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LCP-4-STB-23-0061-2 (ADU Update)

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EXHIBITS

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ATTACHMENT 5: ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. 5194

AN ORDINANCE AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE (CZO), OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 1, IN GENERAL, DIVISION 2, DEFINITIONS, DIVISION 4, ZONING DISTRICTS, DIVISION 7, GENERAL REGULATIONS, DIVISION 11, PERMIT PROCEDURES, DIVISION 12, ADMINISTRATION, DIVISION 13, SUMMERLAND COMMUNITY PLAN OVERLAY, DIVISION 15, TORO CANYON PLAN (TCP) OVERLAY DISTRICT, AND DIVISION 17 GAVIOTA COAST PLAN TO IMPLEMENT NEW REGULATIONS AND DEVELOPMENT STANDARDS REGARDING ACCESSORY DWELLING UNITS (ADUS) AND JUNIOR ACCESSORY DWELLING UNITS (JADUS) AND MINOR ORDINANCE AMENDMENTS TO CORRECT AND CLARIFY EXISTING REGULATIONS.

23ORD-00009

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

SECTION 1:

DIVISION 1, In General, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Subsection C, Process, of Section 35-51B, Exemptions from Planning Permit Requirements, to read as follows:

C. **Process.** Any determination made by the Director that a use, activity, or structure is exempt from the planning permit requirements of this Article in accordance with this Section is final and not subject to appeal except in accordance with Section 30625 of the Coastal Act.

SECTION 2:

DIVISION 2, Definitions, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the definitions of "Accessory Dwelling Unit," "Cannabis," "Floor Area – Gross," and "Passageway" and add a new definition of "Junior Accessory Dwelling Unit" to read as follows:

Accessory Dwelling Unit. An attached or a detached residential dwelling unit that is located on the same lot as a single-family or multiple-family dwelling to which the accessory dwelling unit is accessory and (1) provides complete independent living facilities for one or more persons including permanent provisions for cooking, eating, living, sanitation, and sleeping, and (2) provides interior access between all habitable rooms. An accessory dwelling unit may also include an efficiency unit, as defined in Section 17958.1 of Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

1. **Attached Accessory Dwelling Unit**. An accessory dwelling unit that shares at least five feet of common wall with, or is stacked above or below the principal dwelling or an attached accessory structure.
2. **Detached Accessory Dwelling Unit.** An accessory dwelling unit that is detached from the principal dwelling and is located on the same lot as the existing or proposed principal dwelling. A detached

accessory dwelling unit may be attached to a detached accessory structure.

Cannabis: All parts of the plant *Cannabis sativa Linnaeus*, *Cannabis indicia* or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including, but not limited to, separated resin. Cannabis also means medical and non-medical marijuana. Cannabis does not include industrial hemp, as defined in Section 11018.5 of the Health and Safety Code as may be amended. Additionally, the following terms are defined for the purposes of Section 35-144U (Cannabis Regulations):

a. **Canopy.** The designated area(s) at a licensed premise, except nurseries, that will contain mature flowering plants at any point in time, as follows:

   1) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature flowering plants at any point in time, including all of the space(s) within the boundaries;
   2) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds, or garden plots; and
   3) If mature flowering plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

b. **Commercial cannabis activity.** Any activity, recreational or medicinal, that includes the cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products as provided in this Chapter. "Commercial cannabis activity" does not include personal use.

c. **Commercial cannabis operation.** Any person or entity that engages in commercial cannabis activities.

d. **Cultivation.** Any activity involving the planting, growing, harvesting, drying, curing, or trimming of cannabis, as well as grading of land to conduct any such activity. Cultivation includes outdoor cultivation, indoor cultivation, and mixed light cultivation as follows:

   1) **Indoor cultivation.** The cultivation of cannabis within a structure using exclusively artificial light.

   2) **Outdoor cultivation.** The cultivation of cannabis, outside of a structure, without the use of artificial lighting in the canopy area at any point in time. Cultivation within a hoop structure is considered outdoor cultivation. No artificial lighting is permissible for outdoor cultivation, including within hoop structures.

   3) **Mixed-light cultivation.** The cultivation of cannabis a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models, excluding hoop structures.

e. **Distribution.** The procurement, wholesale, and transport of cannabis and cannabis products between licensees.

f. **Distributor.** A facility used for the storage and distribution of cannabis and cannabis products.

g. **Manufacturing.** All aspects of the extraction and/or infusion processes, including processing, preparing, holding, storing, packaging, or labeling of cannabis products. Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.

h. **Microbusiness.** Permit by an owner or entity to engage in three of the four following types of cannabis activities: cultivation, distribution, non-volatile manufacturing, and/or retail. Microbusiness permitees must demonstrate compliance with all requirements imposed by this Article on cultivators, distributors, non-volatile manufacturers, and retailers to the extent the permit is to engage in such activities.

i. **Nonvolatile Manufacturing.** Manufacturing using any solvent in the extraction process that is not a volatile solvent, mechanical extraction, and infusions. For purposes of this Section, nonvolatile solvents include, but are not limited to, carbon dioxide and ethanol.

j. **Nursery.** A nursery only produces clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

k. **Personal Use.** The cultivation, harvesting, drying, or processing of cannabis plants with the intent to possess, smoke, or ingest cannabis or cannabis products for one's own individual use or by a primary caregiver for his or her qualified patient(s) in accordance with State law.

l. **Private residence.** A house, an apartment unit, a mobile home, a condominium, a townhome, an accessory dwelling unit, junior accessory dwelling unit, or other similar dwelling.

m. **Premise.** The designated structure or structures and land specified in the state application that is owned, leased, or otherwise held under the control of the applicant where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

n. **Processing.** All activities associated with drying, curing, grading, trimming, storing, packaging, and labeling of nonmanufactured cannabis products.

o. **Retail.**

   i. **Non-Storefront Retail.** Delivery-only retail of commercial cannabis or cannabis products. Those who conduct non-storefront retail are referred to as Non-Storefront Retailer.

   ii. **Storefront Retail.** The retail sale and delivery of cannabis or cannabis products to customers, also referred to as a Storefront Retailer. A retailer shall operate from a licensed premise, which is a physical location from which commercial cannabis activities are conducted. A retailer's premise may be closed to the public. A Storefront retailer may also conduct some sales by delivery.

p. **Testing.** An accredited laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products.

q. **Volatile Manufacturing.** Manufacturing using any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

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 for greater and that are deemed usable by the building official;

(10) In residential zone districts, additionally all roofed porches, arcades, balconies, porticos, breezeways or similar features when located above the ground floor.

