shall not exceed a building footprint area of 800 square feet, as measured to the interior surface of exterior perimeter walls. For the purposes of this Subsection, footprint refers to how the building sits on the ground as viewed perpendicularly from above, and includes any cantilevered portions of the structure. This limitation shall not apply to projects that received preliminary or final design review approval from the Board of Architectural Review and had not been constructed as of May 16, 1995.

7. Plumbing devices.

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

(1) A counter area with a maximum total length of seven feet.

(2) The counter area may include a bar sink.

(3) The counter area may include an overhead cupboard area not to exceed seven feet in length.

(4) The counter area shall be located against a wall, or if removed from the wall, it shall not create a space between the counter and the wall of more than four feet in depth. The seven foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.

(5) Refrigerators are limited to an under-counter unit located within the counter area.

(6) No cooking facilities (e.g., ovens including microwave ovens, hot plates) shall be included in the wetbar area.

b. Other accessory structures. Plumbing devices in accessory structures shall be limited to toilets and washbasins, and no bathing facilities or wetbars shall be allowed, unless specifically otherwise allowed by this Development Code.

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

9. Determination that an accessory structure constitutes a dwelling.

a. An accessory structure, or portion of a structure, including guesthouses, artist studios and cabañas, may be determined to constitute a dwelling by the Director when it:

(1) Is configured or occupied for residential purposes, whether permanent or temporary.

(2) Contains elements evidencing separate residential occupancy.

b. Elements to be considered by the Director include:

(1) Proximal arrangement and various combinations of

(a) Bathing facilities.

(b) Closets.

(c) Countertops or cupboards.

(d) Dishwashers.

(e) Exterior entrances.

(f) Exterior staircases.

(g) Garbage disposals.

(h) Interior locking doors.

(i) Sleeping lofts.

(j) Toilets and sinks or bar sinks.

(2) Separate address/mail box designations.

(3) Separate balconies, decks, patios or yards.

(4) Separate cable lines, phone lines or utility lines.

(5) Separate carports, garages or parking areas (covered or uncovered).

(6) Other elements at the discretion of the Director.

c. Issuance of a building permit or other approval shall not, of itself, establish that a structure, or portion of a structure, is not a dwelling unit.

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

35.442.030 - Agricultural Employee Dwellings

A. Purpose and applicability. This Section provides standards for agricultural employee dwellings, where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses).

B. Uses allowed with a Conditional Use Permit. Additional dwellings housing up to, but not exceeding, four employees of the owner or lessee of the land engaged full-time in agriculture on the farm or ranch upon which the dwelling is located, are allowed, provided:

1. The applicant can document the existing and proposed agricultural use of the land and demonstrate

a need for additional dwellings to support the use; and

2. The applicant provides proof of the full-time employment of the employees. Said proof shall be to the satisfaction of the Department in the form of any one or combination of the following:

   a. Employer's income tax return.

   b. Employee's pay receipts.

   c. Employer's DE-3 form.

   d. Employee's W-2 form.

   e. A notarized contract between the permittee and the employee which delineates work to be performed and wages to be received.

   f. Other option approved by the Director.

35.442.040 - Animal Keeping

A. Purpose and intent. This Section identifies the locations, types, and numbers of animals that may be kept, and the methods by which animals shall be kept, raised and maintained, under the circumstances specified. The intent of this Section is to ensure that animal keeping does not create an adverse impact on adjacent properties (e.g., dust, fumes, insect infestations, noise, odor, pollution of streams, creeks and wetlands due to soil erosion and sedimentation, propagation of flies and other disease vectors, visual blight) by providing standards for maintaining animals.

B. Applicability. This Section applies to any keeping of animals as either an accessory and incidental use or principal use, except for pet stores, animal clinics, animal hospitals and veterinarian offices. This Section shall not apply to animals that are less than six months in age.

C. In general.

1. Animal keeping uses shall comply with the standards in Subsection F. (Specific animal keeping standards) below, and other applicable standards and requirements of this Development Code.

2. Animal keeping activities are subject to the requirements of this Section regardless of whether a permit is required.

3. Additional permits may be required by other provisions of this Development Code for structures used to enclose or house animals.

4. Certain animal keeping activities may also be subject to the permit requirements of County departments other than the Department in compliance with the County Code.

D. Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping. Table 4-1 through Table 4-4 identifies the type of animal or animal keeping activity allowed in each zone, the permit requirements, the maximum allowable number of animals per lot, and the minimum required site area. Where the last column in a table ("Additional Regulations") includes a Section number, the referenced Section may establish other requirements and standards applicable to the animal keeping activity.

E. Use of property for animals different in species or greater in number. In all zones, a lot may be used for the keeping of animals that are of a different species than those identified in Table 4-1 through Table 4-4 or where the number of animals is greater than that specified in Table 4-1 through Table 4-4 in compliance with a Conditional Use Permit approved in compliance with Section 35.472.060 (Conditional Use Permits).

F. Specific animal keeping standards. The following requirements apply to the keeping of animals identified in Subsection D. (Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping) above, in addition to other applicable standards of this Section and Development Code.

1. Household pets. Where allowed in Table 4-1 through Table 4-4, household pets shall be kept in compliance with the following standards:

a. The keeping of household pets shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs

b. There shall be no more than three dogs permitted on a single lot.

c. Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.

d. The keeping of such animals shall not be injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.

e. Enclosures for such animals shall be located no closer than 25 feet to any dwelling located on another lot.

f. No rooster or peacock shall be kept or raised on the lot.

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

a. Accessory use.

(1) The animal keeping shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs.

(2) The animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.

b. Animal enclosures for large animals.

(1) No stable, barn or other enclosure for large animals (e.g., paddock, corral) shall be located on a single lot having a gross area of less than 20,000 square feet.

(2) No portion of a stable, barn or other enclosure for large animals shall be located closer than:

(a) 40 feet to any dwelling located on another lot.

(b) 70 feet to any street centerline and 20 feet to any street right-of-way.

(c) 15 feet from the rear property line.

(d) 10 feet from the side property lines.

(e) 10 feet from the property lines of an interior lot.

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

d. Small non-hoofed animals. Small non-hoofed animals (e.g., bees, chickens, birds, ducks,

rabbits) may be allowed provided that:

(1) The keeping of such animals is not injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.

(2) Enclosures for such animals shall be located no closer than 25 feet to any dwelling located on another lot.

(3) Within the Coastal Zone, no rooster or peacock shall be kept or raised in a residential zone except on a lot of one acre (gross) or more where all adjoining lots are of equivalent size or larger.

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

f. Storage and disposal of animal waste. Animal waste shall be removed and disposed of or stored in a manner that prevents unsanitary conditions and breeding of flies. Manure shall not be allowed to accumulate so as to cause as hazard to the health, welfare, or safety of humans and animals, or to contaminate surface or subsurface water quality.

g. Erosion and sedimentation control. In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel. In the event such sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement in compliance with Chapter 35.498 (Enforcement and Penalties).

i. Drainage. Where livestock are kept in enclosed corrals or barns, provisions shall be made for proper drainage and control of runoff to prevent stagnant, standing water, or the flow of contaminated water in surface or subsurface water supplies.

3. Special standards and requirements for animal keeping in the RMZ zone. In the RMZ zone, except for agricultural grazing, animal keeping shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs and shall be limited to non-commercial uses only.

4. Wildlife species rehabilitation. The rehabilitation of wildlife species that commonly occur within the County is allowed in all zones subject to the following requirements. For the purposes of this Section, the rehabilitation of wildlife species shall mean the provision of nursing care to sick or injured wildlife prior to returning the animal to the wild.

a. Permit requirements. No permit is required for wildlife species rehabilitation activities except that permits may be required by other provisions of this Development Code (e.g., for structures used to enclose or house animals) and by other chapters of the County Code. However, such structures shall not be allowed on lots zoned RMZ.

b. Development standards. Wildlife species rehabilitation activities shall comply with the standards of Subsection 2.b, Subsection 2.e, and Subsection 2.f, above.

c. Cessation of wildlife rehabilitation activities. The wildlife species rehabilitation shall be conducted in a manner that is not injurious to the health, safety, or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department. If the Director determines that the wildlife species rehabilitation is injurious to the health, safety, or welfare of the neighborhood and/or

does create offensive noise or odor, the Director may order the cessation of the wildlife species rehabilitation activities. The decision of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).

G. Multiple animal types. More than one species of animals allowed in compliance with Subsection D. may be kept on a single lot provided that:

1. The requirements of Subsection D and Subsection F and all other applicable provisions of this Section are satisfied for each species.

2. Where multiple proposed animal species have equivalent animal density requirements (maximum number of animals per lot) established by Subsection D., the total number of animals shall not exceed the density requirement (e.g., in the R-1/E-1 zone, cattle and horses are both limited to a density of one animal per 20,000 square feet of site area with a maximum of five such animals per lot. A lot with two acres could have as many as four horses or cows, or any combination of horses and cows, as long as the total did not exceed four.)

Table 4-1

Animal Keeping in Agricultural and Resource Protection Zones: AG-I, RMZ

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal Permit required
CUP	Conditional Use Permit required
S	Permit requirement set by Specific Use Regulations
—	Use not allowed

Type of Animal or Animal Keeping Activity	Zone and Permit Requirement (1)		Maximum Number of Animals per Lot (2)	Additional Regulations
Cattle, not involving a commercial livestock feed or sales yard, or dairy; horses; llamas, mules and alpacas; ostriches (3)	AG-I	E	1 animal per 20,000 sf	
	RMZ	E	None	35.442.040.F.3
Commercial boarding and raising of animals	AG-I	CUP	None	
	RMZ	—		
Dogs (3)	AG-I		3	
	RMZ			
Goats and sheep (3)	AG-I	E	3 animals per 20,000 sf	
	RMZ	E	None	35.442.040.F.3
Hogs and swine (3)	AG-I	E	3 animals per 20,000 sf: maximum 3 per lot	
	RMZ	E	None	35.442.040.F.3
Household pets	AG-I	E	None	35.442.040.F.1
	RMZ	E		
Kennel, Commercial	AG-I	CUP	None	
	RMZ	—		
Kennel, Non-Commercial (3)	AG-I	E	None	
	RMZ	E		35.442.040.F.3
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits (3)	AG-I	E (4)	None	
	RMZ	E		35.442.040.F.3
Wildlife species rehabilitation	AG-I	E	None	35.442.040.F.4
	RMZ	E		

Notes:
(1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., AG-I and AG-I CZ).
(2) See Subsection 35.442.040.G (Multiple animal types) above.
(3) Does not include commercial boarding or raising of animals where such services are offered to members of the public.
(4) Exempt "E" only if limited to reasonable family use on a non-commercial basis. CUP required if constitutes a commercial operation.

Table 4-2

Animal Keeping in Residential Zones: R-1/E-1, R-2, DR, PRD

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal Permit required
CUP	Conditional Use Permit required
S	Permit requirement set by Specific Use Regulations
—	Use not allowed

Type of Animal or Animal Keeping Activity	Zone and Permit Requirement (1)		Maximum Number of Animals per Lot (2)	Additional Regulations
Cows, goats, horses, mules and similar size animals, not kept for commercial purposes (3)	R-1/E-1	E	1 animal per 20,000 sf; maximum 5 animals per lot (4)	35.442.040.F.2
	R-2	E		
	DR	E		
	PRD	—		
Dogs (3)	R-1/E-1			
	R-2			
	DR			
	PRD			
Goats and sheep (3)	R-1/E-1	E	1 animal per 20,000 sf; maximum 5 animals per lot (4)	35.442.040.F.2
	R-2	E		
	DR	E		
	PRD	—		
Hogs and swine (3)	R-1/E-1	E	1 animal per 20,000 sf; maximum 5 animals per lot (4)	
	R-2	E		
	DR	E		
	PRD	—		
Household pets	R-1/E-1	E	35.442.040.F.1	35.442.040.F.1
	R-2	E		
	DR	E		
	PRD	E		
Kennel, Commercial	R-1/E-1	—		
	R-2 /	—		
	DR	CUP	None	
	PRD	—		
Kennel, Non-Commercial (3)	R-1/E-1	CUP	None	
	R-2	CUP		
	DR	CUP		
	PRD	—		
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits (3)	R-1/E-1	E	None	35.442.040.F.2
	R-2	E		
	DR	E		
	PRD	—		
Wildlife species rehabilitation	R-1/E-1	E	None	35.442.040.F.4
	R-2	E		
	DR	E		
	PRD	E		

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

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

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

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

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

35.442.050 - Automobile Service Stations

A. Purpose and applicability. This Section establishes standards for automobile service stations, where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses).

B. Development standards.

1. Gas or gasoline shall not be stored above ground.

2. The sale of new or used automobiles, trailers, boats, and other products not related to motorist needs shall not be allowed.

3. Tire recapping, battery repair or rebuilding, radiator repair, and steam cleaning shall not be allowed.

35.442.060 - Caretaker or Employee Housing

A. Purpose and applicability. This Section provides standards for caretaker or employee housing, not including agricultural employee dwellings (see Subsection 35.421.060.A. (Agricultural employee dwellings)) where allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).

B. Development standards. Caretaker or employee housing shall be occupied by the owner, manager or

caretaker of the lot who oversees or operates the principal use of the property or provides security (e.g., night watchmen).

35.442.070 - Community Care Facilities

A. Purpose and applicability. This Section establishes standards for community care facilities where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses). Community care facilities shall be in operated in compliance with State law and in a manner that recognizes the needs of community care operators and minimizes the effects on surrounding properties. Licensing by the California Department of Social Services is required for community care facilities.

B. Family day care.

1. **Small family day care facilities.** Small family day care homes shall be considered a residential use and may be allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses) if the provider has obtained a license or a statement of exemption from licensing requirements from the California State Department of Social Services in compliance with State law.

2. **Large family day care facilities.** Large family day care homes shall be considered a residential use and may be allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses) subject to the following standards:

   a. The provider shall have a license or a statement of exemption from licensing requirements from the California State Department of Social Services in compliance with State law.

   b. The property shall be located more than 300 feet from another large family day care facility and approval shall not result in over concentration.

   c. The review of large family day care homes in compliance with this Section shall be a ministerial action exempt from the requirements of the California Environmental Quality Act unless the approval is subject to approval of a Coastal Development Permit within a Geographic Appeals Area within the Coastal Zone.

   d. Notice of Coastal Development Permit or Land Use Permit approval shall be provided in compliance with Chapter 35.496 (Noticing and Public Hearings) and shall be mailed to property owners within a 300-foot radius of the site at permit approval.

C. Child care centers.

1. **Nonresidential child care centers.** Nonresidential child care centers shall comply with the following standards:

   a. Coastal Zone. Within the Coastal Zone, nonresidential child care centers shall comply with the following standards.

   (1) The provider shall obtain a license or a Statement of Exemption from licensing requirements from the California State Department of Social Services in compliance with State law.

   (2) Outdoor play areas shall be separated from abutting uses by a solid masonry wall not less than four feet in height.

   (3) The child care center shall be compatible with onsite and abutting commercial uses, as determined by the Department.

(4) The number of students shall not exceed 30 and the total gross square footage of the facility including outdoor play areas shall not exceed 5,000 square feet.

(5) The ambient noise level of the proposed location for the child care center shall not exceed those standards in the Noise Element for sensitive land uses (e.g., residences and schools).

(6) The review of nonresidential child care centers in compliance with this Section, when allowed by a Coastal Development Permit, shall be a ministerial action exempt from the requirements of the California Environmental Quality Act unless the approval is subject to approval of a Coastal Development Permit within a Geographic Appeals Area within the Coastal Zone.

(7) Notice of Coastal Development Permit approval shall be provided in compliance with Chapter 35.496 (Noticing and Public Hearings) and shall be mailed to property owners with a 300-foot radius of the site at permit approval.

(8) When allowed as accessory to a permitted use, the following additional development standards shall apply:

(a) The child care center is for the use by the onsite employees of the development; and

(b) The child care center is located to ensure compatibility with other permitted uses on the project site and on adjacent lots.

b. **Inland area**. Nonresidential child care centers that are accessory and subordinate to the permitted uses shall comply with the following standards:

(1) **Location and design.** Non-residential child care facilities shall be sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent lots.

(2) **DR and PRD zones.** Non-residential child care centers in the DR and PRD zones shall be for use by onsite residents and/or employees of the development.

(3) **CN and CV zones.** Non-residential child care centers in the CN and CV zones shall be for use by onsite employees of the development.

2. **Residential child care centers**. Residential child care centers shall be allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses) if the provider is eligible to obtain a license or a statement of exemption from licensing requirements from the California State Department of Social Services in compliance with State law.

D. Special care homes.

1. In general.

a. Structural installations that are necessary to accommodate disabled residents (e.g., ramps, lifts, handrails) in compliance with the Fair Housing Act shall be allowed without having to obtain a Variance or Modification if otherwise required.

b. The application and the requirements of this Development Code may be waived by the review authority if necessary to comply with the Federal and/or State Fair Housing and Disability Laws relating to accommodation for persons with disabilities.

2. Special care homes serving six or fewer clients.

a. Considered a residential use. In compliance with California Health and Safety Code Section 1566, special care homes serving six or fewer clients are considered a residential and not a commercial use of property, and the clients and operators of the facility shall be considered a family. For the purposes of this Development Code, special care homes serving six or fewer clients are considered a dwelling and shall be allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses). No Conditional Use Permit, Variance, or planning permit shall be required which is not required of a dwelling of the same type in the same zone.

b. Allowable restrictions. Restrictions on structure height, setbacks, lot dimensions or placement of signs may be applied as long as such restrictions are identical to those applied to other dwellings of the same type in the same zone.

c. Fees. Such facilities shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other dwellings of the same type in the same zone are not likewise subject.

d. Ministerial action.

(1) The review of special care homes serving six or fewer clients shall be a ministerial action exempt from the requirements of the California Environmental Quality Act, unless the approval is subject to approval of a Coastal Development Permit within a Geographic Appeals Area within the Coastal Zone.

(2) When a special care home serving six or fewer clients is proposed to be located in a zone where the residential use requires a Conditional Use Permit, an additional Conditional Use Permit is not required for the special care home if the residential use has obtained the necessary Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).

3. Special care homes serving seven or more clients.

a. Considered as residential use. A special care home serving seven or more clients shall be required to obtain a Conditional Use Permit in compliance with Section 35.472.070 (Conditional Use Permits) prior to the operation of the special care home.

b. Development standards.

(1) There shall be only a single kitchen.

(2) Off-street parking shall be provided in compliance with Chapter 35.436 (Parking and Loading Standards).

35.442.080 - Conference Centers - Coastal Zone

A. Purpose and applicability. This Section provides standards for conference centers within the Coastal Zone where allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).

B. Conference centers.

1. Prohibited uses. A conference center shall not be used for sales promotional groups or for groups assembled primarily for social purposes.

2. Time limits. Conference centers may be used by persons assembled for periods of time not to

exceed 60 days. The 60-day limitation may be extended in special circumstances by the Board on recommendation by the Montecito Commission.

35.442.090 - Crematoriums, Funeral Homes and Mortuaries - Coastal Zone

A. Purpose and applicability. This Section provides standards for the operation of crematoriums, funeral homes, and mortuaries within the Coastal Zone where allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).

B. Locations where allowed. Crematoriums, funeral homes, and mortuaries may be allowed in the following locations subject to the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits):

1. Within cemeteries operating under a valid use permit.

2. On any lot abutting a cemetery.

C. Architectural design. The architectural design of structures shall be compatible with neighboring residential structures.

D. Signs. Signs may be allowed in compliance with Chapter 35.438 (Sign Standards) and shall be unobtrusive.

E. Parking. Adequate off-street parking area shall be provided for funeral procession assembly areas.

35.442.100 - Drive-through Facilities

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

B. Standards.

1. A drive-through facility shall be accessory to a permitted use where allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).

2. A drive-through facility shall have no greater adverse impact upon air quality than the same use without the drive-through facility.

35.442.110 - Greenhouses

A. Purpose and applicability. This Section provides standards for the establishment of greenhouses, where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses).

B. Greenhouses in the AG-I zone. The following requirements and standards shall apply to greenhouses and greenhouse related development (e.g., packing sheds, storage areas):

1. Development Plan required. Approval of a Development Plan shall be required in compliance with Section 35.472.080 (Development Plans) for greenhouses and greenhouse related development that are 20,000 square feet or more in area and all additions, which when added to existing development, total 20,000 square feet or more.

2. Landscaping. Landscaping plans shall be required in compliance with Section 35.434.050 (Agricultural (AG-I) Zone Landscaping Requirements).

3. Lot coverage. The maximum net lot coverage for all greenhouses and greenhouse related development shall be as follows:

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

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

C. Greenhouses in residential zones.

1. **300 square feet or less in size.** In the R-1/E-1, R-2, and DR zones, the following standards shall apply to greenhouses not exceeding 300 square feet in area:

   a. Greenhouse structures shall be used only for the propagation and cultivation of plants.

   b. No advertising signs, commercial display rooms, or sales stands shall be maintained.

   c. Greenhouse structures shall be accessory to the primary residential or agricultural use.

2. **Greenhouses exceeding 300 square feet and less than 800 square feet.** In the R-1/E-1 and R-2 zones, no advertising signs, commercial display rooms, or sales stands shall be maintained in association with greenhouses that exceed 300 square feet and are less than 800 square feet.

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

35.442.120 - Guesthouses, Artist Studios, and Cabañas

A. Purpose and applicability. This Section provides standards for the establishment of guesthouses, artist studios, and cabañas, where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses).

B. Accessory structure and use. Guesthouses, artist studios, and cabañas are accessory structures and their use shall be accessory to a primary residential use of the lot.

C. Lot size.

1. **Coastal Zone.** Within the Coastal Zone, a guesthouse shall not be located on a lot containing less than one gross acre.

2. **Inland area.** Within the Inland area, a guesthouse shall not be located on a lot containing less than two gross acres.

D. Number on a lot.

1. **Coastal Zone.**

   a. A lot may contain one artist studio or one guesthouse.

   b. A lot may contain one cabaña in addition to one artist studio or one guesthouse in compliance with Subsection M. (Cabaña).

2. Inland area.

a. AG-I zone. On lots zoned AG-I:

(1) A lot may contain one artist studio or one guesthouse.

(2) A lot may contain one cabaña in addition to one artist studio or guesthouse in compliance with Subsection M. (Cabaña).

b. Zones other than AG-I. On lots zoned other than AG-I:

(1) A lot may contain one artist studio and one guesthouse.

(2) A lot may contain one cabaña in addition to one artist studio and one guesthouse in compliance with Subsection M. (Cabaña).

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

(1) For the purposes of this Subsection E.:

(a) Building footprint area is measured to the interior surface of the exterior, perimeter walls; and,

(b) Footprint refers to how the building sits on the ground as viewed perpendicularly from above, and includes any cantilevered portions of the structure.

(2) Within the Inland area, the 800 square foot restriction on the building footprint area of a combined accessory structure shall not apply to projects that received preliminary or final Design Review approval and were constructed before May 16, 1995. However, these projects are still subject to the 800 square foot net floor area limitation on guesthouses, artist studios, pool houses/cabañas, and interior access between these uses and another portion of a combined accessory structure shall not be provided.

F. Height limitations. A guesthouse, artist studio, or cabaña shall not exceed a height of 16 feet or contain more than one story. A loft shall be counted as a story. A guesthouse, artist studio, or cabaña may be located above or below another accessory structure in areas where the H-MON overlay does not apply.

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

H. Wetbars. Guesthouses, artist studios, and cabañas may contain a wetbar limited to the following features:

1. A counter area with a maximum total length of seven feet.

2. The counter area may include a bar sink.

3. The counter area may include an overhead cupboard area not to exceed seven feet in length.

4. The counter area shall be located against a wall, or if removed from the wall, it shall not create a space between the counter and the wall of more than four feet in depth. The seven foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.

5. A refrigerator limited to an under-counter unit located within the counter area.

I. Plumbing facilities.

1. **Guesthouses and cabañas.** Guesthouses and cabañas may contain a bar sink associated with a wetbar as described in Subsection H. (Wetbars) above, and bathrooms (e.g., toilet, sink, and bathing facilities).

2. **Artist studios.** Artist studios may contain a bar sink associated with a wetbar as described in Subsection H. (Wetbars) above, and a restroom (i.e. toilet and washbasin). Bathing facilities shall not be allowed in artist studios.

J. Setbacks. Guesthouses, artist studios, and cabañas shall comply with setback requirements applicable to the principal dwelling.

K. Use restrictions.

1. A guesthouse shall be used on a temporary basis only by the occupants of the principal dwelling or their nonpaying guests or employees and is not intended to be rented, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. Temporary is defined as occupying the guesthouse for not more than 120 days in any 12-month period.

2. Artist studios and cabañas shall not be used as a guesthouse or as a dwelling and shall not be used for overnight accommodations.

3. Commercial sales or transactions shall not occur within an artist studio or on the lot containing the artist studio unless allowed under a Coastal Development Permit (Section 35.472.050) or Land Use Permit (Section 35.472.110) for a home occupation issued in compliance with Section 35.442.130 (Home Occupations).

4. Guesthouses, artist studios, or cabañas may be determined to constitute a dwelling by the Director in compliance with Subsection 35.442.020.B.9 (Determination that accessory structure constitutes a dwelling).

L. Notice to property owner. Before issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) for a guesthouse, artist studio, or cabaña, a Notice to Property Owner that specifies at a minimum the allowable uses of the structure shall be recorded by the property owner.

M. Cabaña. A cabaña may be approved in conjunction with a proposed pool or sport court provided that construction of the proposed pool or sport court is completed before or simultaneously with completion of the cabaña. A cabaña may also be approved on a lot that is directly adjacent to the sea.

N. Artist studios. Issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) for a home occupation in compliance with Section 35.442.130 (Home Occupations) shall be required prior to the issuance of a Coastal Development Permit or Land Use Permit for an artist studio.

O. Residential second unit. If a residential second unit exists or has current approval on a lot, a guesthouse or artist studio shall not also be approved.

35.442.130 - Home Occupations

A. Purpose and applicability. This Section provides development and operational standards for home occupations where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses). The intent is to prevent any adverse effects on the residential enjoyment of surrounding residential properties. The provisions of this Section shall apply to all home occupations. Home occupations may be permitted in any dwelling in any zone including nonconforming dwellings.

B. Permit requirements.

1. Before the commencement of a home occupation within a dwelling or artist studio, a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) shall be obtained unless the occupation qualifies for an exemption as stated in Subsection D (Exceptions to permit requirements for home occupations) below.

2. Prior to the issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) for a home occupation within a dwelling or artist studio, a Notice to Property Owner certifying that the home occupation will be conducted in compliance with the development standards of Subsection C (Development standards) below, and any other conditions as may be made part of the Coastal Development Permit or Land Use Permit shall be recorded by the property owner.

C. Development standards. A home occupation shall comply with all of the following development standards:

1. Only one home occupation shall be allowed on any one lot. The home occupation shall be conducted either entirely within not more than one room of the dwelling, not including garages, or entirely within an artist studio. A home occupation may not be conducted outside of the dwelling or the artist studio.

2. The home occupation shall not alter the residential character of the dwelling or the lot that contains the home occupation. There shall be no internal or external alterations to the dwelling that are not customarily found in residential structures and the existence of the home occupation shall not be discernible from the exterior of the dwelling.

3. The home occupation shall be conducted solely by the occupant(s) of a dwelling located on the lot that contains the home occupation. No employees other than the dwelling occupant(s) shall be permitted for business purposes on the lot that contains the home occupation. The home occupation may have off-site employees or partners provided they do not report for work at the lot that contains the home occupation.

4. No displays or signs naming or advertising the home occupation shall be permitted on or off the lot that contains the home occupation. All advertising for the home occupation (e.g., telephone directories, newspaper or other printed material) or on equipment or vehicles associated with the home occupation shall not divulge the location of the home occupation. Business cards and letterhead may list the address of the home occupation.

5. There shall be no more than five customers, patients, clients, students, or other persons served by the home occupation upon the lot that contains the home occupation at any one time.

6. A home occupation shall not use electrical or mechanical equipment that would create any visible or audible radio or television interference or create noise audible beyond the boundaries of the lot that contains the home occupation. Noise levels associated with the home occupation shall not exceed 65 dBA outside the dwelling that contains the home occupation.

7. No smoke or odor shall be emitted that occurs as a result of the home occupation.

8. There shall be no outdoor storage of materials related to the home occupation.

9. No vehicles or trailers, except those incidental to the residential use and those allowed under Subsection 35.436.090.B. (Overnight parking of commercial vehicles, R-1/E-1 and R-2 zones)

shall be kept on the lot that contains the home occupation.

10. A home occupation shall be strictly secondary and subordinate to the primary residential use and shall not change or detrimentally affect the residential character of the dwelling, the lot that contains the home occupation, or the neighborhood.

11. Where a home occupation will be conducted within a dwelling or artist studio that relies on a septic system, written clearance from the Public Health Department shall be required prior to approval of the Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or Land Use Permit in compliance with Section 35.472.110 (Land Use Permits).

12. No hazardous materials other than those commonly found within a residence shall be used or stored on the site. Hazardous materials and equipment shall be limited to quantities that do not constitute a fire, health, or safety hazard.

13. Business-related deliveries shall be limited to a maximum of two per week. United States Mail and commercial parcel carriers' deliveries shall be exempt from this limitation.

14. A home occupation shall not create vehicular or pedestrian traffic that changes the residential character of the neighborhood and dwelling unit where the business is being conducted, or create a greater demand for parking than can be accommodated onsite or on the street frontage abutting the lot that contains the home occupation.

15. The home occupation shall at all times be conducted in compliance with the conditions and limitations of the foregoing Subsection C.1 through Subsection C.14 above, and any other conditions and/or limitations that may be part of the Coastal Development Permit or Land Use Permit issued to allow the home occupation. Failure to comply with conditions and limitations shall be cause for revocation of the Coastal Development Permit or Land Use Permit in compliance with Section 35.474.060 (Revocations).

16. Occupations that cannot comply with all of the development standards listed in Subsection C.1 through Subsection C.14 above shall not be permitted as home occupations. Examples of prohibited occupations include:

    a. Onsite automotive repair or service.

    b. Painting of vehicles, trailers, boats or machinery.

D. Exceptions to permit requirements for home occupations. A Coastal Development Permit or Land Use Permit shall not be required for home occupations (e.g., accounting, bookkeeping, consultants in engineering, finance, management, publishing, telephone sales) that meet all of the following criteria:

1. Development standards Subsection C.1 through Subsection C.4, and Subsection C.6 through Subsection C.15 above.

2. Clients or customers shall not be served at the lot that contains the home occupation.

3. Business advertisements, except for business cards and letterhead, shall not list the home address.

4. Business transactions occurring on the lot that contains the home occupation shall occur by telephone, facsimile, computer modem or other telecommunication medium, or written correspondence.

E. Violations of home occupation regulations.

1. It shall be unlawful for a person, firm, or corporation, to establish, cause, allow, or maintain a type of business, profession or other commercial occupation (collectively to be referred to as a "home

occupation") in an area zoned for residential use before the issuance of a Coastal Development Permit Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) allowing the home occupation.

2. It shall be unlawful for a person to conduct a home occupation for which a Coastal Development Permit or Land Use Permit has been issued without complying with all conditions attached to the permit.

35.442.140 - Mobile Homes on Permanent Foundations

A. Purpose and applicability. This Section provides standards for mobile homes on permanent foundations that are certified under the National Mobile Home Construction and Safety Standards Act of 1974 (52 U.S.C. 5401 et seq.) in compliance with Health and Safety Code Section 18551, where allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).

B. Development standards. Mobile homes on permanent foundations allowed in compliance with this section shall be subject to the following requirements:

1. The mobile home shall have a roof overhang unless waived by the Director because the absence of a roof overhang would be appropriate and of good design in relation to other structures on the site and in the immediately affected surrounding area.

2. Roofing and siding shall be non-reflective.

3. Siding shall extend to the ground level.

35.442.150 - Residential Project Convenience Facilities

A. Purpose and applicability. This Section provides standards for residential project convenience facilities, where allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).

B. DR and PRD zones. In the DR and PRD zones the following residential project convenience facilities may be allowed for the exclusive use by residents of the development:

1. Laundromat.

2. Meeting rooms.

3. Accessory uses and structures customarily incidental and subordinate to the residential project.

35.442.160 - Residential Second Units

A. Purpose. This Section establishes procedures and standards for attached and detached residential second units in compliance with California Government Code Section 65852.2 where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses). The intent is to encourage a more efficient use of one-family residential zones, where, because of the decrease in household size as a result of changing social patterns, homes are being underutilized. Residential second units provide housing opportunities for elderly, low-income and other economic groups. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site development to preserve the integrity of these zones.

B. Applicability. Residential second units may be located within the R-1/E-1 zone only.

C. Allowed density. In compliance with Government Code Section 65852.2(b)(5) residential second units shall not count toward the allowable density for the purpose of determining consistency with the Comprehensive Plan and zone density standards.

D. Application requirements. A permit application for a residential second unit shall include the following information, in addition to the information required within Chapter 35.470 (Permit Application Filing and Processing):

1. A floor plan drawn to scale of the principal dwelling and the residential second unit.
2. Documentation verifying the principal structure is owner-occupied.
3. The proposed method of water supply and sewage disposal for the residential second unit.

E. Lot area and floor area requirements.

1. Minimum net lot area.

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

b. Detached residential second units. The minimum gross lot area on which detached residential second units may be located shall be five acres.

2. Maximum gross floor area. For the specified ranges in lot area the maximum residential second unit gross floor area shall not exceed the standards in Table 4-5 (Maximum Gross Floor Area) below.

Table 4-5 - Maximum Gross Floor Area

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

3. Gross floor area for residential second units. The gross floor relates only to directly accessible appurtenant interior spaces and does not include any existing floor area not contained within the second unit, nor the floor area of storage or other accessory structures or spaces not directly accessible from the living area of the second unit.

4. One residential second unit per lot. A lot may contain only one attached residential second unit or one detached residential second unit.

F. Development standards.

1. Standards applicable to all residential second units. A permit for a residential second unit shall not be approved unless it complies with the following development standards.

a. The lot shall contain an existing one-family dwelling at the time an application for an attached or detached residential second unit is submitted, or the application for the second unit shall be submitted in conjunction with the application for the principal dwelling.

b. The owner of the lot shall reside on the lot, either in the principal dwelling or in the residential second unit except when, a) disability or infirmity require 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. Before the issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits), the owner-occupant shall sign and record an agreement with the County requiring that the owner reside on the property.

c. Upon resale of the property, the new owner shall reside on the property or the use of the residential second unit shall be discontinued and the residential second unit shall be:

(1) If attached, converted into a portion of the principal dwelling; or,

(2) If detached, removed or converted into a legal accessory structure.

d. The gross floor area of a residential second unit shall be a minimum of 300 square feet.

e. The total gross floor area of all covered structures, including a residential second unit, shall not exceed 40 percent of the gross lot area of the lot on which the residential second unit is located.

f. A residential second unit shall not be allowed on a lot in addition to a guesthouse, dwellings other than the principal dwelling determined to be nonconforming as to use, or farm employee housing. If a residential second unit has been approved on a lot, a guesthouse or similar structure shall not subsequently be approved unless the residential second unit is removed.

g. The residential second unit shall contain its own kitchen and bathroom facilities.

h. A residential second unit shall comply with the setback regulations that apply to the principal dwelling as identified in the applicable zone.

i. 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 residential second unit is located on for a) each bedroom in the residential second unit or for b) each studio unit. The additional parking shall be provided as specified in the base zone and in Chapter 35.436 (Parking and Loading Standards). 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. The number of additional parking spaces required for new units shall not be reduced.

j. Where public water service is available, the residential second unit shall be required to be served by the appropriate district. If the principal dwelling is currently served by a public water district or an existing mutual water company, not subject to moratorium for new connections, the residential second unit shall be served by the appropriate district or mutual water company. If the principal dwelling is currently served by a water district or an existing mutual water company subject to a moratorium for new connections, or the existing service is by a water system, and if the property is not located in an overdrafted water basin, the residential second unit may be served by a water system subject to review and approval by the Public Health Department or State as applicable.

k. A residential second unit proposed to be served by an onsite wastewater treatment system shall not be allowed in addition to the principal dwelling on a lot less than two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Public Health Department. If determined to be particularly favorable, the minimum lot area may be reduced to one gross acre. In order to be determined to be particularly favorable, all of the criteria specified in Appendix D (Development Standards

for Residential Second Units on Lots Less Than Two Acres in Size Served by Onsite Sewage Disposal Systems) shall be satisfied. Appendix D is hereby incorporated by reference.

l. Where public sewer service is available, the residential second unit shall be required to be served by the appropriate district. If the principal dwelling is currently served by a public sewer district not subject to a moratorium for new connections, the residential second unit shall be served by the public sewer district. If the principal dwelling is currently served by a public sewer district subject to moratorium for new connections, or if the existing service is by an onsite wastewater treatment system, the residential second unit may be served by an onsite wastewater treatment system subject to Public Health Department review and approval.

m. Upon approval of a residential second unit on a lot, the lot shall not be divided unless there is adequate land area to divide the lot consistent with the applicable Comprehensive Plan designation and in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).

n. The residential second unit shall not be sold or financed separately from the principal dwelling.

o. Where there are conflicts between the standards in this Section, and those in Section 35.442.020 (Accessory Structures and Uses), and those in the specific zone regulations in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses), the provisions of this Section shall prevail.

p. In compliance with ordinances and resolutions adopted by the County, the applicant will be required to pay development impact mitigation fees before approval of the Coastal Development Permit or Land Use Permit or before final building permit inspection, as determined by the adopted ordinances. The amount of the required fee shall be based on the fee schedules in effect when paid.

q. Within the Coastal Zone the following development standards shall also apply to residential second units.

(1) In residential zones, all development associated with the construction of residential second units shall be located no less than 50 feet from the outer edge of a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from the outer edge of a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zone overlay map is determined by the County not to be located on the particular lot during application review, this development standard shall not apply.

(2) All development associated with the construction of residential second units shall be located a minimum of 100 feet from the periphery of wetlands consistent with the requirements of Section 35.428.040 (Environmentally Sensitive Habitat Area Overlay).

(3) Residential second units shall not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

(4) Residential second units shall not obstruct public access to and along the coast, or public trails.

(5) Residential second units shall be consistent with the provisions of the applicable zone

and the policies and development standards of the certified Local Coastal Program.

2. **Standards applicable only to attached residential second units.** In addition to the development standards listed in Subsection F.1 (Standards applicable to all residential second units) above, an attached residential second unit shall comply with the additional development standards below.

   a. An attached residential second 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. 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 residential second unit. In the event that an application proposes an addition to the living area of the existing principal dwelling and an attached residential second unit concurrently, the proposed additional living floor area for the principal dwelling shall be used to calculate existing living area of the principal dwelling.

   b. An attached residential second unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the residential second unit to the bottom of the support system of the floor above, or, if there is no floor above, to 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 residential second unit. An exception to this height limit may be granted when the portion of a proposed residential second unit that would exceed this height limit is wholly contained within an existing structure.

   c. An attached residential second unit shall have a separate entrance. Any entrance to an attached residential second unit shall be structurally shielded so that the entrance is not visible when viewed from any street abutting the lot on which the residential second unit is located. This standard may be waived by the Director if it would prohibit the construction of an attached residential second unit on the lot.

3. **Standards applicable only to detached residential second units.** In addition to the development standards listed in Subsection F.1 (Standards applicable to all residential second units) above, a detached residential second unit shall comply with the additional development standards below.

   a. A detached residential second unit that is not connected by any means to another structure shall not exceed a building height of 16 feet. A detached residential second unit connected to a detached accessory structure may be permitted provided:

      (1) The height of the residential second unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the residential second unit to the bottom of the support system of the floor above, or, if there is no floor above, to 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 of the roof that covers the residential second unit, and

      (2) The height of the entire structure does not exceed 25 feet.

G. Public notice. Notice of an approved or conditionally approved Coastal Development Permit or Land Use Permit for an attached or detached residential second unit shall be consistent with Chapter 35.496 (Noticing and Public Hearings).

H. Appeals. The action of the Director to approve, conditionally approve, or deny an application for a residential second unit is final, subject to appeal in compliance with Chapter 35.492 (Appeals).

I. Revocation. Revocation of a Coastal Development Permit or Land Use Permit for a Residential Second Unit shall be in compliance with Section 35.474.060 (Revocations).

35.442.170 - Spa Facilities - Inland area

A. Purpose and applicability. The purpose of this Section is to provide development standards for spa facilities and the related use of unique mineral springs located within the Inland area at or in the immediate vicinity of their source while placing appropriate limitations and conditions on the use. The intent is to ensure compatibility with surrounding existing or permitted development and to preserve the unique aesthetic values and features of the areas involved.

B. Development standards. Spa facilities shall comply with the following standards:

1. The property shall be designated Mountainous Area on the Comprehensive Plan and located within an RMZ zone.

2. The spa shall be located on a lot or contiguous lots under one ownership containing a minimum of 300 acres.

3. The primary area of use shall be defined by the Department and shall not exceed 20 acres. The primary area is that area containing the source of the mineral spring and any buildings, or uses operated as part of the spa, but excluding access roads, utilities, and equestrian and hiking trails.

4. The spa shall not provide overnight facilities nor allow overnight use of the site.

5. The Conditional Use Permit shall establish a maximum limit on the number of persons that may use the property at one time.

6. The Montecito Commission may impose any additional conditions it deems necessary or appropriate to protect the public safety, health, and welfare.

35.442.180 - Temporary Uses and Trailers

A. Purpose and intent. The purpose of this Section is to provide permit requirements and development standards for temporary uses and structures, including the semi-permanent use of trailers, where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses). This section also provides standards for determining which types of temporary uses are exempt from the requirement to obtain a planning permit. The intent is to give special consideration to temporary uses and structures in order to prevent adverse effects on surrounding properties through the application of appropriate conditions.

B. Applicability.

1. Does not apply to amusements regulated separately - Inland area. Within the Inland area, this Section shall not apply to any use of property that is regulated by Chapter 6 (Amusements) of the County Code.

2. Permits required. Each temporary use of land including trailers identified in Table 4-6 through Table 4-9 below, may be allowed in compliance with the approval of the applicable permit identified in the table.

3. Similar temporary events/uses.

a. Exempt from permit requirements. Other temporary uses that are not included in Table 4-6 through Table 4-9 may be allowed without the requirement for a permit when the Director determines that the proposed temporary use:

(1) Is similar to those identified in this Section as being exempt from permit requirements; and

(2) The proposed temporary use does not have the potential to result in an adverse effect

on surrounding properties.

b. Coastal Development or Land Use Permit required. Other temporary uses that are not included in Table 4-6 through Table 4-9 may be allowed by a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) if the Director determines that the proposed temporary use is similar to those uses allowed by a Coastal Development Permit or Land Use Permit.

4. Other approvals required. All temporary electrical facilities, temporary toilet and plumbing facilities, and temporary shelters or structures shall receive all necessary approvals from the Director, the Public Health Department, and the County Fire Department or applicable fire protection district.

C. Contents of application. An application for a temporary use shall be filed in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. Permit processing.

1. Compliance with development standards. Permits for temporary uses and trailers subject to the provisions of this Section shall not be approved or issued except in compliance with the requirements of this Section and other applicable development standards of this Development Code. Temporary uses that are exempt from a planning permit shall still comply with any applicable development standards of this Development Code.

2. Exempt temporary uses within the Coastal Zone. The temporary use of property or structures within the Coastal Zone are exempt from a planning permit in compliance with Table 4-6 through Table 4-9 provided the temporary use complies with all of the following:

a. The temporary use will not occupy any portion of a sandy beach, public park area, public pier, or public beach parking area between the Memorial Day weekend and Labor Day unless either:

(1) The period of the use will be of less than one day in duration, including set-up and take-down; or,

(2) The location is remote with minimal demand for public use.

b. A fee will not be charged for general public admission and/or seating if the temporary use will occupy any portion of a sandy beach, public park area, public pier, or public beach parking area where no fee is currently charged for the use of the same area, or if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use.

c. The proposed temporary use has been reviewed in advance by the Director and the Director determined that it meets all of the following criteria:

(1) The temporary use will result in no adverse impact on opportunities for public use of, or access to, the area due to the proposed location and/or timing of the event either individually or together with other temporary events scheduled before or after the particular event.

(2) There will be no direct or indirect impacts from the temporary use and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources pursuant to

the policies and section of the certified Local Coastal Program.

(3) The temporary use has not previously required a Coastal Development Permit to address and monitor associated impacts to coastal resources.

d. The Director may determine that a temporary use shall be subject to a Coastal Development permit in compliance with Section 35.472.050 (Coastal Development Permits) and/or a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) even if the development meets all of the criteria in Subsection 2.a through Subsection 2.c above, if the Director determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources.

3. **Timeline to approve Coastal Development Permit or Land Use Permit.** Except for trailers allowed in compliance with Subsection G. (Trailer use), the Director shall approve, conditionally approve, or deny an application for a Coastal Development Permit or Land Use Permit within 30 days of submittal of a complete application to the Department.

4. **Notification of Supervisor.** Except for trailers allowed in compliance with Subsection G. (Trailer use), a Coastal Development Permit, Conditional Use Permit, or Land Use Permit that allows the establishment of a temporary use shall not be approved (in the case of a Conditional Use Permit) or issued (in the case of a Coastal Development Permit or Land Use Permit) until the Supervisor of the Supervisorial District in which the temporary use/event is proposed, or his or her designated representative, has been notified of the application.

5. **Notice.** Notice of a Coastal Development Permit, Conditional Use Permit, or Land Use Permit for a temporary use shall be provided in compliance with Chapter 35.496 (Noticing and Public Hearings).

6. **Appeal.** The action of the review authority to approve, conditionally approve, or deny a Coastal Development Permit, Conditional Use Permit, or Land Use Permit for a temporary use is final subject to appeal in compliance with Chapter 35.492 (Appeals).

Table 4-6

Allowed Temporary Uses and Permit Requirements for Agricultural and Resource Management Zones

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal 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	RMZ	
TEMPORARY EVENTS				
Certified farmers market (incidental)	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	35.442.180.F.4
Public property	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	35.442.180.F.7
TEMPORARY DWELLINGS				
During construction of new dwelling	P	P	P	35.442.180.F.8
Trailer (4 or less agricultural employees)	CUP	CUP	—	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	35.442.180.G.9
Trailer (after destruction of dwelling)	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	35.442.180.G.6
TEMPORARY OFFICES/STORAGE				
Trailer (air quality monitoring station)	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	35.442.180.G.5
Trailer (storage as accessory to dwelling)	E	E	E	35.442.180.G.8

Key to Zone Symbols

AG-I	Agriculture I	**CZ**	Coastal Zone
RMZ	Resource Management		

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

Table 4-7

Allowed Temporary Uses and Permit Requirements for Residential Zones

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal Permit required
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ	
TEMPORARY EVENTS					
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	35.442.180.F.7
TEMPORARY DWELLINGS					
During construction of new dwelling	P	P	P	P	35.442.180.F.8
Trailer (4 or less agricultural employees)	—	—	—	—	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	P	35.442.180.G.9
Trailer (after destruction of dwelling)	P	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	P	35.442.180.G.6
TEMPORARY OFFICES/STORAGE					
Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.442.180.G.5
Trailer (storage as accessory to dwelling)	E	E	E	E	35.442.180.G.8

Key to Zone Symbols

R-1/E-1	Single-Family Residential	**CZ**	Coastal Zone
R-2	Two-Family Residential		

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

Table 4-7 - Continued

Allowed Temporary Uses and Permit Requirements for Residential Zones

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal Permit required
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	DR	DR CZ	PRD	PRD CZ	
TEMPORARY EVENTS					
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	35.442.180.F.7
TEMPORARY DWELLINGS					
During construction of new dwelling	P	P	P	P	35.442.180.F.8
Trailer (4 or less agricultural employees)	—	—	—	—	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	P	35.442.180.G.9
Trailer (after destruction of dwelling)	P	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	P	35.442.180.G.6
TEMPORARY OFFICES/STORAGE					
Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.442.180.G.5
Trailer (storage as accessory to dwelling)	E	E	E	E	35.442.180.G.8

Key to Zone Symbols

DR	Design Residential	**CZ**	Coastal Zone
PRD	Planned Residential Development		

Notes:

(1) See Division 35.10 (Glossary) for land use definitions

Table 4-8

Allowed Temporary Uses and Permit Requirements for Commercial Zones

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal Permit required
CUP	Conditional Use Permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	
TEMPORARY EVENTS					
Car washes	S	S	S	S	35.442.180.F.1
Certified farmers market	CUP	CUP	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	35.442.180.F.7
TEMPORARY DWELLINGS					
During construction of new dwelling	—	—	P	P	35.442.180.F.8
Trailer (watchman during construction)	P	P	P	P	35.442.180.G.9
Trailer (after destruction of dwelling)	P	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	P	35.442.180.G.6
TEMPORARY OFFICES/STORAGE					
Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.442.180.G.5
Trailer (storage as accessory to dwelling)	E	E	E	E	35.442.180.G.8

Key to Zone Symbols

CN	Neighborhood Commercial	**CV**	Visitor Serving Commercial

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

Table 4-9

Allowed Temporary Uses and Permit Requirements for Special Purpose Zones

E	Allowed use, no permit required (Exempt)
P	Permitted use, Land Use or Coastal 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	
TEMPORARY EVENTS						
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	P	35.442.180.F.7
TEMPORARY DWELLINGS						
During construction of new dwelling	—	—	P	P	—	35.442.180.F.8
Trailer (4 or less agricultural employees)	—	—	—	—	CUP	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	P	P	35.442.180.G.9
Trailer (after destruction of dwelling)	—	—	P	P	—	35.442.180.G.7
Trailer (during construction of new dwelling)	—	—	P	P	—	35.442.180.G.6
TEMPORARY OFFICES/STORAGE						
Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.442.180.G.5
Trailer (storage as accessory to dwelling)	—	—	E	E	—	35.442.180.G.8

Key to Zone Symbols

PU	Public Utilities	**TC**	Transportation Corridor
REC	Recreation	**CZ**	Coastal Zone

Notes:
(1) See Division 35.10 (Glossary) for land use definitions.

E. Development standards for all temporary uses. Except for trailers allowed in compliance with Subsection G. (Trailer use) below, temporary uses allowed in Subsection B. (Applicability) shall comply with the following development standards:

1. Time limit. Temporary uses shall not continue for more than five consecutive days unless otherwise specified in the approved permit or in Subsection F. (Permit requirements and development standards for specific temporary uses) below.

2. Compliance with regulations. The applicant for the temporary use shall comply with all provisions of the laws of the County, including the County Business License Ordinance and any conditions imposed in compliance with this Section or other requirements of this Development Code.

3. Conditions of approval. The review authority shall have the right to impose reasonable conditions upon the operation of the temporary use in order to protect and preserve the public health, safety, and welfare. Noncompliance with any conditions of approval of a permit for a temporary use shall constitute a violation of this Development Code. Conditions may include:

a. Special setbacks and buffers.

b. Regulation of outdoor lighting.

c. Regulation of points of vehicular ingress and egress, the location of parking areas, and implementation of a parking plan, including:

(1) The requirement for a parking coordinator to be present at all times during any temporary event attended by 100 or more persons to manage and direct vehicular movement.

(2) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site.

(3) Appropriate signage placed onsite prior to the commencement of each event, directing visitors to and indicating the location of parking areas.

d. Regulation of noise, vibration, odors, etc.

e. Regulation of the number, height and size of temporary structures, equipment, and signs.

f. Limitation on the hours and days of operation.

g. Limitation on the location where sales of goods may occur, the number of vendors, and the scope of goods to be sold.

h. Obtaining all the appropriate Public Health Department permits and authorizations if food sales are involved.

i. Review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district, if required.

j. Obtaining a County Business License if necessary.

4. Clearing of site following event. The area used as a temporary event shall be left in a clean and orderly manner with all structures, signs, and other material removed within three days following the cessation of the event.

5. Additional findings. A permit for a temporary use shall be approved only if all of the following findings, in addition to the findings required for approval of a Coastal Development Permit, Conditional Use Permit, or Land Use Permit in compliance with Section 35.472.050 (Coastal Development Permits), Section 35.472.060 (Conditional Use Permits) and Section 35.472.110 (Land Use Permits) are first made:

a. The site is adequate in size and shape to accommodate the proposed temporary use.

b. The proposed temporary use will not adversely interfere with existing uses on the subject property, and will not impede or adversely impact pedestrian access ways or vehicular circulation patterns.

F. Permit requirements and development standards for specific temporary uses.

This Section provides the permit requirements and development and operational standards for specific temporary uses of property, except for trailers allowed in compliance with Subsection G. (Trailer use) below, in addition to the permit requirements and development standards identified in Table 4-6 through Table 4-9. The temporary uses of property may include the erection of temporary structures (e.g., fences, booths, tents, or the parking of trailers) for use during the period of time that the temporary use is operating.

1. **Car washes.** Car washes, located on property with a commercial zone designation, with sponsorship limited to educational, fraternal, religious, or service institutions and organizations directly engaged in civic, charitable and philanthropic efforts, may be allowed in compliance with the following permit requirements and development standards.

Permit Requirement	Development Standards
Exempt	Limited to two days per month at each location, for each sponsoring organization.
Coastal Development Permit or Land Use Permit	Operating for more than two days per month at each location, for each sponsoring organization.

2. **Certified Farmers Markets, incidental.** Certified farmers markets when incidental to a conference center, meeting facility, schools, or government or philanthropic institutions.

3. **Charitable and other noncommercial functions.** The use of a lot for charitable and other noncommercial functions where the owner or tenant of the lot receives no remuneration, including fundraisers, parties, receptions, weddings and other similar gatherings, is exempt from permit requirements, however, the following development standards shall apply:

   a. The use of the lot for charitable functions does not exceed three times within the same calendar year.

   b. The number of persons present at the event at any one time does not exceed 300.

4. **Public assembly facilities.** Events occurring in approved convention centers, meeting halls, theaters, or other permitted public assembly facilities are exempt from the permit requirements of this section provided the event is consistent with the uses allowed in that facility in compliance with the planning permit approved and/or issued for the facility.

5. **Public property.** Events held at a County park or on other County-owned land are exempt from permit requirements when conducted with the approval of the County.

6. **Reception and similar gathering facilities.** Reception facilities providing indoor or outdoor facilities that are accessory and incidental to the principal use of the property on a temporary, commercial basis for receptions, parties, weddings, or other similar gatherings that are not included in Subsection F.4 (Public assembly facilities) above.

7. **Seasonal sales lots.** Seasonal temporary sales activities (e.g., Christmas trees, Halloween pumpkins, Thanksgiving materials) not subject to the regulations of Section 35.421.060.B (Agricultural Product Sales) including temporary residence/security trailers, located on non-residentially zoned land, or on residentially zoned land utilized by an institution (e.g., religious institution, educational facility), may be allowed provided they do not continue for more than 60 consecutive days.

8. **Temporary dwellings during the construction of a new dwelling.** An existing structure may be used for dwelling purposes on a temporary basis during the construction on the same lot of a new principal dwelling provided:

   a. An agreement is recorded by the owner prior to the issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) for the new principal dwelling specifying that said existing structure will be removed, converted or reconverted to an allowed accessory structure within 90 days following commencement of the occupancy of the newly constructed dwelling.

b. Said agreement shall include the granting of access to the lot to the Department as necessary to ensure that performance of said owner's obligations set forth in said agreement.

G. Trailer use.

1. Permit requirements and development standards. This Section provides the permit requirements and development standards for specific temporary and semi-permanent uses of trailers in addition to the permit requirements and development standards identified in Table 4-6 through Table 4-9.

2. Limitations on use. Trailers shall only be allowed for the uses and activities described in this Section, except as otherwise expressly allowed in Division 35.2 (Montecito Zones and Allowable Land Uses).

3. Agricultural employee dwellings, four or fewer employees. Trailers may be used as agricultural employee dwellings on lots with an AG-I zone designation for four or fewer employees of the owner or lessee of the land engaged full-time in agriculture on the farm or ranch on which the trailer is located in compliance with Section 35.472.060 (Conditional Use Permits) provided:

a. The permittee complies with the State Mobile Home Act.

b. The trailer complies with the setbacks and distance between structures required for structures.

c. The permittee documents the existing and proposed agricultural use of the lot and demonstrates a need for the trailer.

d. The permittee provides proof of the full-time employment of the proposed resident of the trailer. Said proof shall be to the satisfaction of the Department in the form of any one or combination of the following:

(1) Employer's income tax return.

(2) Employee's pay receipts.

(3) Employer's DE-3 form.

(4) Employee's W-2 form.

(5) A notarized contract between the permittee and the employee which delineates work to be performed and wages to be received.

(6) Other option approved by the Director.

e. Said proof of full-time employment of the employee residing in the trailer shall also be provided every five years beginning from the issuance of the Coastal Development Permit or Land Use Permit for the trailer or, if the occupancy of the trailer changes, upon the change in occupancy and every five years thereafter. Failure to provide said proof of full-time employment shall be cause for revocation of the permits for the trailer.

f. The permit includes a condition that the trailer shall be removed from the premises within six months following the discontinuance of use of the premises for agricultural purposes.

4. Air quality monitoring stations. Trailers may be used as air quality monitoring stations for a time period that is adequate to meet the specific air quality monitoring needs of the project, as recommended by the Air Pollution Control District and determined by the Montecito Commission provided:

a. The Montecito Commission shall approve the Conditional Use Permit only if the following additional findings are first made:

(1) That the stations are either required or approved by the Air Pollution Control District.

(2) The zone setbacks are complied with.

(3) The trailers are adequately screened from public view by landscaping or other measures.

b. The trailer, including any foundation, permitted in compliance with this Section shall be promptly removed upon completion of the permanent structure or after the authorized use of the trailer is discontinued.

c. The Montecito Commission may include, as a condition of approval of the Conditional Use Permit, that a performance security, in compliance with Section 35.474.020 (Performance Guarantees) be deposited with the County to guarantee the removal of the trailer and foundation to ensure compliance with this requirement.

5. Construction trailers.

a. Allowed uses. Trailers used as construction offices, tool storage, or for particular work (e.g., electrical shops, cabinet shops, and other similar uses) that are not used for human habitation during the night may be allowed on a building site during periods of construction of structures on the site in compliance with the following permit requirements and development standards, provided:

(1) Building permits have been issued for the structures being constructed on the site; and

(2) The trailer is removed promptly upon completion of construction.

b. Permit requirements.

(1) Up to three construction trailers may be located on a building site without a Coastal Development Permit or Land Use Permit.

(2) More than three such construction trailers per building site may be permitted with a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) for an initial period not to exceed two years provided the Montecito Commission finds that:

(a) The need for the trailers has clearly been demonstrated; and

(b) A time frame for their removal has been provided.

(3) Renewals for additional two-year periods for trailers approved in compliance with Subsection 5.b(2) above, may be granted through the approval of a subsequent Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) if the request is filed before the expiration date of the previously approved Conditional Use Permit for the same use.

6. Dwelling use of trailers during construction of dwellings.

a. A trailer may be used as a one-family dwelling during construction of a dwelling in all zones within the Coastal Zone or within the R-1/E-1 and RMZ zones in the Inland area provided:

(1) The use of the trailer is limited to a period of 12 months or until 30 days after the final

building permit inspection has been completed by the County Building Official, or the new dwelling is occupied, whichever is earliest.

(a) If a trailer located on the building site has been illegally occupied, then the 12-month period shall be reduced by the period of time during which the trailer has been illegally occupied on the site.

(2) The building permit has been issued for the dwelling and the foundation has been inspected and approved.

(3) The permittee complies with the State Mobile Home Act.

(4) The trailer complies with the setbacks and distances between structures required for structures.

b. The period of time that the trailer is allowed to be used as a dwelling may be extended by the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).

7. Dwelling use of trailers after destruction of dwelling. A Coastal Development Permit or Land Use Permit may be issued to allow the emergency use of the trailer as a dwelling if an occupied dwelling is destroyed by fire, flood, earthquake, vandalism or other calamity beyond the control of the owner, provided:

a. The Coastal Development Permit or Land Use Permit shall only be valid for a 180-day period; and

b. A trailer is not illegally located on the lot.

8. Storage of trailers as accessory to a residential use. Trailers designed for or capable of human habitation or occupancy may be stored on a lot as accessory to the residential use of the lot provided:

a. The trailer does not exceed 8.5 feet in width, 13.5 feet in height (as measured from the surface upon which the vehicle stands to the top of the roof of the trailer) and 40 feet in length.

b. The trailer shall be screened from view from abutting streets.

c. The trailer shall not be used for human habitation while kept on the lot.

d. Within the Coastal Zone, the storage of a trailer does not require a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) if the trailer will:

(1) Not be located within or adjacent to a wetland, beach, an environmentally sensitive habitat area, or on or within 50 feet of a coastal bluff; and

(2) Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and

(3) Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways.

9. Watchman trailers during construction. A trailer, usable for or designed for human habitation, may be maintained on a building site for use as a watchman's quarters during periods of

construction of structures on the site, provided:

a. Building permits have been issued for the structure.

b. Only one watchman's trailer shall be allowed on a site.

c. The trailer shall be promptly removed upon completion of construction of the structures or within one year from the issuance of the Coastal Development Permit or Land Use Permit for the trailer, whichever occurs first.

CHAPTER 35.444 - TELECOMMUNICATIONS FACILITIES

Sections:

35.444.010 - Commercial Telecommunications Facilities
35.444.020 - Noncommercial Telecommunications Facilities

35.444.010 - Commercial Telecommunications Facilities

A. Purpose and intent. This Section establishes the permit requirements and standards for the siting and development of commercial telecommunication facilities. The intent is to promote their orderly development and ensure they are compatible with surrounding land uses in order to protect the public safety and visual resources.

B. Applicability.

1. **Affected facilities and equipment.** The provisions of this Section shall apply to commercial telecommunication facilities that transmit or receive electromagnetic signals (e.g., radio, television, and wireless communication services including personal communication, cellular, and paging). This Section shall not be construed to apply to handheld, vehicular, or other portable transmitters or transceivers, including cellular phones, CB radios, emergency services radio, and other similar devices.

2. **Allowable zones and permit requirements.** Table 4-10 (Allowable Zones and Permit Requirements for Commercial Telecommunication Facilities) below establishes the allowable zones, permit requirements, and development standards applicable to commercial telecommunications facilities as allowed by this Section. Different permit processes shall be required depending on the type of the commercial telecommunication facility being proposed and whether the facility complies with different development standards.

Table 4-10 - Allowable Zones and Permit Requirements for Commercial Telecommunication Facilities

Project Level Tier (1)	Zones Where Allowed	Permit Requirements (2)	Development Standards
Tier 1 Project (Very small facilities only)	All zones	Coastal Development Permit or Land Use Permit	35.444.010.C.1.(a) 35.444.010.D
Tier 1 Project (Other than very small facilities)	Nonresidential zones	Coastal Development Permit or Land Use Permit	35.444.010.C.1.(b) 35.444.010.D
Tier 2 Project (Tenant improvements)	Nonresidential zones	Development Plan approved by Director (3)	35.444.010.C.2.(a) 35.444.010.D
Tier 2 Project (Other than tenant improvements)	Nonresidential zones, except not allowed within the Recreation (REC) zone	Development Plan approved by Director (3)	35.444.010.C.2.(b) 35.444.010.D
Tier 3 Project	Nonresidential zones, except not allowed within the Recreation (REC) zone (4)(5)	Conditional Use Permit	35.444.010.C.3 35.444.010.D
Tier 4 Project	All zones (6)	Conditional Use Permit	35.444.010.C.4 35.444.010.D

Notes:

(1) See Subsection C.1 through Subsection C.4 for more specific descriptions of development allowed under the respective tiers.

(2) Commercial telecommunication facilities shall be subject to Design Review in compliance with Section 35.472.070 (Design Review) under the following circumstances:

(a) The facility includes the construction of a new structure or the remodel of or addition to an existing structure that is otherwise subject to Design Review in compliance with Section 35.472.070 (Design Review).

(b) The facility is under the jurisdiction of the Montecito Commission.

(3) The Director shall act as the review authority unless a public hearing is requested in compliance with Chapter 35.496 (Noticing and Public Hearings) in which case the Montecito Commission shall be the review authority.

(4) Tier 3 facilities described in Subsection 35.444.010.C.3.b may be allowed within all nonresidential zones, including the REC zone.

(5) Tier 3 facilities described in Subsection 35.444.010.C.3.c are limited to the AG-1 zone.

(6) Tier 4 facilities described in Subsection 35.444.010.C.4.b are limited to nonresidential zones.

C. Processing. Permits for commercial telecommunication facilities shall be approved in compliance with the following requirements, including the requirements of Subsection D. through Subsection H. below, unless otherwise specified. Modifications to zone regulations in compliance with Section 35.472.060 (Conditional Use Permits) or Section 35.472.080 (Development Plans) may be allowed only as specified in this Section.

1. Tier 1 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 1 commercial facility:

a. Standards for Tier 1 projects, very small facilities only. Wireless telecommunication facilities that comply with the following may be allowed:

(1) Antennas shall be limited to panel antennas or omnidirectional antennas. Antennas and associated equipment shall not exceed a combined volume of one cubic foot.

(2) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., streetlight standard) that is not being considered for removal, as determined by the Director, or the roof of an existing structure. More than two antennas shall not be located on a single utility pole or similar structure unless it is determined that there will not be a negative visual impact. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the permit for the facilities shall be null and void.

(3) The highest point of the antenna either does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.

b. Standards for Tier 1 projects, other than very small facilities. Wireless telecommunication facilities that comply with the following may be allowed:

(1) The facility qualifies as a tenant improvement.

(2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location.

(3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone where the project is located under the following circumstances:

(a) The antenna, associated antenna support structure, and equipment shelter is located within an existing structure.

(b) The antenna is mounted on an exterior wall of an existing structure, and the highest point of either the antenna or the antenna support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.

(c) The antenna or equipment shelter is located on the roof of an existing structure behind a parapet wall or architectural façade and the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.

(4) Antennas and associated antenna support structures proposed to be installed on the

roof or directly attached to an existing structure shall be fully screened or architecturally integrated into the design of the structure. The highest point of the antenna and associated antenna support structure shall not extend above the portion of the structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure. If mounted on the roof of an existing structure the highest point of the antenna shall not extend above the parapet wall or architectural façade.

(5) Equipment shelters proposed to be installed on the roof of an existing or proposed structure shall be fully screened or architecturally integrated into the design of the structure (e.g., located behind a parapet wall or architectural façade) and the highest point of the equipment shelter shall not protrude above the parapet wall or architectural façade.

(6) Access to the facility shall be provided by existing roads or driveways.

(7) Minor exterior additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with applicable development standards.

2. Tier 2 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 2 commercial facility:

a. Tier 2 projects (tenant improvements). Wireless telecommunication facilities that comply with the following may be allowed:

(1) The facility qualifies as a tenant improvement.

(2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Subsection 35.472.080.H (Conditions, restrictions, and modifications) shall not be allowed.

(3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone in which the project is located under the following circumstances:

(a) As provided in Subsection C.1.b.(3) above.

(b) The portion of the facility that would exceed the height limit is located within an addition that qualifies as an architectural projection.

(c) The height of the antenna and associated antenna support structure shall not exceed 15 feet above the highest point of the structure that the antenna and associated antenna support structure are located on. Architectural projections shall not be used in determining the highest point of the structure. If located on a flat roof of an existing structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.

(4) Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with applicable development standards.

b. Tier 2 projects (other than tenant improvements). Wireless telecommunication facilities that may not be permitted in compliance with Subsection C.1 (Tier 1 projects) or Subsection

C.2.a (Tier 2 projects (tenant improvements)) above, but do comply with the following development standards may be allowed.

(1) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions as provided below. If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Subsection 35.472.080.H (Conditions, restrictions, and modifications) shall not be allowed.

(2) Antennas, associated antenna support structures and equipment shelters may exceed the height limit of the zone that the project is located under the following circumstances:

(a) As provided in Subsection C.2.a.(3) above.

(b) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard), as determined by the Director, provided that the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.

(3) The height of the antenna and associated antenna support structure shall not exceed 15 feet above the highest point of the structure that the antenna and support structure are located on. Architectural projections shall not be used in determining the highest point of the structure. If located on a flat roof of an existing structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.

(4) The base of a new freestanding antenna support structure shall be set back from a lot with a residential zone designation a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.

(5) A facility may be located within a designated scenic highway corridor, or within a scenic corridor as designated on a Comprehensive Plan Map, provided the components of the facility are not substantially visible from the roadway located within the corridor.

3. Tier 3 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 3 commercial facility:

a. Wireless telecommunication facilities that may not be permitted in compliance with Subsection C.1 through Subsection C.2.b above, but do comply with the following development standards, may be allowed.

(1) Antennas, the associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions as provided below. If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location. A modification to the height limit in compliance with Subsection 35.472.060.I (Conditions, restrictions, and modifications) may be allowed. However, the highest point of the antenna and associated antenna support structure shall not exceed 50 feet.

(2) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in without the approval of a

modification in compliance with Subsection 35.472.060.I (Conditions, restrictions, and modifications) under the following circumstances:

(a) As provided in Subsection C.2.b.(2) above.

(b) The antenna and antenna support structure are mounted on an existing structure and the height of the antenna and antenna support structure does not exceed 15 feet above the highest point of the structure provided the highest point of the antenna does not exceed 50 feet. Architectural projections shall not be used in determining the highest point of the structure.

(3) New freestanding antenna support structures and associated antennas that do not utilize an existing operational public utility pole or similar support structure, as determined by the Director, shall not exceed a height of 50 feet.

(4) The base of a new freestanding antenna support structure shall be set back from a residentially zoned lot a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.

b. Other telecommunication facilities or structures, including satellite ground station facilities, relay towers, towers or antennas for the transmission and/or reception of radio, television, and communication signals that:

(1) Are not located in a residential zone as identified in Section 35.404.020 (Zoning Map and Zones)

(2) Are not subject to regulation by the Federal Communications Commission or the California Public Utilities Commission; and

(3) Do not exceed 50 feet in height.

c. Private telecommunication facilities used in conjunction with and serving an agricultural operation provided:

(1) The facility is located on the same premises that the agricultural operation is located on.

(2) The facility is located on a lot with an AG-I zone designation.

4. Tier 4 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 4 commercial facility:

a. Wireless telecommunication facilities that may not be permitted in compliance with Subsection C.1 through Subsection C.3 above but do comply with the following development standards, may be allowed.

(1) The height of the antenna and associated antenna support structures shall not exceed 75 feet.

(2) The base of a new freestanding antenna support structure shall be set back from a lot with a residential zone designation a distance equal to five times the height of the antenna and antenna support structure, or 300 feet, whichever is greater.

(3) If the facility is proposed to be located on a lot with a residential zone designation as identified in Section 35.404.020 (Zoning Map and Zones), or on a lot with a Recreation (REC) zone designation, or does not comply with Subsection 4.a.(2) above, the Montecito Commission, in order to approve a Conditional Use Permit, shall

also find that the area proposed to be served by the telecommunications facility would otherwise not be served by the carrier proposing the facility.

b. Other telecommunication facilities as follows are allowed in nonresidential zones as identified in Section 35.404.020 (Zoning Map and Zones):

(1) Facilities that are subject to regulation by the Federal Communications Commission or the California Public Utilities (e.g., AM/FM radio stations, television stations). Such facilities may include: equipment shelters, antennas, antenna support structures, and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals.

(2) Other commercial telecommunication facilities that exceed 50 feet in height.

These do not include wireless telecommunication facilities that are subject to the provisions of Subsection C.4.a above, or amateur radio facilities that are subject to the provisions of Section 35.444.020 (Noncommercial Telecommunication Facilities).

D. Additional development standards for telecommunication facilities. In addition to the development standards in Subsection C. (Processing) above, commercial telecommunication facilities shall also comply with the following development standards unless otherwise indicated below.

1. Telecommunication facilities shall comply in all instances with the following development standards:

a. Setbacks. The facility shall comply with the setback requirements of the zone in which the facility is located except as follows:

(1) Antennas may be located within the setback area without approval of a modification in compliance with Subsection 35.472.060.I (Conditions, restrictions and modifications) or Subsection 35.472.080.H (Conditions, restrictions or modifications) provided they are installed on an existing, operational, public utility pole, or similar existing support structure.

(2) Underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress or egress.

(3) A modification to the setback is granted in compliance with Subsection 35.472.060.I (Conditions, restrictions and modifications), or Section 35.472.080.H (Conditions, restrictions or modifications).

b. Height limit and exceptions. The height of antennas and associated antenna support structures (e.g., lattice towers, monopoles) are limited to 50 feet in height and shall comply with the height limits specified in Subsection C. (Processing) above.

(1) This height limit may be increased to a maximum of 75 feet when technical requirements dictate.

(2) Antennas and antenna support structures used in connection with wireless communication facilities may exceed 75 feet if:

(a) The antenna is mounted on or within an existing building and the highest point of the antenna does not protrude above the roof of the building, including parapet walls and architectural facades, that the antenna is mounted on; or

(b) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by the Director, provided the highest point of the antenna does not exceed the height of the existing utility pole or similar structure that it is mounted on.

c. **Fencing.** The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated antenna support structure, and equipment shelter.

d. **Historical landmarks.** Facilities proposed to be installed in or on a structure or site that has been designated by the County as a historical landmark shall be reviewed and approved by the Historical Landmark Advisory Commission, or the Board on appeal.

e. **Compliance with Federal Communications Commission.** The facility shall comply at all times with all Federal Communications Commission rules, regulations, and standards.

f. **Access roads and parking areas.** The facility shall be served by roads and parking areas consistent with the following requirements:

(1) New access roads or improvements to existing access roads shall be limited to the minimum required to comply with County regulations concerning roadway standards and regulations.

(2) Existing parking areas shall be used whenever possible, and new parking areas shall not exceed 350 square feet in area.

(3) Newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other allowed uses.

g. **Lighting.** The facility shall be unlit except for the following:

(1) A manually operated light or light controlled by motion-detector that includes a timer located above the equipment structure door that shall be kept off except when personnel are present at night.

(2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent feasible so as to minimize the amount of light that falls onto nearby residences.

h. **Exterior finish.** The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in nonreflective materials.

i. **Painted surfaces.** Structures, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and repainted as necessary with a nonreflective paint. The lessee shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by the review authority in approving a subsequent permit for development.

j. **Landscaping.** The facility shall be constructed so as to maintain and enhance existing vegetation through the implementation of the following measures:

(1) Existing trees and other vegetation that screens the facility and associated access roads, power lines and telephone lines that are not required to be removed in order to construct the facility shall be protected from damage during the construction period and for the life of the project.

(2) Underground lines shall be routed to avoid damage to tree root systems to the

maximum extent feasible.

(3) Additional trees and other native or adapted vegetation shall be planted and maintained in the vicinity of the project site, and associated access roads, power lines, and telephone lines, under the following situations:

(a) The vegetation is required to screen the improvements from public viewing areas.

(b) The facility or related improvements are likely to become significantly more visible from public viewing areas over time due to the age, health, or density of the existing vegetation.

Required landscape plans shall be comprised of appropriate species and should be prepared by a botanist, licensed landscape contractor, or licensed landscape architect unless the project is located within the Coastal Zone in which case a botanist, licensed landscape contractor or licensed landscape architect shall prepare the landscape plan. A performance security in compliance with Section 35.474.020 (Performance Guarantees) shall be required to guarantee the installation and maintenance of new plantings.

(4) Existing trees or significant vegetation used to screen the facility that die in the future shall be replaced with native trees and vegetation of a comparable size, species, and density. The facility may be required to be repainted during the time required for the newly planted vegetation to mature and provide adequate screening.

(5) The vegetation that exists when the project is initially approved that is required to provide screening for the facility shall not be altered in a manner that would increase the visibility of the facility and associated access roads, power lines, and telephone lines, except:

(a) Where the alteration is specifically allowed by the approved project; or

(b) Where necessary to avoid signal interference to and from the approved facility.

Alteration of vegetation shall be done under the direction of a licensed arborist.

(6) In the Coastal Zone, vegetation proposed and/or required to be planted in association with a commercial telecommunications facility shall consist of non-invasive plant species only.

2. Telecommunication facilities shall comply with the following development standards in all instances, except that the review authority may exempt a facility from compliance with one or more of the following development standards if requested by the applicant. However, an exemption may only be granted if the review authority finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance either will not increase the visibility of the facility or decrease public safety, or it is required due to technical considerations that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or it would avoid or reduce the potential for environmental impacts.

a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated during power outages and for testing and maintenance purposes. New utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead line would not be visible from a public viewing area. New underground utilities shall contain additional capacity (e.g., multiple conduits) for

additional power lines and telephone lines if the site is determined to be suitable for collocation.

b. In the Inland area disturbed areas associated with the development of a facility shall not occur within the boundaries of an environmentally sensitive habitat area. See Subsection D.3.e below regarding allowance for disturbance within environmentally sensitive habitat areas located within the Coastal Zone.

c. Collocation on an existing support structure shall be required for facilities allowed in compliance with Subsection C.2.b through Subsection C.4 of this Section, unless:

(1) The applicant can demonstrate that reasonable efforts, acceptable to the review authority, have been made to locate the antennas on an existing support structure and these efforts have been unsuccessful; or

(2) Collocation cannot be achieved because there are no existing facilities in the vicinity of the proposed facility; or

(3) The review authority determines that collocation of the proposed facility would result in greater visual impacts than if a new support structure were proposed.

Proposed facilities shall be assessed as potential collocation facilities or sites to promote facility and site sharing so as to minimize the overall visual impact. Sites determined by the Department to be appropriate as collocated facilities or sites shall be designed in a way that antenna support structures and other associated features (e.g. parking, areas, access roads, utilities, equipment buildings) may be shared by site users. Criteria used to determine suitability for collocation include the visibility of the existing site, potential for exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs in the surrounding area, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the Federal Communications Commission. Additional requirements regarding collocation are located in Subsection E.3 (Collocation) below.

d. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas).

e. In the Coastal Zone, disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon a showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils.

f. In the Coastal Zone, facilities shall be prohibited in areas that are located between the sea and the seaward side of the right-of-way of the first through public road parallel to the sea, unless a location on the seaward side would result in less visible impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize visual impacts.

3. Telecommunication facilities shall comply with the following development standards in all instances, except that the review authority may exempt a facility from one or more standards if requested by the applicant. If an exemption from one or more of the following standards is requested, then the facility shall require a Conditional Use Permit approved by the Montecito Commission in compliance with Section 35.472.060 (Conditional Use Permits). An exemption

shall only be granted if the Montecito Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance shall not increase the visibility of the facility or decrease public safety, or is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or it would avoid or reduce the potential for environmental impacts.

a. A facility shall not be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor as designated on the Comprehensive Plan maps.

b. A facility shall not be installed on an exposed ridgeline unless it blends with the surrounding existing natural or manmade environment in a manner that ensures that it will not be substantially visible from public viewing areas (e.g., public road, trails, recreation areas) or is collocated in a multiple user facility.

c. A facility that is substantially visible from a public viewing area shall not be installed closer than two miles from another substantially visible facility unless it is an existing collocated facility situated on multiple user site.

d. Telecommunication facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility shall be designed to look like the natural or manmade environment (e.g., designed to look like a tree, rock outcropping, or streetlight) or designed to integrate into the natural environment (e.g., imbedded in a hillside). These facilities shall be compatible with the existing surrounding environment.

e. In the Coastal Zone, disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of an environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program. Associated landscaping in or adjacent to environmentally sensitive habitat areas shall be limited to locally native plant species appropriate to the habitat type and endemic to the watershed. Invasive, nonindigenous plant species that tend to supplant native species shall be prohibited.

E. Project installation and post installation provisions.

1. Radio Frequency (RF) emission levels. A telecommunication facility shall not be sited or operated in a manner that poses, either by itself or in combination with other facilities, a potential threat to public safety. A telecommunication facility or combination of facilities shall not produce at any time power densities that exceed the Maximum Permissible Exposure (MPE) limits for human exposure established by the Federal Communications Commission or a legally binding, more restrictive standard subsequently adopted by the federal government.

a. Initial compliance with this requirement shall be demonstrated for commercial telecommunication facilities through submission, at the time of application, for the necessary permit or other entitlement, of a report prepared by a third-party certified engineer that utilizes site-specific data to predict the level of RF emissions in the vicinity of the proposed facility in comparison with federal MPE limits.

b. If these calculated RF levels exceed 80 percent of the MPE limits, then said facility shall not commence normal operations until a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to measure RF levels is submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said facility shall not commence normal operations until it complies with, or has been modified to comply with, the federal MPE limits.

c. If these calculated RF levels do not exceed 80 percent of the MPE limits, then a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to measure RF levels shall be submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said report shall be submitted within 30 days after said facility commences normal operations.

d. Every telecommunication facility shall demonstrate continued compliance with the MPE limits.

(1) Every five years, or other time period as specified by the review authority as a condition of approval of the project, a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. The report shall be submitted by the newest carrier operating at the facility to the Director. If the level of RF emissions has changed since permit approval, measurements of RF levels in nearby inhabited areas shall be taken and submitted with the report.

(2) In the case of a change in the adopted MPE limit, measurements of RF levels in nearby inhabited areas shall be taken and submitted in a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to the Director. The required report shall be submitted within 90 days of the date said change becomes effective by the newest carrier locating on the facility.

(3) Failure to supply the required reports within 30 days following the date that written notice is mailed by the Director that such compliance report is due or failure to remain in continued compliance with the MPE limit shall be grounds for revocation of the Coastal Development Permit or Land Use Permit or other entitlement of use by the Director. The decision of the Director to revoke the Coastal Development Permit or Land Use Permit or other entitlement of use is final subject to appeal in compliance with Chapter 35.492 (Appeals).

2. Project Review.

a. Five years after the issuance of the initial Coastal Development Permit or Land Use Permit for the facility, and not more than every five years after that, the Director may undertake inspection of the project and require the permittee to modify its facilities. Modifications shall be required if, at the time of inspection, it is determined that:

(1) The project fails to achieve the intended purposes of the development standards listed in Subsection D. (Additional development standards for telecommunication facilities) above, for reasons attributable to design or changes in environmental setting; or

(2) More effective means of ensuring aesthetic compatibility with surrounding uses have become available as a result of subsequent technological advances or changes in circumstance from the time the project was initially approved.

The Director's decision shall take into account the availability of new technology, capacity, and coverage requirements of the permittee, and new facilities installed in the vicinity of the

site. The scope of modification, if required, may include a reduction in antenna size and height, collocation at an alternate permitted site, and similar site and architectural design changes. However, the permittee shall not be required to undertake changes that exceed 10 percent of the total cost of facility construction. The decision of the Director as to modifications required under this Section is final subject to appeal in compliance with Chapter 35.492 (Appeals).

3. Collocation. Following initial approval of a telecommunication project, which includes individual telecommunication facilities, collocated telecommunication facilities and collocated telecommunication sites, the permittee and the property owner shall avail its telecommunication facility to other prospective applicants and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following limits:

a. The party seeking collocation shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs, and permit processing.

b. The permittee shall not be required to compromise the operational effectiveness of its facility or place any prior approval at risk.

c. Applicants shall make facilities and property available for collocation of telecommunication facilities on a nondiscriminatory and equitable basis. The County retains the right to verify that the use of the facilities and property complies with County policies regarding collocation and to impose additional permit conditions where necessary to ensure these policies are being fulfilled.

d. In the event that the need for access to these facilities is demonstrated by other applicants to the review authority, carriers shall make available any excess space of their facilities to such other applicants at an equitable cost.

e. In the event access to an existing facility is denied by the applicant, at the request of the carrier requesting to collocate, the applicant shall submit to the Director terms, including financial terms, under which other carriers in the area would be allowed to enter and use either the facilities or the property. In addition, the applicant shall submit a record of the typical financial terms used for similar facilities at other locations. The applicant shall submit the requested information to the Director within 30 days of the request. If these terms are determined to be unacceptable to potential users of the facility and if agreement cannot be reached, the County shall reserve the right to impose additional conditions as described above by the Director to amend the permit. The imposition of conditions shall be based on evidence of the charges and terms supplied by the applicant and carrier requesting to collocate. The decision of the Director to impose additional conditions is final subject to appeal in compliance with Chapter 35.492 (Appeals). The intent of this condition is to ensure the efficient and maximum use of collocated telecommunication facilities in the County.

4. Project abandonment/site restoration. If the use of a facility is discontinued for a period of 12 consecutive months, the facility shall be considered abandoned.

a. The time may be extended by the review authority with jurisdiction over the project one time for good cause shown, provided a written request, including a statement of reasons for the time extension, is filed with the Department prior to the expiration of the 12 month period.

b. The facility shall be removed and the site shall be restored to its natural state unless the landowner requests that the facility remain and obtains the necessary permits. The permittee shall remove all support structures, antennas, equipment, and associated improvements, and restore the site to its natural preconstruction state within 180 days of the date of receipt of

the County's Notice to Abate.

c. If the facility is not removed by the permittee and the site returned to its original condition within the specified time period, the County may remove the facility at the permittee's expense. Before the issuance of the Coastal Development Permit or Land Use Permit to construct the facility, the applicant shall post a performance security in an amount and form determined by the Director that is sufficient to cover the cost of removal of the facility in the event that the facility is abandoned, in compliance with Section 35.474.020 (Performance Guarantees).

d. The applicant or a succeeding operator shall submit a revegetation plan of proposed abandonment to be reviewed and approved by a Department approved biologist before demolition. The approved revegetation plan shall be implemented upon completion of site demolition during the time of year that will allow for germination of seed without supplemental irrigation.

5. Transfer of ownership. In the event that the original permittee sells or otherwise transfers its interest in a telecommunications facility, or an interest in a telecommunication facility is otherwise assumed by a different carrier, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible by the County for maintaining the project in compliance with all project conditions for approval. A new contact name for the project and a new signed and recorded Agreement to Comply with Conditions of Approval shall be provided by the succeeding carrier to the Director within 30 days of the transfer of interest in the facility.

6. Color compatibility. Before the issuance of the Coastal Development Permit or Land Use Permit, the applicant shall erect an onsite demonstration structure of sufficient scale and height to allow the Director to determine that the proposed exterior color is aesthetically compatible with the surrounding area. If the applicant elects not to erect this demonstration structure before issuance of the Coastal Development Permit or Land Use Permit, the Director may determine within 30 days of the facility becoming operational that the exterior color is not aesthetically compatible with the surrounding area and require that the exterior color be changed.

F. Public notice. Notice of the approval of any Coastal Development Permit or Land Use Permit or the pending decision of the Director on a Development Plan, or a public hearing on a Conditional Use Permit or Development Plan shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).

G. Additional findings. In addition to the findings required to be adopted by the review authority in compliance with Section 35.472.050 (Coastal Development Permits), Section 35.472.060 (Conditional Use Permits), Section 35.472.080 (Development Plans) and Section 35.472.110 (Land Use Permits) in order to approve an application to develop a telecommunication facility, the review authority shall also make the following findings:

1. The facility will be compatible with the existing and surrounding development in terms of land use and visual qualities.

2. The facility is located to minimize its visibility from public view.

3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.

4. The facility complies with all required development standards unless granted a specific exemption by the review authority as provided in Subsection D. (Additional development standards for telecommunication facilities) above.

5. The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety

standards.

H. Application requirements.

1. An application for a Coastal Development Permit, Conditional Use Permit, Development Plan, Land Use Permit or Zoning Clearance to permit the development of a commercial telecommunication facility regulated by this Section shall be filed and processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).

2. The Director is authorized at their discretion to employ on behalf of the County independent technical experts to review technical materials submitted including materials required under this Chapter and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. Proprietary information disclosed to the County or the hired expert shall remain confidential and shall not be disclosed to a third party.

35.444.020 - Noncommercial Telecommunications Facilities

A. Purpose and intent. This Section establishes the permit requirements and standards for the siting and development of noncommercial telecommunication facilities. The intent is to promote their orderly development and to ensure that they are compatible with surrounding land uses in order to protect the public safety and visual resources through the use of development standards that allow for maximum flexibility in amateur radio operations while protecting the public interest. It is recognized that there are local, state, national, and international interests in services provided by the amateur radio community and the provision of these services shall be protected. However, this shall be balanced with local interests regarding public safety and welfare.

B. Applicability.

1. Affected facilities and equipment. The provisions of this Section shall apply to all noncommercial telecommunication facilities that transmit or receive electromagnetic signals (e.g., amateur radio stations, other noncommercial telecommunication signals).

2. Allowable zones and permit requirements. Table 4-11 (Allowable Zones and Permit Requirements for Noncommercial Telecommunication Facilities) below establishes the allowable zones, permit requirements, and development standards applicable to noncommercial telecommunications facilities as allowed by this Section. Different permit processes shall be required depending on the type of the noncommercial telecommunication facility being proposed and whether the facility complies with different development standards.

C. Processing. Permits for Tier 1 or Tier 2 noncommercial telecommunication facilities shall be approved in compliance with the requirements of Subsection D. through Subsection F. below, unless otherwise specified.

D. Development standards.

1. Coastal Zone and Inland area. The following standards shall apply to the construction or erection of antennas and antenna support structures associated with amateur radio stations.

a. Access. An antenna and its support structure shall not impede access by fire or other safety personnel to portions of the lot that the antenna and support structure is located on. Where this access would be impeded, a minimum of three feet clearance shall be provided between the antenna support structure and another structure or other obstacle.

b. Location on roofs. Antenna support structures that are located on roofs shall be located on the portion of that structure that faces away from public viewing areas (e.g., public streets, parks) whenever technically feasible.

c. **Permit requirements.** Required Building and Electrical Permits shall be obtained before erecting or operating the antenna support structure and associated antenna.

d. **Extension over neighboring property.** An antenna, regardless of height, shall be located to ensure that it does not extend over neighboring lot without the express written, notarized consent of the affected lot owner. If the affected lot changes ownership, then written, notarized consent shall be obtained from the new owner within 120 days from the transfer of ownership. If a new agreement cannot be reached within this time period, then the antenna shall be modified so that it does not extend over the lot line. If the antenna support structure must be relocated, then a new Coastal Development Permit or Land Use Permit or Zoning Clearance shall be obtained in compliance with Section 35.472.050 (Coastal Development Permits) or Section 35.472.110 (Land Use Permits) or Section 35.472.190 (Zoning Clearance) before relocation of the antenna support structure.

2. **Coastal Zone**. In the Coastal Zone, noncommercial telecommunication facilities shall comply with the following additional development standards only to the extent that the requirements do not preclude amateur service communications and reasonably accommodate amateur service communications. If an exemption from one or more of the following standards is requested, then the facility shall require a Conditional Use Permit approved by the Montecito Commission in compliance with Section 35.472.060 (Conditional Use Permits).

a. The visible support facilities shall be finished in nonreflective materials.

b. The components of the facility shall be of a color that blends with the surrounding environment to the maximum extent feasible.

c. If the facility is visible from public viewing areas, native vegetation shall be planted to screen the facility.

d. A facility shall not be located to silhouette against the sky if substantially visible from a state designated scenic highway or other public viewing area.

e. Facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed, or located behind earth berms in order to minimize their profile and minimize intrusion into the skyline. If it is necessary for the facility, or portion of the facility, to extend above an exposed ridgeline, the facility shall be designed to blend with the surrounding existing natural or manmade environment in a manner so as to not be substantially visible from public viewing areas (e.g., public roads, trails, recreational areas).

f. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of an environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas and would allow operator to meet the same communication goal. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate the impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program.

3. **Height limits and exceptions.** Amateur radio antennas, including support structures, are limited to 50 feet in height except that this height limit may be increased to a maximum of 75 feet in height where technical requirements dictate.

a. Amateur radio antennas, including support structures, may exceed 75 feet in height provided the review authority finds that the increased height is necessary in order to allow for the operational needs of the operator.

E. Public notice. Notice of the approval of any Coastal Development Permit or Land Use Permit or the pending decision of the Director on a Development Plan, or a public hearing on a Development Plan shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).

F. Application requirements. An application for a Coastal Development Permit, Conditional Use Permit, Development Plan or Land Use Permit to permit the development of a noncommercial telecommunication facility regulated by this Section shall be filed and processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).

Table 4-11 - Allowable Zones and Permit Requirements for Noncommercial Telecommunication Facilities

Project Level Tier	Zones Where Allowed	Permit Requirements	Development Standards
Exempt Projects: Receive-only satellite dish or wireless television antennas one meter or less in diameter. (1) (2)	All zones	None	None
Exempt Projects: Inland area only - Amateur radio antennas, including support structure, where value is less than $2,000.00 (1)(2)	All zones	None	35.444.020.D
Tier 1 Project: Receive-only satellite dish antennas or wireless television antennas greater than one meter but less than or equal to two meters in diameter. (1) (2)	All zones	Coastal Development Permit or Land Use Permit	35.444.020.D
Tier 1 Project: Amateur radio antennas, including support structure, 65 feet or less in height. (3) (4)	All zones	Coastal Development Permit or Land Use Permit	35.444.020.D
Tier 2 Project: Receive-only satellite dish antennas or wireless antennas greater than two meters in diameter. (1) (2)	All zones	Development Plan (5)	35.444.020.D
Tier 2 Project: Amateur radio antennas, including support structure, greater than 65 feet in height. (3) (4)	All zones	Development Plan (5)	35.444.020.D

Notes:

(1) The antenna shall be used solely by the occupants of the lot on which the antenna is located.

(2) The antenna may be located on the ground or attached to a structure.

(3) Where the height of the antenna including the support structure is adjustable (e.g., a retractable, telescoping or tilt-over antenna), the height of the antenna with support structure shall be measured when it is at the lowest position, provided the antenna with support structure is maintained at the lowest position unless the associated antenna radio station is operating.

(4) The amateur radio antenna shall be used in conjunction with a licensed amateur radio station, including Military Affiliated Radio Stations, operated principally by the occupant of the lot on which the amateur radio antenna and station is located.

(5) The Director shall act as the review authority unless a public hearing is requested in compliance with Chapter 35.496 (Noticing and Public Hearings) in which case the Montecito Commission shall be the review authority.

DIVISION 35.5

Montecito Resource Management

Chapter 35.450 - Montecito Resource Protection Standards 5-3

35.450.010 - Purpose 5-3
35.450.020 - Applicability 5-3
35.450.030 - Archaeological Resources - Coastal Zone and Inland Area 5-3
35.450.040 - Beach Development - Coastal Zone 5-3
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Chapter 35.452 - Montecito Ridgeline and Hillside Development 5-7

35.452.010 - Purpose 5-7
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CHAPTER 35.450 - MONTECITO RESOURCE PROTECTION STANDARDS

Sections:

35.450.010 - Purpose
35.450.020 - Applicability
35.450.030 - Archaeological Resources - Coastal Zone and Inland Area
35.450.040 - Beach Development - Coastal Zone
35.450.050 - Bluff Development - Coastal Zone
35.450.060 - Shoreline Protection Structures - Coastal Zone
35.450.070 - Tree Removal - Coastal Zone

35.450.010 - Purpose

This Chapter provides standards for resource protection and coastal access.

35.450.020 - Applicability

The standards in this Chapter apply to proposed development and land uses only on sites within the Coastal Zone unless specifically stated otherwise.

35.450.030 - Archaeological Resources - Coastal Zone and Inland Area

The following standards are applicable within the Coastal Zone and the Inland area as indicated below.

A. Coastal Zone and Inland area requirements.

1. Development proposed on a lot where archaeological or other cultural sites are located shall be designed to avoid impacts to the cultural sites if possible.

2. When sufficient planning flexibility does not permit avoiding construction on an archaeological or other cultural site, adequate mitigation shall be required. Mitigation shall be designed in compliance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.

3. Native Americans shall be consulted when development proposals are submitted that impact significant archaeological or cultural sites.

B. Inland area requirements. All available measures, including purchase of the site, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.

35.450.040 - Beach Development - Coastal Zone

The following standards are applicable within the Coastal Zone only.

A. Beach structures. To avoid the need for future protective devices that could impact sand movement and supply, no permanent above-ground structure shall be permitted on dry sandy beach except facilities necessary for public health and safety, including lifeguard towers, or where this restriction would cause the inverse condemnation of the lot by the County.

B. Vertical access requirement. The approval of each new development between the first public road and the ocean shall require that the property owner grant an easement to allow vertical access to the mean high tide line, unless the review authority determines that:

1. Another more suitable public access corridor is available, or proposed by the Land Use Plan within a reasonable distance of the site measured along the shoreline; or

2. Access at the site would result in unmitigable adverse impacts on areas designated as "Habitat Areas" by the Coastal Land Use Plan; or

3. Findings are made, consistent with Public Resources Code Section 30212 of the Coastal Act, that access is inconsistent with public safety or military security needs, or that agriculture would be adversely affected; or

4. The lot is too narrow to allow for an adequate vertical access corridor without adversely affecting the privacy of the property owner.

In no case, however, shall development interfere with the public right of access to the sea where acquired through use, unless an equivalent access to the same beach area is guaranteed. The County may also require the applicant to improve the access corridor and provide bike racks, signs, parking, etc. This requirement shall not apply to development excluded from the public access requirements of the Coastal Act by Public Resources Code Section 30212 or to development incidental to an existing use on the site.

C. Lateral access requirement. The approval of each new development between the first public road and the ocean shall require that the property owner grant an easement to allow public access along the shoreline, as follows, except that this requirement shall not apply to development excluded from the public access requirements of the Coastal Act by Public Resources Code Section 30212, or to development incidental to an existing use on the site.

1. Where coastal bluffs exceed five feet in height, the lateral easement shall include all beach seaward of the base of the bluff.

2. Where coastal bluffs are less than five feet, the area of the easement to be granted shall be determined by the County based on findings reflecting historic use, existing and future public recreational needs and coastal resource protection.

3. At a minimum, the lateral easement shall be adequate to allow for lateral access during periods of high tide.

4. In no case shall the lateral easement be required to be closer than 10 feet to a residential structure.

5. All fences, no trespassing signs, and other obstructions that may limit public lateral access shall be removed as a condition of development approval.

35.450.050 - Bluff Development - Coastal Zone

The following standards are applicable within the Coastal Zone only. Development on or adjacent to coastal bluffs shall comply with the following standards. See also Section 35.450.060 (Shoreline Protection Structures - Coastal Zone).

A. Setback requirement for new structures - safety. New above-ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years, unless this standard will make a lot unbuildable, in which case a standard of 50 years shall be used. The County shall determine the required setback. A geologic report shall be required by the County in order to make this determination. At a minimum, the geologic report shall be prepared in conformance with the Coastal Commission's adopted Statewide *Interpretive Guidelines* regarding "Geologic Stability of Blufftop Development." (See also Coastal Land Use Plan Policy 4-5 regarding protection of visual resources.)

B. Setback requirement for new structures - visual. In addition to those required by Subsection A.

(Setback requirement for new structures - safety) above, additional bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Blufftop structures shall be set back from the bluff edge sufficiently far to insure that the structure does not infringe on views from the beach except in areas where existing structures on both sides of the proposed structure already impact public views from the beach. In these cases, the new structure shall be located no closer to the bluff edge than the adjacent structures.

C. Landscaping, grading, and drainage. Within a required blufftop setback, drought-tolerant vegetation shall be maintained. Grading, as may be required to establish proper drainage or to install landscaping, and minor improvements (e.g., patios and fences that do not impact bluff stability) may be permitted. Surface water shall be directed away from the top of the bluff or be handled in a manner satisfactory to prevent damage to the bluff by surface and percolating water.

D. Protection from erosion. Development and activity of any kind beyond the required blufftop setback shall be constructed to ensure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself.

E. Bluff face development, drainage structures. No development shall be permitted on the bluff face, except for engineered staircases or access ways to provide beach access, and pipelines for scientific research or coastal dependent industry. Drainpipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face shall not be permitted if the property can be drained away from the bluff face.

35.450.060 - Shoreline Protection Structures - Coastal Zone

The following standards are applicable within the Coastal Zone only. Shoreline protection structures within the Coastal Zone require the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) and shall comply with the following additional standards.

A. Seawalls shall not be allowed unless the County has first determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures.

B. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures, and prevention of land divisions on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance.

C. Where allowed, seawall design and construction shall respect the natural landforms to the maximum degree possible.

D. Adequate provisions for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.

E. Cliff retaining walls, groins, pipelines and outfalls, revetments and other construction that may alter natural shoreline processes shall be allowed only when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access.

35.450.070 - Tree Removal - Coastal Zone

The following standards are applicable within the Coastal Zone only.

A. Purpose and intent. This section regulates the removal of certain trees within the Coastal Zone. The intent is to preserve healthy trees that are important for the protection of habitat areas, and the scenic and visual quality of the County.

B. Applicability. A Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) shall be issued before the removal of a tree that is six inches or more in diameter measured four feet above the ground, and six feet or more in height, and which is:

1. Located in a County street right-of-way; or
2. Located within 50 feet of a major or minor stream, except when the tree is removed for agricultural purposes; or
3. An oak tree; or
4. Used as a habitat by Monarch Butterflies.

C. Findings required for approval. The issuance of a Coastal Development Permit for tree removal shall require that the review authority first make one of the following findings, in addition to the findings required for Coastal Development Permit approval by Section 35.472.050 (Coastal Development Permits):

1. The tree is dead; or
2. The tree prevents the construction of a project for which a Coastal Development Permit has been issued and project redesign is not feasible; or
3. The tree is diseased, and poses a danger to healthy trees in the immediate vicinity, provided that a certificate attesting to these facts is filed with the Department by a licensed tree surgeon; or
4. The tree is so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any injury so as to cause imminent danger to persons or property.

CHAPTER 35.452 - MONTECITO RIDGELINE AND HILLSIDE DEVELOPMENT

Sections:

35.452.010 - Purpose
35.452.020 - Applicability
35.452.030 - Coastal Zone Limitation on Sloping Lot Development
35.452.040 - Ridgeline and Hillside Development Guidelines

35.452.010 - Purpose

This Chapter describes the County's requirements for development on sloping lots and ridgeline sites.

35.452.020 - Applicability

The requirements of this Section apply within the Coastal Zone and the Inland area except where specifically stated otherwise.

35.452.030 - Coastal Zone Limitation on Sloping Lot Development

Within the Coastal Zone, in no case shall an above-ground structure, except for necessary utility lines and fences for agricultural purposes, be sited on an undisturbed slope exceeding 40 percent.

35.452.040 - Ridgeline and Hillside Development Guidelines

The following standards are applicable within the Coastal Zone and the Inland area.

A. **Purpose and Intent.** This Chapter provides for the visual protection of the Montecito's ridgelines and hillsides by requiring that the Montecito Board of Architectural Review evaluate each proposed structure within the areas identified in Subsection B. (Applicability) below, in terms of the guidelines in Subsection C. (Development Guidelines) below. The intent of this Section is to encourage architectural designs and landscaping that conform to the natural topography on hillsides and ridgelines.

B. **Applicability.** Each structure proposed where there is a 16 foot drop in elevation within 100 feet in any direction from the proposed building footprint shall be subject to Design Review in compliance with Section 35.472.070 (Design Review) for conformity with the development guidelines in Subsection C. (Development Guidelines) below.

1. **Exempt structures.** The following structures are exempt from these guidelines.

a. Windmills and water tanks for agricultural purposes

b. Poles, towers, antennas, and related facilities of public utilities used to provide electrical, communications, or similar services.

2. **Exemptions allowed by Montecito Board of Architectural Review.** The Montecito Board of Architectural Review may exempt a new structure or an alteration to an existing structure from compliance with these guidelines, in compliance with Section 35.472.070 (Design Review) provided that in their review of the structure they find that one or more of the following situations applies to the proposed development:

a. Due to unusual circumstances, strict adherence to these guidelines would inordinately restrict the building footprint or height below the average enjoyed by the neighborhood. For example, significant existing vegetation, lot configuration, topography or unusual geologic features may necessitate exceeding the height limit in order to build a dwelling comparable

to other structures in the neighborhood.

b. In certain circumstances, allowing greater flexibility in the guidelines will better serve the interests of good design without negatively affecting neighborhood compatibility or the surrounding viewshed.

3. Exemptions allowed by the Director. The Director may exempt a new structure or an alteration to an existing structure from compliance with these guidelines if he determines that the proposed site is on or adjacent to a minor topographic variation (e.g., gully) such that the 16 foot drop in elevation is not the result of a true ridgeline or hillside condition.

C. Development Guidelines. Ridgeline and hillside development shall comply with the following guidelines as specified in Subsection C.1 (Guidelines - Application and interpretation) except where a project is exempted from the guidelines in compliance with Subsection B. (Applicability) above.

1. Guidelines - Application and interpretation. The Montecito Board of Architectural Review shall have the discretion to interpret and apply the following guidelines.

a. Urban areas. The following guidelines apply within Urban areas as designated on the Comprehensive Plan maps.

(1) The height of a structure should not exceed 25 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structure's location.

(2) Proposed structures should be in character with adjacent structures.

(3) Large understories and exposed retaining walls should be minimized.

(4) Landscaping should be compatible with the character of the surroundings and the architectural style of the structure.

(5) Development on ridgelines shall be discouraged if suitable alternative locations are available on the lot.

b. Rural areas. The following guidelines apply within Rural areas as designated on the Comprehensive Plan maps.

(1) The height of any structure should not exceed 16 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structure’s location.

(2) Building rake and ridge line should conform to or reflect the surrounding terrain.

(3) Materials and colors should be compatible with the character of the terrain and natural surroundings of the site.

(4) Large, visually unbroken and/or exposed retaining walls should be minimized.

(5) Landscaping should be used to integrate the structure into the hillside, and shall be compatible with the adjacent vegetation.

(6) Grading shall be minimized, in compliance with the Comprehensive Plan.

(7) Development on ridgelines shall be discouraged if suitable alternative locations are available on the lot.

DIVISION 35.6

Montecito Site Development Regulations

Chapter 35.460 - Road Naming and Address Numbering 6-3

35.460.010 - Purpose 6-3
35.460.020 - Applicability 6-3
35.460.030 - Areawide Address Numbering System 6-3
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CHAPTER 35.460 - ROAD NAMING AND ADDRESS NUMBERING

Sections:

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35.460.020 - Applicability
35.460.030 - Areawide Address Numbering System
35.460.040 - Road Name and Status Index
35.460.050 - Road Names - Procedure, Standards, and Signs
35.460.060 - Address Numbers - Procedures, Standards, and Display
35.460.070 - Administration
35.460.080 - Enforcement

35.460.010 - Purpose

This Chapter provides procedures for naming and renaming of existing or proposed roads and a road naming and address numbering plan for the County. These regulations are intended to protect and promote the public health, safety, and welfare of those who live and work within the County by improving response times for emergency vehicles, expediting business and postal delivery services, and assisting in the timely location of specific businesses and dwellings.

35.460.020 - Applicability

A. Affected roads and structures. The address numbering system will be implemented through the adoption of specific areawide systems by resolution of the Board after recommendation by the Montecito Commission. The address numbering areawide systems are applicable to:

1. All roads and structures located within the boundaries of adopted areawide address numbering systems (see also Section 35.442.020 (Accessory Structures and Uses)); and

2. All roads shown on subdivision maps approved for recording regardless of their location within or outside the boundaries of adopted areawide address numbering system.

B. Existing road standards. The adoption and implementation of this Chapter shall not affect or supersede County standard details relative to road standards, as adopted by Board resolution, and shall not limit the authority of the Director of the Public Works Department relative to activities within public road rights-of-way.

35.460.030 - Areawide Address Numbering System

A. Boundaries. The boundaries of each areawide system shall be established by Board resolution after a recommendation by the Montecito Commission. The adopted boundaries shall be identified on the Countywide Official Address Numbering Plan Base Map prepared by the County of Santa Barbara Fire Department, hereinafter referred to as the Fire Department.

B. Maps.

1. The Countywide Official Address Numbering Plan Base Map shall delineate the boundaries of the areawide address numbering systems.

2. Each adopted areawide address numbering system shall include a set of maps that identify base lines, grid index lines, and the address numbers assigned to particular structures and the address ranges assigned to particular areas.

3. Each map adopted in compliance with this Chapter is available for public review in the Fire

Department.

35.460.040 - Road Name and Status Index

The Fire Department shall maintain a Road Name Index that shall identify the existing names of all roads, and also indicate whether each road is public or private.

35.460.050 - Road Names - Procedure, Standards, and Signs

A. Road names required. A road name shall be required for all public and private roads and for any other roads when deemed necessary by the Department; except that a private road located entirely within a contiguous ownership of more than 200 acres shall be exempt from this requirement, unless the property owner files a written request for road naming with the Department.

B. Naming or renaming an existing road.

1. Initiation. The naming or renaming of a public or private road may be initiated by the owner of abutting property, the Board, Montecito Commission, Department, or other public agency or County department.

2. Contents of application. An application for naming or renaming of an existing road shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing) and the initiating property owner or agency shall file a Road Name Petition with the application.

a. When a naming or renaming is initiated by a property owner, the Road Name Petition shall be completed with the signatures of the property owners or tenants representing at least two-thirds of the dwellings or businesses located along the road segment to be named or renamed.

b. When a naming or renaming is initiated by a public agency and the affected road segment is a continuation of a previously named road, the Road Name Petition shall be completed with the signature of a representative from the initiating agency.

c. When a naming or renaming is initiated by a public agency and the affected road segment is not a continuation of a previously named road, the Road Name Petition shall be completed with signatures of the property owners or tenants representing two-thirds of the dwellings or businesses located along the unnamed portion of the road, or shall include other verification of support deemed appropriate by the Montecito Commission.

3. Public hearing.

a. Public hearing. The Montecito Commission shall hold at least one noticed public hearing on the request, unless waived in compliance with Subsection 3.c, below, and approve, conditionally approve or deny the request.

b. Notice. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings). Additionally, notice shall be provided in compliance with the following:

(1) Posted notice. At least 10 days before the public hearing, notice of the hearing shall be posted by the Department in a minimum of three public places along the affected road.

(2) Mailed notice. Notice of the public hearing shall be sent to all property owners or tenants of lots abutting the affected road in compliance with Chapter 35.496 (Noticing and Public Hearings).

c. Waiver of public hearing. The requirement for a public hearing may be waived by the Director in compliance with the following requirements:

(1) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Chapter 35.496 (Noticing and Public Hearings).

(a) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the road naming or renaming application.

(2) A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection 35.460.050.B.3.c.(1), above, is mailed.

If the requirement for a public hearing is waived, then the Director shall be the review authority for the road naming or renaming application. A listing of pending road naming or renaming applications for which the public hearing may be waived shall be provided on the Montecito Commission's hearing agendas.

d. Action of review authority.

(1) Action of the Montecito Commission. The action of the Montecito Commission is final subject to appeal in compliance with Section 35.492 (Appeals).

(2) Action of the Director.

(a) The action of the Director to approve or conditionally approve the road naming or renaming application is final and not subject to appeal.

(b) The action of the Director to deny the road naming or renaming application is final subject to appeal by the applicant in compliance with Section 35.492 (Appeals).

e. Recording action. Upon the naming or renaming of the road, the review authority shall enter in its minutes the officially designated name of the road. Thereafter the road shall be known by the designated name.

4. Notification after change. After adoption of the road name, the Department shall notify all the appropriate public agencies and the property owners and tenants of the dwellings and businesses along the affected road of the road name change.

C. Naming a road created by a subdivision. The naming of a road created by a subdivision shall be in compliance with Subsection D.2, below. This procedure shall also apply to the naming of an unnamed existing road contained within a proposed subdivision. See also Subsection D.3 (Continuity) below.

1. Continuation of existing named road. A road created by a proposed subdivision that continues an existing named road shall bear the name of the existing road.

2. Procedure.

a. Naming of a road in conjunction with the approval of a tentative map.

(1) Submittal of application. An application for naming a road either created by a proposed subdivision or naming an existing unnamed road contained within a proposed subdivision shall be filed concurrently with the application for the tentative

map.

(2) Contents of application. An application for naming a road in conjunction with the approval of a tentative map shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

(3) Review and approval. A proposed road name shall be shown on the tentative map and shall be approved by the Montecito Commission at the time of tentative map approval in compliance with Subsection D. (Road name selection) below. The approved names shall be shown on the Final Map or Parcel Map as submitted for County approval and recordation.

(4) Appeal. The decision of the Montecito Commission may be appealed in compliance with Chapter 35.492 (Appeals).

b. Naming of a road following the approval of a tentative map.

(1) Initiation. The naming of a road created by a proposed subdivision shall be initiated by the property owner or an authorized agent of the owner.

(2) Contents of application. An application for naming a road following the approval of a tentative map shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing) and shall be filed following the approval of the tentative map.

(3) Review and approval. A proposed road name shall be approved by the Director upon verification of compliance with Subsection E. (Road name selection) below. The approved names shall be shown on the Final Map or Parcel Map as submitted for County approval and recordation.

(4) Appeal. The decision of the Director may be appealed in compliance with Chapter 35.492 (Appeals).

D. Road name selection. Each selected road name should comply with the following standards.

1. Objectives. A proposed road name should be pleasant sounding; easy to read (so that the public, and children in particular, can readily pronounce the name in an emergency); and add to pride of home and community.

2. Criteria. Each road name shall comply with the following criteria:

a. A road names shall not be duplicated within the area served by the same post office, or fire or police department. No name should duplicate another road name used elsewhere in the County. Similar sounding names are considered duplicates regardless of spelling.

b. A road shall not be named after a living person, except that a road may be named with a family surname prominent in County history, even if a family member still resides in the area.

c. A road name shall have less than 24 letters, including punctuation, spacing, and road classification (e.g., lane, street, way).

d. A road name shall be easy to pronounce and spell.

e. A road name shall be grammatically correct whether in English or a foreign language.

f. A road name shall include the appropriate road classification (e.g., lane, street, way).

3. Continuity.

a. A continuous road, or one proposed to be continuous, shall have the same name throughout its complete length.

b. If an otherwise continuous road is interrupted by a drainage channel, freeway, or railroad, etc. with no planned connection, the interrupted segments shall have different names.

c. Where roads intersect at an interior angle of 110 degrees or less, each segment shall be given a different name if doing so will reduce confusion when locating an address.

4. Extra words. Unnecessary words shall be avoided. Words that may be used are limited to the following:

a. "East," "North," "South," and "West," indicating direction for a numbering base line; and

b. "Lane," "Place," "Road," "Street," "Way," indicating the road classification in English.

E. Road name signs.

1. Objectives. Road name signs should be clearly visible to passing motorists. The letters and numbers used should contrast with the background color and should be large enough to be legible from a vehicle on the roadway.

2. Signs for private roads. Abutting property owners shall install and maintain permanent road name signs for private roads, as follows.

a. Each road name sign shall be installed in compliance with current County Standard requirements.

b. Each road name sign for a private road shall comply with Subsection F.3 (Signs for public roads) below, with the exception that the background color shall be dark blue.

c. The property owners responsible for private road maintenance are responsible for providing and maintaining road name signs.

d. Before the acceptance of a private road into the County Maintained Road System, the affected property owners shall replace existing road name signs and install all required road name signs in compliance with County Standards Requirements and Subsection F.3 (Signs for public roads) below.

3. Signs for public roads.

a. Agencies responsible for road maintenance are responsible for providing road name signs for all roads within their jurisdictions. Road name signs for public roads shall comply with the requirements for County Standard Street Name Signs as approved by the Director of the Public Works Department. The Public Works Department is responsible for providing road name signs for all County roads in compliance with these standards.

b. The Board may allow an owners' association to design, specify, install, replace, and remove road name signs of a standard not in compliance with this Subsection. Sign maintenance shall be the responsibility of the association.

4. Signs for existing roads affected by subdivision. The property owner shall install road name signs at unsigned intersections to provide identification for the subdivision, as determined by the subdivision review process:

a. Road name signs shall be required for each road created by the subdivision.

b. Road name signs may be required for existing roads providing access to the subdivision.

c. Road name signs shall comply with the requirements of the County Standard Street Name Signs as approved by the Director of the Public Works Department.

35.460.060 - Address Numbers - Procedures, Standards, and Display

A. Procedure for assigning address numbers.

1. Assignment of numbers. The Fire Department shall determine and assign all address numbers and shall issue the numbers to property owners and occupants. A record of all assigned numbers shall be maintained by the Fire Department and shall be available for public review during regular business hours.

2. Notification of change. If an address number is changed, the owner and tenant in charge of a dwelling or business to which a number has been assigned will be notified in writing by the Fire Department at least 10 days before the effective date of the change.

B. Standards for address numbers. Address numbers shall be determined in compliance with the incremental distance between system grid lines and the following Subsection standards when applicable.

1. Developed lots. Developed lots shall be assigned street addresses as follows. See Subsection B.2 (Vacant lots) below regarding vacant lots.

a. Lot greater than one acre. A lot greater than one acre (gross) shall be assigned an address where the driveway intersects the lot frontage.

b. Lot of one acre or less. A lot that is one acre or less in area (gross) shall be assigned an address at the center point of the lot frontage.

c. Corner lot. A corner lot shall be assigned an address on the road upon which the principal building entrance faces; except that when the principal entrance is not visible from that road or is inaccessible for fire access from that road, the lot shall be addressed from the road intersected by the driveway.

d. Unnamed road serving less than five dwellings or lots. For unnamed roads serving less than five dwellings or lots, the address number shall be assigned corresponding to the numbering on the road where the unnamed road originated.

e. Multiple units. Separate internal units within residential and business complexes may be identified by a suffix (e.g., apartment, space, suite, unit) as determined by the Fire Department in consultation with the property owner, emergency service agencies, and the U.S. Postal Service.