The gross floor area of a structure that lacks walls shall be the area of all floors or levels included under the roofed or covered area of the structure.

This definition shall not apply to accessory dwelling units and junior accessory dwelling units, which shall be subject to the definition of "floor area" as defined in Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units). The gross floor area, as defined above, of any existing or proposed accessory dwelling unit or junior accessory dwelling unit shall be included in any total gross floor area calculations of the subject lot.

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

Junior accessory dwelling unit. A residential dwelling unit that is no more than 500 gross square feet in size (as measured in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units)) and contained entirely within a one-family dwelling or its attached garage. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

SECTION 3:

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

Section 35-68.3 Permitted Uses.

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this Section 35-68.

2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich; or three goats, hogs, or other livestock not specifically enumerated herein, shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept. In no case shall more than three hogs be kept on any such lot. *(Amended by Ord. 4086, 12/15/1992)*

3. Private kennels, and small animals and poultry raising limited to reasonable family use on a non-commercial basis. *(Added by Ord. 4067, 08/18/1992)*

4. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales). *(Amended by Ord. 4557, 12/07/2004)*

5. Greenhouses, hothouses, other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a Development Plan shall be submitted, processed, and approved as provided in Section 35-174 (Development Plans). For any greenhouse or related development, packing and shipping facility, and shade and hoop structure in the Carpinteria Valley additional regulations of the Carpinteria Agricultural (CA) Overlay District (Section 35-102F) shall apply. *(Amended by Ord. 4529, 04/20/2004)*

6. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).

7. One accessory dwelling unit or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

8. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot. *(Amended by Ord. 3835, 03/20/1990; Ord. 4557, 12/07/2004)*

9. Home occupations, subject to the provisions of Section 35-121 (General regulations) and accessory to a residential use of the same lot. *(Amended by Ord. 3836, 03/20/1990); Ord. 4557, 12/07/2004)*

10. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities). *(Added by Ord. 4378, 11/16/1999; Amended by Ord. 5004, 12/14/2017)*

11. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

12. Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.

13. Cannabis, Distribution, subject to the provisions of Section 35-144U.

14. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.

15. Uses, buildings and structures accessory and customarily incidental to the above uses. *(Amended by Ord. 4557, 12/07/2004)*

SECTION 4:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-69.3, Permitted Uses, of Section 35-69, AG-II – Agriculture II, to read as follows:

Section 35-69.3 Permitted Uses.

1. All types of agriculture and farming, including commercial raising of animals, subject to the limitations hereinafter provided in this Section 35-69.
2. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales). *(Amended by Ord. 4557, 12/07/2004)*
3. Commercial boarding of animals.
4. Private and/or commercial kennels. *(Amended by Ord. 4067, 08/18/1992)*
5. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).
6. One accessory dwelling unit or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
7. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use located on the same lot. *(Amended by Ord. 3835, 03/20/1990; Ord. 4557, 12/07/2004)*
8. Greenhouses, hothouses, or other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a development plan shall be submitted, processed, and approved as provided in Section 35-174 (Development Plans). *(Amended by Ord. 3838, 03/20/1990)*
9. On-shore oil development, including exploratory and production wells, pipelines, storage tanks, processing facilities for on-shore oil and gas, and truck terminals subject to the requirements set forth in DIVISION 9, OIL & GAS FACILITIES.
10. Excavation or quarrying of building or construction materials, including diatomaceous earth, subject to the provisions of Section 35-177 (Reclamation Plans).
11. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use located on the same lot. *(Amended by Ord. 3836, 03/20/1990; Ord. 4557, 12/07/2004)*
12. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities). *(Added by Ord. 4378, 11/16/1999; Amended by Ord. 5004, 12/14/2017)*
13. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*
14. Uses, buildings and structures accessory and customarily incidental to the above uses. *(Amended by Ord. 4557, 12/07/2004)*
15. Cannabis, Cultivation and Nursery, subject to the provisions of *Section 35-144U.*
16. Cannabis, Distribution, subject to the provisions of *Section 35-144U.*
17. Cannabis, Non-volatile Manufacturing, subject to the provisions of *Section 35-144U.*

SECTION 5:

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

Section 35-70.3 Permitted Uses.

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this Section 35-70.
2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich, or other livestock not specifically enumerated herein; or three goats, hogs; shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept. In no event shall more than three hogs be kept on any such lot. *(Amended by Ord. 4086, 12/15/1992)*
3. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales). *(Amended by Ord. 4557, 12/07/2004)*
4. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).
5. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
6. One guest house or artist studio per legal lot, subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot. *(Amended by Ord. 3835, 03/20/1990, Ord. 4557, 12/07/2004)*
7. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot. *(Amended by Ord. 4557, 12/07/2004)*
8. Greenhouses, hothouses, or other plant protection structures not exceeding 300 square feet.
9. The keeping of animals and poultry subject to the R-1/E-1 provisions of Section 35-71.12, Subsections 3. through 9., only (Animals). *(Added by Ord. 4067, 08/18/1992; amended by Ord. 4086, 12/15/1992; Ord. 4557, 12/07/2004)*
10. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities). *(Added by Ord. 4378, 11/16/1999; Amended by Ord. 5004, 12/14/2017)*
11. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*
12. Uses, buildings and structures which are customarily incidental to the above uses. *(Amended by Ord. 4557, 12/07/2004)*

SECTION 6:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-71.3, Permitted Uses, of Section 35-71, R-1/E-1 – Single-Family Residential, to read as follows:

Section 35-71.3 ***Permitted Uses*** (Amended by Ord. 3518, 06/03/1985, Ord. 4186, 03/14/1995)