2. Vacant lots. A vacant lot may be assigned an address number at the center point of the lot frontage. This pre-assigned address may be changed at the time a Building Permit is issued in order to comply with Subsection B.1.a through Subsection B.1.c above.

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

C. Display of address numbers.

1. New construction. The property owner shall display the assigned address number before requesting a final Building Permit inspection. The address number shall be displayed in compliance

with Subsection C.4 through Subsection C.6 below.

2. **Existing structure.** Within 30 days after receiving written notification of an address change, the owner or tenant shall display the new number in compliance with Subsection C.4 through Subsection C.6 below and shall remove any obsolete number.

3. **Size and color of numbers.** Each address number shall be a minimum height of three inches, reflective, and a color contrasting with the background color.

4. **Number location objectives.** Address numbers shall be placed at front doors, on mailboxes, on private lamp posts, near garage doors, at driveway entrances, or other place of similar proximity so that the number is visible from the public right-of-way. See Figure 6-1 (Display of Address Numbers) below, illustrating the correct manner of display.

5. **Number location for obscured structures.** Where a dwelling or business is not clearly visible from the road, address numbers shall be posted on a marker other than a mailbox. The address number shall be elevated at least three feet from the ground for clear visibility and easy directional identification, see Figure 6-2 (Display of Address Numbers) below. This Subsection also apples to the names of roads with private driveways or forks. The address numbers of the homes on a private driveway shall be posted on the named road and shall include a directional arrow to indicate location of the dwelling or business.

6. **Mailboxes.** When the mailbox of a dwelling or business is located on the same road as the dwelling or business, only the number need be posted on the box. When the mailbox and the structure it serves are located on separate roads, both the road name and address number are required to be placed on the mailbox, see Figure 6-3 (Address Numbers on Mailboxes) below.

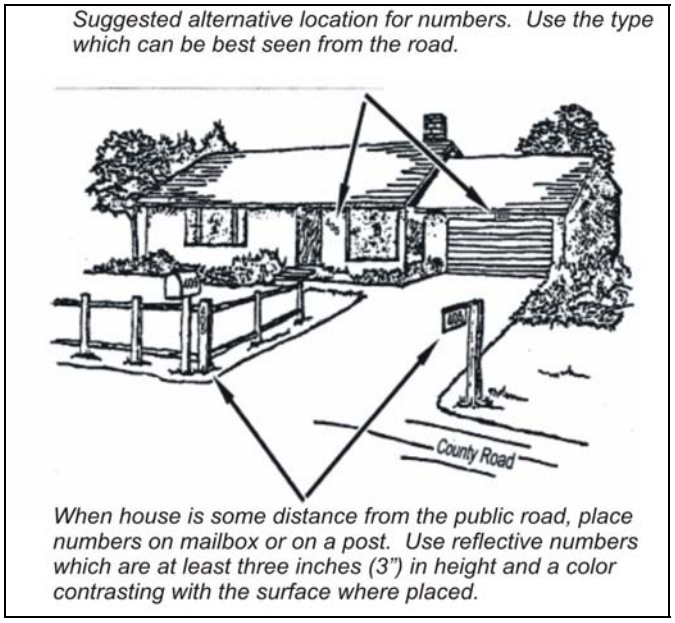
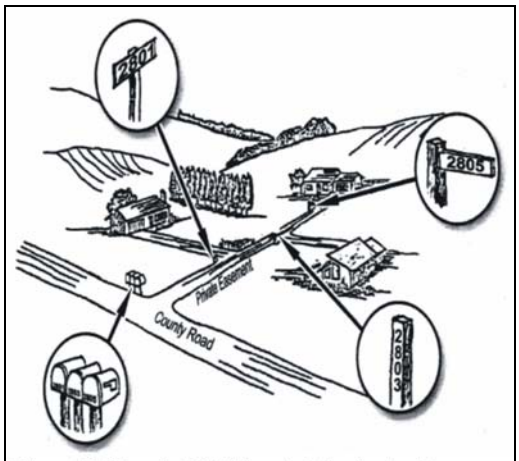
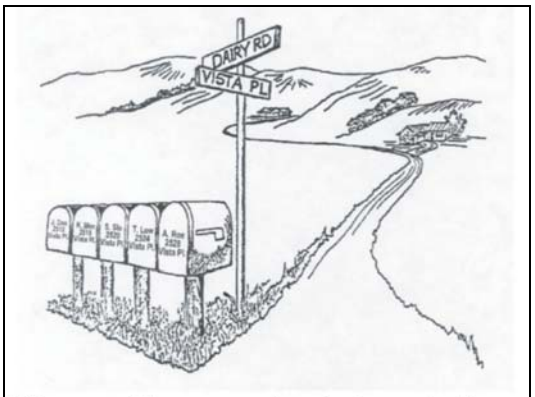


Figure 6-1 - Display of Address Numbers



When Mailbox is NOT located in front of your house or when among a group of mailboxes, show number as show above.

Figure 6-2 - Display of Address Numbers



Where residences are located on private roads, but the mailbox is located in the County road, show name, number and road name. (Name of occupant is optional)

Figure 6-3 - Address Numbers on Mailboxes

35.460.070 - Administration

All road names and address numbers shall be issued by the County Fire Department in compliance with this Chapter. Road name signs along County-maintained roads shall be installed by the Public Works Department or at its direction, in compliance with Section 35.460.050 (Road Names - Procedure, Standards, and Signs).

35.460.080 - Enforcement

A. **Enforcement responsibility.** The County Fire Department shall enforce this Chapter and all of its provisions.

B. **Citation and penalties.** A person who fails to comply with the requirements of this Chapter shall be issued a citation as provided in County Code Section 1-8 (Citation to Appear in Court). Penalties for a violation of this Chapter are established by County Code Section 1-7 (General Penalty).

DIVISION 35.7

Montecito Planning Permit Procedures

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CHAPTER 35.470 - PERMIT APPLICATION FILING AND PROCESSING

Sections:

35.470.010 - Purpose and Intent
35.470.020 - Authority for Land Use and Zoning Decisions
35.470.030 - Application Preparation and Filing
35.470.040 - Application Fees
35.470.050 - Initial Application Review

35.470.010 - Purpose and Intent

This Chapter provides procedures and requirements for the preparation, filing and initial processing of the planning permit applications required by this Development Code.

35.470.020 - Authority for Land Use and Zoning Decisions

A. Review Authority. Table 7-1 (Review Authority) identifies the review authority responsible for reviewing and making decisions on each type of application required by this Development Code.

B. Application subject to more than one review authority.

1. When two or more discretionary applications that relate to the same development project are submitted, and the individual applications are under the separate jurisdiction of more than one review authority in compliance with Table 7-1 (Review Authority) below, all applications for the project shall be under the jurisdiction of the review authority with the highest jurisdiction in compliance with the following descending order:

   a. Board;

   b. Montecito Commission and;

   c. Director

2. If the Board is the review authority for a project due to a companion discretionary application (e.g., Zoning Map Amendment) the Montecito Commission shall make an advisory recommendation to the Board on each project.

3. This Section shall not apply to applications for:

   a. Coastal Development Permits submitted in compliance with Section 35.472.050 (Coastal Development Permits) that do not require a public hearing in compliance with Section 35.472.050 (Coastal Development Permits).

   b. Design Review submitted in compliance with Section 35.472.070 (Design Review).

   c. Emergency Permits submitted in compliance with Section 35.472.090 (Emergency Permits).

   d. Land Use Permits submitted in compliance with Section 35.472.110 (Land Use Permits).

   e. Sign Certificates of Compliance required in compliance with Chapter 35.438 (Sign Standards).

   f. Zoning Clearances submitted in compliance with Section 35.472.190 (Zoning Clearance).

Table 7-1 - Review Authority

Type of Action	Role of Review Authority (1)		
	Director	Montecito Planning Commission	Board of Supervisors
Administrative and Legislative			
Development Code Amendment		Recommend	Decision
Comprehensive Plan Amendment		Recommend (2)	Decision
Interpretations	Decision	Appeal	Appeal
Local Coastal Program Amendment		Recommend (2)	Decision
Specific Plans and Amendments		Recommend	Decision
Zoning Map Amendment		Recommend (3)	Decision
Planning Permits			
Coastal Development Permits (without hearing) (4)	Decision	Appeal	Appeal
Coastal Development Permits (with hearing)		Decision	Appeal
Conditional Use Permits		Decision	Appeal
Design Review	See Footnote (5) below		
Development Plan	See Subsection 35.472.080.B.3 (Review Authority)		Appeal
Emergency Permits	Decision		
Hardship Determinations		Decision	Appeal
Land Use Permit	Decision	Appeal	Appeal
Modification		Decision	Appeal
Overall Sign Plans		Decision	Appeal
Reclamation and Surface Mining		Decision	Appeal
Road Namings/Renamings	See Chapter 35.460 (Road Naming and Address Numbering		Appeal
Sign Certificates of Conformance	Decision	Appeal	Appeal
Sign Conditional Use Permits		Decision	Appeal
Sign Modifications		Decision	Appeal
Use Determinations		Decision	Appeal
Variance		Decision	Appeal
Zoning Clearance	Decision		

Notes:

(1) "Recommend" identifies that the review authority makes a recommendation to a higher decision-making body; "Decision" identifies that the review authority makes the final decision on the matter; "Appeal" identifies that the review authority may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with Chapter 35.492 (Appeals).

(2) In situations where the Comprehensive Plan Amendment or Local Coastal Program Amendment would also have effect outside of the Montecito Community Plan Area, then the recommendation of the Montecito Planning Commission shall be to the County Planning Commission who shall make a recommendation to the Board.

(3) The decision of the Montecito Commission to recommend denial of a Zoning Map Amendment is not transmitted to the Board absent the filing of an appeal.

(4) This includes Coastal Development Permits where a hearing has been waived by the Director in compliance with Section 35.472.050.D.

(5) The Montecito Board of Architectural Review shall make decisions on all Design Reviews; the decision of the Montecito Board of Architectural Review is appealable to the Montecito Commission; the decision of the Montecito Commission is appealable to the Board.

C. Applications subject to review by the Coastal Commission. In addition to the review authority identified in Table 7-1 (Review Authority), final decisions by the County on the following are within the jurisdiction of the California Coastal Commission.

1. Amendments to the certified Local Coastal Program.

2. Permit decisions that may be appealed to the Coastal Commission in compliance with Section 35.492.060 (Appeals to the Coastal Commission).

35.470.030 - Application Preparation and Filing

A. Application contents. Each application for a permit, amendment, or other matter pertaining to this Development Code shall be filed with the Director on a Department application form, together with required fees and/or deposits and all other information and materials as identified in the Department application for the specific type of application. Submittal requirements may be increased or waived on a project specific basis as determined necessary or appropriate by the Director. It is the responsibility of the applicant to establish evidence in support of the findings required by the applicable permit, amendment, or other matter pertaining to this Development Code.

B. Eligibility for filing. An application may only be filed by the owner of the subject property, or other person with the written consent of the property owner, or as otherwise authorized by this development Code.

35.470.040 - Application Fees

A. Fee schedule. The Board shall establish by resolution a schedule of fees and/or deposits for the processing of the various applications required by this Development Code, hereafter referred to as the Board's Fee Resolution.

B. Timing of payment. Required fees and/or deposits shall be paid at the time of filing the application with the Director and no processing shall commence until the fee/deposit is paid.

C. Refunds and withdrawals. The required application fees and/or deposits cover County costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Therefore, a refund due to a denial is not required. In the case of an expiration or withdrawal of an application, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of expiration or withdrawal.

35.470.050 - Initial Application Review

A. Filing and acceptance of an application. An application is considered to be filed after is has been accepted for processing by the Department and required fees and/or deposits have been paid. The Director shall review each application for receipt of all submittal requirements and accuracy prior to acceptance of the application. The Director's acceptance of an application for processing shall be based on the Department's list of required application contents (see Section 35.470.030 (Application Preparation and Filing) above).

B. Special provisions for applications subject to review under the California Environmental Quality Act. Projects subject to environmental review as required by the California Environmental Quality Act shall be subject to the following requirements:

1. Notification of applicant. As required by Government Code Section 65943, within 30 calendar days of either the initial application filing or subsequent filings after a determination of application incompleteness has been made, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete

and that additional information, specified in the Incomplete letter shall be provided.

2. **Appeal of determination.** After an initial determination of application incompleteness, where the Director has determined for a second or additional time that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the Director's determination in compliance with Chapter 35.492 (Appeals).

3. **Time for submittal of additional information.** When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness or incompleteness shall occur. The time available to an applicant for submittal of additional information is limited by Subsection B.4 (Expiration of application) below.

4. **Expiration of application.**

   a. If an applicant fails to provide the additional information specified in the Director's letter within 90 days following the date of the letter, the application shall expire and be deemed withdrawn, without any further action by the County.

   b. The Director may grant one 90-day extension.

   c. After the expiration of an application, future County consideration shall require the submittal of a new, complete application and associated fees.

5. **Environmental information.** After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the California Environmental Quality Act.

C. Referral of application. At the discretion of the Director, or where otherwise required by this Development Code or State or Federal law, an application may be referred to any County department or public agency that may be affected by or have an interest in the proposed project.

D. Right of entry/inspection. Every applicant seeking a permit or any other action in compliance with this Development Code shall allow the County staff involved in the review of the application access to any premises or property which is the subject of the application at all reasonable times.

CHAPTER 35.472 - PERMIT REVIEW AND DECISIONS

Sections:

35.472.010 - Purpose and Intent
35.472.020 - Effective Date of Permits
35.472.030 - Applications Deemed Approved
35.472.040 - Permits to Run with the Land
35.472.050 - Coastal Development Permits
35.472.060 - Conditional Use Permits
35.472.070 - Design Review
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35.472.090 - Emergency Permits
35.472.100 - Hardship Determinations
35.472.110 - Land Use Permits
35.472.120 - Modifications
35.472.130 - Overall Sign Plans
35.472.140 - Reclamation and Surface Mining Permits
35.472.150 - Sign Certificates of Conformance
35.472.160 - Sign Modifications
35.472.170 - Use Determinations
35.472.180 - Variances
35.472.190 - Zoning Clearances

35.472.010 - Purpose and Intent

This Chapter provides procedures for the review and approval, conditional approval, or denial of the planning permit applications established by this Development Code.

35.472.020 - Effective Date of Permits

A. Coastal Zone.

1. **Development not appealable to the Coastal Commission.** The approval of a planning permit for a project that is not appealable to the Coastal Commission shall be deemed effective on the eleventh day following the date of application approval by the appropriate review authority where an appeal of the review authority's action has not been filed in compliance with Chapter 35.492 (Appeals) unless otherwise indicated in the planning permit. If appealed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal.

2. **Development appealable to the Coastal Commission**. The approval of a planning permit for a project that is appealable to the Coastal Commission shall become effective upon:

   a. The expiration of the Coastal Commission's 10-day appeal period which begins the next working day following the receipt by the Coastal Commission of adequate notice of the County's final action unless otherwise indicated in the planning permit; and

   b. Where an appeal of the review authority's action has not been filed by two Coastal Commissioners, the applicant, or any aggrieved person in compliance with the Coastal Act, and where a local appeal has not been filed within 10 days of the date of the decision by the applicable review authority in compliance with Chapter 35.492 (Appeals) unless otherwise indicated in the planning permit.

   c. If appealed, the planning permit shall not be deemed effective until final action by the final

review authority on the appeal.

B. Inland area.

1. The approval of a planning permit for a project shall become effective on the eleventh day following the date of application approval by the appropriate review authority where an appeal of the review authority's action has not been filed in compliance with Chapter 35.492 (Appeals) unless otherwise indicated in the planning permit.

2. If appealed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal.

C. Extension of effective date. The effective date shall extend to 5:00 p.m. on the following working day where the eleventh day falls on a weekend, holiday, or other day the County or California Coastal Commission are not open for business.

D. No entitlement for development. No entitlement for the use or development shall be granted before the effective date of the planning permit.

35.472.030 - Applications Deemed Approved

A planning permit application for property outside of the Coastal Zone that is deemed approved by operation of law in compliance with Government Code Section 65956 shall be subject to all applicable provisions of this Development Code which shall be satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is established.

35.472.040 - Permits to Run with the Land

A Coastal Development Permit, Conditional Use Permit, Development Plan, Design Review, Land Use Permit, Modification, Sign Certificate of Conformance, Variance or Zoning Clearance approval or other planning permit approved in compliance with this Chapter shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with this Chapter or as otherwise specified in the planning permit. All applicable conditions of approval shall continue to apply after a change in property ownership.

35.472.050 - Coastal Development Permits

A. Purpose and intent. This Section establishes procedures and findings for the approval, issuance, and effective time periods for Coastal Development Permits that are required by this Development Code. The intent of this Section is to ensure that development proposals are in conformity with the provisions of the Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community Plan, this Development Code and any conditions established by the County, and to provide public hearing opportunities for certain projects either located within a Geographic Appeals area or constituting a Major Public Works project.

B. Applicability. Before using any land or structure, or commencing any work pertaining to any development or use wherein permits are required under the provisions of this Development Code, a Coastal Development Permit shall be issued, unless identified as exempt by Section 35.420.040 (Exemptions from Planning Permit Requirements) or that a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) is required.

C. Contents of application. An application for a Coastal Development Permit shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. Processing.

1. Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals) or is not processed in conjunction with a Conditional Use Permit or Final Development Plan. This Section provides the processing requirements for applications for Coastal Development Permits that are not subject to Subsection D.2 or Subsection D.3 below.

a. The Director shall review each Coastal Development Permit application for compliance with the Comprehensive Plan, including any Coastal Land Use Plan and the Montecito Community Plan, this Development Code and other applicable conditions and regulations, and approve, conditionally approve or deny the Coastal Development Permit.

(1) Each Coastal Development Permit shall include a specific written condition that requires all development to comply with the approved plans.

b. Before approval or conditional approval of a Coastal Development Permit, notice of the pending decision shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).

c. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).

d. No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved in compliance with this Section shall not be issued and deemed effective in compliance with Section 35.472.020 (Effective Date of Permits):

(1) Prior to expiration of the appeal period or, if appealed, prior to final action on the appeal by the review authority in compliance with Chapter 35.492 (Appeals).

(2) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.

(3) Until all necessary prior approvals have been obtained.

(4) For applications for grading of roads and individual building pads, until the structure that will utilize the road and/or building pad has received final Design Review approval in compliance with Section 35.472.070 (Design Review).

(5) Until the applicant has signed the Coastal Development Permit.

e. In the case of a development which requires a public hearing and final action by the Montecito Commission, or final action by the Director, the Director shall not approve any subsequently required Coastal Development Permit within the 10 calendar days immediately following the date that the review authority took final action, during which time an appeal of the action may be filed in compliance with Chapter 35.492 (Appeals).

f. If a Coastal Development Permit is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zone and existing provisions of this Development Code and the amendment initiated by the Board unless a Preliminary or Final Development Plan in compliance with Section 35.472.080 (Development Plans) was approved before the adoption of the Board's resolution and the proposed uses or structures are in conformance with the

approved Preliminary or Final Development Plan.

2. **Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals).** This Section provides the processing requirements for applications for Coastal Development Permits for development that is appealable to the Coastal Commission where a public hearing is not otherwise required.

   a. After receipt of the permit application, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

   b. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35.472.070 (Design Review).

   c. The Montecito Commission shall hold at least one noticed public hearing, unless waived in compliance with Subsection 2.e below on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.

   d. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

   e. The requirement for a public hearing may be waived by the Director in compliance with the following requirements:

      (1) The project qualifies as "minor development" which for the purposes of this Section means a development which the Director determines satisfies all of the following requirements:

         (a) The development is consistent with the Local Coastal Program (as defined in Public Resources Code Section 30108.6) of the County of Santa Barbara.

         (b) The development does not require any discretionary approvals other than a Coastal Development Permit.

         (c) The development would have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

      (2) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Chapter 35.496 (Noticing and Public Hearings).

         (a) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Coastal Development Permit application to the County and the Coastal Commission.

      (3) A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection 35.472.050.D.2.e.(2) above is mailed.

      If the requirement for a public hearing is waived, then the Director shall be the review authority for the Coastal Development Permit. A listing of pending Coastal Development Permit applications for which the public hearing may be waived shall be provided on the Montecito Commission's hearing agendas.

   f. The action of the review authority is final subject to appeal in compliance with Chapter

35.492 (Appeals).

g. No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved in compliance with this Section shall not be issued and deemed effective in compliance with Section 35.472.020 (Effective Date of Permits):

(1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the review authority, including the Coastal Commission, in compliance with Chapter 35.492 (Appeals).

(2) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.

(3) Until all necessary prior approvals have been obtained.

(4) The applicant has signed the Coastal Development Permit.

(5) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Chapter 35.492 (Appeals).

h. If a Coastal Development Permit is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zone and existing provisions of this Development Code and the amendment initiated by the Board unless a Preliminary or Final Development Plan in compliance with Section 35.472.080 (Development Plans) was approved before the adoption of the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.

3. Coastal Development Permits processed in conjunction with a Conditional Use Permit or Final Development Plan. This Section provides the processing requirements for applications for Coastal Development Permits for development that also requires a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) or a Final Development Plan in compliance with Section 35.472.080 (Development Plans).

a. The review authority for the Conditional Use Permit or Final Development Plan as applicable shall be the review authority for the Coastal Development Permit.

b. After receipt of the Coastal Development Permit application, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

c. The review authority shall review the Coastal Development Permit application for compliance with the Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community Plan, this Development Code and other applicable conditions and regulations.

d. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35.472.070 (Design Review).

e. The review authority shall hold at least one noticed public hearing on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.

f. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

g. The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).

(1) In compliance with Public Resources Code Section 30603, a Coastal Development Permit approved in conjunction with a Conditional Use Permit (i.e., any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map) is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals).

(2) In compliance with Public Resources Code Section 30603, a Coastal Development Permit approved in conjunction with a Final Development Plan for appealable development is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals).

h. No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved in compliance with this Section shall not be issued and deemed effective in compliance with Section 35.472.020 (Effective Date of Permits):

(1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the review authority, including the Coastal Commission, in compliance with Chapter 35.492 (Appeals).

(2) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.

(3) Until all necessary prior approvals have been obtained.

(4) The applicant has signed the Coastal Development Permit.

(5) For projects that are defined as appealable development, within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Chapter 35.492 (Appeals).

i. If a Coastal Development Permit is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zone and existing provisions of this Development Code and the amendment initiated by the Board unless a Preliminary or Final Development Plan in compliance with Section 35.472.080 (Development Plans) was approved before the adoption of the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.

E. Findings required for approval.

1. A Coastal Development Permit application that is subject to Subsection D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals) or is not processed in conjunction with a Conditional Use Permit or Final Development Plan) above shall be approved or conditionally approved only if the Director first makes all of the following findings:

a. The proposed development conforms to:

(1) The applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community Plan; and

(2) The applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).

b. The proposed development is located on a legally created lot.

c. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement fees and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).

2. A Coastal Development Permit application that is subject to Subsection D.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)) above shall be approved or conditionally approved only if the review authority first makes all of the following findings:

a. Those findings specified in Subsection E.1 above.

b. The proposed development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

c. The proposed development will be compatible with the established physical scale of the area.

d. The proposed development will comply with the public access and recreation policies of this Development Code and the Comprehensive Plan including the Coastal Land Use Plan and the Montecito Community Plan.

3. A Coastal Development Permit application that is subject to Subsection D.3 (Coastal Development Permit processed in conjunction with a Conditional Use Permit or Final Development Plan) above shall be approved or conditionally approved only if the review authority first makes all of the following findings:

a. Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals). Those findings specified in Subsection E.1 above.

b. Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals). Those findings specified in Subsection E.2 above.

F. Permit expiration.

1. A Coastal Development Permit shall remain valid only as long as compliance with all applicable requirements of this Development Code and the permit continues.

2. A Coastal Development Permit approved in compliance with Subsection D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals) or is not processed in conjunction with a Conditional Use Permit or Final Development Plan) above shall expire two years from the date of issuance if

the use and/or structure for which the permit was issued has not been established or commenced in compliance with the effective permit unless a time extension is approved in compliance with Section 35.474.030 (Time Extensions).

3. The approval of a Coastal Development Permit approved in compliance with Subsection D.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)) shall be valid for 12 months unless a time extension is approved in compliance with Section 35.474.030 (Time Extensions).

4. The approval of a Coastal Development Permit approved in compliance with Subsection D.3 (Coastal Development Permit processed in conjunction with a Conditional Use Permit or Final Development Plan) above, shall be valid for same time period, including any time extensions, as the Conditional Use Permit or Development Plan as applicable.

G. Coastal Commission changes to the County's action on Coastal Development Permits.

1. Where an appeal has been filed with the Coastal Commission in compliance with Chapter 35.492 (Appeals) and the Coastal Commission has reversed or modified the action of the County on the Coastal Development Permit, the action of the Coastal Commission on the Coastal Development Permit shall be final.

2. If the County has approved the Coastal Development Permit, any previously approved County project permits shall be automatically:

   a. Amended to conform to the Coastal Commission's approved Coastal Development Permit for the project; or

   b. Terminated to conform to the Coastal Commission's denial of the Coastal Development Permit.

3. If the County has denied the Coastal Development Permit and the Coastal Commission approved the permit, the applicant shall reapply to the County for approval of the other required but previously denied project permits (e.g., Conditional Use Permit, Development Plan) in order for the County to impose appropriate conditions. However, the County's action on the re-applications shall be consistent with the approved Coastal Development Permit.

4. In the case where the Coastal Commission has imposed appropriate conditions on the Coastal Development Permit as determined by the Director, the Director may waive this re-application requirement.

H. Minor changes to Coastal Development Permits. Minor changes to an issued Coastal Development Permit shall be allowed in compliance with Section 35.474.040 (Changes to an Approved Project).

I. Notice of Final Action for Coastal Development Permits appealable to the Coastal Commission.

1. For those developments that are appealable to the Coastal Commission (see definition of Appealable Development and Chapter 35.492 (Appeals)) notice of the approval of a Coastal Development Permit shall be given to the Coastal Commission and to any interested person who has requested the notice and has submitted a self-addressed stamped envelope to the Department.

2. The notice shall be given within five calendar days of the final action.

3. The notice shall include conditions of approval, findings, and the procedure for appeal of the County's action to the Coastal Commission.

J. Permit revocation. An issued Coastal Development Permit may be revoked in compliance with Section 35.474.060 (Revocations).

K. Post approval procedures. The procedures and requirements in Chapter 35.474 (Post Approval Procedures) and those related to appeals in Division 35.9 (Montecito Land Use and Development Code Administration) shall apply following the decision on an application for a Coastal Development Permit.

35.472.060 - Conditional Use Permits

A. Purpose and intent. The purpose of this Section is to provide for uses that are essential or desirable but cannot be readily classified as allowed uses in individual zones by reason of their special character, uniqueness of size or scope, or possible effect on public facilities or surrounding uses. The intent of this Section is to provide for specific consideration of these uses.

B. Applicability. The provisions of this Section shall apply to those uses listed within this Development Code as requiring a Conditional Use Permit.

C. Contents of application. An application for a Conditional Use Permit shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

1. If an application for a Conditional Use Permit is submitted for a property located in the Coastal Zone, then an application for a Coastal Development Permit for the development requested by the Conditional Use Permit application shall also be submitted and shall be processed concurrently and in conjunction with Conditional Use Permit application except when the Coastal Commission approves the Coastal Development Permit because the development is located within the retained permit jurisdiction of the Coastal Commission.

D. Processing.

1. After receipt of an application for a Conditional Use Permit, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

2. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35.472.070 (Design Review).

3. The Department shall refer the application for a Conditional Use Permit to the Subdivision/Development Review Committee for review and recommendation to the Montecito Commission.

4. The Montecito Commission shall hold at least one public hearing on the requested Conditional Use Permit and approve, conditionally approve, or deny the request.

5. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

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

7. Conditional Use Permits may be granted for a period of time and upon conditions and limitations as may be required to protect the public health, peace, safety, and general welfare of the community. The conditions may be more restrictive than those required in the specific zones.

8. In the case of a Conditional Use Permit application where the project is subject to Development Plan requirements, a Development Plan shall be required in addition to obtaining a Conditional Use Permit, except for the following:

   a. Commercial telecommunication facilities that are permitted by a Conditional Use Permit pursuant to Section 35.444.010 (Commercial Telecommunication Facilities) provided that any structure constructed or erected as part of the telecommunications facility shall only be

used as part of the telecommunication facility and shall be removed pursuant to Subsection 35.444.010.E.4 (Project abandonment/site restoration).

E. Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.438 (Sign Standards). A Conditional Use Permit application shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings, as applicable.

1. Findings for all Conditional Use Permits:

a. The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.

b. Environmental impacts.

(1) Within the Coastal Zone, adverse environmental impacts will be mitigated to the maximum extent feasible.

(2) Within the Inland area, significant environmental impacts will be mitigated to the maximum extent feasible.

c. Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

d. There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.

e. The proposed project will not be detrimental to the comfort, convenience, general welfare, health and safety of the neighborhood and will be compatible with the surrounding area.

f. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan including the Montecito Community Plan.

g. The proposed project will not potentially result in traffic levels higher than those anticipated for the lot by the Montecito Community Plan and its associated environmental documents; or if the project would result in higher traffic levels, the increase in traffic is not large enough to cause the affected roadways and/or intersections to exceed their designated acceptable capacity levels at buildout of the Montecito Community Plan or road improvements included as part of the project description are consistent with the provisions of the Montecito Community Plan and are adequate to fully offset the identified potential increase in traffic.

h. The proposed project will not adversely impact recreational facilities and uses.

i. Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the rural and scenic character of the area.

2. Additional findings required for sites within the Coastal Zone.

a. The proposed project will not conflict with any easements required for public access through, or public use of the site.

b. The proposed use is consistent with the intent of the applicable zone.

3. Additional findings for sites zoned RMZ (Resource Management).

a. The project will not require extensive alteration of the topography.

b. The project will not cause erosion, sedimentation, runoff, siltation, or an identified

significant adverse impact to downstream water courses or water bodies.

c. The project will not cause any significant adverse effect on environmentally sensitive habitat areas, plant species, or biological resources.

F. Findings required for approval of Conditional Use Permits applications submitted in compliance with Chapter 35.438 (Sign Standards). A Conditional Use Permit application shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings:

1. The sign is necessary to direct or inform the public as to the location or changing attraction of those uses specified in Chapter 35.438 (Sign Standards).

2. The location and size of the sign will not be detrimental to the safety, convenience, property values, and general welfare of the neighborhood.

3. If the sign informs the public concerning service club meetings, the permittee agrees in writing, if required by the Montecito Commission, to permit additional service club signs to be placed on the same structure.

G. Requirements prior to commencement of conditionally permitted uses and permit expiration.

1. Coastal Zone. For Conditional Use Permits approved for property located in the Coastal Zone, issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits), or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit.

a. Coastal Development Permit required. A Coastal Development Permit shall be issued prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit either by the County in compliance with Section 35.472.050.D.3 or the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission.

b. Land Use Permit required. In addition to the issuance of a Coastal Development Permit, the issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) shall be required if the project requires a Coastal Development Permit issued by the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission.

c. Zoning Clearance required. In addition to a Coastal Development Permit, the issuance of a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required if:

(1) The project does not require a Coastal Development Permit issued by the Coastal Commission, or

(2) The approval of a Substantial Conformity Determination in compliance with Section 35.474.040.C (Substantial Conformity Determinations) is not required as a result of changes to the project allowed by the Conditional Use Permit. Prior to the issuance of the Zoning Clearance the Director shall determine that project allowed by the Conditional Use Permit is in substantial conformity with the Coastal Development Permit previously issued in compliance with Section 35.472.050.D.3. If the Director cannot make this determination, then prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit, a new Coastal Development Permit shall be issued in compliance with Section 35.472.050. D.3

except that:

(a) The Director shall be the review authority for the new Coastal Development Permit and shall review the Coastal Development Permit application for compliance with the Comprehensive Plan, including Coastal Land Use Plan and the Montecito Community Plan, this Development Code and other applicable conditions and regulations, and approve, conditionally approve or deny the Coastal Development Permit without a public hearing.

(b) Before approval or conditional approval of a Coastal Development Permit, notice of the pending decision shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).

(c) The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).

(d) The Director shall approve or conditionally approve the Coastal Development Permit only if the Director first makes all of the applicable findings required in compliance with Section 35.472.050.E (Findings for Approval).

2. Inland area. For Conditional Use Permits approved for property located in the Inland area, issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit.

a. Land Use Permit required. The issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) shall be required if the approval of a Substantial Conformity Determination in compliance with Section 35.474.040.C (Substantial Conformity Determinations) is required as a result of changes to the project allowed by the Conditional Use Permit.

b. Zoning Clearance required. The issuance of a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required if the approval of a Substantial Conformity Determination in compliance with Section 35.474.040.C (Substantial Conformity Determinations) is not required as a result of changes to the project allowed by the Conditional Use Permit.

3. Time limits and extensions. At the time of approval of the Conditional Use Permit, a time limit shall be established within which the Coastal Development Permit, Land Use Permit or Zoning Clearance shall be issued.

a. The time limit shall be a reasonable time based on the nature and size of the proposed development or use.

b. If a time limit is not specified, the time limit shall be 18 months from the effective date of the Conditional Use Permit.

d. The Montecito Commission may extend the time limit in compliance with Section 35.474.030 (Time Extensions).

e. If the required time limit in which to obtain the Coastal Development Permit, Land Use Permit or Zoning Clearance has expired and an application for an extension has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.

4. Conditional Use Permit void. A Conditional Use Permit shall become void and be automatically

revoked if the development and/or authorized use allowed by the Conditional Use Permit is discontinued for a period of more than 12 months. The time limit for discontinuance may be extended by the Montecito Commission in compliance with Section 35.474.030 (Time Extensions).

H. Changes to approved permit. Changes to an approved Conditional Use Permit shall be processed in compliance with Section 35.474.040 (Changes to an Approved Project).

I. Conditions, restrictions, and modifications.

1. At the time the Conditional Use Permit is approved, or subsequent amendments or revisions are approved, the review authority may modify the applicable distance between structures, landscaping, parking, screening requirements, setbacks, structure coverage, structure height limit, or yard areas when the Montecito Commission finds that the modifications are justified and consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines.

2. As a condition of approval of any Conditional Use Permit, or of any subsequent amendments or revisions, the Montecito Commission may impose any appropriate and reasonable conditions or require any redesign of the project as the review authority may deem necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public health, peace, safety and welfare, or to implement the purposes of this Development Code.

3. The review authority may require as a condition of approval of any Conditional Use Permit, or of any subsequent amendment or revision, the preservation of trees existing on the subject property.

J. Permit revocation. A Conditional Use Permit approval may be revoked or modified in compliance with Section 35.474.060 (Revocations).

K. Post approval procedures. The procedures and requirements in Chapter 35.474 (Post Approval Procedures) and those related to appeals in Division 35.9 (Land Use and Development Code Administration) shall apply following the decision on an application for a Conditional Use Permit.

35.472.070 - Design Review

A. Purpose and intent. The purpose and intent of Design Review is to encourage development that exemplifies the best professional design practices, to benefit surrounding property values, enhance the visual quality of the environment, and prevent poor quality of design.

B. Applicability. Design Review action shall be required for all of the following:

1. Any new structure or sign.

2. Any addition to a structure or sign.

3. Any use requiring architectural approval as specifically identified by the Montecito Commission or the Board.

4. A structure that is subject to the Ridgeline and Hillside Development Guidelines.

5. Communication facilities in compliance with Chapter 35.444 (Telecommunications Facilities).

6. The Montecito Board of Architectural Review shall also render its advice on exterior architecture of structures and signs to the Director, Montecito Commission or Board when requested to do so.

C. Exceptions to Design Review requirements. Design Review approval shall not be required for the following:

1. Decks.

2. Fences, gates or walls six feet or less and gateposts of eight feet or less in height; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the Design Review of a new structure or a remodeling or an addition to a structure requiring Design Review in compliance with this Section.

3. Hot tubs, spas, and swimming pools.

4. Interior alterations.

5. Solar panels.

6. Other exterior alterations determined to be minor by the Director.

7. Residential second units; however approval from the Montecito Board of Architectural Review Chairperson, or designee, is required unless the residential second unit would only require exterior alterations to an existing structure that are determined to be minor by the Director,

D. Contents of application. An application for Design Review shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

E. Processing.

1. Applications for Preliminary and Final review by the Montecito Board of Architectural Review shall be accepted only if the application is accompanied by a development application or if the Department is processing an existing development application for the proposed project.

2. The Montecito Board of Architectural Review shall hold as least one noticed public hearing on an application for Preliminary or Final approval and approve, conditionally approve or deny the request in compliance with Section 2-33.15 of Chapter 2, Article V of the County Code and this Section.

3. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

4. The action of the Montecito Board of Architectural Review is final subject to appeal in compliance with Chapter 35.492 (Appeals).

F. Findings required for approval.

1. Findings required for all Design Review applications. Design Review applications shall be approved or conditionally approved only if the Montecito Board of Architectural Review first makes all of the following findings:

a. Overall structure shapes, as well as parts of any structure (buildings, fences, screens, signs, towers, or walls) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the property.

b. Electrical and mechanical equipment will be well integrated into the total design concept.

c. There will be harmony of color, composition, and material on all sides of a structure.

d. There will be a limited number of materials on the exterior face of the structure.

e. There will be a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if

warranted.

f. Site layout, orientation and location of structures and signs will be in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the site with consideration for public views of the hillsides and the ocean and the semi-rural character of the community as viewed from scenic view corridors as shown on Figure 37, Visual Resources Map in the Montecito Community Plan EIR (92-EIR-03).

g. Adequate landscaping will be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of plantings that are appropriate to the project and that adequate provisions have been made for the maintenance of all landscaping.

h. Grading and development is designed to avoid visible scarring and will be in an appropriate and well designed relationship to the natural topography with regard to maintaining the natural appearance of the ridgelines and hillsides.

i. Signs including associated lighting are well designed and will be appropriate in size and location.

j. The proposed development will be consistent with any additional design standards expressly adopted by the Board for a specific local community, area or district in compliance with Subsection G. (Local design standards) below.

2. Additional finding required for Design Review applications within the Coastal Zone.

a. Within Urban areas as designated on the Comprehensive Plan maps, new structures are compatible with the character and scale of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.

G. Local design standards. Additional design standards may be developed as part of or independent of the Montecito Community Plan. Such standards serve to provide further guidance in the review of project beyond those standards or findings contained in this Section. The following procedures shall be followed in adopting the design standards:

1. The Montecito Board of Architectural Review shall review proposed design standards at a draft stage. The Montecito Board of Architectural Review shall provide comments on the draft design standards as to their consistency with the standards and findings provided in this Section, as well as their overall utility and effectiveness. These comments shall be incorporated into the draft design standards by the Department.

2. The Montecito Commission shall hold a hearing to review the proposed design standards and shall transmit its action to the Board in the form of a written recommendation.

3. The Board shall hold a hearing to review the proposed design standards and shall approve or disapprove the proposed design standards.

a. This hearing may be held in conjunction with an overall Community Plan adoption.

b. The manner of adoption of the design standards (e.g., by ordinance or resolution) shall be at the discretion of the Board.

c. Adoption of design standards shall:

(1) Constitute a directive to the Montecito Board of Architectural Review to utilize the design standards in review of projects located in the Montecito Community Plan area; and

(2) Not constitute a grant of any formal authority to the Montecito Board of Architectural Review not otherwise granted by appropriate legal mechanism.

H. Appeals. The action of the Montecito Board of Architectural Review to grant or deny preliminary or final approval is final subject to appeal in compliance with Chapter 35.492 (Appeals).

I. Expiration of Design Review approval.

1. If development permit exists. All Design Review approvals shall expire on the date the associated development permit (e.g. Coastal Development Permit, Development Plan, Land Use Permit) including approved time extensions expires.

2. If no development permit exists. Where no development permit exists, all Design Review approvals shall expire two years from the date of final approval, except the Director may grant an extension of the approval for up to a maximum of 12 months if an active planning permit application is being processed by the Department.

J. Minor changes to Design Reviews. Minor changes to an approved project shall be in compliance with Section 35.474.040 (Changes to an Approved Project).

K. Permit revocation. A Design Review approval may be revoked or modified in compliance with Section 35.474.060 (Revocations).

L. Post approval procedures. The procedures and requirements in Chapter 35.474 (Post Approval Procedures) and those related to appeals in Division 35.9 (Land Use and Development Code Administration) shall apply following the decision on an application for Design Review.

35.472.080 - Development Plans

A. Purpose and intent. The purpose and intent of a Development Plan is to provide specific consideration for projects that are allowed uses within their respective zones which, because of the location, scale, or type of the development, require comprehensive review.

B. Applicability.

1. Final Development Plan required. No permit shall be issued for any development, including grading, for any property subject to this Section until a Final Development Plan has been approved in compliance with this Section.

2. All portions of site to be included. No portion of any property not included within the boundaries of the Development Plan shall be entitled to any development permits.

3. Review authority. The Montecito Commission is the review authority for all Development Plans except for the following:

a. When the Board of Supervisors, Montecito Commission, or Director has approved the Preliminary Development Plan, the Director shall be the review authority for the Final Development unless:

(1) The conditions of approval of the Preliminary Development Plan do not specify a review authority for the Final Development Plan other than the Director; or

(2) The Director determines that the Final Development Plan is not in substantial conformity with the approved Preliminary Development Plan.

(a) If the Director determines that the Final Development Plan is not in substantial conformity with the approved Preliminary Development Plan, then the review

authority for the Final Development Plan shall be the Montecito Commission.

b. The Director shall be the review authority for applications for Final Development Plans for projects that were legally permitted and developed without a Final Development Plan and are now nonconforming solely due to the absence of an approved Final Development Plan provided:

(1) Revisions to the existing development are not proposed as part of the application for the Final Development Plan except for minor alterations to the exterior of the structure that are determined to be exempt from Design Review by the Director in compliance with Section 35.472.070 (Design Review).

(2) If revisions to the existing development are proposed, then the application shall be processed as if it was an application for a new project and the jurisdiction shall be determined in compliance with this Subsection B.3 (Review authority).

c. The review authority for telecommunication facilities is identified in Table 4-10 (Allowable Zones and Permit Requirements for Commercial Telecommunication Facilities) in Section 35.444.010 and Table 4-11 (Allowable Zones and Permit Requirements for Noncommercial Telecommunication Facilities) in Section 35.444.020.

C. Contents of application. An application for a Development Plan shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

1. If an application for a Final Development Plan is submitted for property located in the Coastal Zone, then an application for a Coastal Development Permit for the development requested by the Final Development Plan application shall also be submitted and shall be processed concurrently and in conjunction with Final Development Plan application except when the Coastal Commission approves the Coastal Development Permit because the development is located within the retained permit jurisdiction of the Coastal Commission.

D. Processing.

1. An applicant may file a Preliminary and then a Final Development Plan, or just a Final Development Plan.

a. Inland area. Within the Inland area, any application filed in compliance with this Section that is determined to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan including the Montecito Community Plan shall be accompanied by an application that, if approved, would make the project consistent. The Director may refuse to accept for processing any application the Director finds to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan including the Montecito Community Plan, unless accompanied by an application that would, if approved, make the project consistent.

2. After receipt of an application for a Development Plan, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

3. After receipt of an application for a Development Plan, the Department shall refer the Development Plan to the Subdivision/Development Review Committee and the Montecito Board of Architectural Review for review and recommendation to the review authority. This requirement may be waived by the Director in the following situations:

a. An application for a Final Development Plan that is submitted subsequent to the approval of a Preliminary Development Plan where there is no change from the approved Preliminary Development Plan and the project received final approval from the Montecito Board of

Architectural Review; or

b. An application for a Final Development where the Director is the review authority in compliance with Subsection B.3.b. above.

4. Development Plans under the jurisdiction of the Director. A public hearing shall not be required if the Director is the review authority for the Development Plan.

a. Notice of the pending decision of the Director on a Development Plan shall be given at least 10 days before the date of the Director's decision in compliance with Chapter 35.496 (Noticing and Public Hearings).

b. The Director may approve, conditionally approve, or deny the Development Plan.

c. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).

5. Development Plans under the jurisdiction of the Montecito Commission. A public hearing shall be required if the Montecito Commission is the review authority for the Development Plan.

a. The Montecito Commission shall hold at least one noticed public hearing on the requested Development Plan and approve, conditionally approve, or deny the request.

b. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

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

6. If a Development Plan application is considered in conjunction with a Zoning Map Amendment application or other application requiring legislative approval, the Montecito Commission may recommend approval, conditional approval, or denial to the Board.

E. Findings required for approval. A Development Plan application shall be approved or conditionally approved only if the review authority first makes all of the following findings, as applicable:

1. Findings for all Preliminary or Final Development Plans.

a. The site of the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and the level of development proposed.

b. Adverse impacts will be mitigated to the maximum extent feasible.

c. Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

d. There will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the proposed project.

e. The proposed project will not be detrimental to the comfort, convenience, general welfare, health and safety of the neighborhood and will not be incompatible with the surrounding area.

f. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan including the Montecito Community Plan.

g. The proposed project will not adversely impact recreational facilities and uses.

h. Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the rural and scenic character of the area.

i. The project will not conflict with any easements required for public access through, or public use of a portion of the subject property.

2. Additional finding for Final Development Plans.

a. Substantial conformity. The plan is in substantial conformity with any previously approved Preliminary Development Plan, except when the review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan.

(1) If the Final Development Plan is under the jurisdiction of the Director, and the Director cannot find that the Final Development Plan is in substantial conformity with the previously approved Preliminary Development Plan, the Director shall refer the Final Development Plan to the Montecito Commission for a decision on the Final Development Plan

3. Additional findings required for Preliminary or Final Development Plans for sites zoned CV (Visitor Serving Commercial).

a. For development within Rural areas as designated on the Comprehensive Plan maps, the project will not result in a need for ancillary facilities on other rural lands (e.g., residences, stores). Such facilities, if necessary, shall be provided within designated urban areas.

b. For development surrounded by areas zoned residential, the proposed use will be compatible with the residential character of the area, and will also be compatible in terms of bulk, design, mass, and scale with the residential character of the surrounding neighborhoods.

c. Proposed improvements to resort visitor serving hotels are designed to be consistent with the existing historic "cottage type hotel" tradition from the early days of Montecito.

4. Additional findings required for Preliminary or Final Development Plans for sites zoned PRD (Planned Residential Development).

a. The density and type of the proposed development will comply with the PRD zone and applicable policies of the Comprehensive Plan including the Montecito Community Plan.

b. Adequate provisions are or will be made within the proposed covenants, conditions, and restrictions to permanently care for and maintain public and common open spaces and recreational areas and facilities.

c. The structures are clustered to the maximum extent feasible to provide the maximum amount of contiguous open space.

5. Additional findings required for Preliminary or Final Development Plans for sites zoned RMZ (Resource Management Zone). A Preliminary or Final Development Plan application that includes a proposed swimming pool(s) and/or a water storage tank(s) shall be approved or conditionally approved only if the review authority first makes all of the following findings:

a. The development of the swimming pool(s) and/or water storage tank(s) will require only minimal alteration of the topography.

b. The development of the proposed swimming pool(s) and/or water storage tank(s) will not cause erosion, sedimentation, runoff, siltation, or an identified significant adverse impact on downstream water courses or water bodies.

c. The development of the proposed swimming pool(s) and/or water storage tank(s) will not cause any significant adverse impact on environmentally sensitive habitat areas, plant species, or biological resources.

d. The proposed swimming pool(s) and/or water storage tank(s) will be screened from public view.

F. Requirements prior to commencement of development authorized by a Development Plan.

1. Coastal Zone. For Final Development Plans approved for property located in the Coastal Zone, issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits), or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required prior to commencement of the development and/or authorized use allowed by the Final Development Plan.

a. Coastal Development Permit required. A Coastal Development Permit shall be issued prior to the commencement of the development and/or authorized use allowed by the Final Development Plan either by the County in compliance with Section 35.472.050.D.3 or the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission.

b. Land Use Permit required. In addition to the issuance of a Coastal Development Permit, the issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) shall be required if the project requires a Coastal Development Permit issued by the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission.

c. Zoning Clearance required. In addition to a Coastal Development Permit, the issuance of a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required if:

(1) The project does not require a Coastal Development Permit issued by the Coastal Commission, or

(2) The approval of a Substantial Conformity Determination in compliance with Section 35.474.040.C (Substantial Conformity Determinations) is not required as a result of changes to the project allowed by the Final Development Plan. Prior to the issuance of the Zoning Clearance the Director shall determine that project allowed by the Final Development Plan is in substantial conformity with the Coastal Development Permit previously issued in compliance with Section 35.472.050.D.3. If the Director cannot make this determination, then prior to the commencement of the development and/or authorized use allowed by the Final Development Plan, a new Coastal Development Permit shall be issued in compliance with Section 35.472.050.D.3 except that:

(a) The Director shall be the review authority for the new Coastal Development Permit and shall review the Coastal Development Permit application for compliance with the Comprehensive Plan, including Coastal Land Use Plan and the Montecito Community Plan, this Development Code and other applicable conditions and regulations, and approve, conditionally approve or deny the

Coastal Development Permit without a public hearing.

(b) Before approval or conditional approval of a Coastal Development Permit, notice of the pending decision shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).

(c) The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).

(d) The Director shall approve or conditionally approve the Coastal Development Permit only if the Director first makes all of the applicable findings required in compliance with Section 35.472.050.E (Findings required for approval).

2. Inland area. For Final Development Plans approved for property located in the Inland area, issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required prior to the commencement of the development and/or authorized use allowed by the Development Plan.

a. Land Use Permit required. The issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) shall be required if the approval of a Substantial Conformity Determination in compliance with Section 35.474.040.C (Substantial Conformity Determinations) is required as a result of changes to the project allowed by the Final Development Plan.

b. Zoning Clearance required. The issuance of a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required if the approval of a Substantial Conformity Determination in compliance with Section 35.474.040.C (Substantial Conformity Determinations) is not required as a result of changes to the project allowed by the Final Development Plans.

G. Time limits and extensions.

1. Preliminary Development Plan. Preliminary Development Plans shall expire two years after approval unless a time extension is approved in compliance with Section 35.474.030 (Time Extensions).

2. Final Development Plans. Final Development Plans shall expire five years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Section 35.474.030 (Time Extensions).

H. Conditions, restrictions, and modifications.

1. At the time the Preliminary or Final Development Plan is approved, or subsequent amendments or revisions are approved, the review authority may modify the distance between structures, landscaping, parking, screening requirements, setbacks, structure coverage, structure height limit, or yard areas specified in the applicable zone and Chapter 35.436 (Parking and Loading Standards) when the review authority finds that the modification will be justified.

2. As a condition of approval of any Preliminary or Final Development Plan, the review authority may impose any appropriate conditions or require any redesign of the subject project as it may deem to be reasonable and necessary in order to protect the persons or property in the neighborhood, to preserve the natural resources or scenic quality of the area, to preserve the neighborhood character, to preserve or enhance the public health, peace, safety, and general welfare, or to implement the purposes of this Development Code.

3. The review authority may require as a condition of approval of any Development Plan, the preservation of trees existing on the subject property.

I. Post approval procedures. The procedures and requirements in Chapter 35.474 (Post Approval Procedures) and those related to appeals in Division 35.9 (Montecito Land Use and Development Code Administration) shall apply following the decision on an application for a Development Plan.

35.472.090 - Emergency Permits

A. Purpose and intent. The purpose of this Section is to establish procedures for the granting of Emergency Permits. The intent is to modify the customary procedures for permit processing and temporarily by-pass the permit requirements of this Development Code in the case of an emergency.

B. Applicability. When emergency action by a person or public agency is warranted, the requirements of obtaining a planning permit otherwise required by this Development Code may be temporarily deferred by the Director, and the Director may instead grant an Emergency Permit before the customarily required planning permit.

C. Application submittal procedures. In cases of emergency, an application for an Emergency Permit shall be made to the Director by letter or telefax, if time allows, or by telephone or in person, if time does not allow.

D. Verification of emergency. The Director shall verify the facts, including the existence and nature of the emergency, before granting the Emergency Permit.

E. Processing.

1. Notice of the emergency work shall be in compliance with Chapter 35.496 (Noticing and Public Hearings). The notice is not required to precede the actual commencement of the emergency work.

2. The Director may grant an Emergency Permit upon reasonable terms and conditions, including an expiration date, and a requirement for subsequently obtaining the planning permit(s) customarily required by this Development Code if the Director first makes all of the following findings:

   a. An emergency exists and requires action more quickly than provided for by the customary procedures for permit processing.

   b. The action proposed is consistent with the policies of the Comprehensive Plan, including the Montecito Community Plan and the requirements of this Development Code.

   c. Public comment on the proposed emergency action has been reviewed.

F. Completion of corrective action. The corrective action will be completed within 30 days of granting the Emergency Permit unless otherwise specified by the terms of the Emergency Permit.

G. Requirement for subsequent permits. The granting of an Emergency Permit shall not constitute an entitlement to the erection of permanent structures. An application for planning permit customarily required by this Development Code shall be made no later than 30 days following the granting of an Emergency Permit. Any materials required for a completed application shall be submitted within 90 days after the granting of the Emergency Permit, unless this time period is extended by the Director.

H. Permits not subject to Director's authority. The Director shall not issue an Emergency Permit for any work that falls within the provisions of Public Resources Code Section 30519(b) or is in conflict with the provisions of Public Resources Code Section 30624.

I. Reporting requirements of the Director. The following reporting requirements shall be followed:

1. The Director shall submit a written report to the Board at its first scheduled meeting after the Emergency Permit has been granted regarding the nature of the emergency and the work involved.

2. Copies of the report shall be available to the public at the meeting and shall be mailed to all persons who have requested notification in writing.

3. For properties located within the Coastal Zone, the Director shall also submit a written report to the Coastal Commission.

4. The Director's written report shall be informational only; the decision to grant an Emergency Permit shall be at the sole discretion of the Director in compliance with this Section.

35.472.100 - Hardship Determinations

A. Purpose and intent. This Section provides procedures and findings to allow for the granting of Hardship Determinations to allow the restoration of nonconforming uses or the reconstruction of nonconforming structures. The intent is to allow such restoration or reconstruction only when the adverse impact upon the neighborhood created by the continued existence of the nonconforming use or structure or other development would be less than the hardship which would be suffered by the owner of the nonconforming use or structure or other development should restoration or reconstruction be denied.

B. Applicability. The provisions of this Section shall apply to all nonconforming uses and structures.

C. Contents of application. An application for a Hardship Determination shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. Processing.

1. The Montecito Commission shall hold at least one noticed public hearing on the requested Hardship Determination and approve, conditionally approve, or deny the request.

2. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

3. The Montecito Commission, in approving the Hardship Determination, may require conditions as deemed reasonable and necessary to ensure that the intent and purpose of this Development Code and the public health, peace, safety and general welfare would be promoted.

4. The action of the Montecito Commission is final and not subject to appeal.

E. Finding required for approval. A Hardship Determination application shall be approved or conditionally approved only if the Montecito Commission first finds that the adverse impact upon the neighborhood created by the continued existence of the nonconforming use or structure or other development would be less than the hardship which would be suffered by the owner of the nonconforming use or structure or other development should restoration or reconstruction be denied.

35.472.110 - Land Use Permits

A. Purpose and intent. This Section establishes procedures and findings for the approval, issuance of, and effective time periods for Land Use Permits. The intent of this Section is to ensure that development proposals are in conformity with the Comprehensive Plan including the Montecito Community Plan, this Development Code, and any conditions established by the County.

1. Properties located within the Coastal Zone.

a. This Section establishes procedures and findings for the approval of Land Use Permits in cases where the County approves certain discretionary permits for new development and the

Coastal Commission issues the Coastal Development Permit because the development is located within the retained permit jurisdiction of the Coastal Commission.

b. In cases identified in Subsection 1.a above, the approval of a Land Use Permit is required following approval of the Coastal Development Permit by the Coastal Commission.

B. Applicability. The provisions of this Section shall apply to all development and uses identified within this Development Code as requiring a Land Use Permit, including development and uses identified in Subsection A.1 (Properties located within the Coastal Zone) above.

C. Contents of application. An application for a Land Use Permit shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. Processing.

1. The Director shall review each Land Use Permit application for compliance with the Comprehensive Plan including the Montecito Community Plan, this Development Code and other applicable conditions and regulations, and approve, conditionally approve or deny the request.

   a. Each Land Use Permit shall include a specific written condition that requires all development to comply with the approved plans.

2. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).

3. No entitlement for development shall be granted prior to the effective date of the Land Use Permit. A Land Use Permit shall not be issued and deemed effective:

   a. Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the review authority in compliance with Chapter 35.492 (Appeals).

   b. Until all conditions of the Land Use Permit that are required to be satisfied prior to issuance of the Land Use Permit have been satisfied.

   c. Until all necessary prior approvals have been obtained.

   d. For applications for grading of roads and individual building pads, until the structure that will utilize the road and/or building pad has received final Design Review approval in compliance with Section 35.472.070 (Design Review).

   e. For properties located within the Coastal Zone as identified in Subsection A.1 (Properties located within the Coastal Zone) above, until the approval of a Coastal Development Permit by the Coastal Commission has been obtained.

4. In the case of a development which requires a public hearing and final action by the Montecito Commission, or final action by the Director, the Director shall not approve any subsequently required Land Use Permit within the 10 calendar days immediately following the date that the review authority took final action, during which time an appeal of the action may be filed in compliance with Chapter 35.492 (Appeals).

5. If a Land Use Permit is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Land Use Permit shall not be approved or conditionally approved while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zone and existing provisions of this Development Code and the amendment initiated by the Board unless a Preliminary or Final Development Plan in compliance with Section 35.472.080 (Development Plans) was approved before the adoption of the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.

6. Notice of the approval or conditional approval of a Land Use Permit shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).

E. Findings required for approval. A Land Use Permit application shall be approved or conditionally approved only if the Director first makes all of the following findings:

1. Findings for all Land Use Permits:

a. The proposed development conforms:

(1) To the applicable provisions of the Comprehensive Plan including the Montecito Community Plan; and

(2) With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).

b The proposed development is located on a legally created lot.

c The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).