1. One single-family dwelling per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, and subject to the provisions of Section 35-141. *(Amended by Ord. 4557, 12/07/2004)*
2. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
3. One guest house or artist studio, subject to the provisions in Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot. *(Amended by Ord. 3835, 03/20/1990 and Ord. 4557, 12/07/2004)*
4. Home occupations subject to the provisions of Section 35-121. (General Regulations) and accessory to a residential use of the same lot. *(Amended by Ord. 4557, 12/07/2004)*
5. Orchards, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.
6. Greenhouses, hothouses, and other plant protection structures subject to all of the following: *(Amended by Ord. 4557, 12/07/2004)*
   a. The structure is accessory to either a residential or agricultural use of the same lot.
   b. The structure shall not exceed a gross floor area of 300 square feet.
   c. The structure is used only for the propagation and cultivation of plants.
   d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.
7. The keeping of animals and poultry accessory to the primary residential use located on the same lot and subject to the provisions of Section 35-71.12. *(Amended by Ord. 4557, 12/07/2004)*
8. Public parks, public playgrounds, and community centers operated by a public agency. *(Amended by Ord. 4557, 12/07/2004)*
9. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities). *(Added by Ord. 4378, 11/16/1999; Amended by Ord. 5004, 12/14/2017)*
10. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*
11. Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises. *(Amended by Ord. 4186, 03/14/1995; Ord. 4557, 12/07/2004)*

SECTION 7:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-72.3, Permitted Uses, of Section 35-72, R-2 – Two Family Residential, to read as follows:

Section 35-72.3 Permitted Uses (Amended by Ord. 3518, 06/03/1985; Ord. 4067, 08/018/1992; Ord. 4557, 12/07/2004)

1. One single family dwelling or one two family dwelling, i.e., duplex, per legal lot. *(Amended by Ord. 4298, 03/24/1998)*
2. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
3. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities). *(Added by Ord. 4378, 11/16/1999; Amended by Ord. 5004, 12/14/2017)*
4. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*
5. Home occupations subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot. *(Amended by Ord. 4557, 12/07/2004)*
6. Orchards, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.
7. Greenhouses, hothouses, and other plant protection structures subject to all of the following:
   a. The structure is accessory to either a residential or agricultural use of the same lot.
   b. The structure shall not exceed a gross floor area of 300 square feet.
   c. The structure is used only for the propagation and cultivation of plants.
   d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.
8. The keeping of animals and poultry accessory to a residential use located on the same lot and subject to the provisions of Section 35-71.12 (R-1/E-1, Animals).
9. Public parks, public playgrounds, and community centers operated by public agencies.
10. Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises.

SECTION 8:

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

Section 35-73.3 Permitted Uses.

1. One single-family dwelling per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, and subject to the provisions of Section 35-141 (General Regulations). Except as provided herein, trailers in any condition shall not be used for any purpose.

2. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
3. One guest house or artist studio, subject to the provisions in Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot. *(Amended by Ord. 3835; 03/20/1990; Ord. 4557, 12/07/2004)*
4. Golf courses and facilities incidental and subordinate to such use (e.g., restaurant, pro shop) but not including commercial driving tees, ranges, putting courses or miniature golf courses.
5. Parks, playgrounds, and community facilities operated by a non-profit homeowners association.
6. Orchards, truck and flower gardens, and the raising of field crops.
7. Greenhouses, hothouses, and other plant protection subject to all of the following:
   a. The structure is accessory to either a residential or agricultural use of the same lot.
   b. The structure shall not exceed a gross floor area of 300 square feet.
   c. The structure is used only for the propagation and cultivation of plants.
   d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.
8. The keeping of animals and poultry subject to the provisions of Section 35-71.12 and accessory to the primary residential use of the same lot. *(Amended by Ord. 4557 12/07/2004)*
9. Home occupations subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot.
10. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities). *(Added by Ord. 4378, 11/16/1999; Amended by Ord. 5004, 12/14/2017)*
11. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*
12. Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises. *(Amended by Ord. 4186; 03/14/1995)*

SECTION 9:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-74.4, Permitted Uses, of Section 35-74, DR – Design Residential, to read as follows:

Section 35-74.4 Permitted Uses. (Amended by Ord. 3518, 06/03/1985; Ord. 4378, 11/16/1999)

1. Single family, duplex, triplex, and multi-family dwelling units, including developments commonly known as row houses, town houses, condominiums, cluster, and community apartment projects.
2. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory

Dwelling Units).

3. Parking lots, carports, and garages designed and used for individual units within the district and either adjacent to such units or centrally located to serve a group of units.

4. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-74.4, for use by on-site residents and/or employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Added by Ord. 4067, 08/18/1992)*

5. Golf courses.

6. Public parks, public playgrounds, and community centers.

7. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot. *(Amended by Ord. 4557, 12/07/2004)*

8. The keeping of animals accessory to a residential use located on the same lot and subject to the provisions of Section 35-419.12 (R-1/E-1, Animals). *(Amended by Ord. 4557, 12/07/2004)*

9. Greenhouses, hothouses, and other plant protection structures subject to all of the following: *(Added by Ord. 3959, 02/21/1992; amended by Ord. 4557, 12/07/2004)*

    a. The structure is accessory to either a residential or agricultural use of the same lot.

    b. The structure shall not exceed a gross floor area of 300 square feet.

    c. The structure is used only for the propagation and cultivation of plants.

    d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.

10. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities). *(Added by Ord. 4378, 11/16/1999; Amended by Ord. 5004, 12/14/2017)*

11. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

12. Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises. *(Added by Ord. 4378, 11/16/1999; amended by Ord. 4557, 12/07/2004)*

SECTION 10:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-75.7, Permitted Uses, of Section 35-75, PRD – Planned Residential Development, to read as follows:

Section 35-75.7 Permitted Uses.

1. Residential units, either attached or detached, including single family dwellings, duplexes, row houses, town houses, apartments, and condominiums.

2. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when

approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

3. Recreational facilities, including but not limited to tennis courts, swimming pools, playgrounds, and parks for the private use of the residents of the development, provided such facilities are not operated for remuneration. *(Amended by Ord. 4557, 12/07/2004)*

4. Laundromat, meeting rooms, for use by residents of the development. *(Amended by Ord. 4067, 08/18/1992)*

5. Where required by the Coastal Land Use Plan, resort visitor-serving facilities.

6. Home Occupations, subject to the provisions of Section 35-121 (General Regulations). *(Amended by Ord. 3836, 03/20/1990)*

7. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-75.7, for use by on-site residents and/or employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Added by Ord. 4067, 08/18/1992)*

8. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities). *(Added by Ord. 4378, 11/16/1999; Amended by Ord. 5004, 12/14/2017)*

9. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

10. The keeping of household pets accessory to a residential use of a dwelling located on the lot on which the animal keeping occurs provided that: *(Amended by Ord. 4557, 12/07/2004)*

    a. There shall not be more than three dogs permitted on any one lot.

    b. Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.

    c. 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 Animal Services Division of the County Public Health Department.

    d. Enclosures for such small animals shall be no closer than 25 feet to any dwelling located on another lot.

    e. No rooster or peacock shall be kept or raised on the lot.