F. Permit expiration.

1. A Land Use Permit shall remain valid only as long as compliance with all applicable requirements of this Development Code and the permit continues.

2. A Land Use Permit shall expire two years from the date of issuance if the use and/or structure for which the permit was issued has not been established or commenced in compliance with the effective permit unless a time extension is approved in compliance with Section 35.474.030 (Time Extensions).

G. Minor changes to Land Use Permits. Minor changes to an issued Land Use Permit shall be allowed in compliance with Section 35.474.040 (Changes to an Approved Project).

H. Permit revocation. An issued Land Use Permit may be revoked in compliance with Section 35.474.060 (Revocations).

I. Post approval procedures. The procedures and requirements in Chapter 35.474 (Post Approval Procedures) and those related to appeals in Division 35.9 (Montecito Land Use and Development Code Administration) shall apply following the decision on an application for a Land Use Permit.

35.472.120 - Modifications

A. Purpose and intent. The purpose and intent of this Section is to allow for minor modifications of certain zone standards where, because of integrity of design, practical difficulties, topography, tree or habitat protection, or other similar site conditions, minor adjustments to the regulations, requirements, or standards would result in better project design, land use planning, and resource protection.

B. Applicability.

1. Allowed for permitted uses only. The provisions of this Section shall apply to specific development proposals that are allowed in the zone in which the project is located which are not

otherwise subject to Conditional Use Permit (Section 35.472.060) or Development Plan (Section 35.472.080) requirements.

2. **Activities or uses not otherwise allowed.** In no case shall a Modification be granted to allow an activity which is not otherwise allowed in the zone in which the property is situated, nor shall a Modification be granted which alters the procedural or timing requirements of this Development Code.

3. **Allowed Modifications.** Modifications may only be granted in conjunction with a specific development proposal and are limited to the following:

   a. **Maximum setback reduction of 20 percent.** The area of each front, side or rear setback area shall not be reduced by more than 20 percent of the minimum setback area required in compliance with the applicable zone regulations.

   b. **Setback reductions for structures, except unenclosed, attached entryways or porches.** No setback reduction for structures, except for unenclosed, attached entryways or porches (see Subsection 3.c (Front setback reductions for unenclosed, attached entryways or porches)) below, shall result in:

      (1) **Front.** A front setback depth, as measured from the right-of-way or easement line of a street, of less than 16.5 feet.

      (2) **Side.** A side setback width from property lines of less than three feet.

      (3) **Rear.** A rear setback depth from property lines of less than 15 feet.

   c. **Front setback reductions for unenclosed, attached entryways or porches.** No front setback reduction for an unenclosed, attached entryway or porch shall result in a front setback depth, as measured from the right-of-way or easement line of a street or driveway, of less than 10 feet.

   d. **Reduction of parking spaces.** A reduction in the required number and/or a Modification in the design or location of parking spaces and loading zones may be allowed provided that in no case shall:

      (1) The required number of bicycle parking spaces be reduced.

      (2) The number of spaces required for a residential second unit be reduced or be allowed to be located within the required front setback area.

      (3) Any parking or screening requirement for a vehicle with more than two axles, a recreational vehicle or bus, a trailer, or other non-passenger vehicle be modified.

4. **Prohibited Modifications.** In no case shall a Modification be granted for a reduction in buffer, landscape, open space, or other requirements of this Development Code, except as identified above.

C. Contents of Application. An application for a Modification shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. Processing.

1. The Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

2. The project shall be subject to the provisions of Section 35.472.070 (Design Review), and shall be scheduled to be heard by the Montecito Board of Architectural Review for preliminary review and

approval only, before the project is heard by the Montecito Commission.

3. The Montecito Commission shall hold at least one noticed public hearing on the requested Modification and either approve, conditionally approve, or deny the request.

4. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

5. The Montecito Commission, in approving the Modification, may require conditions as deemed reasonable and necessary to promote the purpose and intent of this Development Code and the public health, safety, and general welfare.

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

E. Findings required for approval. An application for a Modification shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings:

1. The project is consistent with the Comprehensive Plan, including the Montecito Community Plan.

2. The project complies with the intent and purpose of the applicable zone including overlays and this Development Code.

3. The Modification is minor in nature and will result in a better architectural or site design as approved by the Montecito Board of Architectural Review, and/or will result in greater resource protection than the project without the Modification.

4. The project will be compatible with the neighborhood, and will not create an adverse impact to aesthetics, community character, or public views.

5. Any Modification of parking or loading zone requirements will not adversely affect the demand for on-street parking in the immediate area.

6. The project will not be detrimental to existing ambient noise levels, physical access, light, solar exposure, or ventilation on or off the subject site.

7. Any adverse environmental impacts will be mitigated to a level of insignificance.

F. Expiration.

1. Expiration in 12 months. A Modification shall expire 12 months from the effective date if a Coastal Development Permit or Land Use Permit has not been issued for the project for which the Modification was approved unless otherwise specified by conditions of project approval or unless a time extension has been approved in compliance with Section 35.474.030 (Time Extensions).

2. Once granted a Coastal Development Permit or Land Use Permit. Once the project for which the Modification was approved has been issued a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or Land Use Permit in compliance with Section 35.472.110 (Land Use Permits), the Modification shall have the same expiration date as the issued Coastal Development Permit or Land Use Permit.

G. Post approval procedures. The procedures and requirements in Chapter 35.474 (Post Approval Procedures) and those related to appeals and revocation in Division 35.9 (Montecito Land Use and Development Code Administration), shall apply following the decision on an application for a Modification.

35.472.130 - Overall Sign Plans

A. Purpose and intent. This Section establishes procedures and findings for the approval of Overall Sign Plans that regulate signs located within a shopping center. The intent is to ensure that signs within a shopping center are visually attractive and are in a harmonious relationship to one another.

B. Applicability. The provisions of this Section shall apply to all proposed signs located within shopping centers.

C. Allowed modifications. The Montecito Commission may allow the following sign modifications as part of the approval of an Overall Sign Plan:

1. **Freestanding signs.** An increase in the height, number and size limitations on freestanding signs.
2. **Menu boards for drive-through restaurants.** An increase in the area limitation of menu boards.
3. **Under canopy signs.** An increase in the area limitation of under canopy signs.
4. **Wall signs.** An increase in the area limitation of wall signs.

D. Contents of application. An application for an Overall Sign Plan shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

E. Processing.

1. An application for an Overall Sign Plan shall be submitted concurrently with an application for a Development Plan for a shopping center and shall be processed in conjunction with such Development Plan application, except as provided below.
   a. An application for an Overall Sign Plan may be submitted independently if the Overall Sign Plan is for an existing shopping center and the processing of a new or revised Development Plan is not required.
2. After receipt of an application for an Overall Sign Plan, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
3. The Overall Sign Plan shall be subject to Design Review in compliance with Section 35.472.070 (Design Review).
   a. The Montecito Board of Architectural Review shall provide a recommendation to the Montecito Commission on:
      (1) The effect of the proposed Overall Sign Plan on:
         (a) The various parts of and commercial enterprises within the shopping center.
         (b) The streets and properties surrounding the shopping center.
         (c) The overall continuity of design and signs within the shopping center.
      (2) The number, type, height, location, size, design, color, materials, and lighting of signs contained within the Overall Sign Plan.
   b. If the area of menu boards for drive-through restaurants, under-canopy signs, or wall signs, or the area, height, or number of freestanding signs is proposed to be in excess of that otherwise allowed in compliance with this Development Code, then the Montecito Board of Architectural Review shall make specific recommendations to the Montecito Commission on any such modification.
4. The Montecito Commission shall hold at least one noticed public hearing on the requested Overall Sign Plan and approve, conditionally approve, or deny the request. The Montecito Commission shall consider the effect of the proposed Overall Sign Plan upon:
   a. The various parts of and commercial enterprises within the shopping center.

b. The streets and properties surrounding the shopping center.

c. The overall continuity of design and signs within the shopping center.

5. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

a. In addition to mailed notice required in compliance with Chapter 35.496 (Noticing and Public Hearings), notice shall also be mailed a minimum of 10 days prior to the public hearing to all tenants within the shopping center.

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

F. Findings required for approval. If an Overall Sign Plan application includes any modifications in compliance with Subsection C. (Allowed modifications) above, then the Overall Sign Plan application shall be approved only if the Montecito Commission first makes all of the following findings, as applicable:

1. Freestanding signs. The proposed area, height, or number of freestanding signs is architecturally harmonious in relation to the size and location of the shopping center.

2. Menu boards for drive-through restaurants.

a. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the structure on which it will be placed.

b. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

3. Under-canopy signs. The proposed area of the under-canopy sign is architecturally harmonious in relation to the size and location of the building area occupied by the enterprise proposing the sign.

4. Wall signs.

a. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the structure on which it will be placed.

b. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

35.472.140 - Reclamation and Surface Mining Permits

A. Purpose and intent. This Section provides regulations for surface mining operations in compliance with the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.), hereinafter referred to as SMARA; Public Resources Code Section 2207; and California Code of Regulations, Title 14, Sections 3500 et seq., to ensure that:

1. Adverse environmental effects to be prevented or minimized. The adverse environmental effects of surface mining operations will be prevented or minimized and that the reclamation of mined lands will provide for the beneficial, sustainable long-term productive use of the mined and reclaimed lands for alternative land uses; and

2. Production and conservation of minerals to be encouraged. The production and conservation of minerals will be encouraged while eliminating hazards to public health and safety and avoiding or minimizing adverse effects on the environment (e.g., air pollution, damage to biological resources, degradation of scenic quality, erosion, flooding, geologic subsidence, noise pollution, and water quality degradation), while giving proper consideration to community values relating to aesthetic enjoyment, range and forage, recreation, watershed, and wildlife.

B. Definitions. Definitions of the specialized terms and phrases used in this Section are in Division 35.10 (Glossary).

C. Incorporation of SMARA and State Regulations. The provisions of SMARA, Public Resources Code Section 2207, and the California Code of Regulations implementing SMARA (14 California Code of Regulations, Section 3500 et seq.), as either may be amended from time to time, are made a part of this Section by reference, with the same force and effect as if these provisions were specifically and fully contained within this Section. These regulations shall hereafter be referred to in this Section as the State Regulations.

D. Applicability. Unless exempted by the provisions of the State Act, the State Regulations, or Subsection D.1 (Exemptions) below, any person (as defined in the State Regulations) who proposes surface mining operations shall, before the commencement of any operations, obtain both a permit to mine and approval of a Reclamation Plan in compliance with this Section.

1. Exemptions. This Section and its permit and Reclamation Plan requirements in Subsection E. (Permit and Reclamation Plan requirements) below, do not apply to the following activities:

a. Excavations or grading conducted for farming or onsite construction or for the purpose of restoring land following a flood or natural disaster. (SMARA Section 2714(a))

b. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in a total amount of less than 1,000 cubic yards in one or more locations or lots under the control of one operator that do not exceed a total of one acre. A Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits), as applicable, and Grading Permit in compliance with Section 14.6 of County Code Chapter 14, the Grading Ordinance, may be required for excavations or extractions of more than 50 cubic yards.

c. Surface mining operations that are required by federal law in order to protect a mining claim, if the operations are conducted solely for that purpose. (SMARA Section 2714(e))

d. Onsite excavation and onsite earthmoving activities that are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to the conditions in SMARA Section 2714(b).

e. Other surface mining operations which the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances. (SMARA Section 2714(f))

2. Vested rights. A person shall be deemed to have vested rights if, prior to January 1, 1976, he or she has, in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials therefore. (SMARA Section 2776).

3. Earthwork. Reclamation activities shall be consistent with the applicable provisions of the Grading Ordinance (County Code Chapter 14) and with other established engineering and geologic standards.

4. Authority of Building Official to prevent engineering hazards. The approval of a Conditional Use Permit or Reclamation Plan shall not prevent the Building Official from thereafter requiring the correction of errors in the permit or Reclamation Plan for earthwork specification, or from preventing surface mining operations or reclamation efforts being carried out in compliance with a permit or Reclamation Plan, where the Building Official has determined that a significant engineering hazard threatening public health and safety, or substantial physical damage to off-site

property or lands outside of the approved boundary of the mining operation is likely to occur, or has occurred, as a result of surface mining operations or reclamation efforts.

a. Curtailment order. The Building Official may order that correction of earthwork specifications and/or curtailment of activities is required to protect the public health and safety, or to prevent or minimize substantial physical damage to off-site property or lands outside of the approved boundary of the mining operations.

b. Notice and hearing. Before issuing any correction or curtailment order, the Building Official shall establish a time for hearing and shall give written notice of the time and place of the hearing and the engineering hazard to be abated.

(1) The notice shall be given to the operator 10 days before the hearing at which time there will be an opportunity for all concerned parties to present evidence. The notice may be served in person or by certified mail.

(2) The notice shall include procedures for appeal of the determination by the Building Official to the Montecito Commission and, thereafter, to the Board in compliance with Chapter 35.492 (Appeals).

(3) At the same time that notice of the order is conveyed, the Building Official shall establish a date, time, and place for a publicly noticed hearing and review of the order as soon as possible, which date shall be no later than 48 hours after the order is issued or served.

(4) The hearing shall be conducted in the same manner as a hearing on prior notice.

(5) After the hearing, the Building Official may modify, revoke, or retain the emergency curtailment order.

c. Curtailment order without notice or hearing. In the event the Building Official determines there is an imminent danger to the public health and safety resulting from an alleged engineering hazard, the Building Official may summarily order the necessary curtailment of activities without prior notice and hearing and the order shall be obeyed upon notice of same, whether written or oral.

d. Appeal and effect of appeal. An affected person may appeal an order of the Building Official to the Montecito Commission in compliance with Chapter 35.492 (Appeals), within 10 calendar days of the date that notice of the order is given.

(1) If there is an appeal, the order of the Building Official shall remain in full force and effect until action is taken by the Montecito Commission or, upon appeal, the Board.

(2) The decision of the Montecito Commission, or Board on an appeal, shall constitute a final action by the County.

(3) The decision shall not preclude a surface mining operator from seeking judicial relief.

(4) If an appeal is not filed, the Building Official's order becomes final.

E. Permit and Reclamation Plan requirements. The following requirements apply to all surface mining operations in all zones.

1. Conditional Use Permit and Reclamation Plan. County approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits), a Reclamation Plan prepared in compliance with SMARA and this Section, and a lead agency approved financial assurance shall be required prior to the commencement of any surface mining operations, unless the operations are

exempted by the provisions of SMARA, the State regulations, or Subsection D.1 (Exemptions) above.

2. **Coastal Development Permit or Land Use Permit required.** A surface mine operator shall obtain a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits), as applicable, prior to the initiation of mining and reclamation activities approved under a Conditional Use Permit and Reclamation Plan. The surface mine operator shall also obtain a separate Coastal Development Permit or Land Use Permit to implement a Reclamation Plan.

F. Application requirements. An application for a Conditional Use Permit and Reclamation Plan shall include:

1. The application forms provided by the Department and each of the informational items listed on the Conditional Use Permit and Reclamation Plan application forms;

2. Documentation of how the mining operation authorized under the proposed Conditional Use Permit would be in compliance with the minimum acceptable surface mining practices specified in California Code of Regulations, Title 14, Section 3503; and

3. A proposed Reclamation Plan that includes all of the information required by SMARA Section 2772(c) and California Code of Regulations, Title 14, Section 3502, documentation of how the proposed plan satisfies the reclamation standards specified in California Code of Regulations, Title 14, Sections 3700 - 3713, and a grading plan that illustrates the existing (pre-mining) topography, the topography at the end of any designated phase of mining and reclamation, and the topography of the final reclaimed surface to remain after the cessation of mining activities.

The Conditional Use Permit application and the proposed Reclamation Plan shall be submitted concurrently but compiled and presented as two separate documents. The number of copies of the Conditional Use Permit and Reclamation Plan applications to be submitted shall be determined by the Department.

G. Processing.

1. **Agency notification.**

   a. **Department of Conservation.** Within 30 days of receipt of an application for a Conditional Use Permit for surface mining operations or substantial amendment, and/or a Reclamation Plan, the County shall notify the Director of the California Department of Conservation (DOC Director) of the filing of the applications. (SMARA Section 2774(e))

   b. **Department of Transportation.** Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Department shall also notify the State Department of Transportation that the application has been received. (SMARA Section 2770.5)

   c. **County Departments.** The Department shall provide a copy of the applications to each County department represented on the Subdivision/Development Review Committee for review and recommendation to the Montecito Commission.

2. **Environmental review.** Upon a determination by the County that the applications are complete, the applications for Conditional Use Permit and Reclamation Plan approval shall be reviewed in compliance with the California Environmental Quality Act.

3. Public hearings.

a. Conditional Use Permits.

(1) The Montecito Commission shall consider the Conditional Use Permit at a noticed public hearing and shall approve, conditionally approve, or deny the request.

(2) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

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

(4) In the Coastal Zone, a decision of the Board to approve a Conditional Use Permit in compliance with this Section may be appealed to the Coastal Commission in compliance with Chapter 35.492 (Appeals).

b. Reclamation Plan and financial assurances.

(1) Prior to taking final action on the Reclamation Plan, the Montecito Commission shall first conceptually approve the Reclamation Plan, financial assurances, and any amendments thereto, at a noticed public hearing before submitting them to the Director of the Department of Conservation for review.

(2) The Montecito Commission shall then submit the Reclamation Plan, financial assurances, or amendments to the Director of the Department of Conservation for review, together with its certification that the documents and their content comply with all applicable State Regulations. (SMARA Section 2774(c))

(3) The Director of the Department of Conservation shall have 30 days from the date of receipt of the conceptually approved Reclamation Plan or plan amendments, and 45 days from the date of receipt of financial assurances, to prepare written comments, if the Director so chooses. (SMARA Section 2774(d))

(4) The Montecito Commission shall consider all comments from the Director of the Department of Conservation that are submitted within the statutory comment period at a noticed public hearing and shall take final action to approve, conditionally approve or deny the Reclamation Plan and financial assurances.

(5) The Montecito Commission shall incorporate the comments and recommendations of the Director of the Department of Conservation into the Reclamation Plan as part of plan approval or shall adopt detailed written responses that explain why specific comments or recommendations were not accepted. (SMARA, Section 2774(d))

(6) Copies of any written comments received and responses prepared by the Montecito Commission shall be promptly forwarded to the surface mining operator.

(7) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

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

(9) A decision of the Board on a Reclamation Plan may be appealed to the State Mining and Geology Board in compliance with Public Resources Code Section 2770, and the California Code of Regulations, Title 14, Section 3650.

4. **State notification of County approval.** The Department shall forward a copy of each approved Conditional Use Permit for mining operations and/or approved Reclamation Plan to the Director of the Department of Conservation.

5. **State review of financial assurances.** The Department shall also forward a copy of the approved financial assurances to the Director of the Department of Conservation for review. Refer to Subsection J.2 (Requirements, forms and amount) below.

H. Performance standards.

1. **Surface mining operations.**

a. **Compliance with State regulations required.** All surface mining operations for which a new or revised Conditional Use Permit is required shall comply with the requirements contained in SMARA and implementing State Regulations.

b. **Compliance with County standards required.** The following standards shall apply in addition to the State regulations as determined by the Montecito Commission to be appropriate to surface mining operations that are subject to a new or substantially revised Conditional Use Permit.

(1) **Appearance.** Mining operations shall be conducted in a neat and orderly manner, free from junk, trash, or unnecessary debris. Where in public view, salvageable equipment stored in a non-operating condition shall be suitably screened or stored in an enclosed structure.

(2) **Noise and vibration.** Noise and ground vibration shall be controlled so as to minimize any disturbance of neighbors. The volume of sound measured outside during calm air conditions, generated by any use on the subject property shall not exceed 65 dB(A) LDN as measured at the location of the nearest noise sensitive use (as defined in the County Noise Element) beyond the property line of the mining operation.

(3) **Traffic safety.**

(a) Parking shall be provided in compliance with Chapter 35.436 (Parking and Loading Standards). Adequate provision shall be made for the queuing and loading of trucks.

(b) Haul roads shall be located away from property lines where possible, except where adjoining property is part of the mining operation. Where processing facilities are not located on the same site as the mining operation, off-site haul routes shall be specified in the mining permit. The haul routes as well as other transport routes from the processing facilities to market destinations shall avoid, to the maximum extent feasible, routing through residential neighborhoods.

(c) The number and location of access points to the mining operation shall be specified in the mining permit.

(4) **Dust control**. During hours of operations, all access roads shall be contained, protected, or wetted in a manner designed to minimize the generation of dust.

(5) **Public health and safety.**

(a) Appropriate measures, including fencing, shall be provided where determined by the Montecito Commission to be necessary for public safety.

(b) Excavations shall be posted to give reasonable public notice, where determined by the Montecito Commission to be necessary for public safety.

(c) A body of water created during operations within the excavation shall be maintained in a manner designed to provide for maximum mosquito control and to prevent the creation of health hazards or a public nuisance.

(d) Any generation of offensive fumes or odors, glare, heat, noxious gases or liquids, or radiation and all other activities shall be conducted in a manner that will not be injurious to the health, safety, or general welfare of persons residing or working in the neighborhood by reason of danger to life or property.

(6) **Screening.** To the maximum extent feasible, screening or other aesthetic treatments (e.g., berms, fences, plantings of suitable shrubs and/or trees) shall be required, where necessary, to minimize visibility from public view of cut slopes or mining operations, structures, and equipment. Mining operations that are visible from a scenic highway designated in the Comprehensive Plan, as well as from a route classified as having highest scenic values in the Open Space Element, shall be screened or other appropriate and effective aesthetic treatments shall be used to minimize impacts on scenic resources.

(7) **Protection of streams and groundwater basins.** All surface mining operations shall incorporate measures to protect surface and groundwater quality as determined necessary and required by law by relevant county, sate, and federal agencies.

(8) **Slope Stability.** All excavation or placement of fill associated with mining operations shall be conducted in a manner that avoids landslides or other slope instabilities.

(9) **Annual report.** Each surface mining operator shall forward an annual status report to the Director of the Department of Conservation and the Department on a date established by the Director of the Department of Conservation upon forms furnished by the State Mining and Geology Board. (Public Resources Code Section 2207, Subdivisions (a) through (g))

2. Reclamation Plans.

a. **Compliance with State standards required.** Each new or substantially amended Reclamation Plan shall comply with the minimum statewide performance standards required by SMARA Section 2773(b), and identified in California Code of Regulations Title 14, Section 3700 et seq., regarding:

(1) Backfilling, recontouring;

(2) Regrading, revegetation, and slope stability;

(3) Closure of surface openings; diversion structures, drainage, erosion control, and waterways;

(4) Prime agricultural land reclamation, other agricultural land, equipment, and structure removal;

(5) Stream protection, including groundwater and surface;

(6) Tailing and mine waste management;

(7) Topsoil maintenance, redistribution, and salvage; and

(8) Wildlife habitat.

b. **Compliance with County standards required.** The following standards shall apply in addition to the State standards, as determined by the Montecito Commission to be appropriate to surface mining operations that are subject to new or substantially amended Reclamation Plans.

(1) Revegetation. All revegetation and/or re-establishment shall comply with an approved landscaping plan, in compliance with Chapter 35.434 (Landscaping Standards).

(2) Visual resources. The Reclamation Plan shall, to the maximum extent feasible, provide for the protection and reclamation of the visual resources of the area affected by the mining operation. Measures may include re-soiling, re-contouring of the land to be compatible with the surrounding natural topography, and re-vegetation and the end uses specified by the landowner. Where the mining operation requires the cutting, leveling, removal, or other alteration of ridgelines on slopes of 20 percent or more, the Reclamation Plan shall ensure that the mined areas are found compatible with the surrounding natural topography and other resources of the site.

(3) Grading regulations. Each Reclamation Plan shall comply with applicable provisions of the Grading Ordinance (County Code Chapter 14).

(4) Phasing of reclamation. See also Subsection K. (Inspections) below.

(a) A Reclamation Plan shall include a description of and plan for the type of surface mining to be employed and an estimated time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation. (SMARA, Section 2772(f))

(b) Where appropriate, interim management may also be required for mined lands that have been disturbed and will be disturbed again in future operations and yet do not qualify as "idle" within the meaning of SMARA, Section 2727.1.

(c) The interim management is for the purpose of minimizing adverse environmental impacts during extended periods of inactivity before resumption of mining and ultimate reclamation.

(d) Reclamation may be done on an annual basis, or in stages compatible with continuing operations, or on completion of all excavation, fill, or removal as approved by the Montecito Commission.

(e) Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include the estimated beginning and ending dates for each phase, all reclamation activities required, criteria for measuring completion of specific reclamation activities, and estimated costs in compliance with Subsection J. (Financial assurances for Reclamation Plans) below.

(f) The reclamation schedule shall be subject to Montecito Commission approval.

I. Findings for approval.

1. Surface mining operations. In addition to the findings required for the approval of a Conditional Use Permit by Section 35.472.060 (Conditional Use Permits), a Conditional Use Permit application for surface mining operations shall be approved or conditionally approved only if the Montecito Commission also first finds that the project complies with Subsection H.1 (Surface mining operations) above.

2. Reclamation Plans. An application for a Reclamation Plan shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings:

a. The Reclamation Plan complies with applicable requirements of SMARA and associated State Regulations with applicable provisions of the County's Grading Ordinance (County Code Chapter 14), and with other appropriate engineering and geologic standards.

b. The Reclamation Plan and the potential use of reclaimed land in compliance with the plan are consistent with the provisions of this Development Code and the Comprehensive Plan.

c. In approving or conditionally approving the Reclamation Plan, the required findings in compliance with the California Environmental Quality Act can be made.

d. The land and/or resources (e.g., water bodies to be reclaimed) will be reclaimed to a condition that is compatible with the surrounding natural environment, topography, and other resources.

e. The Reclamation Plan will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses specified by the landowner and consistent with this Development Code and the Comprehensive Plan.

f. A written response to the Director of the Department of Conservation has been prepared, describing the disposition of the major issues raised by the Director of the Department of Conservation. Where the Montecito Commission does not agree with the recommendations and objections raised by the Director of the Department of Conservation, the response shall address, in detail, why specific comments and suggestions were not accepted. (SMARA Section 2774(d))

J. Financial assurances for Reclamation Plans.

1. Purpose. This Section is intended to ensure that reclamation will proceed in compliance with an the approved Reclamation Plan, as it may be amended, through the maintenance of funds available to the County and the State that are adequate to reclaim the site in the event of a default by the operator.

2. Requirements, forms, and amount.

a. The operator shall post a financial assurance instrument or mechanism in a form authorized under California Code of Regulations Title 14, Section 3800 et seq. of the State Mining and Geology Board reclamation regulations.

b. Financial assurances shall be made payable to the County and the Department of Conservation. (SMARA, Section 2773.1(a)(4))

c. The amount of the financial assurance to be posted with the County shall be equivalent to the estimated cost of reclamation of the site from its current condition in a manner consistent with the approved Reclamation Plan, plus an amount to ensure reclamation of the additional ground disturbance anticipated to occur in the following year. The financial assurance shall be based on a cost estimate prepared using the Financial Assurance Guidelines adopted by the State Mining and Geology Board. All financial assurances shall be approved by the County and the Department of Conservation

d. The financial assurance amount shall be based on an estimate of "third-party" costs to reclaim the mined lands. These costs shall include direct costs for onsite reclamation activities, such as revegetation, grading, and equipment removal, and indirect costs, such as supervision, mobilization, profit and overhead, contingencies, and lead agency monitoring. The operator shall submit a reclamation cost estimate using the State Financial Assurance Guidelines or similar instrument, for review and approval by the County and the Department of Conservation prior to posting of a new or revised Financial Assurance.

K. Inspections. Each Surface Mining Permit and Reclamation Plan shall provide for periodic compliance inspections as follows.

1. The Department or other designated County agency shall conduct an inspection of a surface mining operation within 180 days of receipt of the annual report required in Subsection H. (Performance standards) above, filed by the mining operator in compliance with Public Resources Code Section

2207, solely to determine whether the surface mining operation is in compliance with the approved Conditional Use Permit and/or Reclamation Plan, and the State Regulations. (SMARA, Section 2774 (b))

2. In no event shall less than one inspection be conducted within any single calendar year.

3. The inspection may be made by a state-registered civil engineer, state-registered forester, state-registered geologist, state-licensed landscape architect, or other qualified specialist, as approved by the County.

4. All inspections shall be conducted using a form approved by the Department of Conservation or the State Mining and Geology Board.

5. The County shall notify the Director of the Department of Conservation within 30 days of completion of the inspection that the inspection has been conducted and shall forward a copy of the inspection report and any supporting documentation to the Director of the Department of Conservation and mining operator.

6. The operator shall be solely responsible for the reasonable cost of the inspection by the County and its designees.

L. Interim management plan requirements.

1. Timing, content, processing. Within 90 days of a surface mining operation becoming idle, the operator shall file an interim management plan with the Department. (SMARA, Section 2770 (h))

a. The interim management plan shall comply with all applicable requirements of SMARA, Section 2770(h) and shall provide measures the operator will implement to maintain the site in compliance with SMARA, including all conditions of the Conditional Use Permit and/or Reclamation Plan.

b. The interim management plan shall be processed as an amendment to the Reclamation Plan and shall not be considered a project for the purposes of environmental review in compliance with the California Environmental Quality Act. (SMARA, Section 2770(h))

c. The idle mine shall comply with the financial assurance requirements for reclamation specified in SMARA, Section 2773.1.

2. Montecito Commission review and decision. The Montecito Commission shall be the review authority for an interim management plan associated with mining operations.

a. Within 60 days of receipt of the interim management plan, or longer period mutually agreed upon by the Department and the operator, the Montecito Commission shall review, and approve or deny the plan in compliance with Subsection G. (Processing) above.

(1) The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Department, to submit a revised plan.

(2) The Montecito Commission shall approve or deny the revised interim management plan within 60 days of receipt of the plan.

(3) An action of the Montecito Commission to deny the revised interim management plan may be appealed in compliance with Chapter 35.492 (Appeals).

3. Time limit, extension. The interim management plan shall remain in effect for a maximum of five years, at which time the Montecito Commission may renew the plan for one additional five-year period, or require the surface mine operator to commence reclamation in compliance with the approved Reclamation Plan. (SMARA Section 2770(h)(2))

M. Time limit for commencement of surface mining operation. The time limit for commencing a surface mining operation that is allowed in compliance with this Section shall be the same as the time limit of the

Conditional Use Permit required in compliance with Subsection E. (Permit and Reclamation Plan requirements) above.

N. Violations and penalties.

1. **Failure to comply with approved Reclamation Plan.** If the County, based upon an annual inspection or otherwise confirmed by an inspection of the mining site, determines that a surface mining operation is not in compliance with its approved Reclamation Plan, the County shall follow the procedures in SMARA Sections 2774.1 and 2774.2 concerning violations and penalties.

2. **Failure to comply with Conditional Use Permit.** If the County, based upon an annual inspection or otherwise confirmed by an inspection of the mining site, determines that a surface mining operation is not in compliance with its Conditional Use Permit, the County shall follow the procedures for permit revocation and other enforcement actions specified in Section 35.474.060 (Revocations) and Chapter 35.498 (Enforcement and Penalties).

O. Fees. The Board Fee Schedule shall include fees as reasonable and necessary to cover the costs of implementing this Section and the State Regulations, including application processing, preparation of annual reports, compliance inspections, and enforcement.

P. Post approval procedures. The procedures and requirements in Chapter 35.474 (Post Approval Procedures), and those related to appeals in Division 35.9 (Montecito Land Use and Development Code Administration), shall apply following the decision on an application for a Reclamation and Surface Mining Permit.

35.472.150 - Sign Certificates of Conformance

A. Purpose and intent. This Section establishes procedures and findings for the approval of Sign Certificates of Conformance that are required in compliance with Chapter 35.438 (Sign Standards). The intent of this Section is to ensure that proposed signage is visually attractive and complies with the goals of the County.

B. Applicability. Before erecting, applying, installing, affixing, altering, relocating or projecting as an image any signage, a Sign Certificate of Conformance shall be issued unless identified as exempt from permit requirements by Chapter 35.438 (Sign Standards).

C. Contents of application. An application for a Sign Certificate of Compliance shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. Processing.

1. The Director shall review the Sign Certificate of Conformance application for compliance with the Comprehensive Plan including the Montecito Community Plan, this Development Code and other applicable conditions and regulations, and shall approve, conditionally approve, or deny the request. A Sign Certificate of Conformance shall not be issued by the Director until all necessary prior approvals (e.g., Design Review, Overall Sign Plan) have first been obtained.

   a. **Signs located in shopping centers.** A Sign Certificate of Compliance for a sign located within a shopping center shall not be issued by the Director unless the sign is determined to be in compliance with an approved Overall Sign Plan (Section 35.472.130 (Overall Sign Plans)).

2. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).

E. Findings required for approval. A Sign Certificate of Conformance application shall be approved or conditionally approved only if the Director first makes all of the following findings:

1. The proposed signage is in compliance with Chapter 35.438 (Sign Standards).

2. The subject property is in compliance with all laws, regulations, and rules pertaining to zone uses, subdivisions, height requirements, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid.

F. Permit expiration. A Sign Certificate of Conformance shall remain valid only as long as compliance with all applicable requirements of this Development Code and the permit continues.

35.472.160 - Sign Modifications

A. Purpose and intent. This Section establishes procedures and findings for the approval of Sign Modifications of certain limitations for menu boards for drive-through restaurants and wall signs that are not part of an Overall Sign Plan that are outside of shopping centers.

B. Applicability. Sign Modifications may be granted for the following types of signs located within property zoned commercial located outside of shopping centers:

1. Menu boards for drive through restaurants.

2. Wall signs.

C. Allowed Sign Modifications. Sign Modifications are limited to the following:

1. Menu boards for drive through restaurants. An increase in the area limitation of menu boards may be allowed.

2. Wall signs. An increase in the area limitation of wall signs may be allowed.

D. Contents of application. An application for a Sign Modification shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

E. Processing.

1. The Montecito Commission shall hold at least one noticed public hearing on the requested Sign Modification and approve, conditionally approve, or deny the request.

2. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

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

F. Findings required for approval. A Sign Modification application shall be approved or conditionally approved only if the Montecito Commission first makes the following findings, as applicable:

1. Menu boards for drive-through restaurants.

a. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the structure on which it will be placed.

b. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

2. Wall signs.

a. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the structure on which it will be placed.

b. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

35.472.170 - Use Determinations

A. Purpose and intent. The purpose of this Section is to provide procedures for evaluating proposed land uses that are not specifically enumerated in a zone but may be allowed if they are found to be similar in character to uses that are already enumerated as permitted uses within that zone. The intent of this Section is to provide specific consideration of such uses. Within this section "permitted uses" shall mean those uses within Tables 2-1, 2-4, 2-7, 2-8, 2-12 and 2-14 contained within Division 35.2 (Montecito Zones and Allowable Land Uses) in which the "Permit Requirement" is denoted with a "P".

B. Applicability. The provisions of this Section shall only apply to zones identified in Subsection 35.420.030.A.3 (Similar and compatible use may be allowed).

C. Contents of application. An application for a Use Determination shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. Processing.

1. After receipt of an application for a Use Determination, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

2. The Montecito Commission shall hold at least one noticed public hearing on the requested Use Determination and approve, conditionally approve, or deny the request.

3. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

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

E. Findings required for approval of Use Determinations. A Use Determination application shall be approved only if the Montecito Commission first makes all of the following findings, as applicable:

1. Neighborhood Commercial (CN)

a. The proposed use is similar in character to those listed as permitted uses in the CN zone.

b. The proposed use is not more injurious to the health, safety or welfare of the neighborhood than those listed as permitted uses in the CN zone because of noise, odor, dust, smoke, vibration, traffic congestion, danger to life, property or other similar causes.

2. Public Utilities (PU) zone. The proposed use is similar in character to those listed as permitted uses in the PU zone.

3. Recreation (REC) zone.

a. Coastal Zone. The proposed use is similar in character to those listed as permitted uses in the coastal REC zone.

b. Inland area. The proposed use is similar in character to those listed as permitted uses in the inland area REC zone, not including fairgrounds, amusement parks or large indoor recreational complexes.

4. Transportation Corridor (TC) zone. The proposed use is determined to be required for the purpose of operating a railroad or highway.

F. Applicable standards and permit requirements.

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

35.472.180 - Variances

A. Purpose and intent. The purpose and intent of this Section is to allow variances from the strict application of the provisions of this Development Code where, because of exceptional conditions (e.g., the location, shape, size, surroundings, or topography, or other extraordinary situation or condition of the subject property), the literal enforcement of this Development Code would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of this Development Code.

B. Applicability.

1. The provisions of this Section shall apply to all zones.

2. In no case shall a Variance be granted:

   a. To allow a use or activity which is not otherwise allowed in the zone in which the property is located; or

   b. From the procedures identified in this Development Code.

C. Contents of application. An application for a Variance shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. Processing.

1. An application filed in compliance with this Section that is determined by the Director to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan shall be accompanied by an application to make the project consistent.

2. The Montecito Commission shall hold at least one noticed public hearing on the requested Variance and approve, conditionally approve, or deny the request.

3. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

4. The Montecito Commission, in approving the Variance, may require conditions as deemed reasonable and necessary to promote the purpose and intent of this Development Code and the public health, safety and welfare.

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

6. Prior to the issuance of any planning permit required to effectuate the approved Variance, the applicant shall agree in writing to comply with all conditions imposed by the review authority in the granting of the Variance.

E. Findings required for approval. A Variance application shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings:

1. Due to special circumstances applicable to the subject property, including location, shape, size, surroundings, or topography, the strict application of this Development Code deprives the subject

property of privileges enjoyed by other property in the vicinity and under identical zone classification.

2. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which the property is situated.

3. The granting of the Variance will not be in conflict with the purpose and intent of this Development Code or the Comprehensive Plan, including the Montecito Community Plan.

4. The project meets all of the applicable development standards included within the Montecito Community Plan.

5. The project will not adversely impact recreational facilities and uses.

F. Post approval procedures. The procedures and requirements in Chapter 35.474 (Post Approval Procedures), and those related to appeals and revocation in Division 35.9 (Montecito Land Use and Development Code Administration), shall apply following the decision on an application for a Variance.

35.472.190 - Zoning Clearances

A. Purpose and intent. This Section provides procedures and findings to allow for the approval of, and effective time periods for, Zoning Clearances which may be required in compliance with Subsection B. (Applicability) below. The intent of this Section is to ensure that development conforms to the provisions of the Comprehensive Plan including the Montecito Community Plan, this Development Code, and any conditions or development standards established by the County.

B. Applicability.

1. Zoning Clearance required. A Zoning Clearance shall be issued by the Director where a Zoning Clearance is required in compliance with this Development Code, unless other requirements of this Development Code specify that the Zoning Clearance is not required or the activity is exempt from the approval of a planning permit in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements).

2. Zoning Clearance approval. The issuance of a Zoning Clearance certifies that the land use or development will satisfy all applicable provisions of this Development Code, including the conditions of approval of any existing approved permits for the subject property, including applicable discretionary projects (e.g., Conditional Use Permit, Final Maps, Development Plans, Parcel Maps). In cases where a construction permit is required by Chapter 10 of the County Code, the Zoning Clearance is processed and issued as part of the construction permit application and approval process. Issuance of a Zoning Clearance may also enable the establishment of a land use or structure that does not require a construction permit but is still subject to the standards of this Development Code.

C. Contents of application. An application for a Zoning Clearance shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. Processing.

1. Review for compliance. The Director shall review the Zoning Clearance application for compliance with the Comprehensive Plan including the Montecito Community Plan, this Development Code, and other applicable conditions or regulations, including any discretionary approvals applicable to the site and issue, conditionally issue or deny the request. A Zoning Clearance shall not be issued by the Director until:

a. All necessary prior approvals have been obtained;

b. The Director has determined that the subject property is in compliance with all laws, regulations, and rules pertaining to zoning uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and if applicable, zoning violation enforcement and processing fees, as established from time to time by the Board, have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).

2. Decision not subject to appeal. The action of the Director to issue, conditionally issue or deny a Zoning Clearance, approve or deny a time extension to an issued Zoning Clearance, or approve or deny a minor change to an issued Zoning Clearance is final and not subject to appeal.

3. Design Review required. A Zoning Clearance for any structure that requires Design Review shall not be issued until the structure receives final Design Review approval in compliance with Section 35.472.070 (Design Review).

4. Development Plan required. The approval of a Development Plan in compliance with Section 35.472.080 (Development Plans) shall be required before the issuance of any Zoning Clearance for a structure that is not otherwise required to have a discretionary permit and is 20,000 square feet or more of gross floor area or is an attached, or detached addition that, together with the existing structures on the lot will total 20,000 square feet or more of gross floor area.

5. Zoning Clearance subject to resolution of the Board. If a Zoning Clearance is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Zoning Clearance shall not be issued or conditionally issued while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zoning and existing provisions of this Development Code and amendment initiated by the Board unless a Conditional Use Permit was approved in compliance with Section 35.472.060 or Preliminary or Final Development Plan was approved in compliance with Section 35.472.080) before the adoption of the Board's resolution and the proposed uses and structures are in conformance with the approved Conditional Use Permit or Preliminary or Final Development Plan.

E. Zoning Clearance expiration.

1. A Zoning Clearance shall remain valid only as long as compliance with all applicable provisions of this Development Code and the Zoning Clearance conditions continues.

2. A Zoning Clearance shall expire two years from the date of issuance if the use or structure for which the Zoning Clearance was issued has not been established or commenced in compliance with the issued Zoning Clearance unless a time extension is approved in compliance with Section 35.474.030 (Time Extensions).

F. Minor changes to Zoning Clearances. Minor changes to an issued Zoning Clearance shall be allowed in compliance with Section 35.474.040 (Changes to an Approved Project).

G. Zoning Clearance revocation. A Zoning Clearance issuance may be revoked or modified in compliance with Section 35.474.060 (Revocations).

CHAPTER 35.474 - POST APPROVAL PROCEDURES

Sections:

35.474.010 - Purpose and Intent
35.474.020 - Performance Guarantees
35.474.030 - Time Extensions
35.474.040 - Changes to an Approved Project
35.474.050 - Reapplications
35.474.060 - Revocations
35.474.070 - Post Approval Inspections

35.474.010 - Purpose and Intent

This Chapter establishes procedures for depositing and releasing performance securities, revising approved or issued permits required by this Development Code and procedures for granting extensions of time.

35.474.020 - Performance Guarantees

A. Deposit of financial assurances.

1. As a condition of approval of a planning permit, the review authority may require the deposit of a financial assurance (aka security) in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval of a planning permit in the event that the obligor fails to perform.

2. The financial assurance shall be in the form of cash, surety/performance bond, trust fund (assignment of credit, certificate of deposit, passbook), irrevocable letter of credit, or other mechanism approved by the County.

3. The financial assurance shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director.

B. Payable to the County. Any financial assurance required in compliance with this Section shall be payable to the County.

C. Satisfactory compliance. After satisfactory compliance with all applicable provisions of this Section, the financial assurance shall be released to the permittee.

D. Failure to comply.

1. Upon failure to perform any secured condition, the County may perform the condition, or cause it to be done, and may collect from the obligor, and surety in case of a bond, all costs incurred, including administrative, engineering, legal, and inspection costs.

2. Any unused portion of the financial assurance shall be refunded to the obligor after deduction of the cost of the work.

35.474.030 - Time Extensions

A. Purpose and intent. The purpose of this Section is to provide the procedures and findings for approval of Time Extensions that may be allowed in compliance with this Development Code.

B. Applicability and filing. The provisions of this Section shall apply to all applications for Time Extensions. The application shall be submitted prior to the expiration of the permit that is the subject of

the Time Extension request.

C. Contents of application. An application for a Time Extension shall be filed and processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. Processing.

1. Coastal Development Permit.

a. Approved Coastal Development Permits for appealable development.

(1) Coastal Development Permit approved by the Director. The Director may extend the approval of a Coastal Development Permit for appealable development approved by the Director one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.472.050.E (Findings required for approval) can still be made.

(a) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

(b) A public hearing shall not be required if the Director is the review authority for the application for the time extension.

(c) The Director may approve, conditionally approve or deny the request.

(d) The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).

(2) Coastal Development Permit approved by the Montecito Commission. The Montecito Commission may extend the approval of a Coastal Development Permit for appealable development approved by the Montecito Commission one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.472.050.E (Findings required for approval) can still be made.

(a) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

(b) The Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7., below, and approve, conditionally approve or deny the request.

(c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

(d) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).

b. Issued Coastal Development Permits for appealable and non-appealable development. The Director may extend the time limit of an issued Coastal Development Permit one time for 12 additional months for good cause shown, provided the applicable findings for approval required in compliance with Subsection 35.472.050.E (Findings required for approval) can still be made.

2. Conditional Use Permits.

a. Extension of permit approval. The Montecito Commission may extend the approval of a Conditional Use Permit one time for good cause shown in compliance with the following:

(1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

(2) The Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing) below, and approve, conditionally approve, or deny the request.

(3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

(4) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).

(5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.472.060.E (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.438 (Sign Standards)) or Subsection 35.472.060.F (Findings required for approval of Conditional Use Permit applications submitted in compliance with Chapter 35.438 (Sign Standards)) that were made in conjunction with the initial approval of the Conditional Use Permit can still be made.

b. Discontinuance of use. The Montecito Commission may extend the time limit for discontinuance of use one time for good cause shown in compliance with the following:

(1) The Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension and approve, conditionally approve or deny the request.

(2) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

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

3. Development Plans (Preliminary and Final).

a. Extension of permit approval. The review authority that approved the Development Plan may extend the approval of the Development Plan one time for 12 additional months for good cause shown in compliance with the following:

(1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

(2) Except for applications for Time Extensions where the Director is the review authority, the Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7, below, and approve, conditionally approve or deny the request.

(3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

(4) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).

(5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.472.080.E (Findings required for approval) that were made in conjunction with the initial approval of the Development Plan can still be made.

b. Expiration. A Development Plan shall expire 12 months from the date the extension was granted or two years from the expiration date of the initial approval of the Development Plan, whichever occurs first.

4. Land Use Permits. The Director may extend the time limit of an issued Land Use Permit one time for 12 additional months for good cause shown only if the Director first finds that the applicable findings for approval required in compliance with Section 35.472.110.E (Findings required for approval) that were made in conjunction with the initial approval of the Land Use Permit can still be made.

5. Modifications. The Director may extend the approval of a Modification one time for 12 additional months for good cause shown.

6. Zoning Clearances. The Director may extend an issued Zoning Clearance one time for 12 additional months for good cause shown provided:

(a) That the time extension request is filed at least 30 days before the expiration of the Zoning Clearance that is the subject of the Time Extension request.

(b) That the determination required in compliance with Subsection 35.472.190.D.1 (Review for compliance) that was made in conjunction with the initial issuance of the Zoning Clearance can still be made.

7. Waiver of public hearing. The requirement for a public hearing may be waived by the Director in compliance with the following requirements:

a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Chapter 35.496 (Noticing and Public Hearings).

(1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Time Extension application.

b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection 35.474.030.D.7.a. above is mailed.

If the requirement for a public hearing is waived, then the Director shall be the review authority for the Time Extension application. A listing of pending Time Extension applications for which the public hearing may be waived shall be provided on the hearing agenda of the review authority that would otherwise have jurisdiction over the Time Extension.

E. Effect of expiration. After the expiration of a planning permit no further work shall be done on the site until a new planning permit and any required Building Permit or other County permits are first obtained.

35.474.040 - Changes to an Approved Project

Development or a new land use authorized through a planning permit granted in compliance with this Development Code shall be established only as approved by the review authority and in compliance with any conditions of approval, except where a change to the project is approved in the following manner. A change may be requested before, during, or after construction or establishment and operation of the approved land use.

A. Contents of application. An application for a change to an approved or issued planning permit shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

B. Minor changes to Coastal Development Permits, Land Use Permits, and Zoning Clearances. Minor changes to an approved or issued Coastal Development Permit or Land Use Permit, or issued Zoning Clearance, may be allowed provided; the changes substantially conform to the approved or issued permit or clearance. A request shall be processed in the following manner:

1. The Director may approve a minor change to an approved or issued Coastal Development Permit or Land Use Permit, or issued Zoning Clearance, subject to all of the following:

   a. The Director determines that the minor change substantially conforms to the approved plans and the originally approved or issued permit;

   b. There is no change in the use or scope of the development;

   c. The minor change does not result in a change to the Director's conclusions regarding the project's specific conformance to development standards and findings;

   d. The Coastal Development Permit, Land Use Permit or Zoning Clearance has not expired; and

   e. The minor change is exempt from Design Review in compliance with Section 35.472.070 (Design Review).

2. Where a minor change of an approved or issued Coastal Development or Land Use Permit or issued Zoning Clearance is approved, the permit or clearance shall have the same effective and expiration dates as the original permit or clearance and no additional public notice shall be required.

3. Where it cannot be determined that the minor change materially conforms to an approved or issued Coastal Development Permit or Land Use Permit or issued Zoning Clearance in compliance with the above criteria, a new Coastal Development Permit, Land Use Permit or Zoning Clearance shall be required.

4. The determination to allow a minor change to an approved or issued Coastal Development Permit or Land Use Permit or issued Zoning Clearance is final and not subject to appeal, except that a decision on a request to revise a Coastal Development Permit which allows development defined as appealable development may be appealed in compliance with Chapter 35.492 (Appeals).

C. Substantial Conformity Determinations. The Director may approve a minor change to an approved Conditional Use Permit or Final Development Plan if the Director first determines that the change is in substantial conformity with the approved permit, in compliance with the County's Substantial Conformity Determination Guidelines (see Appendix G).

1. Notice and public hearing not required. No public notice or public hearing shall be required for Substantial Conformity Determinations.

2. Action not subject to appeal. The action of the Director is final and not subject to appeal.

3. Conditional Use Permits.

a. Coastal Zone. A Coastal Development Permit approved in compliance with Section 35.472.050 shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Conditional Use Permit is located in the Coastal Zone.

(1) The Coastal Development Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Coastal Development Permit, that the Coastal Development Permit substantially conforms to the previously approved Conditional Use Permit.

(2) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).

b. Inland area. A Land Use Permit approved in compliance with Section 35.472.110 (Land Use Permits) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Conditional Use Permit is located in the Inland area.

(1) The Land Use Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Land Use Permit, that the Land Use Permit substantially conforms to the previously approved Conditional Use Permit.

(2) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).

4. Final Development Plans.

a. Coastal Zone, appealable development. A Coastal Development Permit approved in compliance with Subsection 35.472.050.D.2 (Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Final Development Plan is located in the Coastal Zone and is defined as appealable development.

(1) The Coastal Development Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Coastal Development Permit approved in compliance with Subsection 35.472.050.D.2 (Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)), that the Coastal Development Permit substantially conforms to the previously approved Final Development Plan.

(2) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).

b. Coastal Zone, not appealable development. A Coastal Development Permit approved in compliance with Subsection 35.472.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development

and/or use authorized by the Substantial Conformity Determination if the development allowed by the Final Development Plan is located in the Coastal Zone and is not defined as appealable development.

(1) The Coastal Development Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Coastal Development Permit approved in compliance with Subsection 35.472.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)), that the Coastal Development Permit substantially conforms to the previously approved Final Development Plan.

(2) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).

c. Inland area. A Land Use Permit approved in compliance with Section 35.472.110 (Land Use Permits) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Final Development Plan is located in the Inland area.

(1) The Land Use Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Land Use Permit, that the Land Use Permit substantially conforms to the previously approved Final Development Plan.

(2) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).

D. Amendments. Where a change to an approved Conditional Use Permit or Final Development Plan is not in substantial conformity with the approved permit, the Director may approve, conditionally approve or deny an application to add, alter, relocate, replace, or otherwise amend a Conditional Use Permit or Final Development Plan in compliance with the following.

1. Area under review.

a. Conditional Use Permits. The location within the project site that is under review was analyzed for potential environmental impacts and policy consistency under the processing of the approved permit.

b. Development Plans. The location within the project site that is under review:

(1) Was analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or

(2) Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be found exempt from environmental review in compliance with the California Environmental Quality Act.

2. Findings. An Amendment application shall be approved or conditionally approved only if the Director first makes all of the following findings:

a. In addition to the findings required for approval of a Conditional Use Permit or Final Development Plan identified in Subsection 35.472.060.E (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in

compliance with Chapter 35.438 (Sign Standards)) or Subsection 35.472.080.E (Findings required for approval), as applicable, the Amendment is consistent with the specific findings of approval, including environmental review findings in compliance with the California Environmental Quality Act, if applicable, which were made when the Conditional Use Permit or Final Development Plan was initially approved.

b. The environmental impacts related to the proposed Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit or Development Plan.

3. Public hearing not required. A public hearing shall not be required before the Director takes action on an application for an Amendment to an approved Conditional Use Permit or Final Development Plan, however; notice shall be given at least 10 days before the date of the Director's decision on the Amendment in compliance with Chapter 35.496 (Noticing and Public Hearings).

E. Revisions.

1. A revised Conditional Use Permit or Final Development Plan shall be required for changes to an approved permit where the findings identified in Subsection D. (Amendments) above cannot be made and substantial conformity cannot be determined.

2. A revised permit shall be processed in the same manner as a new Conditional Use Permit or Final Development Plan, in compliance with Section 35.472.060 (Conditional Use Permits) or Section 35.472.080 (Development Plans).

3. The approval by the review authority of a revised Conditional Use Permit or Final Development Plan shall automatically supersede any previously approved Conditional Use Permit or Final Development Plan upon the effective date of the revised permit.

35.474.050 - Reapplications

An application shall not be accepted or acted upon if within the past 12 months an application has been made and denied by the County which covers substantially the same real property, and which requests approval of substantially the same project, unless the review authority allows the reapplication because of an express finding that one or more of the following factors applies:

A. New evidence. New evidence potentially material to a revised decision is presented which was unavailable or unknown to the applicant at the previous hearing and which could not have been discovered in the exercise of reasonable diligence by the applicant.

B. Substantial and permanent change of circumstances. There has been a substantial and permanent change of circumstances since the previous hearing which materially affects the applicant's real property.

C. Mistake made at the previous hearing. A mistake was made at the previous hearing which was a material factor in the denial of the previous application.

35.474.060 - Revocations

This Section provides procedures for revocation or modification of issued Coastal Development Permits, Land Use Permits and Zoning Clearances and approved Conditional Use Permits. The review authority's action to revoke a permit or approval shall have the effect of terminating the permit and denying the privileges granted by the original approval.

A. Revocation of Coastal Development Permits, Land Use Permits, and Zoning Clearances. Issuance of a Coastal Development Permit, Land Use Permit or Zoning Clearance is contingent upon compliance with all conditions imposed as part of the project approval and with all applicable provisions of this

Development Code. If it is determined that development activity is occurring in violation of any or all such conditions or provisions, the Director may revoke the permit or clearance and all authorization for development.

1. **Notification.** Written notice of such Revocation shall be provided to the permittee.

2. **Appeal.** The action of the Director to revoke a Coastal Development Permit, Land Use Permit or Zoning Clearance is final subject to appeal in compliance with Chapter 35.492 (Appeals).

B. **Conditional Use Permits.** If the Montecito Commission determines that the permittee is not in compliance with one or more of the conditions of an approved Conditional Use Permit, the Montecito Commission may revoke the Conditional Use Permit, or direct the permittee to apply for an Amendment or Revision, in compliance with Subsection 35.474.040.D (Amendments) or Subsection 35.474.040.E (Revisions) above.

1. **Procedures.**

a. The Montecito Commission shall hold at least one noticed public hearing prior to revoking the Conditional Use Permit or to directing the applicant to apply for an Amendment or Revision in compliance with the provisions of this Development Code.

b. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

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

d. Where the applicant has been directed to apply for an Amendment or Revision in compliance with Section 35.474.040 (Changes to an Approved Project) above, the Montecito Commission shall be the review authority for the required Amendment or Revision.

35.474.070 - Post Approval Inspections

If the permit or other action in compliance with this Development Code is approved, the owner or applicant shall allow appropriate County officials access to the premises at all reasonable times in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

CHAPTER 35.476 - DEVELOPMENT AGREEMENTS

Sections:

35.476.010 - Purpose and Intent
35.476.020 - Application Requirements
35.476.030 - Notices and Hearings
35.476.040 - Standards of Review, Findings, and Decision
35.476.050 - Development Agreement Amendment or Cancellation
35.476.060 - Recordation
35.476.070 - Periodic Review
35.476.080 - Modification or Termination

35.476.010 - Purpose and Intent

The purpose and intent of this Chapter is to establish procedures and requirements for the review and approval of Development Agreements in compliance with Government Code Section 65864, et seq.

35.476.020 - Application Requirements

A. Qualification as an applicant.

1. Only a person who has legal or equitable interest in the real property that is the subject of a proposed Development Agreement, or their authorized agent, may apply to the County for the approval of a Development Agreement.

2. The Director may require an applicant to submit proof of their interest in the real property and of the authority of an agent to act for the applicant.

3. Before processing the application, the Director shall obtain the opinion of the County Counsel as to the sufficiency of the applicant's interest in the real property to enter into the Agreement.

B. Application contents.

1. Forms and information. The Director shall prescribe the form for application, notice, and documents provided for or required under this Chapter for the preparation and implementation of a Development Agreement. The Director may require an applicant to submit information and supporting data as the Director considers necessary to process the application.

2. Proposed form of Agreement. Each application shall be accompanied by a draft Development Agreement in the form required by the County.

3. Fee. Each application for a Development Agreement shall include the processing fee deposit established by the Board's Fee Resolution.

C. Application filing and processing. An application for a Development Agreement shall be filed and processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).

35.476.030 - Notices and Hearings

A. Notice of intention. The Director shall give notice of intention to consider adoption of a Development Agreement in addition to any other notice required by this Development Code for other actions to be considered concurrently with the Development Agreement. The notice shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

B. Public hearings.

1. **Montecito Commission and Board hearings required.** The Montecito Commission shall conduct at least one public hearing on a proposed Development Agreement before making a recommendation to the Board on the Agreement and the Board shall conduct at least one hearing before making a decision on the application.

2. **Hearing notice.** Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings). Failure of any person entitled to notice required by law or this Development Code does not affect the authority of the County to enter into a Development Agreement.

35.476.040 - Standards of Review, Findings, and Decision

A. Montecito Commission recommendation. After a hearing, the Montecito Commission shall make its recommendation in writing to the Board. The recommendation shall include the Montecito Commission's findings and determination and reasons for the determination, as to whether the Development Agreement proposed:

1. Is consistent with the objectives, policies, general land uses, and programs specified in the Comprehensive Plan and any applicable Specific Plan.

2. Provides that any tentative map which is included in the Development Agreement will comply with Government Code Section 66473.7 regarding water supply.

3. Contains provisions for periodic review pursuant to Government Code Section 65854.1

4. Complies Government Code Section 65865.2 as may be amended from time to time which states:

   a. The Development Agreement shall specify the following:

      (1) The duration of the Agreement;

      (2) The permitted uses of the property;

      (3) The density or intensity of use;

      (4) The maximum height and size of proposed buildings; and

      (5) Provisions for reservation or dedication of land for public purposes;

   b. The Development Agreement may include the following:

      (1) Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the Agreement;

      (2) That construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time; and/or

      (3) Terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

B. Decision by the Board.

1. **Board's decision.** After the Board completes its public hearing, it may approve, conditionally approve, or deny the Development Agreement.

2. **Referral to the Montecito Commission.** The Board may, but need not, refer matters not previously considered by the Montecito Commission during its hearing back to the Montecito Commission for report and recommendation. The Montecito Commission may, but need not, hold a public hearing on matters referred back to it by the Board.

3. **Required findings.** The Board shall not approve the Development Agreement unless it first makes the findings identified in Subsection A. (Montecito Commission recommendation) above.

C. Approval of Development Agreement. The Board's approval of a Development Agreement shall be by the adoption of an ordinance. The Board may enter into the Agreement after the ordinance approving the Development Agreement takes effect.

35.476.050 - Development Agreement Amendment or Cancellation

A. Initiation of amendment or cancellation. Either party to the Agreement may propose an amendment to or cancellation of an effective Development Agreement, in whole or in part.

B. Procedure. The procedure for proposing and adopting an amendment to, or cancellation in whole or in part of a Development Agreement shall be the same as the procedure for entering into an Agreement as provided by this Chapter, except as otherwise provided in the Development Agreement.

35.476.060 - Recordation

A. Time for recordation. Within 10 days after the County enters into the Development Agreement, the County Clerk shall have the Agreement recorded with the County Recorder.

B. Notice of amendment or cancellation. If the parties to the Agreement or their successors-in-interest amend or cancel the Agreement, or if the County terminates or modifies the Agreement for failure of the applicant to comply in good faith with the terms or conditions of the Agreement, the County Clerk shall have notice of the action recorded with the County Recorder.

35.476.070 - Periodic Review

A. Review required. Every Development Agreement approved and executed in compliance with this Chapter shall be subject to annual County review, during the full term of the Agreement. Appropriate fees to cover the County's costs to conduct the periodic reviews shall be collected from the applicant.

B. Purpose of review. The purpose of the periodic review shall be to determine whether the applicant or its successor-in-interest has complied in good faith with the terms of the Development Agreement. The burden of proof shall be on the applicant or its successor to demonstrate compliance to the full satisfaction of, and in a manner prescribed by, the County.

C. Initiation of review. The applicant shall contact the Director to initiate the required periodic review no later than 60 days before the expiration of each 12 month period after the execution of the Development Agreement.

D. Action based on non-compliance. If, as a result of periodic review the Board finds and determines, on the basis of substantial evidence, that the applicant or its successor-in-interest has not complied in good faith with the terms or conditions of the Agreement, the Board may, after a noticed public hearing in compliance with Chapter 35.496 (Noticing and Public Hearings) modify or terminate the Agreement.

35.476.080 - Modification or Termination

A. Proceedings upon modification or termination. If, upon a finding made under Subsection 35.476.070.D (Action based on non-compliance) above, the County determines to proceed with modification or termination of the Agreement, the County shall give notice to the property owner of its intention to do so.

The notice shall contain:

1. The time and place of the hearing;

2. A statement as to whether or not and in what respects the County proposes to modify or terminate the Development Agreement;

3. Other information that the County considers necessary to inform the property owner of the nature of the proceeding.

B. Hearing on modification or termination. At the time and place set for the hearing on modification or termination, the property owner shall be given an opportunity to be heard. The decision of the Board shall be final.

CHAPTER 35.478 - SPECIFIC PLANS

Sections:

35.478.010 - Purpose and Intent
35.478.020 - Initiation
35.478.030 - Contents of Application
35.478.040 - Processing of Specific Plans
35.478.050 - Findings Required for Approval

35.478.010 - Purpose and Intent

A. **Purpose.** The purpose of the Specific Plan is to allow for a more precise level of planning for an area than is ordinarily possible in the Comprehensive Plan, and to provide for a mixture of uses through comprehensive site planning. Specific Plans recognize that one lot or a group of lots which may be in separate ownership are suitable for a specific use or combination of uses, and should be planned as a single unit to ensure protection of valuable resources and to allow maximum flexibility in site planning.

B. **Intent.** This Section is intended to guide the preparation of Specific Plans in compliance with Government Code Sections 65450 et seq.

35.478.020 - Initiation

A. **Coastal Zone**. Within the Coastal Zone, a Specific Plan may only be initiated in the following manner:

1. One or more persons owning property representing at least fifty percent of the assessed valuation of the property which will be affected by such amendment.

2. Resolution of intention by the Board.

3. Resolution of intention by the Montecito Commission.

4. The Director.

B. **Inland area.** Within the Inland area, a Specific Plan shall be initiated in compliance with Government Code Section 65450 et seq.

35.478.030 - Contents of Application

If initiated by a property owner or authorized agent, an application for a Specific Plan shall be filed and processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).

35.478.040 - Processing of Specific Plans

A. **Departmental processing of application.** After receipt of the permit application, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

B. **Referral to the Subdivision/Development Review Committee.** The Department shall refer the Specific Plan to the Subdivision/Development Review Committee for review and recommendation to the Montecito Commission.

C. **Public hearing required.** The Montecito Commission shall hold at least one noticed public hearing on the Specific Plan. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

D. Transmittal of the Montecito Commission's recommendation to the Board.

1. The Montecito Commission's recommendation on the Specific Plan and proposed Coastal Land Use Plan Amendment, if applicable, shall be transmitted to the Board by resolution of the Montecito Commission carried by the affirmative votes of not less than a majority of its total voting members. A draft ordinance adopting the Specific Plan shall accompany the resolution.

2. The resolution shall be accompanied by a statement of the Montecito Commission's reasons for the recommendation.

E. Board public hearing required. The Board shall hold at least one noticed public hearing before adopting the proposed Specific Plan. Notice of the time and place of the Board's hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

F. Site development plan required. A Specific Plan shall not be considered adopted until a site development plan, together with the required accompanying data, has been approved by an ordinance of the Board after consideration at a noticed public hearing following a recommendation by the Montecito Commission.

G. Zoning consistency with Specific Plan required. At the time of adoption of the Specific Plan, the Board shall determine whether the existing zoning on the subject property is consistent with the Specific Plan. If the Board finds that it is inconsistent, then either the County or the proponent of the Specific Plan shall initiate a Zoning Map Amendment to bring the zoning of the subject property into conformance with the Specific Plan.

H. Referral of changes or additions to the Montecito Commission. The Board shall not make any change or addition to any proposed Specific Plan recommended by the Montecito Commission until the proposed change or addition has been referred back to the Montecito Commission for a report and a copy of the report has been filed with the Board. Failure of the Montecito Commission to report back to the Board within 40 days after the referral, or a longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Montecito Commission to hold a public hearing on the proposed change or addition.

I. For sites located within the Coastal Zone. For those lots which require preparation of a Specific Plan in compliance with the Coastal Land Use Plan, a Specific Plan shall not be considered adopted until a site development plan, together with the required accompanying data, has been approved by the Board as an Amendment to the Local Coastal Program after consideration at public hearings and a recommendation by the Montecito Commission

J. Final Development Plan required. No permits shall be issued for construction, erection, or occupancy of any structure, nor for grading, nor for any use of land which requires a Coastal Development Permit or Land Use Permit until a Final Development Plan, as required under the applicable zone, has been approved in compliance with Section 35.472.080 (Development Plans).

K. Action by the Board. The adoption of the Specific Plan shall be by ordinance in compliance with Government Code Section 65453.

L. Amendments to Specific Plan. Amendments to the Specific Plan shall be processed in the same manner as specified for adoption of an original Specific Plan in compliance with this Section.

35.478.050 - Findings Required for Approval

A Specific Plan shall be adopted only if all of the following findings are first made:

A. The Specific Plan is in conformance with and will implement all applicable Comprehensive Plan policies and incorporates any other conditions specifically applicable to the lots that are identified in the plan.

B. The Specific Plan meets all of the applicable development standards included within the Montecito Community Plan.

C. The Specific Plan will not adversely impact existing recreational facilities and uses.

D. The Specific Plan will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood.

E. The Specific Plan will not adversely affect necessary community services (e.g., fire and police protection, sewage disposal, traffic circulation, and water supply).

DIVISION 35.8

Reserved

DIVISION 35.9

Montecito Land Use and Development Code Administration

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CHAPTER 35.490 - ADMINISTRATIVE RESPONSIBILITY

Sections:

35.490.010 - Purpose and Intent
35.490.020 - Planning Agency Defined
35.490.030 - Board
35.490.040 - Montecito Commission
35.490.050 - Director
35.490.060 - Montecito Board of Architectural Review

35.490.010 - Purpose and Intent

The purpose of this Chapter is to describe the authority and responsibilities of the Board, Montecito Commission, Director, Montecito Board of Architectural Review, Department, and County staff in the administration of this Development Code.

35.490.020 - Planning Agency Defined

As provided by Article V of Chapter 2 of the County Code, pursuant to the provisions of Section 65100 of the California Government Code, the Montecito Planning Commission is designated to be the Planning Agency for the unincorporated portion of the County located within the Montecito Planning area as designated by the Montecito Community Plan, with the powers and duties described in Section 35.490.040 (Montecito Commission) below.

35.490.030 - Board

The Board of Supervisors denoted as "Board" within this Development Code shall perform the duties and functions prescribed in this Development Code, which include the following:

A. **Review authority on specified planning matters.** Final decisions on Comprehensive Plan Amendments, Development Agreements, Development Code Amendments, Specific Plans and Amendments, Zoning Map Amendments, environmental documents associated with the preceding project types, and other applicable policy or ordinance matters related to the County's planning process; and

B. **Appeals.** The review of appeals filed from Montecito Commission decisions.

The above listed functions shall be performed in compliance with Section 35.470.020 (Authority for Land Use and Zoning Decisions), Table 7-1 (Review Authority), and the California Environmental Quality Act.

35.490.040 - Montecito Commission

A. **Appointment.** The Montecito Commission shall be constituted in compliance with Article V of Chapter 2 of the County Code.

B. **Duties and authority.** The Montecito Commission shall perform the duties and functions prescribed by State law and this Development Code, including the following:

1. The review and approval, conditional approval or denial of development projects under the jurisdiction of the Montecito Commission as described in Table 7-1 (Review Authority); and

2. The making of recommendations to the Board for final decisions on Comprehensive Plan Amendments, Local Coastal Program Amendments (where the property affected by such initiation, consideration or recommendation is located solely within the Montecito Community Plan Area), Development Agreements, Development Code Amendments, Specific Plans and amendments,

Zoning Map Amendments, environmental documents associated with the preceding project types, and other applicable policy or ordinance matters related to the County's planning process within the Montecito Community Plan Area.

3. The Montecito Commission may make a recommendation for action on Comprehensive Plan amendments and Local Coastal Program Amendments to the County Planning Commission where the property affected by such initiation, consideration, or recommendation is not solely located within the Montecito Community Plan Area.

The above listed functions shall be performed in compliance with Section 35.470.020 (Authority for Land Use and Zoning Decisions), Table 7-1 (Review Authority), and the California Environmental Quality Act.

35.490.050 - Director

A. Appointment. The Director shall be appointed by the County Chief Executive Officer.

B. Duties and authority. The Director shall:

1. Have the responsibility to perform all of the functions designated by State law;

2. Perform the duties and functions prescribed in this Development Code, including the review of administrative development projects, in compliance with Section 35.470.020 (Authority for Land Use and Zoning Decisions), Table 7-1 (Review Authority), State law (Government Code Section 65901 et seq.), and the California Environmental Quality Act;

3. Perform other responsibilities assigned by the Board and the Montecito Commission and;

4. Delegate the responsibilities of the Director to Department staff under the supervision of the Director.

C. Responsibility of the Director. Wherever this Development Code makes reference to "staff" it is expressly understood that staff is acting under the direction and control of the Director and that they report directly to the Director rather than the Montecito Commission or the Board.

35.490.060 - Montecito Board of Architectural Review

A. Appointment. The Montecito Board of Architectural Review shall be shall be constituted in compliance with Article V of Chapter 2 of the County Code.

B. Duties and authority. The Montecito Board of Architectural Review shall review all applicable project proposals in compliance with Section 35.472.070 (Design Review) and shall report their findings to the applicable review authority.

CHAPTER 35.491 - NONCONFORMING USES, STRUCTURES, AND LOTS

Sections:

35.491.010 - Purpose and Intent
35.491.020 - Nonconforming Uses of Land and Structures
35.491.030 - Nonconforming Structures
35.491.040 - Construction in Progress
35.491.050 - Termination of Nonconforming Uses
35.491.060 - Unpermitted Expansion of Nonconforming Uses
35.491.070 - Termination Procedures
35.491.080 - Nonconforming Due to Lack of a Discretionary Permit

35.491.010 - Purpose and Intent

A. Purpose. This Chapter establishes uniform provisions for the regulation of nonconforming lots, structures, and uses of land and structures that were lawful before the adoption, amendment, or revision of this Development Code, or previously adopted County ordinances, but which would be prohibited, regulated, or restricted differently under the terms of this Development Code or future amendments.

B. Intent.

1. It is the intent of this Development Code, with limited specified exceptions, to:

   a. Discourage the long-term continuance of these nonconformities, providing for their eventual elimination, but to permit them to exist under the limited conditions outlined in this Chapter.

   b. Prevent nonconforming uses and structures from being enlarged, expanded, or extended, or being used as grounds for adding other structures or uses prohibited by the zone in which the nonconformity is located.

2. Generally, this Chapter is intended to be administered in a manner which encourages the eventual abatement of these nonconformities.

35.491.020 - Nonconforming Uses of Land and Structures

A nonconforming use may be continued subject to the following provisions, so long as the use remains otherwise lawful.

A. Structural change.

1. Allowed enlargements, extensions, moving, reconstruction, or structural alterations. Except as listed below or otherwise provided in this Development Code, no existing structure devoted to a nonconforming use under this Development Code shall be enlarged, extended, moved, reconstructed, or structurally altered unless the use is changed to a use allowed in the zone in which it is located.

   a. Seismic retrofits allowed. Seismic retrofitting as defined in Division 35.10 (Glossary), in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).

   b. Rehabilitation of dwellings. Existing structures devoted to a nonconforming residential use may be enlarged, extended, reconstructed, relocated, and/or structurally altered in

compliance with Subsection F. (Limited exceptions for certain nonconforming residential uses) below.

c. Normal maintenance and repair. Normal maintenance and repair may occur provided no structural alterations are made.

d. Historical landmarks. A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.

e. Commercial structures, Inland area. Within the Inland area, commercial structures that are nonconforming as to floor area ratio may not be enlarged or extended. However, such structures may be structurally altered provided that the alteration occurs within the interior of the structure and does not increase its floor area.

2. Accessory to a conforming use. No structure accessory to a nonconforming use under this Development Code shall be enlarged, erected, or extended unless the structure is also accessory to a conforming use.

B. Expansion or extension.

1. An existing nonconforming use may be extended throughout or relocated within an existing structure; provided, no structural alterations are made except those required by law or ordinance (e.g., Building Code regulations).

2. No existing nonconforming use shall be extended to occupy any land outside of the structure.

3. No existing nonconforming use of land outside structures, or not involving structures, shall be enlarged, extended, or increased to occupy a greater area of land than was occupied at the time the use became nonconforming, or moved to any portion of the lot not currently occupied by the nonconforming use.

C. Allowed changes of use. A nonconforming use may only be changed to a conforming use.

D. Abandonment/discontinuance. A nonconforming use that is discontinued for a continuous period of at least 12 consecutive months shall be considered to be abandoned and the rights to continue the nonconforming use shall terminate. If a nonconforming use is abandoned, any future use shall comply with the provisions of the zone in which the use is located.

E. Damage. This Section identifies the standards for allowing the continuation of a nonconforming use in a structure or other development that is damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs.

1. Non-residential uses.

a. Damage 75 percent or more. If structure or other development dedicated to a non-residential nonconforming use is damaged by earthquake, fire, flood vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs to an extent of 75 percent or more of the replacement cost of the total structure before the damage, as determined by the Director, then the nonconforming use shall be discontinued and the damaged structure or other development thereafter used only in compliance with regulations of the zone in which it is located, unless allowed to continue by the Montecito Commission, in compliance with Section 35.472.100 (Hardship

Determination).

b. Damage less than 75 percent. If the damage caused by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs is less than 75 percent of the replacement cost of the total structure before the damage, as determined by the Director, the structure or other developments may be restored to the same or lesser size and in the same general footprint location. The nonconforming use may be resumed and continued as before, or on a lesser scale, but shall not be enlarged or intensified.

2. Residential uses. Structures dedicated to nonconforming residential dwelling uses (e.g., one-family, two-family, and multi-family units, and second residential units) that are damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs may be reconstructed to the same or lesser size and in the same general footprint location. The nonconforming residential dwelling use may be resumed and continued as before, or on a lesser scale, but shall not be enlarged, expanded, or intensified (e.g., increase in gross floor area, increase in the number of bedrooms).

3. Reconstruction shall commence within 24 months. The restoration of a nonconforming use allowed in compliance with Subsection E.1 (Non-residential uses) and Subsection E.2 (Residential uses) above, shall commence within 24 months of the time of damage and be diligently carried out to completion.

a. The 24-month time limit may be extended by the Director for a maximum of 12 months for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Department before the expiration of the 24-month period.

b. If the restoration of the nonconforming use does not commence within 24 months or the extended time period that may be granted by the Director, it shall not be restored except in full compliance with the applicable zone regulations and other provisions of this Development Code.

4. Applicability of permit requirements.

a. Exempt from the Development Code permit requirements. The restoration or reconstruction of a structure or other development dedicated to a nonconforming use that is damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs shall be exempt from the permit requirements of this Development Code only if the structure or other development complies with the provisions of this Chapter and if the structure or other development conforms to the specifications documented to exist before the damage or destruction, as determined by the Director. Full compliance with applicable Building Code provisions is still required.

b. Design Review required. If the Director determines that the exterior design or specifications are proposed to be changed or the footprint of the structure is relocated, the replaced or restored structure shall be subject to the provisions of Section 35.472.070 (Design Review) if the structure is otherwise subject to Design Review.

c. Subject to Development Code permit requirements. If the structure or other development is proposed to be altered from the original specifications, as determined by the Director, the reconstruction or restoration shall be subject to all applicable permit requirements of this Development Code.

F. Limited exceptions for certain nonconforming residential uses. Existing structures devoted to a

nonconforming residential use may be enlarged, extended, reconstructed, relocated, and/or structurally altered, subject to the following criteria:

1. The site is within a zone which allows residential use as an allowed use requiring only a Coastal Development Permit or a Land Use Permit.

2. On any lot, only one existing structure devoted to a nonconforming residential use may be enlarged, extended, moved, reconstructed, and/or structurally altered.

3. No enlargements shall result in a structure devoted to a nonconforming residential use that exceeds 1,200 square feet of gross floor area and no enlargements shall be allowed to any structure which has a current legal nonconforming residential gross floor area of 1,200 square feet or more.

4. No enlargement, extension, reconstruction, relocation, or structural alteration shall exceed the height of, or protrude higher than, the highest point of, the existing structure.

5. The structure shall comply with all applicable building, electrical, fire, mechanical, and plumbing codes, and shall not compromise the adequate performance of any existing water system or liquid waste disposal (e.g., septic) system, as determined to the satisfaction of the County Public Health Department.

6. Any enlargement, extension, reconstruction, relocation, or structural alteration shall comply with all height, lot coverage, parking, setback, and other requirements of the zone in which the structure is located.

G. Parking. If a use is nonconforming solely with respect to existing parking standards, the structure devoted to the use may be altered but the use may not be expanded, extended, or intensified in a manner that would increase the required number of off-street parking spaces in compliance with Chapter 35.436 (Parking and Loading Standards) unless:

1. The use is brought into compliance with the requirements of Chapter 35.436 (Parking and Loading Standards); or

2. A modification to the parking requirements has been approved.

35.491.030 - Nonconforming Structures

A structure that is conforming as to use but nonconforming as to height, lot coverage, setbacks, or other requirements concerning the structure may remain so long as it is otherwise lawful, subject to the following provisions.

A. Structural change, expansion, or extension.

1. Enlargements or extensions allowed in limited circumstances. Except as listed below or otherwise provided in this Development Code, a nonconforming structure may not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Development Code.

a. Seismic retrofits allowed. Seismic retrofits as defined in Division 35.10 (Glossary) and in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).

b. Normal maintenance and repair. Normal maintenance and repair may occur provided no structural alterations are made.

c. **Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.

2. **Accessory living quarters.** No living quarters may be extended into an accessory structure located in the required front, side, or rear setbacks by any addition or enlargement.

B. **Damage.** This Section identifies the standards for allowing the reconstruction or restoration of a nonconforming structure that is damaged by earthquake, fire, flood, vandalism or other calamity beyond the control of the owner of the structure.

1. **Coastal Zone.**

a. **One-family dwellings**. Nonconforming one-family dwellings that are 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 in the same general footprint location.

b. **Structures other than one-family dwellings.**

(1) **Damage 75 percent or more.** A nonconforming structure that is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure to an extent of 75 percent or more of the replacement cost of the total structure before the damage, as determined by the Director, may not be reconstructed unless allowed by the Montecito Commission, in compliance with Section 35.472.100 (Hardship Determinations).

(2) **Damage less than 75 percent.** Where a nonconforming structure, other than a one-family dwelling, is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure to an extent of less than 75 percent of the replacement cost of the total structure before the damage, as determined by the Director, the structure may be reconstructed to the same or lesser size in the same general footprint location.

2. **Inland area.** Nonconforming structures that are damaged or destroyed by earthquake, fire, flood, or other natural disaster may be reconstructed to the same or lesser size in the same general footprint location.

3. **Hotel reconstruction.** Any portion of an existing hotel that is damage or destroyed may be replaced with new construction of the identical size of that damaged or destroyed on the same site and in the same general location.

4. **Reconstruction shall commence within 24 months.**

a. The reconstruction or restoration of a nonconforming structure that is required due to damage by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure allowed in compliance with Subsection B. (Damage) above shall commence within 24 months of the time of damage and be diligently carried out to completion.

b. The 24-month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of the reasons for the request, is filed with the Department before the expiration of the 24-month period.

c. If the reconstruction or restoration of the structure does not commence within 24 months, or the extended time period that may be granted by the Director, it shall not be restored except in full compliance with the applicable zone regulations and other provisions of this Development Code.

5. Applicability of permit requirements.

a. Exempt from Development Code permit requirements. The restoration of a nonconforming structure that is damaged by earthquake, fire, flood, vandalism or other calamity beyond the control of the owner of the structure shall be exempt from the permit requirements of this Development Code only if the structure complies with the provisions of this Section and if the structure conforms to the specifications documented to exist before the damage or destruction, as determined by the Director. Full compliance with applicable Building Code provisions is still required.

b. Design Review required. If the Department determines that the exterior design or specifications are proposed to be changed or the footprint of the structure is relocated, the restored structure shall be subject to the provisions of Section 35.472.070 (Design Review).

c. Subject to Development Code permit requirements. If the structure is proposed to be altered from the original specifications, as determined by the Department, the restoration shall be subject to all applicable permit requirements of this Development Code.

35.491.040 - Construction in Progress

A. Chapter shall not require changes. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun before the effective date of adoption or any amendment of this Development Code rendering the structure or its use nonconforming and upon which actual construction has been carried on diligently.

B. Construction defined. Actual construction is defined to mean the placing of construction materials in permanent position and fastened in a permanent manner.

35.491.050 - Termination of Nonconforming Uses

In addition to the provisions for termination of certain nonconforming uses contained elsewhere in this Chapter, any nonconforming use or uses of either land or structures or both may be ordered terminated by the Board, after a public hearing, as provided in Section 35.491.070 (Termination Procedures) below, if one or more of the three following conditions is found to apply to any nonconforming use.

A. Improvements can be used only for those uses allowed in the zone. The condition of the improvements, if any, on the property exist in a manner that to require the property to be used only for those uses allowed in the zone where it is located would not impair the constitutional rights of any person;

B. Improvements can be altered to be used with those uses allowed in the zone. The nature of the improvements exist in a manner that they can be altered so as to be used in conformity with the uses allowed in the zone in which the property is located without impairing the constitutional rights of any person; or

C. Use is detrimental or a public nuisance. Except in the case of a dedicated cemetery, the nonconforming use is detrimental to the public health or safety or is a public nuisance.

35.491.060 - Unpermitted Expansion of Nonconforming Uses

After a public hearing, as provided in Section 35.491.070 (Termination Procedures) below, any expansion of or

change in a nonconforming use of structures or land, or both, not expressly allowed under and strictly in compliance with the provisions of this Development Code and especially this Chapter, nor required by law, may be ordered terminated by the Board.

35.491.070 - Termination Procedures

A. Procedures for termination of nonconforming uses. All nonconforming uses to be terminated under the provisions of this Chapter may be ordered terminated by the Board in compliance with the following procedures.

1. Upon recommendation of the Montecito Commission, or upon petition by a person affected by a nonconforming use of structures or land or both, or on its own initiative, the Board may set a date for, and call for a public hearing to determine whether or not a nonconforming use of land or structures, or both, or an unpermitted expansion of or change in the use, should be ordered terminated.

2. Fifteen days notice of the hearing shall be given by publication once in a newspaper of general circulation within the County or in the area where the affected property is located, and by service upon the owner of the land and upon the person operating or maintaining the nonconforming use, if not the owner.

3. Service of the notice shall be either personal or by mail addressed to the last known address of the person to be served.

4. The notice shall specify the date, time, and place of the hearing and shall specify the grounds on which the nonconforming use or changes or expansion of the use is sought to be terminated.

B. Hearing procedures.

1. All hearings held in compliance with this Section by the Board shall be open to the general public, be presided over by the Chairperson, vice-chairperson, or acting chairperson of the Board, and the proceedings shall be recorded by an electronic recording device.

2. The owner, the party maintaining the nonconforming use, the Board, and all other interested persons may be represented by attorneys of their own choosing, may submit written and oral evidence; provided, oral evidence shall be taken only on oath or affirmation, may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness to testify, and to rebut the evidence against the witness.

3. If the person maintaining the nonconforming use does not testify in their own behalf they may be called and examined as if under cross-examination.

C. Rules of evidence. The hearing need not be conducted in compliance with technical rules relating to evidence and witnesses.

1. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions in courts.

2. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts.

3. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions and irrelevant and unduly repetitious evidence shall be excluded.

D. Board's action on the termination, change, or expansion of use.

1. The Board shall render its decision in writing, containing findings of fact, within 30 days after the date on which the public hearing was completed and closed.

2. It shall deliver copies by mail or personally to the parties concerned in the hearing.

3. Failure to render the decision within 30 days, or any extension thereof stipulated to by the parties, shall be deemed to permit the continuance of the nonconforming use or the change or expansion thereof, which was the subject of the hearing.

4. The decision shall, if it ordered the nonconforming use, or change or expansion thereof terminated, specify the time within which the person maintaining the nonconforming use or change or expansion thereof, shall terminate, as the Board deems reasonable and proper under the circumstances.

E. Hearings may be continued. The hearings may be continued from time to time by the Board.

F. Judicial review. Judicial review of any order of the Board made in compliance with this Section may be had by filing a petition for a writ of mandate in compliance with the provisions of the California Code of Civil Procedure.

G. Failure to comply with order of termination. Any non-compliance with an order of termination of the Board made in compliance with this Section, as well as any continuance of any nonconforming use beyond the expressed period of time identified in this Section shall be deemed a violation of the terms of this Development Code.

35.491.080 - Nonconforming Due to Lack of a Discretionary Permit

A. Conformity of uses requiring a discretionary permit. A use lawfully existing without the approval of a discretionary permit that would be required by this Development Code, shall be deemed conforming only to the extent that it previously existed (e.g., maintain the same site area boundaries, hours of operation).

B. Previous permits in effect. A use that was authorized by a discretionary permit but is not allowed by this Development Code in its current location may continue, but only in compliance with the discretionary permit.

CHAPTER 35.492 - APPEALS

Sections:

35.492.010 - Purpose and Intent
35.492.020 - General Appeal Procedures
35.492.030 - Appeals to the Chair of the Montecito Commission - Inland Area
35.492.040 - Appeals to the Montecito Commission
35.492.050 - Appeals to the Board
35.492.060 - Appeals to the Coastal Commission

35.492.010 - Purpose and Intent

The purpose of this Chapter is to provide procedures for the acceptance and processing of appeals to the Board and the Montecito Commission and to list the criteria for those developments that may be appealed to the Coastal Commission.

35.492.020 - General Appeal Procedures

A. Who may appeal. An appeal may only be filed by an applicant or any aggrieved person. An aggrieved person is defined as any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing or decision, informed the review authority of the nature of their concerns or who for good cause was unable to do either.

1. Appeals by members of the Coastal Commission. Within the Coastal Zone, the following decisions on applications for projects that are defined as appealable development may be appealed by any two members of the Coastal Commission:

a. Decisions by the Director on the approval, denial, or revocation of Coastal Development Permits, except for those actions on Coastal Development Permits which may be appealed to the Coastal Commission in compliance with Subsection 35.492.060.D (Decisions appealed to the Coastal Commission) below.

b. The final approval of projects under the jurisdiction of the Director or Montecito Commission.

c. Decisions of the Montecito Board of Architectural Review.

B. Timing and form of appeal.

1. Appeals of decisions of the Montecito Board of Architectural Review, Director, or Montecito Commission.

a. Filing of the appeal. An appeal, which shall be in writing, and accompanying fee, of a decision of the Montecito Board of Architectural Review, Director, or Montecito Commission, shall be filed with the Department within the 10 calendar days following the date of the decision or determination that is the subject of the appeal, except as otherwise provided in this Development Code.

b. Form of appeal. The appellant shall use the form provided by the Department in addition to any other supporting materials the appellant may wish to furnish in compliance with Subsection C. (Requirements for contents of an appeal) below, explaining the reasons for the appeal. An appeal shall be filed with the Director, who shall process the appeal in

compliance with this Chapter, including scheduling the matter before the applicable review authority.

2. **Computation of time for appeal.** The time within which the appeal shall be filed shall commence on the day following the day on which the decision or determination was made. In the event the last day for filing an appeal falls on a non-business day of the County, the appeal may be timely filed on the next business day.

C. Requirements for contents of an appeal.

1. **General requirements.** The appellant shall specifically provide in the appeal all of the following:

   a. The identity of the appellant and their interest in the decision;

   b. The identity of the decision or determination appealed which may include the conditions of that decision or determination;

   c. A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of this Development Code or other applicable law;

   d. If it is claimed that there was an error or abuse of discretion on the part of the review authority, or other officer or authorized employee, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made, then these grounds shall be specifically stated.

2. **Additional requirements for certain appeals.** The following information is required to be submitted for the appeals listed below in addition to the information required to be submitted by Subsection C.1 (General requirements) above:

   a. Appeals regarding a previously approved discretionary permit. If the approval of a Coastal Development Permit or Land Use Permit required by a previously approved discretionary permit is appealed, the appellant shall identify:

   (1) How the Coastal Development Permit or Land Use Permit is inconsistent with the previously approved discretionary permit; or

   (2) How the discretionary permit's conditions of approval that are required to be completed before the approval of a Coastal Development Permit or Land Use Permit have not been completed; or

   (3) How the approval is inconsistent with Chapter 35.496 (Noticing and Public Hearings).

   b. Appeals regarding residential second 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 35.442.160 (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 a residential second unit in compliance with Section 35.442.160 (Residential Second Units) shall be limited to whether the approved or conditionally approved project is in compliance with development standards for residential second units provided in Subsection 35.442.160.F (Development standards). If the approval or conditional approval of a 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 development standards for residential second units provided in Subsection 35.442.160.F (Development standards).

c. Appeals of final decision of the Montecito Board of Architectural Review. A decision of the Montecito Board of Architectural Review to grant final approval may not be appealed to the Montecito Commission unless the appellant can demonstrate that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval. If the Director determines that the appeal does not raise a substantial issue that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval, then the Director shall make that determination in writing, and the appeal shall not be processed. This decision of the Director is final and not subject to appeal.

D. Acceptance of appeal. An appeal shall not be accepted by the Director unless it is complete and complies with all requirements of Subsection 35.492.020.C (Requirements for contents of an appeal) above. This decision of the Director is final and not subject to appeal.

E. Appeal fees. The appellant shall pay the required filing fee in compliance with the Board's Fee Resolution, at the time of the filing of the appeal.

1. No fee for developments appealable to the Coastal Commission. An appeal fee is not required for developments which may be appealed to the Coastal Commission in compliance with Subsection 35.492.060.D (Decisions appealed to the Coastal Commission).

F. Effect of filing of an appeal. The filing of the appeal shall have the effect of staying the issuance of any permit or approval provided for by the terms of this Development Code until a final action has occurred on the appeal, or unless otherwise indicated in this Development Code.

G. Public hearing required. The review authority shall consider all appeals in a noticed public hearing. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings). Notice shall be mailed to the appellant and the applicant, if different than the appellant.

H. Special processing requirements. The following requirements apply to applications for Coastal Development Permits, Land Use Permits, and Zoning Clearances for projects that also require review by the Montecito Board of Architectural Review:

1. Projects requiring Coastal Development Permits or Land Use Permits.

a. If a preliminary approval by the Montecito Board of Architectural Review is appealed, then the hearing on the appeal shall be held after the approval of the Coastal Development Permit or Land Use Permit, but before the issuance of the Coastal Development Permit or Land Use Permit for the project.

b. If a preliminary approval by the Montecito Board of Architectural Review is appealed, and

the approval of the Coastal Development Permit or Land Use Permit is appealed, then the appeal of the preliminary approval by the Montecito Board of Architectural Review shall be processed concurrently with the appeal of the Coastal Development Permit or Land Use Permit.

c. If a decision of the Montecito Board of Architectural Review to deny preliminary or final approval is appealed, a hearing shall be held on the appeal of the decision of the Montecito Board of Architectural Review before any decision on the Coastal Development Permit or Land Use Permit.

2. Projects requiring Zoning Clearances.

a. If a preliminary approval by the Montecito Board of Architectural Review is appealed, then final action on the appeal shall occur before the issuance of the Zoning Clearance for the project.

b. If a decision of the Montecito Board of Architectural Review to deny preliminary or final approval is appealed, then final action on the appeal shall occur before the decision on the Zoning Clearance.

35.492.030 - Appeals to the Chair of the Montecito Commission - Inland area

A. Decisions appealed to the Chair of the Montecito Commission. Within the Inland area, any decision by the Director to approve, conditionally approve, or deny an application for a Land Use Permit for a temporary use in compliance with Section 35.442.180 (Temporary Uses and Trailers) not including Subsection 35.442.180.G (Trailer Use) may be appealed to the Chair of the Montecito Commission or designee.

B. Hearing required. The chair of the Montecito Commission or designee shall hold a hearing on the appeal no later than 12 hours prior to the time the event is scheduled to commence.

C. Notice required. Notice of the date, time and location of the hearing shall be provided to the applicant, the appellant, and any interested person who has filed a written request for notice with the Department.

D. Action on appeal. The Chair of the Montecito Commission or designee shall affirm, reverse, or modify the decision of the Director as soon as practicable following the filing of the appeal and in no case later than the time the temporary use is scheduled to commence. The action of the Chair of the Montecito Commission or designee is final and not subject to appeal.

35.492.040 - Appeals to the Montecito Commission

A. Decisions appealed to the Montecito Commission. The following decisions may be appealed to the Montecito Commission provided the appeal complies with the requirements of Subsection 35.492.020.C through Subsection 35.492.020.E above.

1. Montecito Board of Architectural Review decisions. The following decisions of the Montecito Board of Architectural Review may be appealed to the Montecito Commission:

a. Any decision of the Montecito Board of Architectural Review to grant or deny preliminary approval.

b. Any decision of the Montecito Board of Architectural Review to grant or deny final approval in compliance with Subsection 35.492.020.C.2.c (Appeals of final decision of the Montecito Board of Architectural Review) above.

2. Director decisions. The following decisions of the Director may be appealed to the Montecito

Commission:

a. Any determination on the meaning or applicability of the provisions of this Development Code.

b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943.

c. Any decision of the Director to revoke an approved or issued Coastal Development Permit or Land Use Permit.

d. Any decision of the Director to approve, conditionally approve or deny an application for a Coastal Development Permit or Land Use Permit except as follows:

(1) Land Use Permits approved in compliance with Section 35.442.180 (Temporary Uses and Trailers) not including Subsection 35.442.180.G (Trailer Use).

e. Any decision of the Director to revoke an issued Zoning Clearance.

f. Any decision of the Director to approve, conditionally approved, or deny an application for a Development Plan.

g. Any decision of the Director to approve, conditionally approved, or deny any other discretionary application where the Director is the designated review authority.

h. Any other action, decision, or determination made by the Director as authorized by this Development Code where the Director is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.

B. Report to the Montecito Commission. The Department shall transmit to the Montecito Commission copies of the permit application including all maps and data and a statement identifying the reasons for the decision by the Montecito Board of Architectural Review or Director before the hearing on an appeal.

C. Scope of appeal hearings. The hearings on the appeal shall be de novo.

D. Action on appeal. The Montecito Commission shall affirm, reverse, or modify the decision of the Montecito Board of Architectural Review or Director.

35.492.050 - Appeals to the Board

A. Decisions appealed to the Board. The following decisions of the Montecito Commission may be appealed to the Board provided the appeal complies with the requirements of Subsection 35.492.020.C through Subsection 35.492.020.E above.

1. Any final action on decisions that are appealed to the Montecito Commission in compliance with Section 35.492.040 (Appeals to the Montecito Commission), above.

2. Any final action on decisions of the Montecito Commission to approve, conditionally approve, or deny an application for a Conditional Use Permit, Development Plan, Lot Line Adjustment, Tentative Map, Variance, or other discretionary application where the Montecito Commission is the designated review authority.

3. Any other action, decision, or determination made by the Montecito Commission as authorized by this Development Code where the Montecito Commission is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.

B. Report to the Board. The Department shall transmit to the Board copies of the permit application

including all maps and data and a statement identifying the reasons for the decision by the Montecito Commission before the hearing on an appeal.

C. Scope of appeal hearings. The hearings on the appeal shall be de novo.

D. Action on appeal. The Board shall affirm, reverse, or modify the decision of the Montecito Commission. The decision of the Board shall be final.

35.492.060 - Appeals to the Coastal Commission

A. Coastal Commission jurisdiction. For developments which are defined as appealable development in compliance with State law (Public Resources Code Section 30603), an action by the County may be appealed to the Coastal Commission within the 10 working days immediately following the date of receipt by the Coastal Commission of the County's Notice of Final Action by the applicant, an aggrieved person or any two members of the Coastal Commission. An aggrieved person is defined as any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing or decision, informed the review authority of the nature of their concerns or who for good cause was unable to do either.

B. Filing of the appeal. Appeals shall be in writing and filed with the appropriate Coastal Commission district office.

C. Exhaustion of local appeals. An appeal filed in compliance with this Section may not be filed with the Coastal Commission by the applicant or an aggrieved person until all local appeals on the project permit have been exhausted.

D. Decisions appealed to the Coastal Commission. In compliance with State law (Public Resources Code Section 30603(a)), an action taken by the County on a permit application for any of the following may be appealed to the Coastal Commission.

1. Developments approved by the County and located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, as indicated on the official County appeals zone maps.

2. Developments approved by the County not included within Subsection D.1 above located on public trust lands, submerged lands, tidelands, within 100 feet of any estuary, stream, wetland, or within 300 feet of the top of the seaward face of any coastal bluff, as indicated on the official County appeals zone maps or as determined by the State Lands Commission.

3. Developments approved by the County that require a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits). The approval of a Coastal Development Permit on a conditionally allowed use is also appealable to the Coastal Commission.

4. Coastal Development Permits required to allow developments approved by the County that require:

   a. A Conditional Use Permit.

   b. A Final Development Plan for appealable development.

5. Developments approved by the County that require a Conditional Certificate of Compliance.

6. Coastal Development Permits for Residential Second Units approved in compliance with Section 35.442.160 (Residential Second Units),

7. Any development which constitutes a major public works project or a major energy facility. The phrase, "major public works project or a major energy facility," as used in State law (Public

Resources Code Section 30603(a)(5)) and this Development Code shall mean any proposed public works project or energy facility exceeding $50,000.00 in estimated cost of construction.

E. Grounds for appeal.

1. The grounds of appeal for any development appealable under Subsection D.1 above shall be limited to one or more of the following.

   a. The development fails to provide adequate physical access or public or private commercial use or interferes with the uses.

   b. The development fails to protect public views from any road or from a recreation area to, and along, the coast.

   c. The development is incompatible with the established physical scale of the area.

   d. The development may significantly alter existing natural landforms.

   e. The development does not comply with shoreline erosion and geologic setback requirements.

   f. The development is not in compliance with the Local Coastal Program.

2. The grounds of appeal for any development appealable under Subsection D.2 through Subsection D.4 above, shall be limited to whether the development is in compliance with the Local Coastal Program.

CHAPTER 35.494 - AMENDMENTS

Sections:

35.494.010 - Purpose and Intent
35.494.020 - Applicability
35.494.030 - Initiation of Amendment
35.494.040 - Processing of Amendment
35.494.050 - Action on Amendment
35.494.060 - Findings Required for Approval of Amendment
35.494.070 - Effective Dates
35.494.080 - Certification of Local Coastal Program Amendments
35.494.090 - Rezoning Requirements for Specific Zones

35.494.010 - Purpose and Intent

The purpose of this Chapter is to provide procedures for changing the zoning designation on properties where the change is warranted by consideration of location, surrounding development, and timing of development, to provide for text Amendments to this Development Code, as the County may deem reasonable, necessary, or desirable and to provide for Amendments to any ordinances, resolutions, or implementation programs carrying out the provisions of the Local Coastal Program. The intent of this Chapter is to provide the mechanism consistent with Government Code Section 65000 et seq. and the Coastal Act, for amending this Development Code and the certified Local Coastal Program.

35.494.020 - Applicability

A. **Development Code.** A Development Code Amendment may modify or add a new standard, requirement, allowed use, or procedure applicable to land use or development within the County.

B. **Local Coastal Program.** A Local Coastal Program Amendment may include revisions to text or maps.

C. **Zoning Map.** A Zoning Map Amendment has the effect of rezoning property from one zone to another, including the addition or deletion of overlay zones.

D. **Compliance with Chapter.** All Amendments shall be initiated, filed, processed, considered, and acted upon in full compliance with this Chapter.

35.494.030 - Initiation of Amendment

An Amendment may only be initiated in the following manner:

A. **Board.** By a resolution of intention by the Board;

B. **Montecito Commission.** By a resolution of intention by the Montecito Commission;

C. **Director.** By the Director; or

D. **Applicant.** By an application by an authorized applicant as follows:

1. **Local Coastal Program Amendment.** Application by one or more persons owning property representing at least 50 percent of the assessed valuation of the property which will be affected by the Amendment.

2. **Development Code Amendment.**

a. **Coastal Zone**. An application to amend the text of the Development Code in a manner

which will affect land within the Coastal Zone may be made by one or more persons owning property representing at least 50 percent of the assessed valuation of the property which will be affected by the Amendment.

b. **Inland area.** An application to amend the text of the Development Code in a manner which will not have any affect on land within the Coastal Zone may be made by any person with a substantial interest in the proposed Amendment.

3. **Zoning Map Amendment.** Application by one or more persons owning property representing at least 50 percent of the assessed valuation of the property for which the zone classification change is sought.

35.494.040 - Processing of Amendment

A. **Application shall ensure consistency.** Any application filed in compliance with this Chapter that is inconsistent with the use and/or density requirements of this Development Code or the adopted Comprehensive Plan or Local Coastal Program, as applicable, shall be accompanied by an application to make the project consistent.

B. **Department may refuse to accept inconsistent applications.** The Department may refuse to accept for processing any application the Director finds to be inconsistent with the Comprehensive Plan or Local Coastal Program, as applicable.

C. **Contents of application.** If initiated by a person other than the Board, Montecito Commission, or Director, an Amendment application shall be filed and processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. **Application shall include a Preliminary Development Plan.**

1. Unless the Montecito Commission expressly waives the requirement, an application for a Zoning Map Amendment to rezone property to any of the zones listed below shall require submittal of a Preliminary Development Plan in compliance with Section 35.494.090 (Rezoning Requirements for Specific Zones) below.

   DR (Design Residential)

   PRD (Planned Residential Development)

   CN (neighborhood Commercial)

   CV (Resort/Visitor Serving Commercial)

   PU (Public Utilities)

   REC (Recreation)

E. **Environmental Review required.** The Department shall process the application in compliance with the California Environmental Quality Act.

F. **Sites with valid Conditional Use Permit.** If there is a valid and operational Conditional Use Permit associated with a proposed Zoning Map Amendment site and under the new zone the conditionally permitted use would become an permitted use, the Conditional Use Permit conditions of approval shall remain valid and in force, unless altered or deleted in compliance with Section 35.472.060 (Conditional Use Permits).

35.494.050 - Action on Amendment

A. Montecito Commission's recommendation.

1. **Montecito Commission hearing required.** The Montecito Commission shall hold at least one noticed public hearing on the proposed Amendment. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

2. **Montecito Commission's recommendation for all Amendments.** The Montecito Commission's recommendation shall be transmitted to the Board by resolution of the Montecito Commission carried by the affirmative votes of a majority of its total voting members.

3. **Montecito Commission's recommendation for denial of Zoning Map Amendment.** If the Montecito Commission recommends denial of a Zoning Map Amendment, the Board shall not be required to hold a public hearing or take any further action on the matter unless within 10 days after the Montecito Commission's decision, the applicant or any other interested person files a written request for the hearing with the Clerk of the Board.

4. **Recommendation shall include reasons with findings.** The Montecito Commission's recommendation shall include the reasons for the recommendation in compliance with the findings identified in Section 35.494.060 (Findings Required for Approval of Amendment) below.

B. Board hearing required.

1. Following the Montecito Commission's recommendation for approval or where a public hearing has been requested in compliance with Subsection A.3 (Montecito Commission's recommendation for denial of Zoning Map Amendment) above, the Board shall hold at least one noticed public hearing on the proposed Amendment.

2. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

C. Board's action on the proposed Amendment.

1. The Board may approve, modify, or deny the recommendation of the Montecito Commission in compliance with the findings identified in Section 35.494.060 (Findings Required for Approval of Amendment) below.

2. Any modification of the proposed Amendment by the Board not previously considered by the Montecito Commission during it's hearing, shall first be referred back to the Montecito Commission for report and recommendation.

3. The Montecito Commission shall not be required to hold a public hearing on the referral.

4. Failure of the Montecito Commission to report to the Board within 40 days after the initial referral, or a longer period designated by the Board, shall be deemed to be approval of the proposed modification.

D. Compliance with Measure A96 required.

1. **Vote required for onshore support facility for offshore oil and gas activity.** Any legislative approval by the Board (e.g., Comprehensive Plan, Development Code, Local Coastal Program, or Zoning Map Amendment) which would authorize or allow the construction, development, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County (from Point Arguello to the Ventura County border) and outside the

South Coast Consolidation Areas is subject to a vote by the voters of the County in a regular election in compliance with Appendix B (Administrative Guidelines for Implementing Measure A96 - Voter Approval Initiative)..

2. **Measure A96 to terminate in 2021.** This voter approval requirements included in this Development Code in compliance with the Measure A96 voter approval initiative, which was passed by the voters of the County on March 26, 1996, is in effect for 25 years, terminating in 2021.

35.494.060 - Findings Required for Approval of Amendment

An Amendment to the Development Code, Local Coastal Program or Zoning Map may be approved only if all of the following findings are made, as applicable to the type of Amendment.

A. Findings for Development Code, Local Coastal Program and Zoning Map Amendments.

1. The request is in the interest of the general community welfare.

2. The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.

3. The request is consistent with good zoning and planning practice.

35.494.070 - Effective Dates

A. Development Code or Zoning Map. A Development Code or Zoning Map Amendment shall become effective on the 31st day following the adoption of an ordinance by the Board.

B. Local Coastal Program. An Amendment to the certified Local Coastal Program shall become effective in compliance with Section 35.494.080 (Certification of Local Coastal Program Amendments), below.

35.494.080 - Certification of Local Coastal Program Amendments

A. Compliance with Coastal Act required. Any approval by the County of a proposed Amendment to the County's certified Local Coastal Program shall be submitted to the Coastal Commission as soon as practicable after final approval by the Board in compliance with Sections 30512 and 30513 of the Coastal Act, as it may be amended from time to time.

B. Certification by Coastal Commission required. Any proposed Amendment to the certified Local Coastal Program shall not take effect until the amendment has been certified by the Coastal Commission.

35.494.090 - Rezoning Requirements for Specific Zones

The approval of a rezoning to apply one of the zones listed in this Section shall require compliance with the requirements of this Section applicable to the specific zone.

A. AH overlay.

1. **Limitation on rezones.** The AH overlay may be applied to property only in conjunction with the preparation and adoption of a Community Plan or together with a County initiated Amendment to the Comprehensive Plan.

2. **Designation of allowed number of units.** The approval of a rezoning to the AH overlay shall include designation of the maximum density allowed on the site by the overlay.

3. **Findings required for rezoning.** The approval of a rezoning to apply the AH overlay zone to property shall require that the Montecito Commission and Board first make all of the following findings in addition to those required in compliance with Section 35.494.060 (Findings Required for Approval of Amendment) above:

   a. In the Inland area, the site is located within an Urban area as designated on the Comprehensive Plan maps. In the Coastal Zone, the site is subject to the Affordable Housing Land Use Designation overlay or such designation is currently being processed.

   b. The site has a residential land use designation or would be appropriate for residential use if a Comprehensive Plan Amendment is being concurrently processed (e.g., underutilized commercial land surrounded by residential land or other compatible land use).

   c. The site has a primary zone that allows residential uses and requires a Development Plan for the use. This may also be achieved through a rezone.

   d. The site is served by a municipal sanitary district.

   e. The site is of adequate size and shape to allow the reasonable development of housing.

   f. The site is near major travel corridors or services.

   g. The site is within reasonable walking distance to transit lines, employment centers, schools, and commercial areas.

   h. Residential development can be sited to avoid major environmental hazards and/or constraints (e.g., airport noise and safety zones, archaeological resources, sensitive habitat areas, steep slopes and other geologic hazards, streams and creeks).

   i. Residential development of the site at the maximum density proposed is consistent with all applicable policies and provisions of the Comprehensive Plan.

B. DR, CN, CV and PU zones. An application for a rezoning to the DR, CN CV, and PU zones shall include a Preliminary Development Plan or Final Development Plan in compliance with Section 35.472.080 (Development Plans) unless the Montecito Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.

C. PRD zone. An application for a rezoning to the PRD zone shall include a Preliminary or Final Development Plan in compliance with Section 35.472.080 (Development Plans), unless the Montecito Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.

1. **Minimum site area.**

   a. Coastal Zone. Within the Coastal Zone, a site shall be a minimum of 20 acres to be rezoned to the PRD zone, all of which shall be included in the Preliminary or Final Development Plan.

   b. Inland area. Within the Inland area, a site shall be a minimum of 10 acres to be rezoned to the PRD zone, all of which shall be included in the Preliminary or Final Development Plan.

2. **Findings required for rezoning.** The approval of a rezoning to apply the PRD zone to property shall require that the Montecito Commission and Board first make all the following findings:

   a. That the property is of the type and character which is appropriate for a Planned Residential

Development in accordance with the specific purpose and intent stated within Subsection 35.423.020.D (PRD (Planned Residential Development) zone).

b. That the property is within an Urban area as designated on the Comprehensive Plan maps.

c. That the overall estimated population density which will result upon full development of the property under the Planned Residential Development zone in accordance with the Preliminary or Final Development Plan is appropriate for such area and will not have a detrimental effect upon surrounding areas nor exceed the capacity of service and utility facilities in such surrounding areas.

d. The proposed development as shown on the Preliminary or Final Development Plan will be in conformance with the applicable policies of the Comprehensive Plan and this Development Code.

D. REC Zone. An application for a rezoning to the REC zone shall include a Preliminary or Final Development Plan in compliance with Section 35.472.080 (Development Plans) which shall include all of the site area, unless the Montecito Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.

1. Minimum site area. Rezoning to apply the REC zone shall require that the site be a minimum of one acre.

2. Findings required for rezoning. Except for existing public or private outdoor recreational areas as designated on the Comprehensive Plan Maps, the approval of a rezoning to apply the REC zone to property shall require that the Montecito Commission and Board first make all the following findings:

a. The level of facility development will be in conformance with the environmental carrying capacity of the area to be rezoned, i.e., the proposed recreational activities are of the kind, intensity, and location to ensure protection of environmentally sensitive habitat resources.

b. The proposed development will conform with all applicable policies in the Comprehensive Plan, including the Parks, Recreational and Trails (non-motorized) maps.

c. The proposed recreational activities will be compatible with land uses on adjacent lots.

d. Within the Coastal Zone the following additional findings are required.

(1) The level of facility development is in conformance with the environmental carrying capacity of the area to be rezoned, i.e., the proposed recreation activities are of the kind, intensity, and location to ensure protection of habitat resources.

(2) Coastal dependant and coastal related recreational uses are given propriety.

(3) If the proposed site is adjacent to the beach, adequate public access to and along the beach is provided.

CHAPTER 35.496 - NOTICING AND PUBLIC HEARINGS

Sections:

35.496.010 - Purpose and Intent
35.496.020 - Notice of Public Hearing and Review Authority Action
35.496.030 - Coastal Development Permits and Land Use Permits within the Coastal Zone
35.496.040 - Notice of Final Action Appealable to the Coastal Commission
35.496.050 - Land Use Permits - Inland Area
35.496.060 - Design Review
35.496.070 - Emergency Permits
35.496.080 - Contents of Notice
35.496.090 - Failure to Receive Notice
35.496.100 - Hearing Procedure

35.496.010 - Purpose and Intent

This Chapter establishes the minimum requirements for providing notice of a public hearing and other required noticing, and public hearing provisions and procedures.

35.496.020 - Notice of Public Hearing and Review Authority Action

A. Minimum requirements. Except for decisions on Coastal Development Permits subject to Subsection 35.472.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals) or is not processed in conjunction with a Conditional Use Permit or Final Development Plan), Land Use Permits, applications for Design Review (see Subsection 35.496.030.A (Minimum requirements for permit not following a discretionary action), Sections 35.496.050 (Land Use Permits - Inland Area) and 35.496.060 (Design Review) below, for respective noticing requirements), and Zoning Clearances, notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all projects that require a noticed public hearing or notice of review authority action. Each notice shall comply with the following minimum requirements.

1. Newspaper publication. Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before the scheduled public hearing or action by the review authority.

2. Mailed notice. Notice shall be mailed at least 10 days before the scheduled hearing or action to:

a. Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes;

b. The applicant;

c. The owner of the subject lot, if different from the applicant; and

d. Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.

e. Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with Chapter 35.444 (Telecommunications Facilities). The names and addresses used for the notice shall be those

shown on the equalized County assessment roll, as updated from time to time.

f. Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.

g. Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.

3. Additional requirements for sites within the Coastal Zone. Within the Coastal Zone, in addition to the notice required by Subsections A.1 and A.2 above, notice of a public hearing or action on a site located within the Coastal Zone shall also be mailed at least 10 days before the scheduled hearing or action to:

a. All residents located within a 100 foot radius of the exterior boundaries of the subject lot; and

b. The Coastal Commission.

B. Optional notice to more than 1,000 owners of property. If the number of owners and residents to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days before the scheduled hearing or action.

C. Contents of notice. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.

35.496.030 - Coastal Development Permits and Land Use Permits within the Coastal Zone

A. Minimum requirements for permit not following a discretionary action. Notice of the application and pending action on a Coastal Development Permit subject to Subsection 35.472.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals) or is not processed in conjunction with a Conditional Use Permit or Final Development Plan) or a Land Use Permit for property located with the Coastal Zone, not following a previous discretionary action, shall be given in compliance with the following.

1. By the Department. Notice shall be given by the Department in compliance with the following:

a. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).

b. The notice shall also be mailed to any person who has filed a written request therefore and

has supplied the Department with self-addressed stamped envelopes.

c. The notice shall be posted or mailed no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be mailed or posted less than:

(1) 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review, or;

(2) Seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit, if Design Review in compliance with Section 35.472.070 (Design Review) is not required.

d. The notice shall be required to be continuously posted for a minimum of 17 days from the date required by Subsection 1.c. above and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

a. Mailed notice shall be provided to:

(1) All residents and owners of property located within a 100-foot radius of the exterior boundaries of the subject lot.

(2) The Coastal Commission.

b. Mailed notice of applications for Coastal Development Permits and Land Use Permits, not including those that follow a discretionary action, shall be provided to all owners of property located within a 300-foot radius of the exterior boundaries of the subject lot for the specific types of projects listed below. The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.

(1) Development that requires Design Review in compliance with Section 35.472.070 (Design Review);

(2) A new dwelling containing two- or three-story elements or a second or third story addition to an existing dwelling;

(3) A new accessory structure in excess of 120 square feet of gross floor area or where the gross floor area of the existing accessory structure plus the addition exceeds 120 square feet;

(4) A change in the allowed use of a structure or a portion of the structure;

(5) Home occupations where clients come to the lot where the home occupation is conducted;

(6) Residential second units and additions thereto, allowed in compliance with Section 35.442.160 (Residential Second Units). The notice shall state that the grounds for appeal of an approved or conditionally approved Coastal Development Permit or Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the Coastal Land Use Plan and the provisions of this Development Code;

(7) Large Family Day Care Homes and additions thereto, allowed in compliance with

Section 35.442.070 (Community Care Facilities);

(8) Non-residential Child Care Centers and additions thereto, allowed in compliance with Section 35.442.070 (Community Care Facilities);

(9) Commercial telecommunication facilities, and additions thereto, allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities); and

(10) Noncommercial telecommunication facilities allowed in compliance with Section 35.444.020 (Noncommercial Telecommunication Facilities) where the height of the antenna and associated support structure exceeds 50 feet.

c. Mailed notice shall be provided to all residents located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Subsection 35.444.010.C.1.

d. For all other types of projects that require a Coastal Development Permit or a Land Use Permit and are not included under Subsection 2.b. and Subsection 2.c. above, notice shall be provided in compliance with the following:

(1) The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.

e. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.

f. The language and form of the notice shall be provided to the applicant by the Department. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.

g. The notice shall be mailed and posted by the applicant no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be mailed and posted less than:

(1) 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review or:

(2) Seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit, if Design Review in compliance with Section 35.472.070 (Design Review) is not required.

h. The notice shall be required to be continuously posted for a minimum of 17 days from the date required by Subsection 2.g above and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.

i. The applicant shall provide proof of the mailing and posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review or 10 days following an action by the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit. Failure of the applicant to comply with this Chapter may result in denial and/or revocation of the Coastal Development Permit or Land Use Permit.