11. Uses, buildings, and structures accessory and customarily incidental to the above uses. *(Amended by Ord. 4557, 12/07/2004)*

SECTION 11:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-76.4, Permitted Uses, of Section 35-76, SR-M – Medium Density Student Residential, to read as follows:

Section 35-76.4 Permitted Uses.

1. One single family dwelling unit, one two-family dwelling or multi-unit dwellings. *(Amended by Ord. 4318, 06/23/1998)*

2. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
3. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*
4. Parking lots, carports, and garages designed and used for individual units within the development and either adjacent to such units or centrally located to serve a group of units. The required parking may be located on lots within 500 feet of the lot containing the development requiring such parking, subject to conditions which will insure permanent maintenance of such parking spaces so long as the development exists.
5. Accessory uses, buildings, and structures which are incidental, and subordinate to, permitted uses and not involving the maintenance of a commercial enterprise on the premises.
6. Public parks, public playgrounds, and community centers.
7. Home occupations, subject to the provisions of Section 35-121 (General Regulations).
8. Orchard, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.
9. Greenhouses, hothouses, and other plant protection structures not exceeding 300 square feet, used only for the propagation and cultivation of plants, provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith.
10. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-76.4, for use by on-site residents and/or employees of the development; when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Added by Ord. 4067, 08/18/1992)*

SECTION 12:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-77.4, Permitted Uses, of Section 35-77, SR-H – High Density Student Residential, to read as follows:

Section 35-77.4 Permitted Uses.

1. One single family dwelling unit, one two-family dwelling or multi unit dwellings. *(Amended by Ord. 4318, 06/23/1998)*
2. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
3. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*
4. Dormitories, student housing facilities, residence halls, sororities and fraternities located in an area where such facilities are to be used by students of an educational institution.
5. Parking lots, carports, and garages designed and used for individual units within the development and

either adjacent to such units or centrally located to serve a group of units. The required parking may be located on lots within 500 feet of the lot containing the development requiring such parking, subject to conditions which will insure permanent maintenance of such parking spaces so long as the development exists.

6. Accessory uses, buildings, and structures which are incidental, and subordinate to, permitted uses and not involving the maintenance of a commercial enterprise on the premises.
7. Public parks, public playgrounds, and community centers.
8. Home occupations, subject to the provisions of Section 35-121 (General Regulations).
9. Orchard, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.
10. Greenhouses, hothouses, and other plant protection structures not exceeding 300 square feet, used only for the propagation and cultivation of plants, provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith.
11. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-77.4, for use by on-site employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Amended by Ord. 4067, 08/18/1992)*
12. Emergency Shelter. *(Added by Ord. 4169, 10/11/1994)*

SECTION 13:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-77A.3, Permitted Uses, of Section 35-77A, C-1 – Limited Commercial, to read as follows:

Section 35-77A.3 Permitted Uses. (Amended by Ord. 4318, 06/23/1998)

1. Retail stores, shops or establishments supplying commodities for travelers, as well as residents in the surrounding neighborhood, provided that such enterprises are conducted entirely within an enclosed building, such as bakeries, ice cream shops, grocery and liquor stores, hardware and appliance stores, clothing and shoe stores, sporting goods stores, pet shops, prescription pharmacies, florist shops, automobile accessory stores, garden supply stores and other similar uses, but not including uses which are incompatible with their adjoining residential uses due to noise, glare, odor and hazardous material concerns, such as amusement enterprises, miniature golf courses, automobile and machinery sales or service establishments, music recording studios, pool supply stores or car washes.
2. Service uses conducted entirely indoors such as laundry, laundromats, dry-cleaning sub-stations, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, radio and repair shops, physical fitness studios, and other similar uses.
3. Restaurants and cafes, including outdoor restaurant, cafe or tea room.
4. Financial institutions such as banks, excluding corporate offices, and savings and loan offices and general business offices which would serve the neighborhoods, such as real estate offices and general practitioners' offices, but not including trade or business schools.

5. Retail Plant nurseries.
6. Community non-profit recycling facility.
7. Child Care Facilities.
8. One Single Family Residence, on a lot where there is no commercial use, subject to the regulations set out in Section 35-77A.6, Minimum Lot Size, and Section 35-71 (R-1/E-1).
9. On lots where commercial uses are present, residential uses that are secondary to the primary commercial use.
10. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
11. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*
12. Any other uses which the Planning Commission determines to be similar in character to those enumerated in this section and not more injurious to health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, or vibration, pursuant to Section 35-179C (Use Determination). *(Amended by Ord. 4964, 12/14/2017)*
13. Overnight visitor-serving accommodations such as bed-and-breakfasts, lodges and hostels.
14. Cannabis, Retail, subject to the provisions of Section 35-144U.
15. Cannabis, Testing, subject to the provisions of Section 35-144U.
16. Accessory uses, buildings and structures which are customarily incidental to any of the above uses provided:
    a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments.
    b. Such operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life and property, or other similar causes.

SECTION 14:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-78.3, Permitted Uses, of Section 35-78, C-2 – Retail Commercial, to add a new Subsection 25 to read as follows:

25. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

SECTION 15:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-80.3, Permitted Uses, of Section 35-80, CH – Highway Commercial, to add a new Subsection 11 to read as follows:

11. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

SECTION 16:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-81.5, Permitted Uses, of Section 35-81, C-V – Resort/Visitor Serving Commercial, to add a new Subsection 6 to read as follows:

6. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

SECTION 17:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-83.4, Permitted Uses, of Section 35-83, PI – Professional and Institutional, to add a new Subsection 16 to read as follows:

16. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

SECTION 18:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-90.3, Permitted Uses, of Section 25-90, RES – Resource Management, to read as follows:

Section 35-90.3 Permitted Uses. (Amended by Ord. 4557, 12/07/2004)

1. One single family dwelling per legal lot.
2. One accessory dwelling unit or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
3. One guest house subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot.
4. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*
5. The non-commercial keeping of animals and poultry accessory to the primary residential use located on the same lot.
6. Agricultural grazing.
7. Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 19:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-91.4, Permitted Uses, of Section 35-91, MHP – Mobile Home Park, to read as follows:

Section 35-91.4 Permitted Uses.