B. Minimum requirements for permit following a discretionary action. Notice of an application and

pending action or action on a Coastal Development or Land Use Permit following a discretionary action and with the same project description shall be given in compliance with the following.

1. By the Department. Notice shall be given by the Department in compliance with the following:

a. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).

b. The notice shall also be mailed to any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.

c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be mailed and posted less than:

(1) 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review or;

(2) 10 days before an action by the Director to issue the Coastal Development Permit or Land Use Permit

d. The notice shall be required to be continuously posted from the date required by Subsection 1.c above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

a. Mailed notice shall be provided to all residents located within a 100-foot radius of the exterior boundaries of the subject lot and the Coastal Commission.

b. Mailed notice shall be provided to all parties that received notice of the previous discretionary action.

c. The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.

d. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.

e. The language and form of the notice shall be provided to the applicant by the Department. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.

f. The notice shall be mailed and posted by the applicant no later than 15 days following the filing of a complete application to the Department, but in no case shall said notice be mailed and posted less than:

(1) 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review or;

(2) 10 days before an action by the Director to issue the Coastal Development Permit or Land Use Permit, if Design Review in compliance with Section 35.472.070 (Design Review) is not required.

g. The notice shall be required to be continuously posted from the date required by Subsection 2.f. above, until at least 10 days following an action of the Director to approve, conditional

approve, or deny the Coastal Development Permit or Land Use Permit.

h. The applicant shall provide proof of the mailing and posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled date of the initial review by the Board of Architectural Review or 10 days following an action by the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.

i. Failure of the applicant to comply with this Chapter may result in denial and/or revocation of the Coastal Development Permit or Land Use Permit.

3. Contents of Notice. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.

35.496.040 - Notice of Final Action Appealable to the Coastal Commission

A. Provision of notice. For those developments that are appealable to the Coastal Commission in compliance with the definition of appealable development and Section 35.492 (Appeals), a Notice of Final Action of the approval or conditionally approval of a Coastal Development Permit shall be mailed to the Coastal Commission and to any interested person who has requested the notice and has submitted a self-addressed stamped envelope to the Department.

B. Notice within five days. The notice shall be mailed within the five calendar days following the County's final action on the Coastal Development Permit.

C. Contents of notice. The notice shall include the conditions of approval and findings of the Coastal Development Permit, and the procedures for appeal of the County's final action to the Coastal Commission.

35.496.050 - Land Use Permits - Inland Area

A. Minimum requirements. Notice of an application and pending action or action on a Land Use Permit application for property located in the Inland area shall be given in compliance with the following:

1. By the Department. Notice shall be given by the Department in compliance with the following:

a. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).

b. The notice shall also be mailed to any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.

c. The notice shall be posted or mailed no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be posted or mailed less than:

(1) 10 days before the scheduled date of any review by the Montecito Board of Architectural Review or;

(2) 10 days before an action by the Director to issue a Land Use Permit if Design Review in compliance with Section 35.472.070 (Design Review) is not required.

d. The notice shall be required to be continuously posted from the date required by Subsection 1.c. above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

a. Mailed notice of applications for Land Use Permits not including those that follow a previous discretionary action shall be provided to all owners of property located within a 300-foot radius of the exterior boundaries of the subject lot for the specific types of projects listed below. The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.

(1) Development that requires Design Review in compliance with Section 35.472.070 (Design Review).

(2) A new dwelling containing two- or three-story elements or a second or third story addition to an existing dwelling.

(3) A new accessory structure in excess of 120 square feet of gross floor area or an addition to an existing accessory structure where the gross floor area of the existing accessory structure plus the addition exceeds 120 square feet.

(4) A change in the allowed use of a structure or a portion of the structure.

(5) Home occupations where clients come to the lot where the home occupation is conducted.

(6) Residential second units, and additions thereto, as may be allowed in compliance with Section 35.442.160 (Residential Second Units). The notice shall state 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 35.42.160.F (Development standards).

(7) Large Family Day Care Homes, and additions thereto, as may be allowed in compliance with Section 35.442.070 (Community Care Facilities).

(8) Non-residential Child Care Centers and additions thereto, allowed in compliance with Section 35.42.070 (Community Care Facilities).

(9) Commercial telecommunications facilities, and additions thereto, as may be allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities).

10) Noncommercial telecommunication facilities as may be allowed in compliance with Section 35.444.020 (Noncommercial Telecommunication Facilities) where the height of the antenna and associated support structure exceeds 50 feet.

b. Mailed notice shall be provided to all residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35.444.010.C.1.

c. For all other types of projects that require a Land Use Permit, including applications for Land Use Permits that follow a previous discretionary action, but not including projects that are included under Subsections 2.a. and 2.b. above, notice shall be provided in compliance with the following:

(1) Mailed notice shall be provided to all property owners abutting the subject lot, including lots that share a property corner with the subject lot. If the subject lot abuts a street, then the lot directly across the street from the subject lot, and the lots on either side of that lot, also shall be provided with mailed notice.

(2) The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.

d. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.

e. The language and form of the notice shall be provided to the applicant by the Department. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.

f. Said notice shall be mailed and posted by the applicant no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be mailed and posted less than:

(1) 10 days before the scheduled date of any review by the Montecito Board of Architectural Review or;

(2) 10 days before an action by the Director to issue a Land Use Permit, where Design Review in compliance with Section 35.472.070 (Design Review) is not required.

g. The notice shall be required to be continuously posted from the date required by Subsection 2.f. above until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.

h. The applicant shall provide proof of the mailing and posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled date of any review by the Montecito Board of Architectural Review or 10 days following an action by the Director to approve, conditionally approve, or deny the Land Use Permit. Failure of the applicant to comply with this Section may result in denial and/or revocation of the Land Use Permit.

B. Contents of Notice. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.

35.496.060 - Design Review

A. Minimum Requirements. Notice of applications for Design Review shall be given in compliance with the following:

1. By the Department. Notice shall be given by the Department in compliance with the following:

a. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).

b. The notice shall also be mailed to any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.

c. The notice shall be mailed or posted no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be mailed or posted less than 10 days before the scheduled date of any review by the Montecito Board of Architectural Review.

d. The notice shall be required to be continuously posted from the date required by Subsection 1.c., above until at least 10 days following final action by the Montecito Board of Architectural Review.

e. Notice shall also be given in compliance with the requirements of:

(1) The bylaws of the Montecito Board of Architectural Review as approved by the Board.

(2) Architectural guidelines that have been adopted by the Board for the Montecito Planning Area.

2. By the applicant. Notice shall be given by the applicant in compliance with the following if notice is not otherwise provided in compliance with Section 35.496.030 (Coastal Development Permits and Land Use Permits within the Coastal Zone) and Section 35.496.050 (Land Use Permits - Inland Area) above:

a. Mailed notice of applications for Design Review shall be provided to all owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. The applicant shall also conspicuously post notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.

b. The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.

c. The language and form of the notice shall be provided to the applicant by the Department. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.

d. The notice shall be mailed and posted by the applicant no later than 15 days following the filing of a complete application to the Department, but in no case shall said notice be mailed and posted less than 10 days before any review by the Montecito Board of Architectural Review.

e. The notice shall be required to be continuously posted from the date required by Subsection 2.d above, until at least 10 days following the final action by the Montecito Board of Architectural Review.

f. The applicant shall provide proof of the mailing and posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review. Failure of the applicant to comply with this Chapter may result in denial and/or revocation of the Coastal Development Permit, Land Use Permit, or Zoning Clearance.

35.496.070 - Emergency Permits

A. Minimum requirements. Notice of the application for an Emergency Permit shall be given in compliance with the following:

1. The Department shall provide mailed notice of applications for Emergency Permits to all owners of property located within a 300 foot radius of the exterior boundaries of the subject lot.

a. For properties in the Coastal Zone, notice shall also be mailed to all residents within a 100-foot radius of the exterior boundaries of the affected property.

2. The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.

3. The Department shall also conspicuously post a notice in three locations on the subject lot.

4. The mailing or posting of notice is not required to precede the actual commencement of the emergency work.

35.496.080 - Contents of Notice

A. Notice for all projects. The following shall be included in all notices required to be provided in compliance with this Section:

1. The date of filing of the application and the name of the applicant.

2. The Department case number assigned to the application.

3. The name of the Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.

4. A description of the project, its location and a statement that the project is located is within the Coastal Zone, if applicable.

B. Notice for projects that require a public hearing or discretionary review authority action. The following shall be included in all notices for projects that require a public hearing or discretionary action by a review authority.

1. All information required by Subsection A. (Notice for all projects) above.

2. The place, date, and general time of the hearing at which the project will be heard by the review authority, if the action requires a public hearing. If the project does not require a public hearing, then only the date of pending action of the review authority is required.

3. A general description of the County procedures concerning the conduct of public hearings and actions, including the submission of public comments either in writing or orally before the hearing or decision, and requirements regarding the procedure to appeal the decision.

4. The procedure for Coastal Commission appeals, including any required appeals fees, if applicable.

5. Notice of a pending decision by the Director to approve, conditionally approve or deny a Development Plan for a telecommunications facility in compliance with Chapter 35.444 (Telecommunications Facilities) shall include a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to the Department within 10 days of the date of such notice. If a written request is received, the public hearing shall be conducted in compliance with Section 35.496.100 (Hearing Procedure) below.

C. Notice for projects that do not require a public hearing or discretionary review authority action. The following shall be included in all notices for projects that do not require a public hearing or discretionary action by a review authority.

1. All information required by Subsection A. (Notice for all projects) above.

2. A general description of the County procedures concerning the review of an application for a Coastal Development Permit or Land Use Permit, including:

   a. How to participate in the review of the application for the Coastal Development Permit or Land Use Permit;

   b. How to receive notification of any pending review in compliance with Section 35.472.070 (Design Review) if applicable, or action to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit;

c. How to submit comments either in writing or orally before review by the Montecito Board of Architectural Review, if applicable, or action to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit; and

d. Requirements regarding the procedure to appeal the decision of the Montecito Board of Architectural Review, or action by the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.

3. If applicable, the date of the pending action on the application for the Coastal Development Permit or Land Use Permit, and the date of expiration of the appeal period.

4. If the subject lot is located in the Coastal Zone, a statement that the public comment period commences upon the date that such notice is given and allows for submission of public comments on the requested Coastal Development Permit or Land Use Permit, excluding permits that follow a previous discretionary approval.

35.496.090 - Failure to Receive Notice

The failure of any person or entity to receive notice given in compliance with this Chapter or in compliance with State law (Government Code Sections 65090-65096) shall not invalidate the actions of the Department or the applicable review authority.

35.496.100 - Hearing Procedure

A. Held at noticed time and place. A public hearing shall be held at the date, time, and place for which notice was given.

B. Hearing may be continued.

1. Any public hearing may be continued from time to time without further notice; provided, the chairperson of the review authority announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.

2. If an announcement of a continued date, time, and place is not given, notice of further hearings shall be provided in compliance with this Chapter.

C. Deferral of final decision. The review authority may announce a tentative decision, and defer their action on a final decision until appropriate findings and/or conditions of approval have been prepared.

CHAPTER 35.498 - ENFORCEMENT AND PENALTIES

Sections:

35.498.010 - Purpose and Intent
35.498.020 - Investigation
35.498.030 - Work Stoppage
35.498.040 - Referral for Legal Action
35.498.050 - Legal Remedies
35.498.060 - Cumulative Remedies and Penalties
35.498.070 - Recovery of Costs
35.498.080 - Processing Fee Penalty Assessment
35.498.090 - Penalty for Violations of Conditions

35.498.010 - Purpose and Intent

This Chapter establishes provisions which are intended to ensure compliance with the requirements of this Development Code and any conditions of a Coastal Development Permit, Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, Zoning Clearance or any other permit, to promote the County's planning efforts, and for the protection of the public health, safety, and welfare of the County.

35.498.020 - Investigation

The Director is hereby authorized to investigate all reported or apparent violations of any of the provisions of this Development Code. If a violation is determined to exist or to be impending, the Director is hereby authorized to take the measures as the Director deems necessary or expedient to enforce and secure compliance with the provisions of this Development Code.

A. Cooperation of other officials. The Director may request, and shall receive, the assistance and cooperation of other officials of the County to assist in the discharge of their duties.

B. Right of entry and inspection.

1. **Director may enter any structure or premise.** With the consent of the owner or occupant, the Director may enter at all reasonable times any structure or premise in the County for the purpose of carrying out any act necessary to perform any duty imposed by this Development Code.

2. **Provision of identification.** Upon request the Director shall provide adequate identification.

3. **Use of inspection warrant.** An inspection warrant may be obtained if entry is refused.

C. Liability.

1. The Director or any other person charged with the enforcement of this Development Code, if acting in good faith and within the course and scope of their employment, shall not be liable personally, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as the result of, or by reason of, any act or omission occurring in the discharge of their duties.

2. Any suit brought against the Director because of the act or omission, performed in the enforcement of any provision of this Development Code shall be defended by the County Counsel.

35.498.030 - Work Stoppage

Where any construction work is being done in conflict with the provisions of this Development Code, the Director may order the work stopped by giving notice in writing and serving the notice and order on any person engaged in doing or causing the work to be done. Upon receipt of the notice, any person, their agents, employees, or servants, shall immediately stop the work until recommencement is authorized by the Director.

35.498.040 - Referral for Legal Action

If unable to otherwise enforce the terms of this Development Code, the Director shall refer the matter to the District Attorney and/or County Counsel for appropriate legal action.

35.498.050 - Legal Remedies

A. Civil actions.

1. **Public nuisance.** Any structure which is altered, constructed, converted, enlarged, erected, maintained, moved, or setup in conflict with the provisions of this Development Code, and any use of any land, premise, or structure conducted, established, maintained, or operated in conflict with the provisions of this Development Code, shall be and the same is hereby declared to be unlawful and a public nuisance.

2. **Injunctive relief.** Whenever, in the judgment of the Director, any corporation, firm, or person is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this Development Code or any permit, order, regulation, or rule issued in compliance with this Development Code, and at the request of the Director, the District Attorney, or the County Counsel may make application to the Superior Court for an order enjoining the act or practice, or for an order directing compliance, and upon a showing by the Department that the corporation, firm, or person has engaged in or is about to engage in the act or practice, a permanent or temporary injunction, restraining order, or other order may be granted.

3. **Abatement.** In the event that any corporation, firm, or person shall fail to abate a violation hereunder after notice of same and opportunity to correct or end the violation, the Director may request the District Attorney or County Counsel to apply to the Superior Court for an order authorizing the Department to undertake those actions necessary to abate the violation and requiring the violator to pay for the costs of the undertaking.

B. Civil Remedies and penalties.

1. **Civil penalties.** Any person, whether acting as agent, employee, principal, or otherwise, who willfully violates the provisions of this Development Code or any permit, order, regulation, or rule issued in compliance with this Development Code, shall be liable for a civil penalty not to exceed $25,000.00 for each day that the violation continues to exist.

2. **Costs and damages.** Any person, whether acting as agent, employee, principal, or otherwise, violating any provisions of this Development Code or any permit, order, regulation, or rule issued in compliance with this Development Code, shall be liable to the County for the costs incurred and the damages suffered by the County, its agents, and agencies as a direct and proximate result of the violation.

3. **Procedure.** In determining the amount of the civil penalty to impose, the court may consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation, the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or individual, and any corrective action taken by the defendant.

C. Criminal actions and penalties.

1. Infractions. Any corporation, firm, or person, whether acting as agent, employee, principal, or otherwise, violating any provisions of this Development Code, or any permit, order, regulation, or rule issued in compliance with this Development Code, shall be guilty of an infraction, and upon conviction thereof, shall be punishable by:

a. A fine not exceeding $100.00 for a first violation;

b. A fine not exceeding $200.00 for a second violation of the same provision within a 12-month period; and

c. A fine not exceeding $500.00 for each additional violation of the same provision within a 12-month period.

2. Misdemeanors.

a. Any offense which would otherwise be an infraction may, at the discretion of the District Attorney, be filed as a misdemeanor if the defendant has been convicted of two or more violations of any of the provisions of this Development Code within the 12-month period immediately preceding the commission of the offense or has been convicted of three or more violations of any of the provisions of this Development Code within the 24-month period immediately preceding the commission of the offense.

b. Upon conviction of a misdemeanor the punishment shall be a fine of not less than $500.00 nor more than $25,000.00 or imprisonment in the County jail for a period not to exceed 60 days or by both the fine and imprisonment, except that where the prior convictions are alleged in the accusatory pleading, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt or by the court where guilt is established by plea of guilty or nolo contendere or by trial by the court sitting without a jury, the punishment shall be a fine of not less than $1,000.00 nor more than $25,000.00 or by imprisonment in the County jail for a period not to exceed 180 days or by both the fine and imprisonment.

3. Violations. Each and every day during any portion of which any violation of this Development Code or any permit, order, regulation, or rule issued in compliance with this Development Code, is committed, continued, or permitted by the corporation, firm, or person shall be deemed a separate and distinct offense.

35.498.060 - Cumulative Remedies and Penalties

The remedies or penalties provided by this Development Code are cumulative to each other and to the remedies or penalties available under all other laws of this State.

35.498.070 - Recovery of Costs

A. Purpose and intent.

1. Purpose. This Section establishes procedures for the recovery of administrative costs, including staff time expended for items such as reports, site inspections, summaries, telephone contacts, correspondence with the owner and any concerned citizens or officials, and related travel time that reasonably relates to the enforcement of the provisions of this Development Code.

2. Intent. The intent of this Section is to recoup administrative costs reasonably related to enforcement.

B. Maintenance of records by Department.

1. The Department shall maintain records of all administrative costs incurred by responsible County departments associated with the processing of violations and enforcement of this Development Code and shall recover the costs from the property owner in compliance with this Section.

2. Staff time shall be calculated at an hourly rate in compliance with the Board's Fee Resolution.

C. Notice of violation.

1. Upon investigation and a determination that a violation of any of the provisions of this Development Code is found to exist, the Director shall notify the record owner or any person having possession or control of the subject property by mail of the existence of the violation, the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on objections to the notice.

2. The notice shall contain the following information:

   a. The address of the property in violation.

   b. The Section of the Development Code violated.

   c. A description of the violation.

   d. An advisory that administrative costs will be assessed upon conclusion of the enforcement action.

   e. An advisory that all administrative costs will be billed at an hourly rate to the owner of record and/or responsible party within a summary (billing statement) of administrative costs in compliance with the Board's Fee Resolution.

   f. An advisory of the current hourly rate in effect.

   g. An advisory that any permit sought or required to cure the violation is subject to the assessment of an additional penalty processing fee established in compliance with the Board's Fee Resolution

   h. An advisory of the right to appeal the administrative costs in compliance with Subsection D. (Summary of costs (administrative fees)) below, within 10 days of service of the billing statement.

D. Summary of costs (administrative fees).

1. At the conclusion of the enforcement action, the Director shall send a summary of costs/billing statement associated with enforcement to the owner of the subject property and/or the responsible party by certified mail.

2. The summary/billing statement shall include the following information:

   a. An advisory of the right to file an appeal of the administrative costs.

   b. A requirement to submit the written appeal within 10 days of the date of the summary/billing statement.

   c. An advisory that failure to appeal the administrative fees will eliminate the right to object to the fees and that the owner and/or responsible party will be liable to the County for the assessed charges.

d. An advisory that assessed costs can be recovered in a civil action.

e. An advisory that the assessed costs can be recovered by recording a lien against the property that is the subject of the enforcement activity and that the amount of the lien may be collected at the same time and in the same manner as property taxes are collected.

E. Hearing on objections. Any property owner, or other person having possession and control thereof, who receives a summary of costs/billing statement in compliance with this Section shall have the right to a hearing before the Director on their objections to the proposed costs in compliance with the following procedures.

1. A request for a hearing shall be filed with the Department within 10 days of the service by certified mail of the Department's summary of costs/billing statement.

2. Within 30 days of the filing of the request, and on 10 days written notice to the owner, the Director shall hold a hearing on the owner's objections, and determine the validity of the objections.

3. In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered shall include the following:

   a. Whether the present owner created the violation;

   b. Whether there is a present ability to correct the violation;

   c. Whether the owner moved promptly to correct the violation;

   d. The degree of cooperation provided by the owner; and

   e. Whether reasonable minds can differ as to whether a violation exists.

4. The Director's decision shall be appealable to the Board in compliance with Chapter 35.492 (Appeals).

5. In the event that (a) no request for hearing is timely filed or, (b) after a hearing the Director affirms the validity of the costs and an appeal to the Board is not filed in a timely manner, the property owner or person in control and possession shall be liable to the County in the amount stated in the summary/billing statement or any lesser amount as determined by the Director.

6. If the costs have not been paid within 45 days of notice thereof, these costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the County, or by recording a lien against the property that is the subject of the enforcement activity.

   a. Except for liens recorded against a property (1) containing an owner-occupied residential dwelling unit or, (2) to recover costs associated with an enforcement, abatement, correction, or inspection activity regarding a violation in which the violation was evident on the plans that received a Building Permit, the amount of the proposed lien may be collected at the same time and in the same manner as property taxes are collected. All laws applicable to the levy, collection, and enforcement of ad valorem taxes shall be applicable to the proposed lien, except that if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, before the date on which the first installment of taxes would become delinquent, then the lien that would otherwise be imposed by this Section shall not attach to real property and the costs of enforcement relating to the property shall be transferred to the unsecured roll for collection.

   b. The amount of any cost shall not exceed the actual cost incurred performing the inspections and enforcement activity; the actual cost may include permit fees, fines, late charges, and

interest.

c. The owner of the property that is the subject of the enforcement activity shall be provided with written notice of the proposed lien, including a description of the basis for the costs comprising the lien, a minimum of 45 days after notice to pay the costs. The notice shall also inform the owner of the ability to appeal the imposition of the proposed lien to the Board regarding the amount of the proposed lien. The notice shall be mailed by certified mail to the last known address of the owner of the property.

d. The Board may delegate the holding of the hearing required by this Section to a hearing board designated by the Board. The hearing board may be the Housing Appeals Board established in compliance with Health and Safety Code Section 17920.5 or any other body designated by the Board. The hearing board or body shall make a written recommendation to the Board which shall include factual findings based on evidence introduced at the hearing. The Board may adopt the recommendation without further notice of hearing, or may set the matter for a de novo hearing before the Board. Notice in writing of the de novo hearing shall be provided to the owner of the property that is the subject of the enforcement activity at least 10 days before the scheduled hearing.

e. If the Board determines that the proposed lien authorized in compliance with Subsection 6.a., above shall become a lien, the Board may also cause a notice of the lien to be recorded. This lien shall attach upon recordation in the Office of the County Recorder and shall have the same force, priority, and effect as a judgment lien, not a tax lien. The notice shall, at a minimum, identify the record owner or possessor of the property, identify the last known address of the record owner or possessor, identify the date upon which the lien was created against the property, and include a description of the real property subject to the lien and the amount of the lien.

35.498.080 - Processing Fee Penalty Assessment

Any person who shall alter, construct, enlarge, erect, maintain, or move any structure, or institute a use for which a permit is required by this Development Code without first having obtained the permit, shall, if subsequently granted a permit for that structure or use, or any related structure or use on the property, first pay the additional penalty permit processing fee for after the fact authorization of development, in compliance with the Board's current Fee Resolution. Within the Coastal Zone, the additional permit processing fee shall not be construed, in any manner to be in-lieu of any penalties that may be otherwise assessed for the unpermitted development pursuant to any other section of the certified Local Coastal Program or Coastal Act.

35.498.090 - Penalty for Violations of Conditions

A. Compliance with conditions required. If any portion of a privilege authorized by a Coastal Development Permit, Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, or any other permit approved in compliance with this Development Code is utilized, the conditions of said permit shall immediately become effective and shall be strictly complied with.

B. Violation of conditions subject to penalty. The violation of any valid condition imposed by the review authority in connection with the granting of any Coastal Development Permit, Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, or any other permit approved in compliance with this Development Code, shall constitute a violation and shall be subject to the same penalties as defined in this Chapter.

DIVISION 35.10

Glossary

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CHAPTER 35.500 - DEFINITIONS

Sections:

35.500.010 - Purpose
35.500.020 - Definitions of Specialized Terms and Phrases

35.500.010 - Purpose

This Chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the County Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this Chapter, or in other provisions of the Santa Barbara County Code, the Director shall determine the correct definition utilizing the latest edition standard dictionary.

35.500.020 - Definitions of Specialized Terms and Phrases

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

A. Definitions, "A."

Abut. To physically touch or border upon; or to share a common property line.

Accessory Agricultural Structure. A structure designed and constructed primarily for storing farm implements or supplies, hay, grain, poultry, livestock, or horticultural products, that supports the agricultural use of the lot.

Accessory Residential Structure or Use. Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following attached and detached accessory structures, and other similar structures normally associated with a residential use of property. Accessory Agricultural Structures are separately defined.

artist studios	spas and hot tubs
cabañas	storage sheds
garages	swimming pools
gazebos	tennis and other onsite sport courts
greenhouses (non-commercial)	workshops
guesthouses	

Also includes the indoor storage of automobiles, personal recreational vehicles and other personal property, accessory to a residential use.

Accessory Retail or Services. The limited retail sale of various products, or the provision of certain personal services within a health care facility, hotel, or office, to employees or customers of, or visitors to the principle use. Examples of these uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, and office complexes; and barber and beauty shops within residential care facilities.

Accessory Structure. A structure located upon the same site as the structure or use to which it is accessory. The use of an accessory structure is customarily incidental, appropriate and subordinate to the use of the principal structure, or to the principal land use of the site.

Accessory Use. A use that is customarily incidental, appropriate and subordinate to the use of the principal structure, or to the principal land use of the site and that does not alter the principal use of the lot or adversely affect other properties in the vicinity.

Affordable Housing. The State defines affordable housing as housing that can be purchased or rented by households whose gross annual household income does not exceed 120 percent of area median income, adjusted for household size. Santa Barbara County expands this to include households with income up to 200 percent of area median income. This housing may be subject to a covenant or deed restriction that restricts sales price or rent for a given period of time. Certain types of housing such as homeless shelters, dormitories, farm labor camps, and housing for people with disabilities may not require price controls because they generally provide housing for a special needs group.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with County employees, committees, Commissions, and the Board, regarding matters regulated by this Development Code.

Aggrieved Person. A person who, in person or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the County of the nature of their concerns, or who for good cause was unable to do either.

Agricultural Development. An agricultural structure, practice, or operation that a) requires a building, grading, or brush-clearing permit on land designated for agriculture; b) is located on land which has had no history of cultivation; and/or c) is on land not designated for agriculture. A permit solely for plumbing or electricity shall not constitute a standard building permit.

Agricultural Employee Housing. A dwelling occupied by an agricultural employee including family members.

Agricultural Improvement. Agricultural activities or structures on agriculturally designated lands which are not subject to building, grading, or brush clearing permits. These activities and structures may be subject to special agricultural building, agricultural grading, or agricultural brush-clearing permits.

Agricultural Preserve Contract. A contract complying with the Land Conservation (Williamson) Act (Government Code Section 51200 et seq.) between the County and a landowner in which the landowner restricts development of lands devoted to agricultural uses in return for a reduction in property taxes.

Agricultural Processing. The initial processing or preparation for shipping of agricultural products produced on the same site ("on-premise products") or from other properties ("off-premise products"), for onsite marketing or for additional processing and/or packaging elsewhere. Examples of this land use include the following:

drying of corn, rice, hay, fruits and vegetables
flower growing
pre-cooling and packaging of fresh or farm-dried fruits and vegetables
sorting, grading and packing of fruits and vegetables

Does not include "wineries" which are defined separately.

Agricultural Product Sales. The sale of agricultural products, including flowers, fresh fruit, herbs, plants and vegetables, grown on the premises or other products as allowed by Section 35.421.060.B (Agricultural Product Sales) of this Development Code.

Agriculture. The production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, and the preparation for sale and marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form grown on the premises, and as allowed by Section 35.421.060.B (Agricultural Product Sales), but not including a slaughter house, fertilizer works, commercial packing or processing plant, or plant for the reduction of animal matter or any other similarly objectionable use.

Alley. A public passage or way affording generally a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Amateur Radio Station. A radio station operated in the Amateur Radio Service under license by the Federal Communications Commission.

Animal Enclosure. A structure for restricting the movement of, and/or sheltering animals. Includes corrals, paddocks, pens, etc. Barns, stables, and other similar roofed structures are also included under the definition of Agricultural Accessory Structure.

Animal Hospital. See Medical Services - Animal Hospital.

Animal Keeping. See Section 35.442.040 (Animal Keeping).

Antenna. See "Telecommunications Facility."

Antenna Envelope. See "Telecommunications Facility."

Antenna Support Structure. See "Telecommunications Facility."

Apartment. A room or suite of rooms within a building comprising an independent self-contained dwelling unit, with kitchen or cooking facilities, and a bathroom, occupied or suitable for occupation as a residence for living and sleeping purposes.

Appealable Development. In the Coastal Zone, in compliance with Public Resources Code Section 30603(a) appealable development consists of the following:

1. Development approved by the County between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, as indicated on the official County appeals zone maps.
2. Development approved by the County not included within paragraph 1., above located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, as indicated on the official County appeals zone maps or as determined by the State Lands Commission.
3. Development that is located within a sensitive coastal resource area.
4. Development authorized by the County through Conditional Use Permit approval.
5. A major public works project or a major energy facility, as defined in this glossary.

Applicant. A person who is filing an application requesting an action who:

1. Is the owner or lessee of property;
2. Has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Development Code, and who presents written authorization from the property owner to file an application with the County; or
3. Presents written authorization from the property owner to file an application with the County.

Aquaculture. The raising and harvesting of aquatic plant and animal organisms.

Arcade. A permanent roofed structure attached to a building, projecting over public property, and partially enclosed and supported by supports located on public property.

Architectural Element. A portion of a building that exceeds the height limit and extends beyond the roof of the building.

Architectural Projection. A projection not intended for occupancy and which extends beyond the face of an exterior wall or roof of a building, but not including signs.

Artisan Shop. A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the store includes an area for the crafting of the items being sold.

Artist Studio. A structure or portion of a structure used as a place of work by an artist (e.g., painter, sculptor, etc.) for the commercial production of art.

Attached Structure. A structure with at least five linear feet of wall serving as a common wall with the structure to which it is attached.

Attached Residential Second Unit. See "Residential Second Unit."

Attendant Structure. See "Accessory Structure."

Auto Wrecking Yard. See "Recycling Facility."

Awning. A roof-like structure, often made of canvas or plastic, that serves as a shelter, as over a storefront, window, door, or deck.

B. Definitions, "B."

Bank, Financial Services. Financial institutions including:

banks and trust companies
credit agencies
holding (but not primarily operating) companies
lending and thrift institutions
other investment companies
securities/commodity contract brokers and dealers
security and commodity exchanges

Does not include check cashing stores, which are instead defined under "Personal Services - Restricted."

Basement. A story partly or wholly underground. A basement shall be counted as a story if its floor-to-ceiling height is 6.5 feet or more, and more than one-half of its height is above the average level of the adjoining ground surface.

Bathroom. A room containing toilet and sink and bathing facilities.

Block. The property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersection or intercepting streets, and a railroad right-of-way, water course or other body of water.

Bluff Edge. See "Coastal Bluff Edge."

Board, or Board of Supervisors. The Board of Supervisors of the County of Santa Barbara, State of California, referred to in this Development Code as the "Board."

Boarding or Rooming House. See "Lodging."

Boat club. A club that promotes and supports yachting and boating.

Boat launching facility, accessory to approved recreation use. A facility specifically designed to assist with the ingress/egress of boats and other aquatic vehicles.

Buffer. An open area or barrier used to separate potentially incompatible activities and/or development features; for example, a required setback to separate an area of development from environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

Buffer, Stream. A designated width of land abutting a stream that protects biological productivity, water quality, and the hydrological characteristics of the stream.

Building. A structure with a roof supported by columns or walls and intended to provide shelter, housing or enclosure of persons, animals or chattel. Does not include travel trailers.

Building Coverage. The amount of land covered or permitted to be covered by buildings or structures, excluding tennis courts and unenclosed swimming pools, usually measured as a percent of a lot.

Building Official. The Building Official of the County of Santa Barbara, and/or designee of the Building Official.

Building Site. A single lot of land under one ownership occupied or intended to be occupied by a structure.

Business Support Service. A commercial use that provides services to other commercial uses. Examples

of these services include:

blueprinting
computer-related services (rental, repair)
copying and quick printing services
courier, messenger, and delivery services, small scale, without fleet vehicle storage
film processing and photofinishing (retail)
outdoor advertising services
mailing and mail box services
protective services (other than office related)
security systems services

C. Definitions, "C."

Cabaña. A building, the use of which is incidental and accessory to the use of the beach, a pool, or sports court (i.e., regulation size tennis or basketball courts), that may include bathrooms, but does not include sleeping quarters or cooking facilities.

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

California Public Utilities Commission (CPUC). The governmental agency which regulates the terms and conditions of public utilities in the State.

Campground. A site for temporary occupancy by campers, which may include individual campsites, but where utility hookups for recreational vehicles are not provided.

Canopy. A permanent roof structure that does not project over public property, which may be freestanding, attached to a building, or entirely or partly supported by a building.

Caretaker/Manger Dwelling. A permanent residence that is secondary or accessory to the principal use of the property, and used for housing a caretaker employed on the site of any non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

Cemetery. An interment establishment that provides subdivided cemetery lots and burial plots or air space for sale. May include: animal cemeteries; cemetery, mausoleum (see also definition of Mausoleum), columbarium, and crematorium facilities, and accessory chapels. Mortuaries and funeral homes are defined separately.

Centerline of Street. A line that bisects the right-of-way of a street or highway into two equal parts. The centerline of the service road of a freeway or limited access highway shall be defined as the centerline of the traveled way of such service road.

Certified Farmers Market. A location and operation where agricultural products are sold by producers or certified producers directly to consumers in compliance with the State's Direct Marketing Regulations (California Code of Regulations Section 1392 et seq.) and the provisions of this Development Code.

Certified Farmers Market, Incidental. An incidental Certified Farmer's Market is a temporary and periodic use conducted in a parking lot or other open area on the site of another principle use.

Change of Use. The replacement of an existing use on a lot or any portion of a lot, by a new use, but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged.

Charitable Function. An event or activity whose primary purpose is of a charitable or noncommercial nature.

Charitable or Philanthropic Organization. An office-type facility occupied by an organization engaged in charitable or philanthropic works serving various groups or individual persons.

Child Care. See "Day Care."

Church. See "Meeting Facility, Religious."

Civil Code. The Civil Code of the State of California.

Clinic. See "Medical Services - Clinic, Urgent Care."

Clothing store. A retail outlet designed to sell clothing and clothing accessories.

Club. An organization, group or association supported by its members, having as a primary purpose the promotion of some common objective such as literature, science, politics or fellowship, but not including organizations, groups or associations whose primary purpose is to render a service customarily carried out as a business or formed to provide housing for its members. See also Meeting Facility.

Coastal Act. The California Coastal Act of 1976, commencing with Public Resources Code Section 30000.

Coastal Bluff. A scarp or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, folding, or excavation of the land mass, having a vertical relief of 10 or more feet measured from the top edge to the toe of the steep face, and located along or adjacent to the ocean. The bluff may be a simple planar or curved surface, or it may be step-like in section. The terms "coastal bluff," "bluff face," and "sea cliff" are equivalent.

Coastal Bluff Edge. The uppermost termination of a coastal bluff. Where the bluff edge is rounded away as a result of erosional processes, the bluff edge shall be defined as that point nearest the bluff at which the downward slope gradient of the land begins to increase more or less continuously until it reaches the general slope gradient of the bluff face. In the case where there is one or more step-like features on the bluff, the landward edge of the uppermost riser shall be considered the bluff edge.

Coastal Commission. The California Coastal Commission created by and operating under the Coastal Act of 1976.

Coastal Dependent Development or Use. A development or use that requires a site on or adjacent to the sea to be able to function at all.

Coastal Dependent Recreation. Activities that require a coastal location to occur (e.g., ocean swimming, surfing, scuba diving, fishing, boating, beach activities, and nature study).

Coastal Land Use Plan (Coastal Plan). The Land Use Plan of the Santa Barbara County Local Coastal Program, including maps and text which indicate the kinds, location, and intensity of land uses and includes resource protection and development policies.

Coastal Related Development. Development that is dependent on a coastal dependent development or use.

Coastal Related Recreation. Activities that are popular in coastal locations but also occur inland, including picnicking, bicycling, walking, jogging and camping.

Coastal Zone. The land and water area within the County extending seaward to the State's outer limit of jurisdiction, including all offshore islands, and extending inland to the boundary shown on the official Coastal Zone Maps, as amended from time to time.

Commercial Vehicle. A vehicle or article of equipment used primarily in conjunction with a business, but not including vehicles or equipment used primarily in conjunction with the permitted use of land in residential or agricultural districts.

Community Apartment. A development of real property in which an undivided interest in land is coupled with the right of exclusive occupancy of a designated apartment located thereon and therein.

Community Care Facility. A state-authorized, certified, or licensed facility providing assistance for children and adults who require special care or services.

Community Center. A public meeting place where members of a community may gather for cultural, public information, social, recreational, and other purposes. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use that are typically used only by onsite employees

and clients, and occupy less floor area on the site than the offices they support (see "Offices"). Does not include: sports or other commercial entertainment facilities (see "Theater," and "Sports and Outdoor Recreation Facilities"); or convention centers (see "Conference Center"). Related onsite facilities such as day care centers and schools are separately defined, and separately regulated.

Comprehensive Plan. The Santa Barbara County Comprehensive Plan, including the Coastal Land Use Plan and all Community or Area Plans, as it may be amended by the Board of Supervisors from time to time.

Conditional Use. A use that requires a special degree of control because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the proposed site location with respect to surroundings, streets and existing improvements or demands upon public facilities. The additional control is to ensure that the particular use on the particular proposed site is compatible with other existing or permitted uses surrounding the site.

Condominium. As defined by Civil Code Section 1351, a development where undivided interest in common in a portion of real property is coupled with a separate interest in an individual unit, the boundaries of which are described on a recorded Final Map or Parcel Map.

Conference Center. A building or group of buildings with accessory land and structures, that provides conference facilities for persons assembled for study and discussion of educational, religious, economic, scientific, charitable, or governmental subjects, including music, art and drama, and shall include the necessary accessory and incidental housing, dining, classroom, and recreational facilities.

Conjunctive Use. The joint siting and use of property, structures, and/or parking for two or more non-residential land uses, where the hours of operation and demand for parking or services are such that efficiency and economy in services and land use is achieved. Typically the site is designed, and the days and hours of operation of the individual uses are collaboratively scheduled, so that a single site can serve more than one use.

Conservation or Open Space Easement. A nonpossesory interest in real property imposing limitations or affirmative obligations for the purpose of conserving, protecting, or retaining the open space values of the real property; ensuring its availability for agricultural, forest, recreational, or open space use; or protecting natural resources.

Contiguous. See "abut."

Convenience Store. A retail establishment offering for sale prepackaged food products, household items, and other goods.

Country Club, Swim and Tennis Club. A private membership recreational facility that may include swim and tennis facilities, fitness facilities, a restaurant, and related facilities. A country club may also be part of, or adjacent to a golf course.

County. The County of Santa Barbara, State of California. For the purposes of this Development Code, "County" includes the Santa Barbara County Board of Supervisors, Montecito Planning Commission, advisory agencies, appeals boards, agents, employees, and officers of Santa Barbara County.

Court. An open area other than a yard on the same lot with a building or buildings that is bounded on two or more sides by the building or buildings.

Creek Channel, Natural. A water course that has not been altered by human activity. Appears as a solid or dashed blue line on a USGS 7½-minute or 15-minute quadrangle map.

Creek, Top of Bank. The uppermost ground elevation paralleling a creek or watercourse where the gradient changes from a more defined vertical component to more horizontal.

Cultivated Agriculture, Orchard, Vineyard. Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site:

field crops	ornamental crops
flowers and seeds	tree nuts
fruits	trees and sod
grains	vegetables
melons	wine and table grapes

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, and crop processing. Does not include agricultural processing or greenhouses which are separately defined. Does not include non-commercial home gardening, which is allowed as an accessory use without County approval in all zones that otherwise allow residential uses. Activities that constitute grading are separately regulated under Chapter 14 of the County Code.

1. **Historic Legal Use.** "Cultivated Agriculture, Orchard, Vineyard - Historic Legal Use" means that there is evidence of a permitted or legal nonconforming use on the site within the previous 10-year period.

D. Definitions, "D."

Dairy. A commercial operation where three or more cows or goats are maintained to produce milk or other dairy products for sale.

Day Care, Adult. Facilities that provide non-medical care and supervision of adults for periods of less than 24 hours.

Day Care, Child. Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.

1. **Child Care Center**. Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.

   a. **Non-residential**. A child care center where group care is provided for children in a structure not used as a dwelling unit.

   b. **Non-residential, Accessory.** A child care center that is within or on the site of another use and provides child care services for occupants of the other use.

   c. **Residential.** A child care center where group care is provided in a residence for 15 or more children, including children who reside at the home.

2. **Family Day Care Home**. As defined by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

   a. **Large Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a day care facility in a one-family dwelling where an occupant of the residence provides family day care for seven to 14 children, inclusive, including children under the age of 10 years who reside in the home.

   b. **Small Family Day Care Home**. As defined by Health and Safety Code Section 1596.78, a day care facility in a one-family dwelling where an occupant of the residence provides family day care for eight or fewer children, including children under the age of 10 years who reside in the home.

Density. The maximum number of dwelling units permitted per specified area of land.

Density Bonus. Refers to the State mandated Density Bonus Program (Government Code Section 65915

et seq.) that entitles qualified housing projects to a density increase and at least one development incentive.

Department. The Santa Barbara County Planning and Development Department, referred to in this Development Code as the "Department."

Detached Structure. A structure, no part of which is attached by any means to any other structure.

Detached Residential Second Unit. See "Residential Second Unit."

Determination, Use. An action by the Montecito Commission determining and/or finding that a use not identified as a permitted use in a specific zone is similar in nature and/or character to the other permitted uses in that zone and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, traffic congestion, danger to life and property, or other similar causes, and is therefore also considered a permitted use.

Development. The definition of "Development" differs within the Coastal Zone and Inland, as follows:

1. **Coastal Zone.** On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.), and any other division of land, except where the land division is in connection with the purchase of the land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). Also includes a change in the land use of a site and/or the change in the intensity of an existing land use, and Lot Line Adjustments.
2. **Inland area.** A change made by a person to unimproved or improved real property, including the placement, the moving, construction, reconstruction, enlarging, demolition, or alteration of buildings or structures, landscaping improvements, mining, excavation, or drilling operations. Agricultural improvements as defined are not considered as development within this Development Code.

Development Code. The Santa Barbara County Montecito Land Use & Development Code, Section 35-2 of Chapter 35, Zoning, of the Santa Barbara County Code.

Dining Commons. A facility accessory to a residence hall and used primarily for preparing and serving food to residence hall occupants and which excludes service to the general public.

Director. The Director of the Santa Barbara County Planning and Development Department, including designees of the Director, referred to in this Development Code as "the Director."

Drainage Channel. A channel, either natural or manmade, that conveys water.

Drive-through Facility. A facility where customers wait in line in their vehicles to progress to a service point at which they briefly transact business from their vehicles and then leave the premises. Includes banks (motor banks, drive-through banks, drive-up banks), fast food establishments, and film deposit and pickup establishments. Does not include drive-in movies, drive-in car washes through which the vehicles do not travel on their own power, drive-in food establishments where customers do not wait in line in their vehicles for service, or gas stations.

Driveway. A private right-of-way that provides vehicular access from a public or private street to private property either abutting or adjacent to the right-of-way, or away from the right-of-way, and that is not, and under the minimum lot area requirements of this Development Code cannot be, divided into more

than four separate lots.

Driving Range. See "Golf Driving Range."

Duplex. See "Dwelling, Two-Family."

Dwelling. A room or group of rooms with interior access between all habitable rooms, including permanent provisions for living, sleeping, eating, cooking, bathing and sanitary facilities, constituting a separate and independent housekeeping unit, occupied or intended for occupancy by a family on a non-transient basis and having not more than one kitchen. Boarding or rooming houses, dormitories, and hotels are not dwellings.

Dwelling, Multiple. A building or portion of a building, designed for and occupied exclusively by three or more families, and containing three or more dwellings. Includes triplexes, apartment houses, apartment hotels, condominiums, community apartment projects, flats, rowhouses, and townhouses, but does not include organizational houses, trailer courts or camps, motels, hotels or resort type hotels.

Dwelling, One-family. A building designed for and occupied exclusively by one family and containing one dwelling. Also known as a Single Family Dwelling.

Dwelling, Two-family. A building designed for and occupied exclusively by two families, and containing two dwellings.

E. Definitions, "E."

Education or Research Facility, Limited. Limited facilities or developments for educational purposes or scientific research, (e.g., water quality monitoring stations, access roads, storage facilities).

Electrical Substation, Major. A substation that receives and transmits electric energy directly from a generating source, the primary purpose of which is to receive the energy at its transmission voltage from the generator, and to transform the energy by lowering the voltage.

Electrical Substation, Minor. A substation that receives electric energy from transmission or distribution lines at voltages below the generation voltage, and transmits the energy at voltages suitable for domestic and non-residential consumers.

Electrical Transmission Line. A line that is interconnected with other transmission lines and associated equipment for the movement or transfer of electric energy between points of supply and points at which it is transformed for delivery to customers or is delivered to other electric systems.

Emergency. A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. The definition extends to efforts by a public agency or utility performing a public service to restore, repair or maintain public works, utilities or services which have been destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency.

Emergency Shelter. A permanent supervised shelter or halfway house that provides temporary accommodations, up to 30 consecutive days and 90 days within a 12 month period, to individuals who have lost a permanent residence.

Environmental Review.

1. **Coastal Zone.** The analysis of the potential environmental effects that may result from development, performed in compliance with the provisions of the applicable zone and development standards of the certified Local Coastal Program, the California Environmental Quality Act (Public Resources Code Sec. 21000 et seq.) and the Guidelines for Implementation of the California Environmental Quality Act (Public Resources Code Sec. 15000 et seq.)

2. **Inland Area.** The analysis of the potential environmental effects that may result from development, performed in compliance with the California Environmental Quality Act (Public Resources Code Sec. 21000 et seq.), and the guidelines for Implementation of the California

Environmental Quality Act (Public Resources Code Sec. 15000 et seq.), and the County of Santa Barbara Environmental Thresholds and Guidelines Manual.

Environmentally Sensitive Habitat Area. An area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and that could be easily disturbed or degraded by human activities and developments.

Equestrian Facility. A commercial facility for the boarding of horses, donkeys and mules, and where such animals are available for hire. Examples of these facilities include:

boarding stables
horse exhibition facilities
riding schools and academies

Also includes barns, stables, corrals, and paddocks accessory and incidental to the above uses. Does not include rodeos (see "Rodeo"), or polo fields (see "Sports and Outdoor Recreation Facilities").

Existing Developed Rural Neighborhood. An area shown on the Comprehensive Plan maps within which development has occurred historically with lots smaller than those found in the surrounding Rural or Inner Rural Areas.

F. Definitions, "F."

Façade. That portion of any exterior elevation of a structure extending from grade to the eaves or the top of the parapet wall and the entire width of the structure elevation.

Family. One or more persons occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall not include a fraternal, religious, social, or business group. A family shall be deemed to include domestic servants employed by the family.

Family Day Care. See "Day Care."

Farmers' Market. See "Certified Farmers' Market."

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Feed Distribution. The storage and dispersal of animal feed for the purpose of supporting the primary onsite animal raising activities.

Fill.

1. A deposit of earth, sand, gravel, rock or any other suitable materials placed by artificial means; any act by which earth, sand, gravel, rock or any other suitable material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom.
2. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade, as measured in a vertical plane.

First Public Road Paralleling the Sea. The nearest road to the sea that is dedicated for public use to a public agency, and is in fact improved and suitable for public use. In the event a public road does not connect with other public roads, the first public road paralleling the sea shall mean the first public road that in fact connects with other public roads providing a continuous public access system paralleling the shoreline.

Fitness/Health Facility. A commercial fitness center, gymnasium, health and athletic club, which may include any of the following: climbing rocks (which may be outdoors), sauna, spa or hot tub facilities; swimming pools; indoor handball, racquetball, tennis, volleyball and other indoor sport court activities; weight rooms; outdoor volleyball courts.

Flood control. The act or technique of trying to control water with dams, berms, drainage, weirs, etc, to minimize occurrence of floods.

Flood Plain. Any land area susceptible to being inundated by water from any source, as defined within County Code Chapter 15A (Flood Plain Management) which may be amended from time to time.

Floodway. The channel of a stream, plus any adjacent flood plain area, that must be kept free of encroachment so that the 100-year flood will be accommodated without substantial increase in flood height, as defined within County Code Chapter 15A (Flood Plain Management) which may be amended from time to time. As minimum standards, the Federal Insurance Administration limits such increases in flood heights to one foot, provided that hazardous velocities are not produced.

Floodway Fringe. The area between the floodway and the boundary of the 100-year flood, and which encompasses the portion of the flood plain that could be completely obstructed without increasing the water-surface elevation of the 100-year flood more than one foot at any point, as defined within County Code Chapter 15A (Flood Plain Management) which may be amended from time to time.

Floor Area, Gross. The area included within the surrounding exterior walls of all floors or levels of a building or portion thereof, exclusive of vent shafts and unroofed courtyards, as measured to the interior surfaces of exterior walls, or from the centerline of a common or party wall separating two buildings, and including:

1. Corridors and halls;
2. Stairways;
3. Elevator shafts;
4. Closets, storage, service, utility and mechanical equipment rooms;
5. Attached garages;
6. Open or roofed porches, balconies, or porticos;
7. Roofed arcades, plazas, courts, walkways, or breezeways;
8. Permanently roofed and either partially enclosed or unenclosed, building features used for sales, service, display, storage or similar uses;
9. Basements, cellars or attic areas where the floor to ceiling height is six feet or greater and that are deemed usable by the Building Official; and
10. In residential zones, additionally all roofed porches, arcades balconies, porticos, breezeways or similar features when located above the ground floor.

The gross floor area of a structure that lacks walls shall be the area of all floors or levels included under the roofed or covered area of the structure.

Floor Area, Net. The gross floor area excluding shafts, stairways, corridors and halls, unusable attics, and unenclosed porches and balconies.

Floor Area Ratio (FAR). The net floor area of a structure, excluding basements used exclusively for storage and residential units that meet the County's definition of affordable housing, divided by the net lot area. Where there is an approved Final Development Plan, the net lot area shall be the sum of the net lot area of all lots included in the Final Development Plan.

Fraction Lot. A lot created as a result of an instrument of conveyance, in which the lot is not separately conveyed as a distinctly described parcel. Fraction lots are identified by overlaying separate legal descriptions of real property within an area of land and then making reference to the cumulative boundary lines to describe parcels derived by their intersections. Fraction lots do not include remainder lots, which result from the conveyance of a separate and distinct legal description of real property, where the described property is conveyed to a new owner and the remainder portion is retained by the seller.

Freeway. A defined by the Comprehensive Plan, a four or six lane divided arterial highway with full control of access and with grade separations at intersections. As the highest type of road facility, Freeways provide maximum service and safety for through traffic. Freeways serve as the principal arterials of the inter- and intra-state system of highways, carrying traffic between cities, traffic generators

and points of interest.

Front Line. The shortest boundary line of a lot which corresponds with a street line; the boundary lines of a through lot which corresponds with street lines shall be "front lines." When the street side boundary lines of a corner lot, are of equal or of substantially equal lengths, the front line shall be the line located on the principal (more heavily trafficked) street.

Furniture, Furnishings, and Appliance/Equipment Stores. A store that primarily sells the following products and related services, that may also provide incidental repair services:

- computers and computer equipment
- draperies
- floor coverings
- furniture
- glass and chinaware
- home appliances
- home furnishings
- home sound systems
- interior decorating materials and services
- musical instruments
- office furniture
- other household electrical and gas appliances
- outdoor furniture
- pool tables
- refrigerators
- spas, hot tubs, swimming pools, and related supplies
- stoves
- televisions

G. Definitions, "G."

Garage, Private. A building or portion thereof used or designed to be used as an accessory building for the storage of motor vehicles for use by the occupants of the same site.

Garage, Public. A building or portion thereof, except a private garage, used or designed to be used for storage and care of motor vehicles or where any such vehicles are repaired or kept for remuneration, hire or sale.

General Retail. Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include:

- antique stores
- art galleries, retail
- art supplies, including picture framing services
- artisan shop
- bicycles
- books, magazines, and newspapers
- cameras and photographic supplies
- clothing, shoes, and accessories
- collectibles (cards, coins, comics, stamps, etc.)
- department stores
- dry goods
- fabrics and sewing supplies
- florists and houseplant stores (indoor sales only - outdoor sales are “Building and Landscape Materials Sales”
- hardware (not including building or landscape materials)
- hobby materials
- jewelry
- luggage and leather goods
- musical instruments, parts and accessories
- orthopedic supplies
- records, CDs
- religious goods
- small wares
- specialty shops
- sporting goods and equipment
- stationery
- toys and games
- variety stores
- videos, DVDs, including rental

Does not include adult oriented businesses, which are separately defined and regulated under Article VIII (Sexually Oriented Business Regulations) of County Code Chapter 35.

Golf Course. A commercial or members-only facility for playing golf, with three to 18 holes, and accessory facilities and uses which may include: a clubhouse with bar and/or restaurant, locker and shower facilities; driving ranges; "pro shops" for onsite sales of golfing equipment; and golf cart repair, storage and sales facilities. Does not include driving ranges separate from golf courses or miniature golf courses unless specifically allowed.

Golf Driving Range. An area designated for hitting golf balls for practice drives. This activity is included under the definition of “Golf Course” if part of a golf course, and under the definition of “Commercial Entertainment - Outdoor” if not part of a golf course.

Government Code. The Government Code of the State of California.

Grade, Existing. The existing condition of the ground elevation of the surface of a building site at the

time of permit application, including Montecito Board of Architectural Review applications, that represents either the (1) natural grade prior to the placement of any fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade following the completion of an approved grading operation, including grading approved in conjunction with the subdivision of the site.

Grade, Finished. The level of the finished surface of the site that results from any permitted grading activities, including cut and fill of existing slopes associated with specific permit applications.

Grading. Any excavation or filling of earth or combination thereof.

Grazing. To put livestock out to feed.

Greenhouse.

1. **Greenhouse - Coastal Zone.** A structure with permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring) used for cultivation and to shade or protect plants from climatic variations. Any hothouse or plant protection structure that does not fall within the definition of shade structure or hoop structure shall be included in the definition of greenhouse.
2. **Greenhouse - Inland Area.** A facility, including hothouses, for the indoor propagation of plants, constructed with impervious and translucent roof and/or walls.

Greenhouse Related Development - Coastal Zone. Permanent development associated with and accessory to greenhouses, shade structures, and hoop structures. Greenhouse related development includes packing and shipping facilities, paved parking and driveways, and associated accessory structures (e.g., boiler rooms, storage sheds).

Grocery and Specialty Food Stores. A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the store. Includes retail bakeries, where any onsite baking is only for onsite sales.

Guesthouse. Detached living quarters of a permanent type of construction without kitchen or cooking facilities, used primarily for temporary guests of the occupants of the principal building on the lot, and not rented or otherwise used as a separate dwelling.

Guest Ranch. See "Lodging."

H. Definitions, "H."

Habitable. Space within a building that is suitable for living, sleeping, eating, cooking and which may or may not be conditioned (e.g., heated, cooled).

Habitable Room. A space intended for living, sleeping, eating, or cooking, including living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, recreation rooms, and enclosed porches suitable for year-round use. Specifically excluded are balconies, bathrooms, foyers, garages, hallways, laundries, open porches, pantries, storage closets, utility rooms, unfinished attics and basements, other unfinished spaces used for storage, and water closets.

Health Club, Spa. A fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; swimming pools; handball, racquetball, tennis, volleyball, and other sport court activities; weight rooms.

Health and Safety Code. The California Health and Safety Code.

Height Limit. The maximum allowed height of a structure as established by an imaginary surface located at the allowed number of feet above and parallel to the existing grade (see Section 35.430.080 (Height Measurement, Exceptions and Limitations)).

Heliport. A designated, marked area on the ground or on a structure where helicopters may land at any time.

Highway. See "Street."

Highway 101 Corridor. Any property shown on the Zoning Map (within 500 feet of the centerline of Highway 101 at time of adoption) in the area between the Ventura County line and Eagle Canyon.

Hillside. Land with slopes exceeding 20 percent.

Hog Ranch. A site used for the raising or keeping of more than six hogs.

Home Occupation. A commercial activity conducted entirely within the dwelling portion of a dwelling by residents of the dwelling, or conducted entirely within an artist studio by a person residing in a dwelling on the same lot.

Hoop Structure. A structure consisting of a light-weight, frame with no permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring) and an impermeable, removable covering used to protect plants grown in the soil or in containers upon the soil. Includes structures commonly known as berry hoops and hoop houses.

Hospital. See "Medical Services - Hospital."

Hostel. See "Lodging."

Hotel. See "Lodging."

Hotel, Resort. See "Lodging."

Household, or Housekeeping Unit. A person or group of persons living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

Household Pet. Animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the residents. Household pets include domestic birds, cats and dogs, fish, rabbits, rodents and snakes, but do not include horses, mules, goats, cows, hogs, or other similar size animals, or roosters or peacocks.

Human Habitation. The occasional, temporary or permanent use of a building, trailer or any motor vehicle for eating and/or sleeping quarters for any person.

I. Definitions, "I."

Illegal Sign. A sign that includes any of the following:

1. A sign installed without complying with all regulations in effect at the time of its construction or use.
2. A sign installed or maintained contrary to any applicable provision of Chapter 35.438 (Sign Standards), including a sign that was not removed at the end of an applicable amortization period.
3. A sign which is a danger to the public or is unsafe.
4. A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the County.