1. Mobile Home Park.
2. Recreational facilities for the use of the residents of the park.
3. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
4. Accessory uses, structures, and buildings which are customarily incidental and subordinate to the uses permitted in this district.
5. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

SECTION 20:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-93A.3, Permitted Uses, of Section 35-93A, MT-TORO – Mountainous Area – Toro Canyon Planning Area, to read as follows:

Section 35-93A.3 Permitted Uses.

1. One single-family dwelling per legal lot.
2. One accessory dwelling unit or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
3. One guest house subject to the provisions of Section 35-120 (General Regulations).
4. The non-commercial keeping of animals and poultry.
5. Cultivated agriculture, vineyard, or orchard when there is evidence of permitted or legal non-conforming use within the previous ten-year period.
6. Home occupations, subject to the provisions of Section 35-121 (General Regulations).
7. Accessory uses, buildings and structures that are customarily incidental to the above uses.
8. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

SECTION 21:

DIVISION 6, Parking Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 7, Accessory dwelling units, of Section 35-108, Required Number of Spaces: Residential, and to add a new Subsection 8, Junior accessory dwelling units, to read as follows:

7. **Accessory dwelling units.** As determined by Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

8. **Junior accessory dwelling units.** No new parking spaces required.

SECTION 22:

DIVISION 6, Parking Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete in its entirety Subsection 1) of Subsection a of Subsection 2, Location, of Section 35-114, Size, Location, and Design.

SECTION 23:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 4 of Section 35-119, Accessory Structures, to read as follows:

4. Except as provided in Subsection 4.a (Accessory dwelling units and junior accessory dwelling units), below, accessory structures shall conform to the height requirements and the front and side yard setback regulations of the district. An accessory structure may be located in the required rear yard setback provided that it is located no closer than 10 feet to the principal structure and that it occupies no more than 40 percent of the required rear yard, and that it does not exceed a height of 12 feet. *(Amended by Ord. 4557, 12/07/2004)*

   a. **Accessory dwelling units and junior accessory dwelling units.**

      1) See Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units) for height limits for accessory dwelling units and junior accessory dwelling units.

      2) An accessory dwelling unit may be located in the required rear setback only when allowed in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

SECTION 24:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 8 of Section 35-119, Accessory Structures, to read as follows:

8. Accessory structures, including artist studios, cabañas, and guesthouses, shall not contain kitchen or cooking facilities unless the accessory structure is specifically permitted as a dwelling (e.g., accessory dwelling units and junior accessory dwelling units). Artist studios, cabañas and guesthouses are not dwellings.

SECTION 25:

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

14. If an accessory dwelling unit or junior accessory dwelling unit exists or is approved for development on a lot, a guesthouse or artist studio shall not also be approved.

SECTION 26:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change and retitle Subsection g, "Accessory dwelling units," of Subsection 3, General height limit exceptions, of Subsection A, Height measurement, of Section 35-127, Guest Height, to read as follows:

g. **Accessory dwelling units and junior accessory dwelling units.** See Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units) for height limits and exceptions for accessory dwelling units and junior accessory dwelling units.

SECTION 27:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-135, "Parking Lot Sales", to read as follows:

Section 35-135. Parking Lot Sales.

In any C-2 or C-3 zone district, the operator of an existing retail store, shop, or establishment may apply for either a Coastal Development Permit under Section 35-169 and a Minor Conditional Use Permit, under Section 35-172 or merely a Coastal Development Permit for a parking lot sale. If the proposed sale when added together with the establishment's other parking lot sales within the same calendar year exceeds four days, a Minor Conditional Use Permit shall be required prior to the issuance of a Coastal Development Permit. If the proposed sale when added together with the establishment's other parking lot sales within the same calendar year does not exceed four days, the application shall be made to the Director for a Coastal Development Permit. The Director shall not issue the permit unless the Director finds that the proposed sale will not be detrimental to the public health, safety, and welfare and the adequate on-premise pedestrian access and parking will exist during the proposed sale. The Director may impose any reasonable conditions in the permit necessary to protect and preserve the public health, safety, and welfare.

SECTION 28:

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

Section 35-142. Accessory Dwelling Units and Junior Accessory Dwelling Units.

Section 35-142.1 Purpose and Intent.

The purpose of this Section is to establish procedures and development standards for attached and detached accessory dwelling units and junior accessory dwelling units in compliance with California Government

Code Sections 65852.2 and 65852.22. The intent is to encourage the development of accessory dwelling units and junior accessory dwelling units that contribute needed housing to the County's housing stock.

Section 35-142.2 Applicability.

An accessory dwelling unit or junior accessory dwelling unit may be allowed on a lot in compliance with the lists of allowable uses in Division 4, Zoning Districts.

Section 35-142.3 Allowed Use.

1. As required by Government Code Section 65852.2, an accessory dwelling unit shall:
   a. Be deemed to be an accessory use or an accessory building.
   b. Not be considered to exceed the allowable density for the lot on which it is located.
   c. Be deemed to be a residential use that is consistent with the existing Comprehensive Plan land use designation, including the Coastal Land Use Plan and applicable zone for the lot on which the accessory dwelling unit is located.
   d. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.

Section 35-142.4 Application and Processing Requirements.

1. **Permit required.** Prior to the development or use of a building or portion thereof as an accessory dwelling unit or junior accessory dwelling unit, an application for a Coastal Development Permit shall be submitted in compliance with Section 35-57A (Application Preparation and Filing), and the Coastal Development Permit shall be issued in compliance with Section 35-169 (Coastal Development Permits).
2. **No Hearing Required.** An application for a Coastal Development Permit for an accessory dwelling unit or junior accessory dwelling unit shall be considered without a hearing.
3. **Accessory to a principal dwelling.** If an application for an accessory dwelling unit or junior accessory dwelling unit is submitted for a lot that does not contain a principal dwelling at the time of application, the application for a principal dwelling shall be submitted in conjunction with an application for an accessory dwelling unit or junior accessory dwelling unit.
   a. Final building permit inspection for the proposed principal dwelling shall be approved prior to final building permit inspection approval for the accessory dwelling unit.
4. **Conflicts with other sections of this Article.** Except as provided in Section 35-142.4.5, below, where there are conflicts between the standards in this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units), the standards in Section 35-119 (Accessory Structures), and the standards in the specific zone regulations (Division 4 Zoning Districts), the provisions of this Section shall prevail.
5. **Coastal resource protection.** If there is a conflict between the standards of this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units) and standards that protect coastal resources, the requirements which are most protective of coastal resources shall prevail.
6. **Development impact mitigation fees.** Except as provided in Section 35-142.4.6.a, below, the applicant shall pay development impact mitigation fees in compliance with ordinances and/or

resolutions in effect at the time the fees are paid. The amount of the required fee shall be determined by adopted fee resolutions and ordinances and applicable law in effect when paid, provided that the fee is charged proportionately in relation to the square footage of the principal dwelling.

a. The applicant shall not be required to pay development impact mitigation fees for an accessory dwelling unit of less than 750 square feet or a junior accessory dwelling unit.

7. **Floor area.** As used in this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units), "floor area" means the floor area within the inside perimeter of the exterior walls of the building under consideration, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns, or other features.

   a. **Architectural Feature.** An attached, un-inhabitable architectural feature (e.g., covered entry, covered patio, deck, balcony, etc.) may be allowed in addition to the floor area of the accessory dwelling unit. The architectural feature(s) shall be subordinate to the accessory dwelling unit and limited to a cumulative square footage total of 20% of the floor area of the accessory dwelling unit. The square footage calculation shall be measured as the roof area (covered) or the footprint (uncovered). The square footage shall be capped at a maximum of 240 square feet for existing structures converted to an accessory dwelling unit that exceed 1,200 square feet in floor area. The height of the feature(s) shall not exceed the roofline of the accessory dwelling unit. Architectural feature(s) do not include attached garages, storage rooms, laundry rooms, and other enclosed spaces or unenclosed amenities. Architectural feature(s) shall comply with the setback requirements applicable to the accessory dwelling unit on the lot, provided that upper story unenclosed landings, decks, and balconies greater than 20 square feet shall be located a minimum of 10 feet from side, rear, and interior lot lines unless landscape screening with a six-foot minimum height is provided along the perimeter.

8. **Modifications.** An accessory dwelling unit or junior accessory dwelling unit that does not comply with the requirements of this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units), may be allowed with the approval of a Modification in compliance with Section 35-179 (Modifications), provided that the applicant requests a delay and tolls the processing time period until final action is taken on the Modification.

9. **Nonconforming zoning conditions.** An accessory dwelling unit located entirely or partially within a nonconforming accessory building may be allowed in compliance with Section 35-162 (Nonconforming Buildings and Structures); however, accessory dwelling units are not allowed within a nonconforming accessory building if the nonconforming accessory building is inconsistent with any of the coastal resource protection policies or coastal resource protection development standards of the certified Local Coastal Program.

10. **Variances.** Variances shall not be granted for accessory dwelling units or junior accessory dwelling units.

11. **Residential second units.** For purposes of this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units), a residential second unit previously permitted in compliance with this Article shall be considered the same as an accessory dwelling unit.

12. **Unpermitted existing development.** For purposes of this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units), unpermitted existing development and any proposed improvements to unpermitted existing development to accommodate an accessory dwelling unit or

junior accessory dwelling unit shall be considered new development.

13. **Must Yield Provision.** Where the application of front setbacks stipulate that the standard must be complied with unless it would preclude development of an accessory dwelling unit of up to 800 square feet with side and rear setbacks of at least four feet, this standard must yield when there are no other physical locations to place an accessory dwelling unit on the lot without conflicting with other applicable provisions of this Section, such as height, setbacks, tree protection, grading, environmentally sensitive habitat areas, historic resources, and archaeological resources. A property owner's preference for a specific location on the lot does not constitute a reason to vary from objective standards. Nothing in this subsection shall be interpreted to apply new standards to an accessory dwelling unit developed in accordance with Section 35-142.5, below that do not already apply. If encroachment into the front setback is required, it shall be the minimum necessary to accommodate the project.

Section 35-142.5 Accessory dwelling units located within residential or mixed-use zones.

This Section 35-142.5 provides standards for certain accessory dwelling units in accordance with Government Code Section 65852.2(e)(1). An accessory dwelling unit that complies with all of the following standards, as applicable, shall be permitted with a Coastal Development Permit and any other necessary approvals. An accessory dwelling unit that does not comply with this Section 35-142.5 may be allowed in compliance with Section 35-142.6, below.

1. **General standards.** The following development standards shall apply to all accessory dwelling units allowed in compliance with this Section 35-142.5:

   a. **Zoning.** The accessory dwelling unit shall be located within one of the following residential or mixed-use zones. For purposes of this Section 35-142.5, mixed-use zones include commercial zones that allow a residential use, and a two-family dwelling (i.e., "dwelling, two-family," as defined in Section 35-58 (Definitions)) shall be considered a multiple-family dwelling residential use.

Residential Zones	Mixed-Use Zones
RR (Rural Residential)	C-1 (Limited Commercial)
R-1/E-1 (Single Family Residential)	C-2 (Retail Commercial)
EX-1 (One-Family Exclusive Residential)	CH (Highway Commercial)
R-2 (Two-Family Residential)	C-V (Resort/Visitor-Serving Commercial)
DR (Design Residential)	PI (Professional and Institutional)
PRD (Planned Residential Development)	
SR-M (Medium Density Student Residential)	
SR-H (High Density Student Residential)	
MHP (Mobile Home Park)	

   b. **Parking spaces not required.** Parking spaces shall not be required for an accessory dwelling unit allowed in compliance with this Section 35-142.5.

   c. **Additional standards.** The accessory dwelling unit shall comply with the standards of Section 35-142.8, below.