Improvement. An object affixed to or growing in the ground other than a structure.

Inhabited Area. Any dwelling, any other structure regularly occupied by people, or any area used by people on a regular basis.

Inland Area. All portions of the land area of Santa Barbara County located outside of the Coastal Zone.

Inland Extent of Beach. The point where a sandy beach area terminates at the base of a coastal bluff, at the edge of continuous ground covering vegetation, or continuous pavement beyond which are soil types that are not predominantly sand.

Inner Rural Area. An area shown on the Comprehensive Plan maps within which development is limited to rural uses such as agriculture and its accessory uses, mineral extraction and its accessory uses,

recreation (public or private), ranchette development, and uses of a public or quasi-public nature.

Interior Access. Unobstructed, enclosed passageways with conditioned air systems connecting habitable rooms, which are not blocked by doors that are fixed in a closed position or are capable of being fixed in a closed position by a one-way deadbolt or similar device. Access through sleeping rooms, bathrooms and garages is not considered interior access.

J. Definitions, "J."

Junk Yard. In a non-residential zone, the use of an aggregate area of 200 square feet or more for the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale. In a residential zone, the area that may be used for the storage of junk and other listed materials may not exceed 100 square feet. See County Code Chapter 19 (Junk Yard and Dumps) for definitions of "dump" and "auto wrecking yard" and the applicable permit requirements.

K. Definitions, "K."

Kennel, Animal Boarding. A facility for the grooming, keeping, boarding or maintaining of four or more dogs, four months of age or older. See also "Veterinary Clinic, Animal Hospital."

1. **Kennel, Commercial.** A kennel as defined above which may include boarding facilities, where the dogs are for other than private enjoyment of the occupants of the premises, and where boarding services are offered to the public.

2. **Kennel, Private**. A kennel as defined above where the dogs are kept for the private enjoyment of the occupants of the premises.

Kitchen. A room, all or any part of which is designed, built, equipped, maintained, used, or intended to be used for the preparation and cooking of food.

L. Definitions, "L."

Land Use Element. The Land Use Element of the Santa Barbara County Comprehensive Plan, as it may be amended from time to time.

Library. A place in which literary and artistic materials, such as books, periodicals, newspapers, pamphlets, prints and audio materials are kept for reading, reference, or lending.

Limited Concession Facility. Retail facilities that are clearly ancillary and incidental to a recreational use and that are customarily offered and available to the general public in connection with a recreational use (e.g., boat rentals, fishing supplies). May include snack bars and similar goods and services. Also includes vending machines dispensing foods when operated independently or in conjunction with such facilities.

Limited-equity Housing Cooperative. A corporation which meets the criteria of a stock cooperative as defined in this Article and which also meets the criteria of Section 33007.5 of the Health and Safety Code.

Living Area. The interior living portion of a dwelling unit including basements and attics, not including the garage or an accessory structure.

Local Coastal Program. The County's (a) Coastal Land Use Plan, (b) Development Code, (c) Zoning Map, and (d) within sensitive coastal resource areas, other implementing actions, that when taken together, meet the requirements of, and implement the provisions and policies of the Coastal Act of 1976 within the County.

Lodging.

1. **Boarding or Rooming House.** A residence or dwelling, other than a hotel, where the business of keeping boarders is generally carried on and which is held out by the owner or keeper as a place where boarders are kept.

2. **Guest Ranch.** A vacation resort, generally a farm or ranch, that derives all or part of its income

from the use of its facilities by paying visitors or guests, and provides food, lodging, and recreational activities.

3. **Hostel.** Overnight sleeping accommodations that provide supervised and inexpensive lodging for travelers, and may provide kitchen and eating facilities. Occupancy is generally of a limited duration.

4. **Hotel.** A building or group of buildings containing six or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who, for compensation, are lodged with or without meals, but not including a trailer court or camp, sanitarium, hospital, asylum, orphanage or building where persons are housed under restraint.

5. **Motel.** A transient lodging establishment containing six or more rooms with at least 25 percent of all rooms having direct access to the outside without the necessity of passing through a main lobby.

6. **Resort Hotel.** A hotel which serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.

Lot. An existing area of land under one ownership that was lawfully created as required by the Subdivision Map Act and predecessor ordinances and statutes, and local ordinances, that can lawfully be conveyed in fee as a discrete unit separate from any contiguous lot. A lot also means a lot for which a Certificate of Compliance or Conditional Certificate of Compliance has been recorded and the boundaries of which have not subsequently been altered by merger or further subdivision. Within the Coastal Zone:

1. For the purposes of this definition, “lawfully created” includes as required by the California Coastal Act, certified Local Coastal Program.

2. A Coastal Development Permit shall be required to have been issued for the lot that is the subject of the Certificate of Compliance or Conditional Certificate of Compliance if the Certificate of Compliance or Conditional Certificate of Compliance is recorded after the effective date of the Coastal Act or its predecessor initiative (unless the lot was created prior to the effective date of the Coastal Act or its predecessor initiative in compliance with the Subdivision Map Act and predecessor ordinances and statutes and local ordinances).

Lot, Corner. A lot situated at the intersection of two or more streets or bounded on two or more adjacent sides by street lines.

Lot, Flag. See "Lot, Interior."

Lot, Interior. A lot that (1) has no street frontage or (2) the street frontage is less than 40 feet in width and the lot was not created by a subdivision resulting in five or more lots.

Lot, Key. A lot the side line of which abuts the rear line of one or more adjoining lots.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

Lot Area, Gross. The area included within the boundaries of the lot as described in the latest recorded deed to the lot or as shown on the recorded lot or subdivision map creating the lot, inclusive of any portion so described or mapped, lying within a public or private street, but excluding any portion lying seaward of the mean high tide line.

Lot Area, Net. The gross lot area excluding any area lying within a public street which is defined as a permanently reserved right-of-way which has been dedicated to the County.

Lot Depth. The average distance between the front or street line and the rear lot line or between the front lot line and intersection of the two side lot lines if there should be no rear lot line.

Lot Frontage. The length of the front line measured at the street right-of-way line.

Lot Line. The lines forming the boundaries of a lot that distinguish it from other lots.

Lot Width, Gross. The average distance between the side lot lines, measured at right angles to the lot depth, including any area lying within a public street which is defined as a permanently reserved right-of-way which has been dedicated to the County of Santa Barbara.

Lot Width, Net. The average distance between the side lot lines, measured at right angles to the lot depth, excluding any area lying within a public street which is defined as a permanently reserved right-of-way which has been dedicated to the County.

M. Definitions, "M."

Major Public Works Project and Major Energy Facility - Coastal Zone. A public works project or energy facility exceeding $50,000 in estimated cost of construction.

Map Act. The California Subdivision Map Act, Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

Marquee. A permanent roofed structure, not including an arcade, attached to and supported by the building and projecting over public property.

Mausoleum. A large stately tomb or a building housing such a tomb or several tombs.

Mean High Tide Line. The high water mark of the ocean, which is an ambulatory line varying over time as a result of climatic and other influences. The line is the normal or average inland extent of tidal influence.

Medical Services - Animal Hospital. A facility specifically designed for the medical or surgical treatment of animals or pets where all of the animals are taken in from off the premises and where the boarding of animals is limited to short-term care incidental to the hospital.

Medical Services - Clinic, Urgent Care. A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

medical offices	urgent care facilities
out-patient care facilities	other allied health services

These facilities may also include accessory medical laboratories, and limited fabrication activities as in the case of a dentist office or an optometrist. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

Medical Services - Doctor Office. A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis (e.g., chiropractors, medical doctors, psychiatrists, physical therapists). These facilities may also include accessory medical laboratories, and limited fabrication activities as in the case of a dentist office or an optometrist. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

Medical Services - Extended Care. Residential facilities providing nursing and health-related care as a primary use with in-patient beds. These facilities may also include accessory medical laboratories, and limited fabrication activities. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care."

Medical Services - Hospital. Hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include onsite accessory clinics and laboratories, accessory retail uses and emergency heliports, and onsite ambulance dispatch facilities.

Medical Services - Laboratory. Non-research facilities for the testing of blood and tissue samples for medical diagnoses, and for the fabrication of dental prosthetics and eyeglasses. Does not include laboratories for medical research.

Meeting Facility, Public or Private. A facility for public or private meetings, including religious institutions, civic and private auditoriums, grange halls, union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another use that are typically used only by onsite employees and clients, and occupy less floor area on the site than the offices they support (see "Offices"). Does not include: conference centers, community centers (see "Community Center"), sports or commercial facilities (see "Theater," and "Sports and Outdoor Entertainment Facilities"). Related onsite facilities such as day care centers and schools are separately defined, and separately regulated.

Meeting Facility, Religious. A meeting facility for a religious institution as identified in "Meeting Facility, Public or Private," above, that is restricted to religious institutions only in response to the specific requirements of a particular zone (i.e., AG-I in the Coastal Zone allows religious meeting facilities but not clubs).

Mello-Roos District. Districts that raise funds from property owners within a given area in order to provide public improvements in that area. Similar to assessment districts, their enabling legislation is the Mello-Roos Community Facility Act of 1982, Government Code Section 55311 et seq.

Mining. The extraction of mineral resources through surface or underground mining operations, including the following:

1. **Surface Mining.** Excavation and quarrying operations to obtain building and construction materials including diatomaceous earth, including all of the following components. The following terms and phrases are defined for the purposes of Section 35.472.160 (Reclamation and Surface Mining Permits).

   a. **Haul road.** A road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.

   b. **Idle.** To curtail for a period of 12 months or more surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date. (See SMARA, Section 2727.1)

   c. **Mined Lands**. Includes the surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools or other materials or property that result from, or are used in, surface mining operations are located. Mined lands include all lands affected by a mining operation.

   d. **Minerals**. A naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including bituminous rock, but excluding coal, geothermal resources, natural gas, peat, and petroleum. (See State Regulations, Section 3501). For the purposes of this Development Code, minerals shall also include: decorative stone, diatomaceous earth, flagstone, gravel, limestone, rip-rap, sand, and shale.

   e. **Mining Waste.** The residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

   f. **Operator**. A person who is engaged in surface mining operations, or who contracts with others to conduct operations on their behalf, except a person who is engaged in surface

mining operations as an employee with wages as their sole compensation.

g. **Overburden.** Rock, soil, or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations. (See SMARA, Section 2732)

h. **Reclamation.** The combined process of land treatment that minimizes air pollution, damage to aquatic or wildlife habitat, erosion, flooding, water degradation, and other adverse effects from mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures. (See SMARA, Section 2733)

i. **Surface Mining Operations.** All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging, and quarrying, or surface work incidental to an underground mine. Surface mining operations include:

(1) In place distillation, leaching, or retorting;

(2) The production and disposal of mining waste(s); and

(3) Prospecting and exploratory activities. (See SMARA, Section 2735)

Surface mining operations also include the creation of borrow pits, segregation, streambed skimming, and the stockpiling and recovery of mined materials (and recovery of same). (See State Regulations, Section 3501)

2. **Underground Mining.** Mining operations where minerals are extracted using shafts and/or tunnels.

Mixed Use Development, Residential Component. Dwellings associated with mixed use project.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Mobile Home Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, which is designed and equipped to contain not more than two dwelling units with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. For the purposes of this Development Code, a mobile home on a permanent foundation is considered a structure.

Mobile Home Park. An area or tract of land where two or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies. A mobile home park may include community rooms and recreation areas for use by residents only.

Modular Home. A dwelling unit constructed in whole or in part of prefabricated material or components to be assembled onsite and affixed to a permanent foundation, subject to the requirements of the Uniform Building Code.

Monastery. A residential facility operated by a religious organization that provides permanent or long-term housing for members of the organization, with group facilities for dining.

Montecito Community Plan. That portion of the County located within the boundaries of the Montecito Community Plan area as shown on the Montecito Community Plan Land Use Map.

Montecito Planning Commission. The Santa Barbara County Montecito Planning Commission, referred to in this Development Code as the "Montecito Commission."

Mortuary, Funeral Home. Funeral homes and parlors, where deceased are prepared for burial or

cremation, funeral services may be conducted, and cremation services (and a crematorium) may occur.

Motel. See "Lodging."

Museum. A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.

Music recording studio. A studio where audio materials are recorded.

N. Definitions, "N."

Natural Creek Channel. See "Creek Channel, Natural."

Noise Sensitive Use. Noise-sensitive land uses include:

1. Residential, including single and multifamily dwellings, mobile home parks, dormitories, and similar uses.
2. Transient lodging, including hotels, motels, and similar uses.
3. Hospitals, nursing homes, convalescent hospitals, and other facilities for long-term medical care.
4. Public or private educational facilities, libraries, churches, and places of public assembly.

Nonconforming Lot. A lot the area, dimensions or location of which was lawful prior to the effective date of this Development Code or any amendments, or previously adopted County Zoning Ordinances, and that does not conform to the present regulations of this Development Code.

Nonconforming Sign. An advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Development Code, but does not now completely comply with current regulations, provided that the applicable amortization period has not expired.

Nonconforming Structure. A structure that was lawful prior to the effective date of this Development Code or any amendments, or previously adopted County Zoning Ordinances, and that does not conform to the present regulations of this Development Code, including height, location, lot coverage or setbacks.

Nonconforming Use. A use of land or structure that was lawful prior to the effective date of this Development Code or any amendment, or previously adopted County Ordinances, and that does not conform to the present regulations on use of this Development Code, including:

1. A land use established where the use is not identified as a permitted use by the zone applicable to the lot on which the use is located;
2. A land use that is identified as a permitted use by the zone applicable to the lot on which the use is located but is not allowable on the particular site because of planning area standards of a Community and Area Plan Overlay;
3. A land use that was lawfully established without the planning permit or other entitlement (e.g., Conditional Use Permit, Development Plan) now required by this Development Code;
4. A land use that is operated or conducted in a manner that does not now conform with the standards of this Development Code, including floor area ratios, minimum site area, limitations on use, or location criteria; or
5. A residential use that exceeds the number of dwelling units or bedrooms allowed on the lot by this Development Code.

Non-ionizing Electromagnetic Radiation. Electromagnetic radiation occurring primarily in the visible, infrared, and radio-frequency portions of the electromagnetic spectrum.

Notice to Property Owner. A notarized, legal document required by the County, to be completed and recorded against the property by the property owner as part of a permit approval process and/or in conjunction with correction of a zoning violation. The purpose of the notice is to document specific

conditions and/or restrictions that apply to a particular property and its improvements.

O. Definitions, "O."

Office. This Development Code distinguishes between the following types of offices. These do not include medical offices (see "Medical Service - Clinic, Laboratory, Urgent Care," and "Medical Service - Doctor Office").

1. **Accessory.** Office facilities for administration, and/or onsite business and operations management, that are incidental and accessory to another business, sales, and/or service activity that is the primary use.

2. **Business/Service**. Establishments providing direct services to customers. Examples of these uses include bail bond services, elected official satellite offices, employment agencies, insurance agent offices, realtor offices, travel agencies, utility company offices, vehicle sales offices with no vehicles for sale onsite, etc. This use does not include "Bank, Financial Services," which is separately defined.

3. **Professional and Administrative.** Office-type facilities occupied by businesses that provide professional services and/or engaged in the production of intellectual property. Examples of these uses include:

   accounting, auditing and bookkeeping services
   advertising agencies
   answering services
   attorneys
   business associations, chambers of commerce
   commercial art and design services
   construction contractors (office facilities only)
   counseling services
   court reporting services
   detective agencies and similar services
   design services including architecture, engineering, landscape architecture, urban planning
   educational, scientific and research organizations
   financial management and investment counseling
   literary and talent agencies
   management and public relations services
   media postproduction services
   news services
   photographers and photography studios
   political campaign headquarters
   psychologists
   secretarial, stenographic, word processing, and temporary clerical employee services
   security and commodity brokers
   writers and artists offices

4. **Temporary.** A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary onsite real estate office for a development project; or a temporary business office in advance of permanent facility construction.

5. **Temporary Real Estate.** The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

Office-Supporting Retail. A retail store or branch bank that carries one or more types of merchandise that will typically be of frequent interest to and/or needed by the various businesses listed under the definition of "Office," and/or the employees of those businesses. Examples of these types of stores include:

   branch banks
   book store
   computer equipment stores
   convenience store
   florists, flower stands
   newsstands, newspapers and magazine stores
   office supplies, stationery store
   pharmacy, drug store
   photographic supplies and camera store

One Ownership. The ownership or possession of property under a contract to purchase, or under a lease, in any manner whereby the property is under a single or unified control, including ownership of property by a person, firm, partnership, association, corporation, company, syndicate, estate, trust, or organization of any kind.

Open Space.

1. **Public Open Space**. Public open space includes public parks, recreational support facilities (e.g., restrooms, stairways, picnic tables), public parking lots, beaches, access corridors such as bike paths, hiking, or equestrian trails, usable natural areas, and vista points that are accessible to members of the general public. Environmentally sensitive habitat areas and archaeological sites may be included in public open space. Water bodies such as streams, ponds, and lakes may be included in public open space only if available for active recreational purposes (e.g., swimming, boating, fishing) but in no case shall water bodies be credited for more than five percent of the total public open space requirement. Public open space shall not include areas which are unusable for recreational purposes (e.g., private or public streets, private parking lots, hazardous areas such as steep slopes and bluff faces).

2. **Common Open Space.** Common open space includes recreational areas and facilities for the use of the residents or guests of a development. These areas and facilities include tennis courts, swimming pools, playgrounds, community gardens, landscaped areas for common use, or other open areas of the site needed for the protection of the habitat, archaeological, scenic, or other resources. Water bodies may be included but shall not be credited for more than five percent of the total common open space requirement. Common open space shall not include driveways, public or private streets, parking lots, private patios and yards, other developed areas or hard surfaced walkways.

3. **Private Open Space.** Private open space includes patios, decks, and yards for the private use of the residents of individual dwelling units.

Organizational House. A residential lodging facility operated by a membership organization for its members and not open to the general public. Includes fraternity and sorority houses, student dormitories, convents, monasteries, and religious residential retreats.

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

P. Definitions, "P."

Parcel. See "Lot."

Park, Playground. An area of land set aside for private or public use, maintained for recreational and ornamental purposes.

Parking Lot. An off-street area, usually surfaced and improved, for the temporary storage of five or more vehicles.

Parking Space. A space designed and reserved for the parking of vehicles, including all necessary maneuvering space, as provided elsewhere in this Development Code.

Peak Parking Period. The two hour period within seven consecutive days with the highest calculated parking demand for a single site.

Parking, Tandem. The arrangement of not more than two parking spaces in depth, wherein one space is located directly in front of another space, such that it is necessary to pass through one space in order to enter or leave the other space, see Figure10-1 (Tandem Parking).

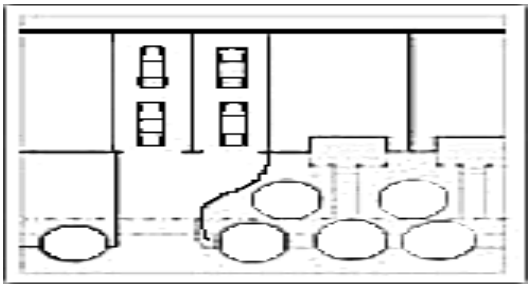

Figure 10-1 - Tandem Parking

Perimeter Lighting. A subdued method of illuminating a sign without illuminating the area outside of the sign, see Figure 10-2 (Perimeter Lighting).

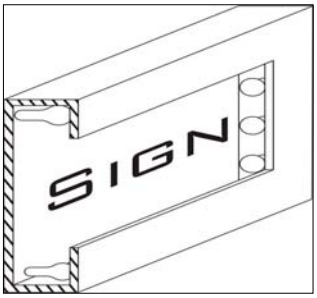

Figure 10-2 - Perimeter Lighting

Person. An individual, organization, partnership, or other business association, corporation, or entity, including any utility, and any federal, state, local government, or special district or any agency thereof.

Personal Services. Establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

barber and beauty shops
clothing rental
dry cleaning pick-up stores, not exceeding 2,000 sf
home electronics and small appliance repair
laundromats (self-service laundries)
locksmiths
massage (licensed, therapeutic)
pet grooming with no boarding
shoe repair shops
tailors
tanning salons

These uses may also include accessory retail sales of products related to the services provided.

Planning and Development Department. The Santa Barbara County Planning and Development Department referred to in this Development Code as the "Department."

Planning Permit. A generic term which means any permit or other entitlement authorized by this Development Code including the following: Coastal Development Permit, Conditional Use Permit, Development Plan, Land Use Permit, Modification, Sign Certificate of Conformance, Variance.

Premises. The area of land in one ownership surrounding a house or building.

Prime Agricultural Lands. Prime agricultural lands include any of the following.

1. All land that qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classifications.
2. Land that qualifies for rating 80 through 100 in the Storie Index Rating.
3. Land that supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.
4. Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than $200 per acre.
5. Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than $200 per acre for three of the previous five years.

Principal Dwelling. A detached dwelling that is the principal residential use of the lot.

Principal Structure. A structure in which the principal use of its lot is conducted. In any residential or agricultural zone a dwelling shall be deemed to be the principal structure on the lot on which it is situated.

Private Residential Recreation Facility. A privately-owned, non-commercial recreation facility provided for residential project or neighborhood residents, including outdoor facilities such as swimming pools, swim and tennis clubs, park and sport court facilities, and indoor facilities (e.g., recreation rooms). Does not include golf courses and country clubs, which are separately defined.

Private Services.

1. All production, storage, transmission, treatment and recovery facilities for water, sewerage, energy and other similar utilities and facilities owned or operated by any business organization, person or private entity.
2. All private transportation facilities, including streets, roads and other related facilities.

Project. Any activity governed to any extent by this Development Code that involves the issuance, by one or more agencies governed by the Board, of a permit, license, certificate, or other entitlement for use. The term "project" generally refers to the whole of an activity that may be subject to more than one entitlement for use issued by one or more public agencies. However, the term "project" may refer to any specific action or activity which is part of a larger undertaking, depending upon the context in which the term "project" may be specifically used in this Development Code. See also Public Resources Code Section 21065(c); and Government Code Section 65931.

Public Property. Property owned by the government.

Public Safety Facility. A facility that houses public safety personnel and equipment, (e.g., police, fire, paramedics). Facility may include kitchens, sleeping accommodations, areas for equipment maintenance.

Public Works and Utilities. Public works and utilities include all of the following:

1. Production, storage, transmission, treatment and recovery facilities for water, sewerage, energy, telephone, and other similar utilities and facilities owned or operated by any public agency or by any utility that is subject to the jurisdiction of the Public Utilities Commission.
2. Operating bases and service centers for public utilities, including facilities from which maintenance and repair services are dispatched to utility service lines and other facilities operated by the public works or public utility, including equipment and materials storage. Also includes facilities serving as junction points for transferring a utility commodity from a regional transmission system to a local distribution system, including facilities for natural gas distribution.
3. Any of the following facilities that are not exempted from planning permit requirements by Government Code Section 53091, except electrical substations, which are separately defined, and : office or customer service centers (classified in "Offices").

   corporation and maintenance yards
   natural gas regulating and distribution facilities
   public water system wells, treatment plants and storage
   telephone switching facilities
   wastewater treatment plants, settling ponds and disposal field

4. Publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
5. Community college facilities within the Coastal Zone.

Public Works or Private Service Facility. A base facility from which maintenance and repair services are dispatched to utility service lines and other facilities operated by the public works or private service entity. Includes equipment and materials storage, and "corporation" yards.

Public Works, Transportation Related. All public transportation facilities, including streets, roads, highways, bridges, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, trolley wires, and other related facilities financed and owned by the government.

Q. Definitions, "Q." No specialized terms beginning with the letter "Q" are defined at this time.

R. Definitions, "R."

Railroad. A permanent road that has a line of rails, fixed to ties and laid on a roadbed, for the purpose of providing a track for cars and equipment moved by locomotives or propelled by self-contained motors. The general categories of lines include.

1. **Main Line.** A main line provides for the long-distance intercity and interstate movement of trains.
2. **Branch Line.** A branch line generally connects cities, military bases, and commercial/industrial areas to the mainline.
3. **Spur Line.** A spur line connects specific entities, such as a factory, refinery, warehouse, or lumber yard to the branch line or main line.
4. **Siding or Turn-out.** A section of railroad track used to allow the safe passage of trains, switching or rail cars, or parking of trains.

Railroads may include bridges, underpasses, overpasses, tunnels, signals and other accessory facilities and structures that are attendant to road facilities.

Recreational Vehicle. A motor home, travel trailer, camper or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy. Within the Inland area the living area is restricted to less than 220 square feet excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath and toilet rooms. Recreation vehicle shall also include trailer-borne boats.

Recreational Vehicle Accommodations. Any facilities intended to accommodate recreational vehicles, including parking spaces, septic disposal, water, electrical, propane, and liquefied petroleum gas.

Recycling Facility. A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.

1. **Small Collection Center.** A center where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable zone:
   a. Reverse vending machines;
   b. Small collection facilities which occupy an area of 350 square feet or less and may include a mobile unit;
2. **Specialized Materials Collection Center.** A center that provides for the collection of non-ferrous metals, high-temperature alloys, exotic and precious metals, and other similar materials, in addition to household recyclable materials.

Religious Institution. Religious institutions include, churches, mosques, synagogues, etc., and functionally related facilities such as kitchens, multi-purpose rooms, and storage.

Reservoir. A natural or artificial pond or lake used for the storage and regulation of water.

Residence Hall. A boarding house or lodging house, or combination thereof, used primarily for the purpose of providing facilities for student housing, but excluding fraternity or sorority house.

Residential Second Unit. 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.

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 that is not attached to the principal

dwelling by a common wall.

Residential Structure. A structure containing one or more dwelling units, except for a mixed use building.

Resort. See "Lodging - Resort Hotel."

Restaurant, Café, Coffee Shop. A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption ("counter service"); and establishments where customers are served food at their tables for on-premise consumption ("table service"), that may also provide food for take-out. Either may include indoor and outdoor eating areas.

Restroom. A room that may contain a toilet and washbasin but shall specifically exclude any type of bathing facilities.

Retreat. A building or group of buildings with appurtenant land and structures used for the purpose of providing facilities for groups assembled for discussion, study, and recreation. See Section 35.442.170 (Rural Recreation).

Review Authority. The individual or official County body (Montecito Board of Architectural Review, the Planning Director, Montecito Planning Commission, or Board of Supervisors) identified by this Development Code as having the responsibility and authority to review, and approve or disapprove the permit applications described in Division 35.7 (Montecito Planning Permit Procedures).

Right-of-Way Line. The recorded boundary of a public or private street or the existing or planned boundary of a public street as indicated in the Comprehensive Plan.

Riparian Vegetation. Vegetation normally found along the banks and beds of streams, creeks, and rivers.

Road. See “Street.” The following terms as they are used in Chapter 35.460 (Road Naming and Address Numbering) shall be defined as follows:

1. **Road, continuous**. Two or more road segments within sight of one another at an intersection with its centerlines offset by less than 100 feet or with an interior angle of intersection greater than 110 degrees.
2. **Road, private.** A street which is not a public road and does not meet the definition of a driveway.
3. **Road, public.** All existing Federal, State, and County public roads and all public streets acquired in the future where the area within the right-of-way is held either in fee or as an easement by Federal, State, or County government.
4. **Road segment.** A linear section of road being added to the address numbering system, or a section that stands as a separate or non-continuous road.

Rodeos. A public or private competition or exhibition in which skills such as riding and roping are displayed.

Rooming House. See "Lodging".

Rural Area. An area shown on the Comprehensive Plan maps.

Rural Recreation. Low intensity recreational uses including campgrounds with minimum facilities (not including accommodations for recreational vehicles), hunting clubs, retreats, and summer camps.

S. Definitions, "S."

Sanitarium. A health retreat, boarding house, hospice or other place for the treatment of disease or care of invalids.

School. A public or private academic educational institution, examples include:

boarding school
community college, college, or university
elementary, middle, and junior high schools
high school
military academy

Sea. The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

Sea Wall. Structures, sand or other materials placed adjacent to the sea to reduce or eliminate upland damage from wave action or flooding during storms.

Secondary Use. A land use subordinate or accessory to a principal land use.

Seismic Retrofit. An alteration to the structural elements of a structure for the purposes of resisting earthquake forces.

Service Station. A retail business supplying goods and services generally required in the normal operation and maintenance of automotive vehicles and to the fulfilling of motorists needs. These include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories and replacement items, washing and lubrication services, the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products. Major motor repairs, painting and body and fender work and mechanical car wash are excluded. Incidental products and services may include non-auto related items such as refreshments provided the floor area devoted to these items is no greater than 100 square feet.

Setback. The minimum required distance that a structure must be located away from any property line of the lot on which it is located or street center line or right-of-way line or easement boundary, to provide an open yard area which is unoccupied and unobstructed from the ground upward except as specifically allowed for in this Development Code.

Setback, Front. An open yard area extending across the front of a lot between the side lot lines, the depth of which is the required minimum setback distance as measured perpendicularly between the front lot line and a line parallel thereto on the lot.

1. **Primary Front.** On a corner lot less than 100 feet in width, the primary front setback is the setback which is adjacent to the front line of the lot.
2. **Secondary Front.** On a corner lot less than 100 feet in width, the secondary front setback is the front setback which is not the primary front.

Setback, Rear. An open yard area located opposite the front line and extending across the rear of the lot between the side lot lines, the depth of which is the required minimum setback distance as measured perpendicularly between the rear lot line and a line parallel thereto on the lot.

Setback, Side. An open yard area extending between the front setback and the rear setback, the width of which is the required minimum setback distance as measured perpendicularly between the side lot lines and a line parallel thereto on the lot.

Sewage Treatment Facilities - Central Plant. Central plant facilities for sewage treatment, including wastewater treatment plants, wastewater package plants, reclamation facilities and other similar facilities, proposed to serve 200 or more connections.

Shade Structure. A structure consisting of a frame with no permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring, etc.) and a dark, permeable, removable covering (e.g. netting) used to shade plants grown in the soil or in containers upon the soil.

Shopping Center. A retail commercial center, or group of retail commercial enterprises, planned, developed, managed, and maintained as a unit; with common off-street parking provided to serve all uses on the property.

Sign. A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to otherwise provide information, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. Types of signs include the following:

1. **A-Board Sign.** A portable "a-frame" or "sandwich board" sign, see Figure 10-3 - A-Board Sign, below.

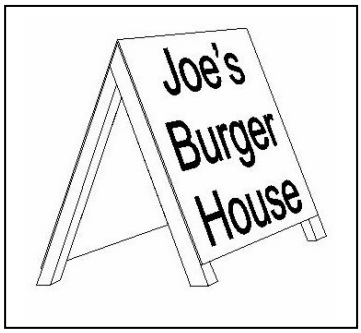

Figure 10-3 - A-Board Sign

2. **Abandoned Sign.** A sign that no longer advertises a business, lessor, owner, product, service or activity on the premises where the sign is displayed.
3. **Animated or Moving Sign.** A sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
4. **Arcade Sign.** A sign located on the exterior of the arcade facing the street which does not extend above or below the arcade structure.
5. **Awning Sign.** A sign copy or logo attached to or painted on an awning.
6. **Banner, Flag, or Pennant.** Cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to a structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of California, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized non-commercial organizations.
7. **Bench Sign.** Copy painted on a portion of a bench.
8. **Business Sign or Structure.** Any sign or structure designed, intended or used for advertising the particular business, product or service located or sold on the same premises as that on which the sign or structure is located.
9. **Cabinet (Can) Sign.** A sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet that contains the lighting fixtures which illuminate the sign face from behind.
10. **Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.
11. **Combination Farm Sign.** A sign used for the purpose of identifying the owner or operator of a farm and the product produced on the farm, which sign may also incidentally identify the contract buyer of the product (e.g., Calavo).
12. **Construction Sign.** A temporary sign placed at a construction site that provides information regarding the project architect, owner, contractors, etc.

13. **Directional and Informational Sign.** A sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project site.

14. **Directory Sign.** A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.

15. **Double-Faced Sign.** A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes located within 24 inches of each other.

16. **Educational Sign.** A sign located in a public park and along trails and walkways that provides facts and information about the natural environment (e.g., names and origins of plants; names of animals and descriptions of their habitat and behavior; names and characteristics of geological features).

17. **Electronic Reader Board Sign.** A sign with a fixed or changing display composed of a series of lights, but not including time and temperature displays.

18. **Farm Organization Sign.** A sign used only for the purpose of indicating membership in a farm organization, such as Cattlemen's Association, 4-H Club, Farm Bureau.

19. **Flashing Sign.** An animated sign that contains an intermittent or sequential flashing light source.

20. **Freestanding Sign.** A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign. Includes monument signs and pole signs and the following:

    a. **Entrance/Exit Sign.** A sign containing only the words "entrance" or "exit."

    b. **Gate or Entrance Sign.** A sign attached to an entrance gate or entrance structure to a residential building site or residential subdivision which identifies the site or subdivision.

    c. **Identification Sign.** A sign used only for the purpose of identifying the occupancy of a building, structure, or property.

    d. **Monument Sign.** An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.

21. **Indirectly Illuminated Sign.** A sign whose light source is external to the sign and which casts its light onto the sign from a distance; or where the light source is behind an opaque sign element and causes the opaque element to be outlined by light reflected from the surface to which the sign is mounted.

22. **Institutional Sign.** A sign used only for the purpose of identifying an established organization or foundation, typically of a public character (e.g., school, hospital, museum, lodge).

23. **Internally Illuminated Sign.** A sign whose light source is located in the interior of the sign so that light passes through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.

24. **Marquee (Canopy) Sign.** A sign attached to or constructed in a marquee.

25. **Menu Board Sign.** A sign that is either affixed to a wall or freestanding, which may be illuminated, which indicates information that is essential for the efficient intake of orders from customers of a drive-through restaurant.

26 **Multi-Tenant Sign.** See “Directory Sign.”

27. **Multiple Copy Sign.** A sign which advertises other than the name of the business and principal product or service, see Figure 10-3 (Multiple Copy Sign), below.

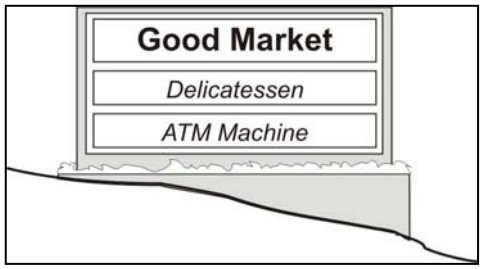

Figure 10-3 - Multiple Copy Sign

28. **Onsite Sign.** A sign containing copy relating only to the business, product, service, or activity conducted or sold on the same premises as that on which the sign is located. Sometimes also known as "business sign."

29. **Permanent Sign.** A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

30. **Political or Social Issue Sign.** A sign that addresses:

    a. The passage or defeat of a measure appearing on the ballot in any national, state, or local election;

    b. The election or defeat of any candidate for any public office in any national, state, or local election; or

    c. An international, national, state, or local political or social issue.

31. **Pole/Pylon Sign.** An elevated freestanding sign typically supported by one or two poles or columns.

32. **Portable Sign**. A sign that is not permanently affixed to a structure or the ground.

33. **Projecting Sign.** A sign mounted on the façade or vertical surface of a structure in such a manner that all of the display surfaces are not parallel to the supporting surface.

34. **Real Estate Sign.** A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.

35. **Roof Sign.** A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof. Signs mounted on parapet walls are not considered roof signs. Signs which are on pylons or other architectural projections and extend more than six inches above a roof or parapet wall are, for the purpose of this Development Code, roof signs.

36. **Safety Sign.** A sign warning of hazards.

37. **Security Sign.** A sign used for the purpose of indicating the presence of security devices, use of surveillance cameras for security purposes, or electronic warning systems.

38. **Subdivision Directional Sign.** A sign that provides directions to a new subdivision with onsite model homes and/or sales office, where lots and/or housing units are, or will be for sale.

39. **Temporary Sign.** A temporary sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.

40. **Time and Temperature Sign.** See “Changeable Copy Sign.”

41. **Trail Marker Sign.** A sign designed and intended to mark a public trail/path system used by equestrians, pedestrians, and cyclists using nonmotorized vehicles.

42. **Under Canopy Sign.** A sign attached to the underside of a canopy.

43. **Vehicle Sign.** A sign which is attached to or painted on a vehicle which is parked onsite or off-site,

the principal purpose of which is to attract attention to a product sold or business.

44. **Wall Sign.** A sign affixed in any manner to any exterior wall of a building and which is parallel to and projects not more than 18 inches from the building wall and which does not extend more than six inches above the parapet wall or roof of the building on which it is located. Signs which are on architectural projections which do not extend more than six inches above the roof or parapet wall of the building are, for the purpose of this Development Code, wall signs.

45. **Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within three feet of the window.

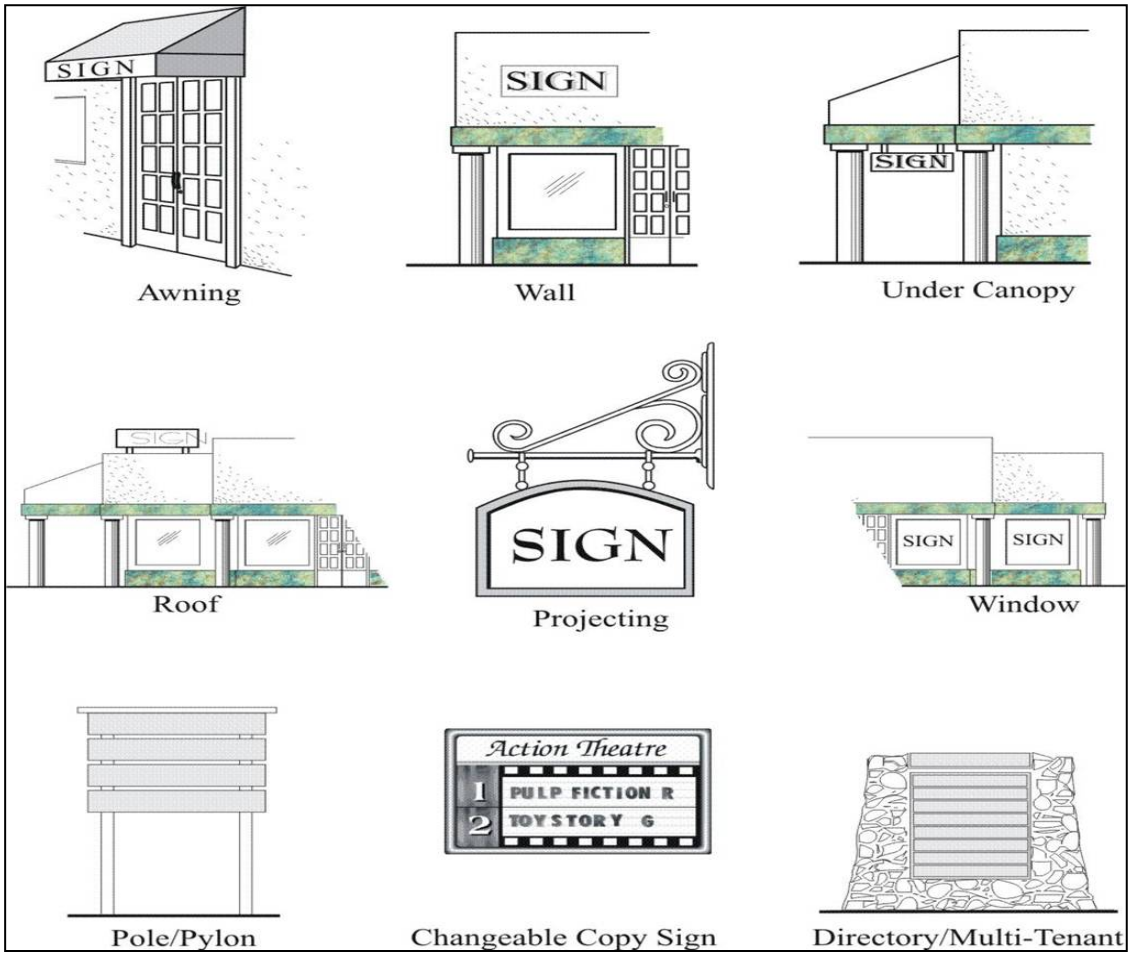

Figure 10-4 - Sign Examples

Sign Structure. A structure that supports or is capable of supporting any sign as defined in this Development Code.

Single Room Occupancy. A multi-unit residential use where occupants share common kitchen and bathroom facilities.

Site. A lot or adjoining lots, considered a unit for the purposes of development or other use.

Spa. A business establishment with equipment and facilities for exercising and personal care treatments including depilation, facials, massages, pedicures.

Spa, Natural. Unique natural mineral springs at or in the immediate vicinity of their source as designated on the Comprehensive Plan, when developed for therapeutic use as mineral baths. A spa may include day

use accommodations and food service as accessory to the therapeutic use.

Special Care Home. A residential home providing 24-hour non-medical care and supervision that is eligible for a license for a capacity of seven or more clients from the State Department of Social Services, Community Care Licensing Division or a licensing agency authorized by the Department as a "Group Home-Children," "Transitional Home, including substance abuse recovery," "Adult Residential Home," "Residential Care Facility for the Elderly or Handicapped," or "Foster Home."

Special District. A public agency other than a city or county, formed in compliance with general law or special act for the local performance of governmental or proprietary functions within limited boundaries. Includes a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting the area.

Sports and Outdoor Recreation Facility. Public and private facilities for various outdoor sports and other types of recreation, were the facilities are oriented more toward participants than spectators. Examples include:

athletic/sport fields (e.g., baseball, football, polo, softball, soccer)
health and athletic club outdoor facilities
skateboard parks
swimming pools
tennis and other sport courts (e.g., handball, squash)

Sports and Outdoor Recreation Facility, Accessory. A sports and outdoor recreation facility accessory to the principle use.

Stable, Private. An accessory building in which horses are kept for private use and not for remuneration, hire or sale.

Stable, Public. An accessory building in which horses are kept for commercial use including riding, training, boarding, hire, and sale. See also “Equestrian Facility.”

State. The State of California.

Stock Cooperative. A corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock or membership certificate in the corporation held by the persons having such right of occupancy. The term "stock cooperative" does not include a limited-equity housing cooperative, as defined in this Chapter.

Storage - Accessory. The indoor storage of materials accessory and incidental to a principal use is not considered a land use separate from the principal use.

Storage - Outdoor. The storage of various materials outside of a structure either as an accessory or principal use.

Story. The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above.

Stream. Within the Coastal Zone, watercourses, including major and minor streams, drainage ways and small lakes, ponds and marshy areas through which streams pass. Coastal wetlands are not included.

1. **Major Stream.** A stream with a drainage area in excess of 500 acres.
2. **Minor Stream.** A stream with a drainage area of 500 acres or less.
3. **Stream Corridor.** A stream and its minimum prescribed buffer strip.

Street. A permanently reserved, public or private right-of-way, not including alleys or driveways, that provides the public a principal means of vehicular access to abutting or adjacent property. The service or frontage road of a freeway or limited access highway shall be considered as a street separate from the freeway or highway.

Street Frontage. The portion of a property abutting a public or private street.

Structural Alteration. A change in the supporting members of a structure, including bearing walls, column beams, girders, or trusses, or in the dimensions, support members, or configuration of the roof.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground, excluding trailers and, within the Inland area, sidewalks. Within the Coastal Zone this definition includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Structure Separation. The distance between structures on the same building site.

Studio - Art, Dance, Martial Arts, Music, etc. Small scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists. Does not include artist studios that are accessory to a residential use.

Studio Dwelling Unit. A dwelling unit that does not contain a bedroom and which is located within a two-family dwelling or a multiple dwelling.

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized Santa Barbara County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes the following, as defined in Civil Code Section 1715: a condominium project; a community apartment project; or the conversion of five or more existing dwelling units to a stock cooperative.

T. Definitions, "T."

Telecommunications Facility. A facility that transmits or receives electromagnetic signals for communication purposes including data transfer. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; equipment buildings; parking areas; and other accessory development. It does not include facilities staffed with other than occasional maintenance and installation personnel or broadcast studios. Additionally, the following terms and phrases are defined for the purposes of Chapter 35.444 (Telecommunications Facilities).

1. **Antenna.** Any system of wires, poles, rods, horizontal or vertical elements, panel, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves.

2. **Antenna Envelope.** The three-dimensional cylinder shaped space that is occupied by antennas and the support structure on which the antennas are mounted. This area/space is measured from the portion of the antenna located furthest from the support structure.

3. **Antenna Support Structure.** A pole, utility pole, monopole tower, lattice tower, guyed tower, telescoping mast, tower tripod, or other similar structure utilized for the purpose of supporting an antenna used for the transmission and reception of electromagnetic waves.

4. **Collocated Telecommunications Facility.** A telecommunication facility comprised of a single telecommunications pole, tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

5. **Collocated Telecommunications Site.** Any site where more than one antenna support structure is installed in close proximity to one another on one lot.

6. **Commercial.** A telecommunications facility that is operated primarily for or accessory to a business purpose.

7. **Height.** The height of a telecommunication tower shall be measured from the natural, undisturbed ground surface below the center of the base of said tower to the top of the tower itself, or, if higher, the uppermost point of the highest antenna or piece of equipment attached thereto. In the case of an antenna or antenna support structure mounted on a building or structure, the height of the antenna or antenna support structure includes the height of the portion of the building that it is mounted on.

8. **Lattice Tower.** A multiple sided open metal frame support structure which supports antennas and related equipment.

9. **Monopole.** A single pole support structure, constructed without guy wires and ground anchors, used to support communication antennas and connecting appurtenances.

10. **Multiple User.** A telecommunications facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity.

11. **Non-commercial.** A telecommunication facility that is operated solely for a non-business purpose.

12. **Ridgeline.** When used within Section 35.444.010 (Commercial Telecommunication Facilities), ridgeline shall mean a visually prominent, relatively narrow strip or crest of land, which includes the highest points of elevation within a watershed, that separates one drainage basin from another.

13. **Substantially Visible.** An object is considered to be substantially visible if it stands out as a conspicuous feature of the landscape when viewed with the naked eye. This shall not apply to structures and natural features that would normally occur within the setting of the object and are utilized to camouflage or otherwise minimize the visual impact of a telecommunication facility.

14. **Tenant Improvement.** A wireless telecommunication facility where the general public does not have access to the facility and the transmission facility and the associated antennas are (1) entirely enclosed within an existing building or (2) located on the roof of an existing structure, or (3) the antennas are located on the exterior wall of a structure. Tenant improvements do not include antennas that are mounted on utility poles or similar structures.

15. **Tower.** A mast, pole, monopole, guyed tower, freestanding tower, or other structure designed and primarily used to support one or more antennas.

16. **Utility Pole Existing.** A pole or similar structure owned by a public body or utility that provides support for electrical, telegraph, telephone or television cables, and is in place at the time that an application is submitted to attach telecommunications equipment thereto. A new utility pole that replaces an existing utility pole is also considered to be existing provided the height and width of the replacement pole are substantially the same as the pole it replaces.

17. **Wireless Telecommunication Facility.** A commercial facility that transmits and/or receives radio communication signals through the air for cellular, personal communication services, pagers, and/or similar services. The facility may include: antennas, radio transmitters, equipment shelter or cabinet, air vents, antenna support structure, air conditioning units, fire suppression systems, and emergency back-up generators including fuel storage.

Temporary Guest. Non-paying guests occupying the premises for not more than 120 days in any 12-month period.

Temporary Use.

1. **Coastal Zone**. Temporary use within the Coastal Zone is defined as (1) an activity or use that constitutes development as defined by this Development Code but which is an activity or function which is or will be of limited duration (does not exceed a two-week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis) and involves the placement of non-permanent structures and/or exclusive use of public spaces, including: sandy beach, parkland, filled tidelands, water, streets or parking areas, which are otherwise open and

available for general public use; or (2) An activity as defined in (1) above that involves any commercial component such as: admission fee, renting of facility, charging for valet parking or shuttle service and/or public advertising.

2. **Inland Area**. Temporary use within the Inland area is defined as the use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Examples of temporary uses include: art shows, car washes, charitable functions, seasonal sales lots.

Theater. An indoor or outdoor facility for spectator group entertainment, other than sporting events. Examples of these facilities include civic theaters, and facilities for "live" theater and concerts and performing arts centers. Does not include movie theaters. Does not include drive-in theaters.

Trail. A marked or beaten path, as through woods or wilderness.

Trailer. A vehicle with or without motor power which is designed or used for hauling materials or vehicles, or for human habitation, office, or storage including camper, recreational vehicle, travel trailer and mobile home but not including mobile homes on a permanent foundation.

Transit Station or Terminal. A passenger station for vehicular, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

U. Definitions, "U."

Under Construction. The placing of construction materials in permanent position and fastened in a permanent manner.

Urban Area. An area shown on the Comprehensive Plan maps within which is permitted the development of residential, commercial, and industrial activities, and their related uses and structures.

Urbanization. Any commercial, industrial, or residential structure on lots of less than five acres in size, or the creation by land divisions of lots of less than five acres in size.

Utility Connection to Approved Development. Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has been issued a Coastal Development Permit.

Utility Infrastructure. Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices - Business and Service"), or distribution substations (see "Utility Facility").

Utility Service Line. A line providing electricity, gas, television, and other similar utilities.

V. Definitions, "V."

Vehicle Service, Minor Maintenance/Repair. Minor facilities providing repair and maintenance services. Examples include: attended and self-service car washes; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping). Does not include automobile parking, repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales and Rental," and "Mobile Home, RV, and Boat Sales and Rental"); gas stations, which are separately defined; or dismantling yards.

Vision Clearance Area. A triangular space at the street or highway corner of a corner lot wherein the height of plantings, fences, walls, and other structures is restricted by Subsection 35.430.090.I (Vision clearance).

Visitor-Serving Commercial. Retail and service uses not otherwise listed as allowable in a specific zone, that are oriented to the needs of tourists and the traveling public, including barber and beauty shops, gift

and souvenir shops, recreational clothing stores, recreational equipment rental (e.g., beach and swimming equipment) and restaurants.

W. Definitions, "W."

Wastewater Treatment System. A system, not connected to a wastewater treatment facility, that treats, stabilizes, stores and disposes into the soil sewage generated onsite.

Wastewater Treatment Facility. A system that that treats, stabilizes, stores and disposes into the soil sewage generated from more than one lot.

Water Diversion Project. The diversion of water from a natural channel to another location through alteration of the natural channel and/or artificial structures.

Water System. A system for the extraction and provision of water utilizing a well or wells and including any collection, treatment, storage and distribution facilities.

Water Supply, Treatment, Storage Facilities - Central Plant. Central plant facilities for domestic, commercial, industrial or recreational water production, including onsite water wells, water systems, water treatment plants, water package plants and other similar facilities proposed to serve 200 or more connections.

Wetbar. An area of a room that may include cabinets, counters, refrigeration units and sinks but no cooking facilities, as restricted by Chapter 35.442 (Standards for Specific Land Uses).

Wetland. Lands that may be covered periodically or permanently with shallow water and include saltwater marches, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

X. Definitions, "X." No specialized terms beginning with the letter "X" are defined at this time.

Y. Definitions, "Y."

Yard. See "Setback."

Z. Definitions, "Z."

Zoo. A park or an institution in which living animals are kept and usually exhibited to the public. Also called zoological garden.

APPENDIX A

TABLE OF ORDINANCES AMENDING THIS LAND USE & DEVELOPMENT CODE

Ordinance & Case Number	Board of Supervisors Adoption Date	Coastal Commission Certification Date	Amended Sections
Ordinance 4660 07ORD-00004	11/27/2007		Montecito Land Use & Development Code
Ordinance 4669 08ORD-00002	05/06/2008	n/a	35.422.030.C, 35.422.030.E, 35.472.080.E, 35.472.110.E
Ordinance 4672 08ORD-00004	05/27/2008		35.460.050.B, 35.460.050.C, 35.460.050.E, 35.474.030.D
Ordinance 4681 08ORD-00007	07/15/2008		35.421.030, 35.422.030, 35.423.030, 35.424.030, 35.425.030, 35.436.050, 35.442.070, 35.472.130

APPENDIX B

ADMINISTRATIVE GUIDELINES FOR IMPLEMENTING MEASURE A96 - VOTER APPROVAL INITIATIVE

The following guidelines are intended to clarify and assist with the implementation of the Voter Approval Initiative, Measure A96, as approved by the electorate on March 26, 1996. Pursuant to the mandate of the initiative, "any legislative approvals which would authorize or allow the development, construction, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) shall not be final unless such authorization is approved, in the affirmative, by a majority of the votes cast by the voters of the County of Santa Barbara in a regular election.

1. **Legislative Acts** - Only those onshore support projects requiring legislative acts are subject to referendum. Acts by local legislatures (the Board of Supervisors) that are "administrative", "executive", or "quasi-judicial" are not subject to referendum. Whether an action is "legislative" or not is determined by the courts on a case-by-case basis, considering legal principles and applicable facts and circumstances. The basic definitions are:

   An action is "legislative" if it prescribes new policy or plan.

   An action is "administrative" if it applies existing policy.

   - General Plan amendments and rezones are legislative actions.
   - Not all discretionary actions by the Board of Supervisors are legislative. The granting of discretionary permits, decisions on appeals, and similar actions are discretionary actions but are not usually legislative actions.
   - Development Plan approvals are not ordinarily legislative actions. A Development Plan may be a legislative action if it makes major land use changes or prescribes new policy or plan. Although Development Plans are listed as types of legislative approvals subject to voter approval under Measure A96, only those Development Plans that as a matter of law are "legislative actions" may constitutionally be subject to referendum.
   - Projects which are determined to be "exempt" from County permits, even if the exemption leads to a change in use or intensity, are administrative actions under California law and are not subject to referendum. Similarly, decisions that a project is entitled to a zoning variance are typically not considered legislative acts. Determinations as to "vested rights" under existing permits are quasi-judicial decisions not subject to referendum.
   - Repair and maintenance projects are processed administratively under Appendix C (County Guidelines on Repair and Maintenance and Utility Connection to Permitted Development) of the Development Code and do not require legislative approvals.

2. **Onshore Support Facilities** - Measure A96 voter referenda apply solely to legislative approvals of onshore support facilities, defined in the initiative as: "...any land use, installation, or activity proposed to effectuate or support the exploration, development, production, storage, processing, or other activities related to offshore energy resources."

   Onshore support facilities include those which, by their nature, are specific and directly related to offshore oil and gas development, but do not include facilities incidental or indirectly related to onshore support of offshore energy resource activities. The determination of whether a particular facility requiring a legislative approval is incidental or indirect, is subject to a case-by-case review.

- Measure A96 applies to onshore support facilities within the South Coast area, defined as Point Arguello to the Ventura border. Projects north of Point Arguello are not subject to voter referendum, nor are projects within the inland portion of the Montecito Community Plan area.
- Measure A96 does not apply to projects within cities or on other lands exempt from the County's Development Code pursuant to Section 35.10.040 (Applicability of the Development Code).
- Onshore pipeline projects are specifically exempt from Measure A96.
- Onshore support facilities that are located entirely within the existing approved consolidated oil and gas processing sites at Las Flores Canyon or Gaviota are specifically exempt from Measure A96. The approved consolidated oil and gas processing sites for Measure A96 purposes are defined as any and all land within those parcels designated as of June 13, 1995 as APN 81-220-14, 81-230-19 (Las Flores Canyon), or 81-130-07, 81-130-52, and 81-130-53 (Gaviota).

3. **Procedures for Implementing Measure A96** - Elections to consider Board-approved projects would occur at the next regular election according to timelines provided in the California Elections Code.

The California Coastal Commission must certify any changes to the Local Coastal Program. Therefore, the order of "actions" on an onshore support facility project that is determined to be subject to Measure A96 would be:

(1) Board of Supervisors approval;

(2) Project consideration by the voters of Santa Barbara County;

(3) Project consideration by the California Coastal Commission.

Under the California Coastal Act, the Coastal Commission can review Board denials of oil and gas projects and may consider amending the Local Coastal Program if the County elects not to, provided certain findings can be made under Public Resources Code Section 30515. If the voters reject a Board-approved Local Coastal Program amendment of energy facility development, the project proponent may request approval of the amendment by the Coastal Commission. Actions by the California Coastal Commission are not subject to voter approval pursuant to Measure A96.

APPENDIX C

COUNTY GUIDELINES ON REPAIR AND MAINTENANCE AND UTILITY CONNECTION TO PERMITTED DEVELOPMENT WITHIN THE COASTAL ZONE ONLY

A. General Provisions. Division 35.2 (Montecito Zones and Allowable Land Uses) of the Development Code states in part: "A Coastal Development Permit shall be required for all development in the coastal zone with the exception of the following:

1. Repair and maintenance activities that do not result in addition to, or enlargement or expansion of, the object of such repair or maintenance activities.

2. Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has been granted a Coastal Development Permit."

These guidelines are intended to detail the types of development activities the County considers repair, maintenance or utility connections between an existing service facility and permitted development. Such lists obviously cannot be exhaustive and the exclusions also apply to activities comparable to those listed. Where a proposed activity is not included in this guideline, the Director will determine whether a permit is required.

B. Description of Activities Excluded. The following construction activities and comparable activities to those listed do not require a Coastal Development Permit except as specified below:

1. Roads. No permit is required for repair and maintenance of existing public roads including landscaping, signalization, lighting, signing, resurfacing, installation or expansion of retaining walls, safety barriers and railings and other comparable developments within the existing right of way as specified below. Maintenance activities are generally those necessary to preserve the highway facility as it was constructed, including: construction of temporary detours, removal of slides and slip cuts, restoration and repair of drainage appurtenances, slope protection devices, installation of minor drainage facilities for preservation of the roadway or adjacent properties, restoration, repair and modifying for public safety bridges and other highway structures, restoring pavement and base to original condition by replacement, resurfacing, or pavement grooving. A permit is required for excavation or disposal of fill outside of the roadway prism. The following maintenance and alteration programs of the State Department of Transportation, or their equivalent conducted by local road departments, which do not result in an addition to or enlargement or expansion of the existing public road facility itself, do not require a permit except as noted: (1) Flexible Roadbed Program, (2) Rigid Roadbed Program; (3) Roadside Maintenance Program; (4) Roadway Litter and Debris Program; (5) Vegetation Control Program; (6) Pavement Delineation Program; (7) Sign Program; (8) Electrical Program; (9) Traffic Safety Devices Program; (10) Public Service Facility Program except that a permit is required for construction of new facilities; (11) Landscape Program; (12) Bridge and Pump Maintenance Program; (13) Tubes, Tunnel and Ferry Maintenance Program; (14) Bridge Painting Program; (15) Miscellaneous safety projects, provided there is not expansion in the roadway or number of traffic lanes; (16) Major damage maintenance, repair and restoration; (17) Comparable Minor Alterations.