2. **One accessory dwelling unit per lot located within a one-family dwelling or accessory structure.** One accessory dwelling unit per lot located entirely (except as noted in Section 35-142.5.2.c.1, below)

within an existing or proposed one-family dwelling or an existing accessory structure shall be approved with a Coastal Development Permit when in compliance with all of the following development standards:

a. **Exterior access.** The accessory dwelling unit shall have exterior access separate from the one-family dwelling.

b. **Lot requirements.** The lot shall contain an existing or proposed one-family dwelling.

c. **Location.** The accessory dwelling unit shall be located entirely within the existing or proposed one-family dwelling or existing accessory structure, except as provided in Section 35-142.5.2.c.1, below.

   1) The accessory dwelling unit may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure and shall be limited to accommodating ingress and egress.

d. **Setbacks.** The side and rear setbacks shall be sufficient for fire and safety purposes in compliance with the current, adopted edition of the California Fire Code and the California Building Code. The accessory dwelling unit shall also comply with the front setback requirements of the applicable zone, provided that this standard allow an accessory dwelling unit of up to 800 square feet to be constructed on the lot in compliance with other standards of this Section. All portions of the accessory dwelling unit, including eaves and roof overhangs, shall comply with these requirements.

e. **Junior accessory dwelling unit**. An accessory dwelling unit that complies with the standards of this Section 35-142.5.2 may be located on the same lot as a junior accessory dwelling unit that complies with the standards of Section 35-142.7, below.

3. **One detached, new construction accessory dwelling unit per lot with a one-family dwelling.** One detached, new construction accessory dwelling unit per lot with an existing or proposed one-family dwelling shall be approved with a Coastal Development Permit when in compliance with all of the following development standards:

   a. **Lot requirements.** The lot shall contain an existing or proposed one-family dwelling.

   b. **Location.** The accessory dwelling unit shall be located within a detached, new construction accessory building that is not attached to another accessory structure.

   c. **Maximum floor area.** The floor area of the accessory dwelling unit shall not exceed 800 square feet.

   d. **Maximum height.** The height of the accessory dwelling unit shall not exceed 16 feet as measured in compliance with Section 35-127 (Height). For lots with an existing or proposed one-family dwelling that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155, the height of the accessory dwelling unit shall not exceed a height of 18 feet.

   e. **Setbacks.** The accessory dwelling unit shall have side and rear setbacks of at least four feet and shall comply with the front setback requirements of the applicable zone, provided that this standard allows an accessory dwelling unit of up to 800 square feet to be constructed on the lot. For interior lots, standard interior lot setbacks applicable to a principal dwelling shall apply

provided that this standard allow an accessory dwelling unit of up to 800 square feet to be constructed on the lot with minimum four foot interior setbacks in compliance with other standards of this Section 35-142.3. All portions of the accessory dwelling unit, including eaves and roof overhangs, shall comply with these requirements.

f. **Junior accessory dwelling unit.** An accessory dwelling unit that complies with the standards of this Section 35-142.5.3 may be located on the same lot as a junior accessory dwelling unit that complies with the standards of Section 35-142.7, below.

4. **One or more accessory dwelling units per lot located entirely within an existing multiple-family dwelling or accessory structure.** One or more accessory dwelling units located within an existing multiple-family dwelling or existing accessory structure shall be approved with a Coastal Development Permit when in compliance with all of the following development standards:

a. **Lot requirements.**

1) The lot may contain at least one accessory dwelling unit and shall contain no more accessory dwelling units than 25 percent of the existing multiple-family dwelling units. For example, a lot containing eight multiple-family dwelling units may contain up to two accessory dwelling units.

a) **Fractional units.** If the number of allowed accessory dwelling units includes a fraction of a unit, any decimal fraction less than 0.5 shall be rounded down to the nearest whole unit and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole unit.

2) The lot shall contain an existing multiple-family dwelling.

b. **Location.** Each accessory dwelling unit shall be located entirely within the existing multiple-family dwelling or accessory structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, attics, basements, or garages.

5. **Up to two detached accessory dwelling units per lot with an existing multiple-family dwelling.** Up to two detached accessory dwelling units per lot with an existing multiple-family dwelling shall be approved with a Coastal Development Permit when in compliance with all of the following development standards:

a. **Lot requirements.**

1) The lot shall contain no more than two accessory dwelling units.

2) The lot shall contain an existing multiple-family dwelling.

b. **Location.** Each accessory dwelling unit shall be located entirely within an existing detached accessory structure or a detached, new construction accessory building.

c. **Maximum height.** The height of each accessory dwelling unit shall not exceed 16 feet as measured in compliance with Section 35-127 (Height). For lots with an existing or proposed multiple-family dwelling that is multi-story or within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155, the height of the accessory dwelling unit shall not exceed a height of 18 feet.

d. **Setbacks.** The accessory dwelling unit(s) shall have side and rear setbacks of at least four feet and shall comply with the front setback requirements of the applicable zone, provided that this standard allow up to two accessory dwelling units of up to 800 square feet to be constructed on the lot. For interior lots, standard interior lot setbacks applicable to a principal dwelling shall apply provided that this standard allow an accessory dwelling unit(s) of up to 800 square feet to be constructed on the lot with minimum four foot interior setbacks in compliance with other standards of this Section 35-142. All portions of the accessory dwelling unit(s), including eaves and roof overhangs, shall comply with these requirements.

Section 35-142.6 Accessory dwelling units located within zones that allow one-family or multiple-family residential use.

This Section 35-142.6 provides standards for accessory dwelling units that do not comply with Section 35-142.5.1 through 5.5, above. An accessory dwelling unit that complies with all of the following standards, as applicable, shall be permitted with a Coastal Development Permit and any other necessary approvals.

1. **General standards.** The following development standards shall apply to all accessory dwelling units allowed in compliance with this Section 35-142.6:

   a. **Zoning.** The accessory dwelling unit shall be located within one of the following zones that allow one-family or multiple-family dwelling residential use. For purposes of this Section 35-142.6, a two-family dwelling (i.e., "dwelling, two-family," as defined in Section 35-58 (Definitions)) shall be considered a multiple-family dwelling residential use.