NOTE: See "Appendix to Guidelines, Section IIA" below, for more detailed description of activities included in these programs.

2. Public Utilities.

a. Natural Gas, Chilled Water and Steam Facilities.

(1) Service Connections. Install, test and place in service the necessary piping and related components to provide natural gas, chilled water and/or steam service to development either having a Coastal Development Permit or exempt from Coastal Development Permit including:

(a) Extend underground gas, chilled water and/or steam mains, except in marshes, streams or rivers, from terminus of existing main piping to proper location in front of customer's property. Break and remove pavement as necessary, open trench or bore, for installation of main piping, install mains and appurtenances, pressure test for leakage, backfill open cuts, purge air from piping and introduce gas, chilled water and/or steam into newly installed piping. Restore pavement as necessary. Provide for cathodic protection as necessary.

(b) Extend underground gas, chilled water and/or steam service piping from the main locations, except in marshes, streams or rivers, to the meter location on the customer's property. Construction activities are similar to those in Item (1) above.

(c) Construct and install the meter set assembly, generally above ground, on the customer's property, including installation of associated valves, pressure regulator, meter and necessary piping to connect the gas, chilled water and/or steam service to the customer's piping system.

(d) When necessary, install gas, chilled water and/or steam pressure regulation equipment and related components, to control pressure where the source of the supply is at a higher pressure than the pressure in the district distribution main system. Construction includes necessary excavation, installation of piping, valves, regulators, below ground vaults and related components.

(e) Install necessary cathodic protection facilities for main and service extensions to new and existing customers.

(2) Distribution and Transmission Facilities.

(a) Operate, inspect and maintain distribution and transmission mains, services, meter set assemblies and district regulator stations. Conduct leakage surveys, repair leaks, handle emergency or hazardous incidents, maintain supply pressure, inspect and adjust pressure regulators, operate valves, locate and mark facilities to help prevent damage to them and to provide for public safety.

(b) Install, replace, alter, relocate or remove piping and cathodic protection facilities as necessary due to corrosion, interference with other underground or surface construction, franchise requirements, mechanical damage, reinforcement to existing distribution systems to provide for increased usage (provided such usage is to provide service to development either having a Coastal Development Permit or exempt from a Coastal Development Permit). Isolation of piping segments or systems to provide emergency control and the restoration of service to a customer.

(3) Production and Storage Facilities. Perform necessary maintenance, replacement, repair, relocation, abandonment and removal work to gas storage facilities, chilled water and/or steam plant facilities, mechanical equipment including prime movers and pumping equipment, chilled water and/or steam production facilities, gas and oil processing facilities, pollution control facilities, cooling towers, electric equipment, controls, gas injection and withdrawal wells, and other miscellaneous plant and pipeline structures. Installation of any required new safety devices and pollution

control facilities within existing structures or equipment or where land coverage, height, or bulk of existing structures will not be increased.

(4) **Miscellaneous.** Perform necessary maintenance, repair, replacement, relocation, abandonment and removal work to pipeline roads, rights-of-way, fences and gates, sprinkler systems, landscaping, odorizing stations, telemetry equipment, lighting facilities, mechanical and electrical equipment, cathodic protection facilities and environmental control equipment.

(5) **Grading and Clearing.** Maintenance activities shall not extend to the construction of any new roads to the site of the work.

b. Electric Utilities.

(1) **Generation Stations, Substations, Fuel Handling, Transportation and Storage Facilities and Equivalent Facilities.** A Coastal Development Permit is not required for repairs, maintenance, and minor alterations which do not increase the capacity of the facility or work required to supply increased demand of existing customer's facilities in order to maintain the existing standard of service. A Coastal Development Permit is not required for installation of any required new safety devices and pollution control facilities within existing structures or equipment, or where land coverage, height or bulk of existing structures will not be increased.

(2) **Transmission and Distribution and Communication Facilities.** A Coastal Development Permit is not required to maintain, replace, or modify existing overhead facilities, including the addition of equipment and wires to existing poles or other structures, right-of-way maintenance, and minor pole and equipment relocations. A Coastal Development Permit is not required to install, test and place in service power line extension facilities and supply points specifically required to provide service to development either having a Coastal Development Permit or exempted from a Coastal Development Permit or work required to supply increased demand of existing customers' facilities in order to maintain the existing standard of service.

A Coastal Development Permit is not required to install, test, place in service, maintain, replace, modify or relocate underground facilities or to convert existing overhead facilities to underground facilities provided that work is limited to public road or railroad rights-of-way or public utility easements.

(3) **Services.** Electrical service and metering facilities may be installed and placed in service to any development either having a Coastal Development Permit or exempt from a Coastal Development Permit. In addition, a Coastal Development Permit is not required to maintain, replace, or relocate service or metering facilities for such developments. A Coastal Development Permit is not required for removal of minor vegetation for maintenance purposes (tree trimming, etc.) for safety clearances.

(4) **Grading and Clearing.** These activities shall not extend to the construction of any new road to the site of the Work.

(5) **Definitions.**

(a) Line Extension. All facilities for permanent service excluding transformers, service and meters, required to extend electric service from the utility's existing permanent facilities to one or more supply points.

(b) Service. A single set of conductors and related facilities required to deliver electric energy from a supply point to the customer's facilities.

(c) Supply Point. Any transformer, pole, manhole, pull box or other such facility at which the utility connects one or more sets of service conductors to the utility's permanent electric facilities.

c. Telephone. No permit or conditions are required for the activities of a telephone company that come within the following areas:

(1) Repair and maintenance of existing damaged or faulty poles, wires, cables, terminals, load cases, guys and conduits, including the necessary related facilities, to restore service or prevent service outages.

(2) Placement of existing telephone facilities underground, provided such undergrounding shall be limited to public road or railroad rights-of-way or public utility easements and provided there is no removal of major vegetation and the site is restored as close as reasonably possible to its original condition.

(3) Placement of additional aerial facilities on existing poles.

(4) Removal of existing poles and facilities thereon, where new, replacement facilities have been placed underground.

(5) Performance of work in connection with or placement of facilities to expand service to existing customers or to serve new customers, including placement of underground service connections or aerial service connections from existing poles with any necessary clearance poles.

(6) Removal of minor vegetation for maintenance purposes (tree trimming, etc.).

(7) Maintenance activities shall not extend to the construction of any new roads to the site of the work.

d. Others, including Water, Sewer, Flood Control, City and County Public Works, Cable T.V. No permit is required for repair or maintenance of existing facilities that do not alter the service capacity, installation of new or increased service to development having a Coastal Development Permit or exempt from a Coastal Development Permit, placement of additional facilities on existing poles, or placement of existing facilities underground provided such undergrounding shall be limited to public road or railroad rights-of-way or public utility easements and provided there is no removal of major vegetation and the site is restored as close as reasonably possible to its original condition. A permit is required for installation of service to vacant parcels or installation of capacity beyond that needed to serve developments having a Coastal Development Permit or exempt from a Coastal Development Permit. Maintenance activities shall not extend to the construction of any new roads to the site of the work.

3. Parks. No permit is required for routine maintenance of existing public parks including repair or modification of existing public facilities where the level or type of public use or the size of structures will not be altered.

4. Industrial Facilities. No permit is required for routine repair, maintenance and minor alterations to existing facilities, necessary for on-going production that do not expand the area or operation of the existing plant. No permit is required for minor modifications of existing structures required by governmental safety and environmental regulations, where necessary to maintain existing production capacity, where located within existing structures, and where height or bulk of existing structures will not be altered.

5. Other Structures. For routine repair and maintenance of existing structures or facilities not specifically enumerated above, no permit is required provided that the level or type of use or size

of the structure is not altered.

6. **Dredging and Beach Alteration**. (NOTE: Maintenance dredging of navigation channels is exempted by Section 30610(c) of the Coastal Act. Other dredging and sand movement projects, where part of an established program may be exempt from the permit requirements of the Coastal Act by reason of vested rights, where such rights have been reviewed and acknowledged by the South Central Coast Regional Commission.)

C. Repair and Maintenance Activities Requiring a Permit

1. For purposes of Public Resources Code Section 30610(d), the following extraordinary methods of repair and maintenance shall require a Coastal Development Permit because they involve a risk of substantial adverse environmental impact:

   a. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

      (1) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

      (2) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in a coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;

      (3) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or

      (4) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within 20 feet of coastal waters or streams.

   b. Any method of routine maintenance dredging that involves:

      (1) The dredging of 100,000 cubic yards or more within a 12 month period;

      (2) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or

      (3) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

   c. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:

      (1) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;

      (2) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

All repair and maintenance activities governed by the above provisions shall be subject to the permit requirements of the Montecito Land Use and Development Code. The provisions of this section shall not be applicable to methods of repair and maintenance undertaken by the ports listed in Public Resources Code Section 30700 unless so provided elsewhere in these regulations.

2. Unless destroyed by natural disaster, the replacement of 50 percent or more of a seawall revetment, bluff retaining wall, breakwater, groin or similar protective work under one ownership is not repair and maintenance under this Article but instead constitutes a replacement structure requiring a Coastal Development Permit.

   Notwithstanding the above provisions, the director shall have the discretion to exempt from this section ongoing routine repair and maintenance activities of local governments, state agencies, and public utilities (such as railroads) involving shoreline works protecting transportation roadways.

Appendix to Guidelines, Section IIA

Detailed description of activities included in road maintenance programs for which no Coastal Development Permit is required.

1. **Flexible Roadbed Program.** This program covers the restoration and repair of both surface and base within the previously paved portion of the roadway. This includes previously paved asphalt concrete shoulders two feet or greater in width where the shoulder is designated by traffic marking, pavement delineation or traffic use. Paved shoulders less than two feet in width will be considered as included in the traveled way lanes.

2. **Roadbed, Rigid.** The Rigid Roadbed Program covers the restoration and repair of both surface and base within that paved portion of the roadway used for the movement of vehicles. This includes asphaltic concrete or oiled shoulders two feet or greater in width. Paved shoulders less than two feet in width will be considered as included in the traveled way lanes. This program does not include roadbed widening projects.

3. **Roadside Maintenance Program.** This program includes the repair, replacement and cleaning of ditches, culverts, underdrains, horizontal drains and miscellaneous headwalls and debris racks. Also included are fence repairs, roadside section restoration (e.g., drift removal, bench cleaning, slide removal, and fill slope replacement). In addition, repairs or replacement of retaining walls, sidewalks and curbs, bins, cattle guards and other such structures where there is no increase in size (or adding to what exists) is included in this program. Installation of slope protection devices, minor drainage facilities. This program shall not include seawalls or other shoreline protective works, activities subject to review under Section 1601 of the fish and Game Code, or excavation or disposal of fill outside of the roadway prism.

4. **Roadway Litter and Debris Program.** This program includes all work concerning roadbed and roadside cleanup operations to ensure that the highway presents a neat, clean and attractive appearance.

5. **Vegetation Control Program.** Vegetation control refers to the maintenance treatment of all vegetative material growing native within the highway rights of way. Included is cutting and trimming by hand and mechanical means.

6. **Pavement Delineation Program.** The pavement delineation program involves all work necessary to place and maintain distinctive roadway markings on the traveled way. This includes layout, removal of old stripe, painting of new or existing stripe including striping for bike lanes, installation and/or removal of raised pavement markers including cleaning of such markers and the use of thermoplastic, tape or raised bars for pavement markings. Changing of striping for more lanes is not included in this program.

7. **Sign Program.** The sign program includes all work performed on existing signs for the purpose of warning, regulating or guiding traffic including bicycle traffic using bike lanes. The work consists of

manufacture, assembly and installation of new signs to replace existing signs and the repair, cleaning and painting of signs.

8. **Electrical Program.** This program includes all work performed on in-place highway electrical facilities used to control traffic with signal systems, provide safety and sign lighting, illuminate maintenance building and grounds, generate standby power, operate bridges, pumps and automatic watering systems. Certain navigational lighting installed on bridges and bridge fencers or piling is included in this program.

9. **Traffic Safety Devices Program.** Work performed under this program includes replacement of guide posts, markers, skid resistant grooves, and also replacement, cleaning and/or painting of guard rails. The repair of median barrier cable chain link fence and Portland cement concrete walls, the repair and maintenance of energy dissipaters such as water type bumpers, sand traps or other devices installed for the purpose of absorbing vehicle energy are included in this program.

10. **Public Service Facility Program.** Public service facilities consist of roadside rests, vista points, map stops, historical monuments, roadside fountain areas and vehicle inspection stops. Work to be performed under this program consists of a wide variety of custodial maintenance in connection with existing restrooms, fountains and picnic areas.

11. **Landscape Program.** This program refers to the treatment maintenance and replacement of all vegetative material planted within the State Highway right of way. Work includes watering, fertilizing, plant replacement, weed control by hand and mechanical means and tree trimming.

12. **Bridge and Pump Maintenance Program.** The Bridge and Pump Maintenance Program includes work performed on all structures which provide for passage of highway traffic over, through or under obstacles and/or qualify for bridge numbers as assigned by the Division of Structures.

13. **Tubes, Tunnel and Ferry Maintenance Program.** The Tubes, Tunnel and Ferry Maintenance Program includes maintenance and repair of tunnels, tubes, ferries and docks or slips. Tunnel or tube maintenance includes washing, cleaning, tile repair and the maintenance of electro-mechanical equipment. Tunnel structural repairs will be performed under this program when covered by approved Division of Structures reports of work needed.

14. **Bridge Painting Program.** This program involves bridge maintenance painting performed in conformance with the requirements of air pollution control and water quality control agencies having jurisdiction.

15. **Miscellaneous Safety Projects.** Elimination of hazards within the operating areas or the operating right of way or projects modifying existing features such as curbs, dikes, headwalls, slopes, ditches, drop inlets, signals and lighting, etc., within the right of way to improve roadside safety.

16. **Major Damage Maintenance, Repair and Restoration.** Provides temporary road openings and related maintenance and returns highway facilities to serviceable states as rapidly as possible following major damage from storms; earthquakes, tidal waves; ship, train or vehicle collisions; gasoline truck fires; aircraft crashes, and all other kinds of physical violence. (NOTE: These items may be developments rather than repair or maintenance activities, but would be subject to the emergency permit provisions of the coastal Act. Inquiries should be directed to the Regional Commission staff if at all possible, prior to commencement of construction.)

17. **Miscellaneous Alterations.**

    a. Installation, modification or removal of regulatory, warning or informational signs, according to the standards of the State Department of Transportation Uniform Sign Chart.

    b. Traffic channelization - improvements to local service and safety by delineation of traffic routes through the use of curbs, dikes, striping, etc., including turn pockets, where construction is

performed by State Department of Transportation Maintenance Department or equivalent activities by local road departments.

c. Maintenance of existing bicycle facilities.

d. Modification of traffic control systems and devices including addition of new elements such as signs, signals, controllers, and lighting.

e. Devices such as glare screen, median barrier, fencing, guard rail, safety barriers, energy attenuators, guide posts, markers, safety cable, ladders, lighting, hoists, paving grooving.

f. Alteration or widening of existing grade separation structure where the primary function and utility remains unaltered.

g. Minor operational improvements such as median and side ditch drainage facilities, where not subject to review under Section 1601 of the Fish and Game Code or involving excavation or disposal of fill outside of the roadway prism.

h. Modification, upgrading, alteration, relocation, or removal of railroad trade crossings, railroad grade crossing protection, and the construction of bus and truck stop lanes at railroad grade crossings.

APPENDIX D
DEVELOPMENT STANDARDS FOR RESIDENTIAL SECOND UNITS ON LOTS LESS THAN TWO ACRES IN SIZE SERVED BY ONSITE SEWAGE DISPOSAL SYSTEMS

A residential second unit proposed to be served by an onsite wastewater treatment system may not be permitted in addition to the principal dwelling on a lot less than two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Environmental Health Services Division of the Public Health Department. Lots that are designated as a Special Problem Area due to sewage disposal constraints are not considered to be particularly favorable. In order to be determined to be particularly favorable, all of the following criteria must be satisfied. These criteria may be amended from time to time by the Environmental Health Services Division in consultation with the Regional Water Quality Control Board.

1. Environmental Health Services shall receive a satisfactory soil percolation test report for the new disposal area prepared by a registered civil or soils engineer. An acceptable report shall include the following information and shall conclude that an onsite wastewater treatment system of suitable design and capacity can be installed with approved building plans and without resultant future contamination of usable groundwater.

    a. A description of the methodology employed in the performance test.

    b. A site plan showing the location of the test.

    c. A table of data obtained for the performance test at each test location.

    d. A log of the subsurface soil and groundwater conditions encountered.

    e. A statement as to which soil zones will be those utilized by the installed system.

    f. A statement that the test locations are representative of and apply to the proposed septic system location and the 100 percent expansion area.

    g. A site plan indicating the location of the new onsite wastewater treatment system, the 100 percent expansion area, all required setbacks and the area designated for development.

    h. A statement that the lot can be developed as proposed and that the onsite wastewater treatment system can be expected to function satisfactorily with normal use and routine maintenance.

    All new onsite wastewater treatment systems shall be in compliance with the Regional Water Quality Control Board prohibitions (effective March 15, 1984). If conditions do not allow for compliance with the prohibitions as required by the Regional Water Quality Control Board, a waiver may be requested. The applicant shall supply a copy of the Regional Water Quality Control Board's determination to Environmental Health Services.

    NOTE: The proposed area for the installation of the subsurface effluent disposal system cannot exceed 30 percent slope within 100 feet of the disposal field (as defined in the Basin Plan using a 20 percent down gradient from the discharge pipe to the 30 percent slope). Drywells may be utilized only if leach lines are not feasible, as determined by the soil engineer with concurrence of Environmental Health Services. If utilized, drywells must be installed and performance tested to meet the minimum requirement of dissipating five times the septic tank capacity within 24 hours.

2. Environmental Health Services shall review and approve an application for the septic system serving the second residential unit that contains the following:

    a. An analysis by the soil engineer indicating the soil zone(s) proposed for sewage disposal do not exceed 60 percent clay content.

b. A statement from the soil engineer regarding the presence, if any, of soil mottling indicative of previous saturation with groundwater.

c. A plot plan showing the existing onsite wastewater treatment system for the main house, including the area required to be reserved for the 100 percent expansion area and the proposed onsite wastewater treatment system for the second unit.

d. The new onsite wastewater treatment system for the proposed residential second unit shall include both the initial and 100 percent expansion areas interconnected with a diverter valve to allow alternate dosing of the two fields.

e. For leach line disposal:

1) For soil percolation rates between five and twenty-nine minutes per inch, the engineering report shall include a statement, supported by field data and a boring log, that the proposed disposal area will maintain a minimum separation of twenty feet from highest known groundwater.

2) For soil percolation rates between thirty and sixty minutes per inch, the engineering report shall include a statement, supported by field data and a boring log, that the proposed disposal area will maintain a minimum separation of eight feet to highest known groundwater.

3) Soil percolation rates less than fives minutes per inch and greater than sixty minutes per inch shall not be considered particularly favorable.

f. For drywell disposal:

1) The engineering report shall include a statement, supported by field data and a boring log, that the bottom of the drywell will have a minimum separation of fifteen feet from highest known groundwater, including perched groundwater.

2) A minimum of twenty feet of lateral separation, sidewall to sidewall, shall be maintained for new drywells.

APPENDIX E
GUIDELINES FOR MINOR CHANGES TO COASTAL DEVELOPMENT PERMITS AND LAND USE PERMITS

The following guidelines shall be used by the Director to determine if a minor change to an approved or issued Coastal Development Permit or Land Use Permit can be allowed without requiring a new permit.

1. The proposed change would otherwise be exempt from Design Review pursuant to Section 35.472.070 (Design Review).

2. The proposed change would otherwise be exempt from a Coastal Development Permit or Land Use Permit pursuant to Section 35.420.040 (Exemptions from Planning Permit Requirements).

3. The project has not been the subject of substantial public controversy or interest and there is no reason to believe that the proposed change has the potential to create substantial controversy.

4. The change does not increase the height of the roof ridgeline.

5. The change would not be counter to design direction provided by the Montecito Board of Architectural Review.

6. If the site is one acre or less, the footprint of the structure may not be moved more than five percent closer to the property line. If the site is more than one acre, the footprint of the structure may not be moved more than 10 percent closer to the property line.

7. The change does not result in the removal of a specimen trees.

8. The change does not affect easements for trails, public access, or open space.

9. The change does not increase the required number of parking spaces.

If the proposed “minor” change does not conform to the guidelines identified above, the applicant should apply for a new planning permit.

APPENDIX F
GUIDELINES FOR TELECOMMUNICATIONS SITES IN RURAL AND INNER-RURAL AREAS

These guidelines implement the requirements contained in the Montecito Development Code for telecommunication sites. Special circumstances may dictate deviation from these guidelines based on recommendations of the Montecito Board of Architectural Review and the determination of the review authority.

A. Site Design

1. Berming/Bunkering

a. If ground equipment cannot be screened by natural topography and/or existing vegetation, and the provision of new landscape screening is not considered feasible or appropriate, the equipment areas may be screened through the use of bunkers, low berms, or a combination of both.

b. Bunker walls should not be visible from public viewing areas.

c. Low berms (two to three) may be used on sides of the facility visible from public roadways. The berms should be naturally contoured using excess cut material from the site.

d. Any berming and/or bunkering should avoid impacts to existing vegetation and should not create additional erosion problems.

e. The antennas should be located out of the skyline as much as possible (move downslope).

2. Fencing

a. All fencing should be made out of material that blends into the surrounding terrain and should not create any visual impacts.

b. Per the communication ordinance standards, the general public shall be excluded from the facility.

c. If a site is not accessible to the general public, the Department may not require security fencing. A low cattleguard should be considered to keep range animals out of the facility. The cattleguard should be constructed out of the smallest diameter pipe possible.

d. If the lease area is accessible to the general public, security fencing, such as chain link, should be used. The fencing should be no higher than five feet above finished grade.

e. Solid inserts in the fencing will be discouraged.

3. Access Roads. The creation of new access roads or substantial improvement of existing roads as a direct result of the telecommunication project will be discouraged.

4. Lighting. Lighting of the facility, other than lighting for emergency repairs, will be discouraged.

5. Signage. If signs are required for the project, such as directional signs per Fire Department recommendations, then the signs should be as small as possible and placed in locations not readily seen from public viewing areas, if possible.

6. Vegetation

a. Site design should minimize impacts to existing vegetation.

b. Disturbed areas (e.g. trenches, berms, cuts), or areas that require erosion control, should be revegetated with a seed mix/plantings compatible with the surrounding vegetation. A temporary irrigation system may be required.

c. If landscaping is required for screening purposes, the landscaping should consist of long lived plant species native to that area. The planting of exotic species is discouraged. A permanent or temporary irrigation system may be required.

B. Collocation/Trenching

1. If a site has existing carriers, it is preferable to have the new facility tie into existing electric and/or telephone pedestals of the existing carriers at the lease site as opposed to trenching from the closest utility lines. This is not always possible and requires the cooperation of competitors.
2. If a significant amount and distance of trenching must occur, then it should be confined to previously disturbed areas or follow the existing access road and should contain extra conduit for future expansion by other carriers.
3. If a utility trench is located in a constrained area (e.g. steep slopes, sensitive resources, highly visible area, other underground utilities), the location of the trench may be marked and reviewed in the field in order to minimize impacts to the sensitive resources and/or to avoid conflicts with other utilities.

C. Visual Impacts

1. Colors

a. The color of the facility should match the backdrop from the most visible public viewpoint.

b. The color of the at-grade equipment that is not visible in the skyline should match the color of the surrounding vegetation that predominates for the majority of the year.

c. If an existing facility is located at the proposed lease site, and the existing facility has a color scheme that successfully reduces visual impacts, then the existing facility should serve as a guide for the color scheme of the proposed facility.

d. Equipment visible against the skyline should in most cases be a medium grayish color. A sky blue color should only be used with caution since it tends to be more visible on overcast or foggy days.

e. Color schemes (all flat colors; equivalent colors from any paint manufacturer may also be used):

Antennas/equipment visible against skyline = gray, e.g. Dutch Boy "Marblehead" (32-V-2), Frazee "Tradewind" (8641W), or Frazee "Dusty Miller" (8634M).

Equipment (including fencing), and in some cases, antennas within an oak woodland, or other dark green vegetation = Dark green, e.g. Frazee "Blackened Beam (8646N), Frazee "Greek Olive" (8656N), or Frazee "Potting Shed" (8666N).

Equipment (including fencing), and in some cases, antennas within a grassland (example, ridges around Los Alamos and Los Olivos) = green/tan, e.g. Frazee "Wild Grasses" (8175D), Frazee "Backpack" (8664M), or Frazee "Muddy River" (8674M).

Equipment (including fencing), and in some cases, antennas within a savannah (example, hills south of Lompoc) = green/gray, e.g. Frazee "Muddy River" (8674M).

f. The least visually obtrusive support structure as viewed from the most visible public viewpoint should be used. Natural wood poles, steel poles, concrete poles, or lattice towers are all acceptable support structures. The review authority would ultimately determine the appropriate support structure for a particular site with recommendations from staff.

g. If organic or mineral mulch and/or riprap are used within the lease area, the material should match, or be compatible with, the color of the ground surface. For example, the use of white rock on a tan ground surface would be discouraged.

h. If temporary or permanent irrigation is required, all above ground equipment (i.e. water tanks) should be painted the same color as the facility so as not to create new visual impacts.

APPENDIX G
SUBSTANTIAL CONFORMITY DETERMINATION GUIDELINES

On occasion, an applicant requests slight deviations from an approved action in order to carry out a project. The Montecito Land Use and Development Code allows certain types of alterations from an approved project, following a determination of substantial conformity.

Procedure:

1. Applicant obtains an application for a Substantial Conformity Determination at the Department and pays applicable fees which may vary depending on the complexity of the request.

2. The Department reviews the project description that was considered at the time of project approval.

3. The Department considers key issues:

   Has the project been the subject of substantial public controversy, or is there reason to believe the change is likely to create substantial public controversy?

   Will the deviation result in a change to the project that would alter the scope and intent of the project the review authority acted on?

   Would the deviation alter the public's perception of the project?

   Would the deviation result in environmental effects not analyzed or discussed at the time of project approval and/or result in the need for additional mitigation measures?

   If the answer to any of these basic questions is "yes", the Director cannot make a determination of substantial conformity.

4. The Department compares the request with established criteria. Listed below are criteria developed to assist in determining whether proposed changes to approved projects are in substantial conformity with the approved plans.

   a. Does not conflict with project conditions of approval and/or recorded map conditions.

   b. Does not result in health or safety impacts.

   c. That the project facilities, operating procedures, environmental impacts, safety impacts, and the project's compliance with policies are substantially the same as those considered in the previous permit issued by the Director.

   d. That the changes proposed can be effectuated through existing permit conditions.

   e. That the impacts and changes do not alter the findings that the benefits of the project outweigh the significant unavoidable environmental effects made in connection with the original approval.

   f. Does not result in an increase of 1,000 sq. ft. or more than 10 percent of building coverage of new structures over total project approvals, whichever is less.

   g. Is clearly exempt from environmental review or was evaluated in the environmental review document prepared for the project and there are no new significant impacts related to the project change.

   h. Does not require the removal of specimen trees or impact areas defined in the project environmental document as sensitive or designated as areas prohibiting structures.

   i. Is consistent with Comprehensive plan policies and Montecito Land Use and Development Code requirements.

j. Does not result in more than 1500 cubic yards of net cut and/or fill outside of the Coastal Zone, or 50 cubic yards within the Coastal Zone, and avoids slopes of 30 percent or greater, unless these impacts were addressed in the environmental assessment for the project and mitigation measures were imposed to mitigate said impacts and the proposal would not compromise the mitigation measures imposed or result in additional environmental impacts.

k. Is located within the same general location as, and is topographically similar to, approved plans. The location shall not be moved more than 10 percent closer to a property line than the originally approved development.

l. Does not result in an overall height which is greater than 10 percent above the approved height. The project must remain consistent with height requirements of the zone.

m. Receives Design Review approval for landscaping and structures, if necessary.

n. Does not result in intensification of use; e.g., no new employees, no increases in traffic, if these were important to the previous environmental/policy analysis.

o. Does not affect easements for trails, public access, or open space.

5. Depending on the degree of complexity for a substantial conformity determination request, the Department takes action as follows:

a. If a Substantial Conformity Determination request is minor, e.g., no additional conditions are required, is not controversial, does not alter the intent of the decision-makers action, the Director issues the Coastal Development Permit or Land Use Permit.

b. The Department prepares a letter outlining the changes to be made and why they are being approved. The letter must be reviewed and signed Director.

6. If a Substantial Conformity Determination cannot be made regarding changes to a project, the applicant may:

a. Withdraw the request and continue with the project as approved; or

b. Submit an application for a Substantial Conformity Determination to the review authority for the original permit to which the Substantial Conformity Determination is requested, or apply or apply for Amendment or Revision of the original permit.

7. Substantial Conformity Determinations are made by the review authority for the original permit if the conditions of that permit so require.

ATTACHMENT 1

MONTECITO COMMUNITY PLAN DEVELOPMENT STANDARDS

PART 1 - PURPOSE STATEMENT

The Montecito Community Plan is part of the Santa Barbara County Comprehensive Plan, which sets forth governing policies for existing and proposed uses of land within Santa Barbara County. The Montecito Community Plan (adopted October 6, 1992) sets out specific goals relating to community development, public facilities and services, and resources and constraints within the Montecito plan area. The Community Plan states the objectives of the goals and includes specific policies and actions to carry out those goals. Development standards adopted as a part of the Community Plan are designed to implement the stated policies and goals. In addition to the requirements of the Land Use Development Code, all planning permits for development within the Montecito Community Plan area must also be found to be in compliance with the policies and development standards.

Part 2 of Attachment 1 provides excerpts from the Montecito Community Plan. The development standards provided are not incorporated into the Montecito Land Use and Development Code. **These standards are included as an Attachment to the Montecito Land Use and Development Code to serve solely as a resource to the user.** The applicable policy or development standard reference is noted after each development standard excerpt. Where necessary for clarity of the development standard, the supporting policy language has also been provided. The complete policy text and other information may be found within the Montecito Community Plan.

Please refer to the Montecito Community Plan document for the entirety of the development standards, the policy framework from which the development standards were derived and any attachments, appendices or figures referenced with the development standards.

PART 2 - DEVELOPMENT STANDARDS

Sections:

Applicability
Land Use
Air Quality
Biological Resources
Circulation
Cultural Resources
Flood Hazard Mitigation
Grading Standards and Geologic Hazard Mitigation
Hazards
Noise Standards
Site Specific Standards
Visual Resources - Development Screening
Water Conservation

This Chapter provides development standards from the Montecito Community Plan.

Applicability

The provisions of this Chapter apply to subdivisions, development, and land uses within the boundaries of the Montecito Community Plan in addition to all other applicable requirements of this Development Code. All existing Countywide and Coastal Plan policies apply to the Montecito Planning Area in addition to the specific development standards emanate from policies and actions of the Montecito Community Plan identified below.

Land Use

A. General.

1. Within the Montecito Planning Area, all development not specifically exempted in the zoning code requires BAR approval. New development shall be reviewed under the Montecito Architectural

Guidelines and Development Standards, which are implemented and enforced by the County. (LU-M-1.1)

2. New structures shall be limited to an average height of 16 feet above finished grade where site preparation results in a maximum fill of 10 feet or greater in height. (LU-M-1.2.1)

B. Commercial.

1. Commercial designated land serving local needs shall be provided within the "Village Area" but not expanded to new sites. (LUC-M-1.1)

2. A maximum floor area ration (FAR) of 0.25 shall be applied to parcels zoned Neighborhood Commercial (CN). A reduction to the maximum FAR, however, may be required for consistency with other adopted goals, policies and regulations, or may be required for compatibility with surrounding areas. The maximum FAR shall not apply to onsite affordable housing pursuant to provision of the Neighborhood Commercial zone district6. (LUC-M-1.4)

3. A maximum FAR of 0.25 shall be applied to parcels zoned Resort-Visitor Serving (CV) in the Coastal zone, and a maximum FAR 0.10 shall be applied to parcels zoned CV in non-coastal areas. A reduction in the maximum FAR however may be required for consistency with other adopted goals, policies and regulations, or may be required for compatibility with surrounding areas. The maximum FAR shall not apply to onsite affordable housing, pursuant to provisions of the Resort-Visitor Serving Commercial zone district or for projects where a finding for a zoning ordinance variance may be made. (LUC-M-1.5)

4. Improvements to resorts Visitor serving hotels shall be designed to be consistent with the existing historic "Cottage Type Hotel" tradition from the early days of Montecito. "Cottage Type Hotel" is defined by cottages limited to six guest rooms each, which are generally single story in height. (LUC-M-1.6)

   a. New or reconstructed cottages shall be limited to 6 units (keys) per cottage. (LUC-M-1.6.1)

C. Educational, Institutional and other Public and Quasi-Public Uses. All education, institution, and other public and quasi-public uses shall be developed and operated in a manner compatible with the community's residential character. (LUED-M-1)

Air Quality

A. Best Available Control Technology. Construction activities in Montecito shall comply with all requirements of the Santa Barbara County Air Pollution Control District, and shall institute Best Available Control Technology where necessary to reduce emissions below Air Pollution Control District thresholds. (AQ-M-1.3.1)

B. Dust. The applicant shall minimize the generation of fugitive dust during construction activities by: (AQ-M-1.3.2)

1. Minimizing the amount of disturbed area;

2. Utilizing water and or dust palliatives; and

3. Re-vegetating and stabilizing disturbed areas as soon as possible.

Biological Resources

A. Protection standards for all resources. New development shall be designed, constructed, and operated to protect biological resources in compliance with the following standards.

1. Identifying significant resources. The Montecito Biological Resources map shall be consulted as a reference along with other relevant information during the review of development applications, to identify areas containing potentially significant biological resources. The Montecito Biological Resources Map shall be updated periodically to incorporate new information as it becomes available. (BIO-M-1.12)

2. **Fragmentation of biological communities.** Significant biological communities shall not be fragmented into small non-viable pocket areas by development. (BIO-M-1.14)

3. **Wildlife corridors.** In rural areas, and where major wildlife corridors are present in urban areas, new development shall not interrupt major wildlife travel corridors (typical wildlife corridors are provided by drainage courses and similar undeveloped natural areas). (BIO-M-1.14.1)

4. **Protective measures during construction.** The Review Authority shall require appropriate protective measures (e.g., fencing) where necessary to protect sensitive biological resources during construction. (BIO-M-1.14.2)

5. **Onsite restoration**. In cases where adverse impacts to biological resources cannot be avoided after impacts have been minimized to the greatest extent feasible, onsite restoration may be required. Restoration may also be required for lots on which development is proposed and on which disturbance has previously occurred, if currently proposed development would exacerbate an existing impact. The following policies shall be used as guidelines for the restoration effort but shall not preclude reasonable development of a lot: (BIO-M-1.14.3)

   a. The revegetation effort shall include the appropriate diversity and density of plants native to the locality;

   b. Restoration plans shall incorporate maintenance measures to insure that the remedial action is carried out for the duration of the impact;

   c. When restoration is proposed, onsite rather than off-site restoration shall be the preferred alternative; and

   d. Wetland areas and surrounding habitats that have been damaged by pollution and artificial stream channelization shall be restored to their natural condition whenever practical.

6. **Construction monitoring.** Where sensitive or valuable biological resources exist within or border a project site, a County approved biologist or other experienced individual acceptable to the County may be required to monitor construction within/bordering the resource area as determined necessary by the Department. (BIO-M-1.14.4)

7. **Mitigation compliance.** As determined necessary by the Department, prior to issuance of occupancy clearance a biologist shall provide written confirmation to the Department stating that the applicant has complied with all construction-related biological resource mitigation measures. (BIO-M-1.14.5)

B. Coastal Sage Scrub protection. Each area of coastal sage scrub covering one or more acres shall be preserved to the maximum extent feasible. (BIO-M-1.11)

1. **General protection measures.** Development shall avoid impacts to coastal sage scrub that would isolate, interrupt, or cause a break in a contiguous habitat that would disrupt animal movement patterns, seed dispersal routes, or increase the vulnerability of species to local extirpations such as fire, flooding, disease, etc. (BIO-M-1.11.1)

2. **Buffer requirement.** Impacts to coastal sage scrub shall be minimized by providing a minimum 10-foot buffer vegetated with native species and by placing the project outside of the buffer rather than in or through the middle of the habitat area, except where that action would preclude reasonable lot development. (BIO-M-1.11.2)

3. **Onsite mitigation.** Onsite mitigation including revegetation, erosion and water quality protection, and other measures that would minimize the impact of development on coastal sage scrub shall be included in the project design as necessary. (BIO-M-1.11.3)

C. Environmentally Sensitive Habitat (ESH).

1. **Setback or buffer required.** An applicant proposing new development within 100 feet of an ESH, shall include setbacks or undeveloped buffer zones from the habitat area as part of the proposed

development, except where setbacks or buffer zones would preclude reasonable development of the lot. In determining the location, width and extent of setbacks and buffer zones, the Department shall refer to the Montecito Biological Resources Map as well as other available data (e.g., maps, studies, or observations). If the project would result in potential disturbance to the habitat, a restoration plan shall be required. When restoration is not feasible onsite, offsite restoration may be considered. ((BIO-M-1.3.1)

2. **Habit Restoration Plan for zoning violations.** If a zoning violation results in the degradation of an ESH, the applicant shall be required to prepare and implement a habitat restoration plan. Degraded or disturbed portions of an ESH area outside of a formal landscaping plan shall be restored with appropriate native species to offset increased development and increased human and domestic animal presence. (BIO-M-1.3.2)

3. **Landscaping - Invasive species prohibited**. Landscaping that includes invasive species as identified by the California Native Plant Society list of invasive species shall be prohibited in or near ESH areas. Landscaping in an ESH area shall include compatible native species. (BIO-M-1.3.3)

4. **Sensitive species.** Where sensitive plant species and sensitive animal species are found during the review of a discretionary project, efforts shall be made to preserve the habitat in which they are located to the maximum extent feasible. For the purposes of this requirement, sensitive plant species are those species which appear on a list in the California Native Plant Society's Inventory of Endangered Vascular Plants of California. Sensitive animal species are defined as those animal species identified by the California Department of Fish and Game, the U.S. Fish and Wildlife Service and/or are listed in Tate's The Audubon Blue List (birds). (BIO-M-1.23)

D. Monarch butterfly habitats.

1. **Time limits for construction activities.** Any construction, grading or development within 200 feet of a known or historic butterfly roost shall be prohibited between November 1 and April 1. This requirement may be modified/deleted on a case-by-case basis where either the Department or additional information or studies with the approval of the Department conclude that one or more of these activities would not impact monarchs using the trees, or where the review authority determines would preclude reasonable development of the lot. (BIO-M-1.4.1)

2. **Determination of potential impacts, Roost Protection Plan**. Prior to issuance of a Coastal Development Permit or Land Use Permit for development within 200 feet of a known or historic butterfly roost, the Department shall determine if the proposed project would have the potential to adversely impact monarch butterfly habitat, based on proximity to known or historic butterfly trees. The Montecito Biological Resources map shall be considered in determining proximity as well as other available information and maps. If the project has the potential to adversely impact monarch butterfly habitat, the applicant shall submit a Butterfly Roost Protection Plan to the Department. The plan shall be developed at the applicant's expense and shall be included on any grading designs. The plan shall include the following information and measures: (BIO-M-1.4.2)

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

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

   c. Native vegetation shall be maintained within the buffer.

3. **Trimming and clearing vegetation.**

   a. The trimming or clearing of vegetation within 50 feet of a known Monarch Butterfly Habitat

or along riparian habitats shall not occur without Department review and approval. (BIO-M-1.5)

b. A trimming or clean-up plan approved by the Department shall be required for trimming or cleaning associated with a Land Use Permit or Coastal Development Permit within 50 feet of a known Monarch butterfly habitat. The plan shall be supervised by a qualified biologist. (BIO-M-1.5.1)

E. Mountain Drive, Bella Vista sensitive hillside habitat. The habitat on the hillside area north of Mountain Drive and Bella Vista Road, and reaching the northern boundary of the Montecito Community Plan area is recognized as particularly valuable because of the presence of chaparral, sensitive native flora and riparian resources to be protected and/or preserved. Any development proposal in this area shall be designed to avoid areas which contain these habitats and/or identified sensitive species. (BIO-M-1.13)

F. Raptors.

1. **Nest and roost protection**. Trees serving as known raptor nesting or key raptor roosting sites shall be preserved and protected from damage or removal to the maximum extent feasible. (BIO-M-1.18.2)

2. **Buffer requirement.** A buffer of sufficient dimensions, as determined by the Department on a case-by-case basis, shall be established around trees serving as raptor nesting sites or key roosting sites, except where the review authority determines that a buffer would preclude reasonable development of a lot. (BIO-M-1.18.1)

G. Riparian habitats.

1. **Buffer requirement.** Riparian vegetation shall be protected as part of a stream or creek buffer. Where riparian vegetation has previously been removed (except for channel cleaning necessary for free-flowing conditions as determined by the Flood Control District), the buffer shall allow the reestablishment of riparian vegetation to its prior extent to the greatest degree possible. The restoration of degraded riparian areas to their former state shall be encouraged. (BIO-M-1.6)

2. **Buffer dimensions.** The minimum buffer strip for development near streams and creeks in Rural Areas shall be presumptively 100 feet from top of bank, and for streams in Urban Areas, 50 feet. The review authority may adjust these minimum buffers upward or downward on a case-by-case basis but shall not preclude reasonable development of a lot. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Board, to protect the biological productivity and water quality of streams:

   a. Soil type and stability of stream corridors;

   b. How surface water filters into the ground;

   c. Slope of the land on either side of the stream;

   d. Location of the 100 year flood plain boundary; and

   e. Consistency with adopted plans, particularly applicable Biology/Habitat policies.

   The buffer area shall be indicated on all grading plans. All ground disturbance and vegetation removal shall be prohibited in the buffer area. (BIO-M-1.8)

3. **Specific required protection measures**. The riparian protection measures required for a specific project shall be based on the proximity of the project to riparian habitat and the project's potential to directly or indirectly damage the riparian habitat through activities related to a Land Use Permit or Coastal Development Permit including grading, brushing, construction, vehicle parking, supplies or equipment storage, or the proposed use of the property. Damage could include vegetation removal or disturbance, erosion and sedimentation, trenching, and activities which hinder or prevent wildlife access and use of habitat. Prior to the initiation of any grading or development

activity associated with a Land Use or Coastal Development Permit, a temporary protective fence shall be installed along the outer buffer boundary at the applicant's expense, unless the County finds that this measure is not necessary to protect biological resources (i.e., due to topographical changes or other adequate barriers). Storage of equipment, supplies, vehicles, or placement of fill or refuse, shall not be permitted within the fenced buffer region. (BIO-M-1.6.1)

4. **Onsite restoration.** The onsite restoration of any project-disturbed buffer or riparian vegetation within a creek in the Montecito Community Plan area shall be mandatory. A riparian revegetation plan, approved by the County, shall be developed by a County approved biologist (or other experienced individual acceptable to the County) and implemented at the applicant's expense. The revegetation plan shall use native species that would normally occur at the site prior to disturbance. The plan shall contain planting methods and locations, site preparation, weed control, and monitoring criteria and schedules. (BIO-M-1.6.2)

5. **Structures within riparian habitat**. No structure shall be located within a riparian corridor except public trails that would not adversely affect existing habitat; dams necessary for water supply projects; flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety; or other development where the primary function is for the improvement of fish and wildlife habitat and where this requirement would preclude reasonable development of a lot. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible to minimize the impact to the greatest extent. (BIO-M-1.7)

6. **Development within stream corridors.** All development, including dredging, filling and grading within stream corridors, shall be limited to activities necessary for the construction of uses specified in Subsection E.5. When those activities would require removal of riparian plant species, revegetation with local native plants shall be required on both banks and extending outward 25 feet from each top of bank, except where it would preclude reasonable development of a lot. (BIO-M-1.10)

H. Tree protection.

1. **Specimen tree preservation**. Specimen trees shall be preserved to the maximum extent feasible. For the purposes of this requirement, specimen trees are defined as mature trees that are healthy and structurally sound, and have grown into the natural stature particular to the species. Native or non-native trees that have unusual scenic or aesthetic quality, have important historic value, or are unique due to species type or location shall be preserved to the maximum extent feasible. (BIO-M-1.15, BIO-M-1.15.1)

2. **Native tree preservation.** All existing native trees that have biological value shall be preserved to the maximum extent feasible, regardless of their size. (BIO-M-1.16)

3. **Oak tree protection.** Oak trees shall be protected to the maximum extent feasible, because they are particularly sensitive to environmental conditions. All land use activities, including agriculture shall be carried out in a manner to avoid damage to native oak trees. The regeneration of oak trees shall be encouraged. (BIO-M-1.17)

4. **Oak woodland protection.** Oak woodlands shall be protected as habitat rather than as individual trees. Emphasis shall be placed on preservation and enhancement of oak woodlands as they provide habitat for numerous plant and animal species.

   a. **Oak woodlands defined.** Oak Woodlands are defined for the purposes of this Section as stands dominated by Coast Live Oak (*Quercus agrifolia*) and other trees native to oak woodlands (including vegetation transition zones) which form a closed canopy of a minimum of one acre and are not surrounded by or heavily influenced by urban development including structures or roads, and where the understory has not been permanently disturbed (e.g., by structures or roads). A general description of the characteristics of oak woodlands

and a list of typical understory vegetation for oak woodlands in Montecito is in Montecito Community Plan Appendix D (Excerpted from California vegetation, 4th Edition by V.L. Holland pg 172-176; 1990). (BIO-M-1.19)

b. **Buffer requirement.** A minimum 25-foot buffer around oak woodlands shall be maintained, except where it would preclude reasonable development of a lot. Structures, roads, and non-native landscaping shall be prohibited within the buffer area except where it would preclude reasonable development of the lot. Grading and other site preparation activities shall not be allowed within six feet of an oak woodland, except where it would preclude reasonable development of a lot. (BIO-M-1.19.1)

5. **Tree Protection Plan.** Where native trees of biological value may be impacted by new development (either through ministerial or discretionary project approval), a Tree Protection Plan shall be required.

a. **When required.** The decision to require preparation of a Tree Protection Plan shall be based on the location of the native trees and the project's potential to directly or indirectly damage the trees through such activities as grading, brushing, construction, vehicle parking, supply/equipment storage, trenching or the proposed use of the property.

b. **Plan content and requirements.** The Tree Protection Plan shall be based on the County's Tree Protection Plan standards and shall include a graphic depiction of the Tree Protection Plan elements on final grading and building plans (Existing landscaping plans submitted to County Board of Architectural Review (BAR) may be sufficient). A report shall be prepared by a County approved arborist/biologist that indicates measures to be taken to protect affected trees where standard measures are determined to be inadequate. If necessary, an appropriate replacement/replanting program may be required.

c. **Plan preparation and review.** A Tree Protection Plan shall be developed at the applicant's expense. The plan shall be approved by The Department prior to issuance of a Land Use or Coastal Development Permit. (BIO-M-1.16.1)

I. **Wetlands.** Wetland areas and surrounding habitats that have been damaged by pollution and artificial stream channelization shall be restored to their natural condition whenever feasible. (BIO-M-1.9)

Circulation

A. **Pedestrian and bicycle access.** Site design shall encourage pedestrian and bicycle access to adjacent walkways and paths. (CIRC-M-1.8.1)

B. **Trails.**

1. Designated trail corridors shall be kept clear from encroachment by new uses or development to the extent reasonably feasible. (PRT-M-1.5.1)

2. Recreational trail corridors shall be protected for future use by conditions placed upon all development which may directly affect the designated trail corridors to require a permanent dedication of useable public trails through the trail corridors. (PRT-M-1.5.2)

Cultural Resources.

A. **Archaeological resource determination.** Prior to the issuance of a Land Use or Coastal Development Permit, the Department shall determine whether the project site is either a known or part of a known archaeological site, or is in an area with potential archaeological resources. This shall be determined by consulting the Department for archaeological surveys of the area that would provide this information.

B. **Survey required.** If the site is in an area that is likely to contain archaeological resources and there has not yet been a Phase I survey of the property, the applicant shall fund the preparation of a Phase I survey by a Department-qualified archaeologist, unless this requirement is specifically waived by the Department based upon their professional opinion that the Phase I survey is not needed to avoid archaeological

resources. All recommendations of an archaeological report analysis, including the completion of additional archaeological analysis (i.e., Phase 2, Phase 3) and/or project redesign shall be implemented or incorporated into the proposed project prior to the issuance of a Land Use Permit or Coastal Development Permit. (CR-M-2.1.1)

Flood Hazard Mitigation

A. **Onsite drainage systems.** For any new development where the building site would be subject to adverse drainage impacts from surrounding properties, or that would create offsite drainage impacts, an onsite drainage system shall be designed by a registered civil engineer and approved by the County Flood Control District to intercept drainage (e.g., perimeter troughs and/or drain inlets) and to safely deliver the runoff to the nearest public drainage, as determined by the County Flood Control District. (FD-M-4.5.1)

B. **Drainage system improvements.** For any proposed new development which would be constructed prior to the emplacement of Master Drainage Plan improvements to serve the project, the developer shall be responsible for constructing certain drainage system elements in order to control project runoff. (FD-M-4.5.2)

C. **Hillside erosion.** To prevent hillside erosion, removal of vegetation on slopes 20 percent or greater shall be limited to that necessary for fire protection and for reasonable development of the parcel. (FD-M-1.1)

D. **Groundwater recharge.** Development shall be designed to minimize the threat of onsite and downstream flood potential and to allow recharge of the groundwater basin to the maximum extent feasible. (FD-M-2.1)

E. **Flood control measures.** New development shall be located in a manner that minimizes the need for flood control measures. (FD-M-2.2)

F. **Stream alterations.** No further concrete channelization or major alterations of streams shall be permitted. (FD-M-4.6)

Grading Standards and Geologic Hazard Mitigation

A. **Earthquake faults.** Construction within fifty feet of Historically Active and Active Fault traces shall be avoided. The County shall require special engineering features to minimize potential structural damage from fault rupture for any structure which cannot avoid faults. (GEO-M-1.4)

B. **MBAR review required.** The Department shall not issue a Land Use Permit for the grading of roads or individual building pads until the structure has received Final MBAR approval. (GEO-M-1.5.1).

C. **Grading Plan contents.** Prior to the issuance of a grading permit, the review authority shall determine which, if any of the following measures shall be incorporated into the grading plan. This decision shall be based on the project's proximity and potential impact to sensitive habitats (e.g., riparian) and the presence of steep slopes, erosive soils, etc., on or adjacent to the site. Consideration shall be given to all activities that would likely occur as part of the permit being considered, including grading, brushing, construction, vehicle parking, supply/equipment storage and trenching.

1. Sediment, silt and grease traps (where vehicle oils or fuels may be leaked) shall be installed in paved areas to act as filters to minimize pollution reaching downstream habitats. These filters would address short-term construction and long-term operational impacts; (GEO-M-1.5.3)
2. Temporary, low cost erosion control, such as hay bales and debris fencing shall be installed within unpaved areas during the rainy season (typically from November to March) whenever the treat of erosion and sediment movement into drainage exists; and
3. Graded slopes shall be temporarily seeded with non-invasive or naturalized annual grasses if landscaping is delayed past the onset of the rainy season.

D. **Drainage plan for steep slopes.** A drainage plan shall be required for all development on slopes of 20 percent or greater, to minimize landslide, soil creep and erosion hazards. (GEO-M-1.5.2)

E. **Landscape plan for steep slopes.** Landscape plans required for all new development on slopes greater than 20 percent shall strive to ensure revegetation of graded areas. Each landscape plan shall be subject to review by the Montecito BAR. (GEO-M-1.5.4)

F. **Excessive grading.** Excessive grading for the sole purpose of creating or enhancing views shall not be permitted. (LU-M-1.2)

Hazards

The review authority shall consider the potential for exposure to radon gas during project review by determining if the site is in an area overlying a geologic formation that is a known source of radon gas (e.g., Rincon Formation) based on the most up-to-date geologic maps of the Montecito area accepted by the Department. If the site is located in such an area, the Review Authority shall require as conditions of approval that: (GEO-M-2.1.1)

A. **Electromagnetic fields (EMF).** In reviewing permits for EMF sensitive uses (e.g., residential, schools, etc.), the Department shall require an adequate building setback from EMF-generating sources to minimize exposure hazards. The Department shall consult with Southern California Edison and County/State Health Services and outside experts as needed, on the appropriate setback from power lines and substations. The setback shall be based upon measurements of magnetic fields created by the EMF source and shall be established so as not to expose the public to elevated levels of EMF. (E-M-1.1, E-M-1.1.1)

B. **Construction Standards.** Any construction standards determined by the Division of Building and Safety as necessary to reduce the potential for exposure to radon gas; and

C. **Noticing.** A notice be placed on the property title stating that the property overlies a geologic formation which is a source of radon gas, and that structures should be periodically tested for the presence of the gas.

Noise Standards

A. **Hours of construction.** All site preparation and associated exterior construction activities related to new residential units including remodeling, demolition, and reconstruction, shall take place between 7:00 a.m. and 4:30 p.m., weekdays only. (N-M-1.1.1)

B. **Noise mitigation methods.** Significant noise impacts upon new noise sensitive land uses (as defined by the Noise Element) shall be avoided through the provision of sound shielding and/or adequate design that provides sufficient attenuation, or through the proper siting of structures to avoid areas of elevated ambient noise. (N-M-1.1.2)

Site Specific Standards

A. **Hosmer Adobe Parcel (009-060-049).**

1. Hosmer Adobe shall be preserved, as a community resource and shall not be removed or damaged.
2. A Phase I survey shall be performed and the County's Cultural Resource Guidelines shall be followed.
3. New development shall utilize low-flow plumbing fixtures and maximize the use of drought-tolerant species and low water use irrigation for landscaping.
4. Development shall be sited and designed to avoid the removal of native and non-native trees. If such trees are damaged or removed, an RMD approved tree replacement program shall be implemented consistent with the policies and development standards of the Montecito Community Plan.
5. A landscape plan including the preservation of large scenic trees within development areas and along San Ysidro Road shall be implemented, and if necessary, a landscape buffer along San Ysidro Road shall be provided.

6. An acoustical analysis shall demonstrate that all new development is sited and designed to reduce both interior and exterior noise levels to below County standards. This may be accomplished through a variety of approaches including setback of units and exterior living spaces from noise corridors, orientation of units away from noise sources, use of soundwalls and/or berms in the landscape plan, and/or construction techniques to reduce interior noise levels.

7. A construction emissions program shall be implemented. The program shall include keeping graded areas damp with reclaimed water during excavation, revegetating graded areas, covering soil stockpiles and tarping trucks transporting fill.

8. Development shall be subject to Fire Department review and approval; Fire Department standards and special conditions shall be followed and implemented.

9. The applicant shall contribute an amount as specified by the Public Works Transportation Division calculated on a per peak hour trip basis to be combined with County, State and Federal funds for future road improvements in the Montecito Planning Area.

B. South Jameson (Hammond) Property (009-320-003 and -004).

1. Development shall be clustered on the northern portion of the property adjacent to South Jameson Lane. The remaining portion of the property should be allocated to open space with the intent of continuing organic farming on the site to the extent feasible.

2. Development shall be clustered in a manner such as to:

   a. Provide unobstructed views of the open space area from South Jameson Lane;

   b. Allow access to the rear portion of the site;

   c. Adequately buffer any organic farming operations from the residences;

   d. Preserve to the extent feasible existing specimen and native trees on the site.

3. If applicable, potential buyers of the residential units shall be notified through a notice on their property title that organic farming may occur on the site;

4. Improvements to the San Ysidro Road overpass shall be required prior to the development of the site.

5. To minimize increased noise, lighting, etc. and loss of privacy for uses to the west, all new development shall be sited and designed in a manner that least impacts existing development.

6. The applicant shall contribute an amount as specified by the Public Works Department Transportation Division calculated on a per peak hour trip basis to be combined with County, State, and Federal funds for future road improvements in the Montecito Planning Area.

7. Development shall be set back at least 50 feet from Montecito Creek's top of bank, and the creek shall be revegetated with appropriate native species.

8. Flood Control District standards and conditions shall be implemented.

9. A landscape plan including to the extent feasible, the preservation of oak trees within development areas and along South Jameson Road shall be implemented, and if necessary, a landscape buffer along South Jameson Road shall be provided.

10. A Phase I survey shall be performed and development shall adhere to the County's Cultural Resource Guidelines.

11. An acoustical analysis shall demonstrate that all new development is sited and designed to reduce both interior and exterior noise levels to below County standards. This may be accomplished through a variety of approaches including setback of units and exterior living spaces from the noise corridors, orientation of units away from noise sources, use of soundwalls and/or berms in the landscape plan, and/or, construction techniques to reduce interior noise levels.

12. Noise generating construction activities shall be limited to the hours between 7:30 to 4:30, Monday through Friday.

13. A construction emissions program shall be implemented. This program shall include keeping graded areas damp with reclaimed water during excavation, revegetating graded areas, covering soil stockpiles and tarping trucks transporting fill.

14. Fire Department standards and conditions shall be followed and implemented.

Visual Resources - Standards

A. **Visibility of new structures.** New structures shall be designed, sited, graded, and landscaped in a manner which minimizes their visibility from public roads. (LU-M-2.1)

B. **Screening.** In order to maintain the naturalized landscape currently characteristic of Montecito's residential roadways, new structures and onsite parking areas in residential areas shall be screened from view from adjacent public roadways to the maximum extent feasible, by careful site planning and landscaping. (LU-M-2.1.1)

C. **Lighting.** Lighting of structures, roads and properties shall be minimized to protect privacy, and to maintain the semi-rural, residential character of the community. (LU-M-2.2)

D. **Community character.** All educational, institutional, and other public & quasi-public uses shall be developed and operated in a manner compatible with the community's residential character. (LUED-M-1.1)

E. **Mountain views.** Development shall be subordinate to the natural open space characteristics of the mountains. (VIS-M-1.1)

F. **Grading.** Grading required for access roads and site development shall be limited in scope so as to protect the viewshed. (VIS-M-1.2)

G. **Open space views.** Development on property should minimize impacts to open space views as seen from public roads and viewpoints. (VIS-M-1.3)

H. **Water tanks.** In hillside areas where water tanks are required for structural fire fighting purposes, tanks should be designed to:

1. Blend in with natural land forms;
2. Not impinge on the view shed; and
3. Be screened by landscaping.

Water Conservation

Each required landscape plan shall include drip irrigation systems and/or other water saving irrigation systems. (WAT-M-1.2.1)