Zones that Allow One-Family Residential Use	Zones that Allow One-Family and Multiple-Family Residential Use
AG-I (Agriculture I)	R-2 (Two-Family Residential)
AG-II (Agriculture II)	DR (Design Residential)
RR (Rural Residential)	PRD (Planned Residential Development)
R-1/E-1 (Single Family Residential)	SR-M (Medium Density Student Residential)
EX-1 (One-Family Exclusive Residential)	SR-H (High Density Student Residential)
PRD (Planned Residential Development)	C-1 (Limited Commercial)
SR-M (Medium Density Student Residential)	C-2 (Retail Commercial)
SR-H (High Density Student Residential)	CH (Highway Commercial)
RES (Resource Management)	C-V (Resort/Visitor-Serving Commercial)
MHP (Mobile Home Park)	PI (Professional and Institutional)
MT-TORO (Mountainous Area – Toro Canyon Planning Area)	

   b. **Lot requirements.**

      1) The lot shall contain no more than one accessory dwelling unit.

      2) The lot shall contain an existing or proposed one-family dwelling or multiple-family dwelling.

   c. **Additional standards.** The accessory dwelling unit shall comply with the standards of Section 35-142.8, below.

2. **Appearance and style.** The exterior appearance and architectural style of an accessory dwelling unit shall comply with the following:

a. **Conversion.** Any exterior alterations to an existing building that result from the conversion of all or a portion of an existing building to an accessory dwelling unit shall be limited to minor alterations such as the addition of doors and windows.

b. **New construction.**

1) The design of an accessory dwelling unit that will be attached to an existing building shall reflect the exterior appearance and architectural style of the existing building to which it is attached and use the same or comparable exterior materials, roof covering, colors, and design for trim, windows, roof pitch, and other exterior physical features.

2) Exterior lighting shall comply with all of the following standards:

a) All exterior lighting shall be hooded and fully shielded.

b) Each exterior lighting fixture shall not exceed 800 lumens if located within the Rural Area and 1,600 lumens if located within the Urban Area.

c) Each exterior lighting fixture shall not exceed 3,000 Kelvin.

d) Landscape and pathway lighting fixtures shall not exceed four feet in height.

e) Security lighting shall be controlled by a motion sensor switch or timer between dusk and dawn.

f) Any additional lighting requirements within applicable community plan overlays.

3) Proposed landscaping shall be comparable to existing landscaping on the lot in terms of plant species and density of planting, as may be modified to ensure compliance with water efficient landscaping requirements in accordance with the Water Efficient Landscape Ordinance (WELO).

3. **Grading.** Grading associated with an accessory dwelling unit, inclusive of any grading required to establish access, shall be limited to 250 cubic yards and the accessory dwelling unit shall be located on existing slopes of 20 percent or less under the footprint of the accessory dwelling unit, provided that this standard permits an accessory dwelling unit of up to 800 square feet with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

4. **Height limit.**

a. **Conversion.** An accessory dwelling unit located entirely within an existing one-family dwelling, multiple-family dwelling, or accessory structure shall not be subject to a height limit.

b. **New construction.**

1) **Attached accessory dwelling units.** The height of an attached accessory dwelling unit that is proposed to be located above another floor or on grade where there is no floor above shall be limited to 25 feet and two stories and shall not exceed the maximum allowable height limit for the principal dwelling in the applicable zone.

2) **Detached accessory dwelling units.**

a) **One-story accessory dwelling units.** The height of a detached, one-story accessory dwelling unit shall not exceed a vertical distance of 16 feet as measured in

compliance with Section 35-127 (Height). For lots with an existing or proposed one-family dwelling that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155, the height of the accessory dwelling unit shall not exceed a height of 18 feet. If located above or below the floor of another accessory structure, the combined height shall not exceed the maximum allowable height limit for the principal dwelling in the applicable zone, or 25 feet, whichever is less.

b) **Two-story accessory dwelling units.** The height of a detached, two-story accessory dwelling unit shall not exceed the maximum allowable height limit for a principal dwelling in the applicable zone or a vertical distance of 25 feet, whichever is less, as measured in compliance with Section 35-127 (Height).

5. **Historic resources.** An accessory dwelling unit shall not be located within, attached to, or located on the same lot as a structure listed in, or determined to be eligible for listing in the California Register of Historical Resources or the National Register of Historic Places, or a structure designated, or determined to be eligible for designation as a County Historic Landmark or County Place of Historic Merit unless the proposed accessory dwelling unit follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior, National Park Service, 2017) or the Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67, 1990) and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer, 1995), as may be amended. If a detached accessory dwelling unit is proposed to be located on the same lot as a historic or potentially historic structure described above, the applicant shall provide a written assessment from a Department-approved historian confirming that the proposed accessory dwelling unit shall be in conformance with this requirement.

6. **Archaeological resources and tribal cultural resources.** A new construction attached or detached accessory dwelling shall be located at least 50 feet from the site boundaries of any archaeological resources or tribal cultural resources, unless a written assessment or a California Native American tribe recommends a greater buffer distance. Applicants shall submit a written assessment of any (1) archaeological resources that may qualify as "historical resources" as defined in CEQA Guidelines Section 15064.5(a), or (2) sites, features, cultural landscapes, sacred places, objects, or resources that may qualify as "tribal cultural resources" as defined in Public Resources Code Section 21074 that are located within 100 feet of the proposed accessory dwelling unit. The written assessment shall be prepared by a Department-approved archaeologist or other qualified professional and shall define the characteristics and site boundaries of the archaeological resources or tribal cultural resources.

7. **Location.** The accessory dwelling unit shall comply with one of the following:

   a. **Conversion.** The accessory dwelling unit shall be located entirely within an existing one-family dwelling, multiple-family dwelling, or accessory structure.

   b. **Attached accessory dwelling unit.** An attached accessory dwelling unit shall be located entirely or partially within an addition to a one-family dwelling, multiple-family dwelling, or an attached accessory structure.

   c. **Detached accessory dwelling unit.** A detached accessory dwelling unit shall be located entirely or partially within a proposed detached accessory structure or an addition to an existing detached

accessory structure.

d. **Development envelope.** If a development envelope has been recorded through a subdivision and the record demonstrates that the development envelope was established for the protection of public health and safety or coastal resource protection, then the accessory dwelling unit shall be located within the development envelope.

e. **Location on lot.** A detached accessory dwelling unit shall comply with the following standards, provided that these standards allow an accessory dwelling unit of up to 800 square feet with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units):

1) **Lots .5 acres or larger but less than two acres.** For lots that are .5 acres or larger but less than two acres, a detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other zoning provisions such as setback requirements would prohibit compliance with this requirement.

2) **Lots two acres or larger but less than 20 acres.** For lots that are two acres or larger but not larger than 20 acres, a detached accessory dwelling unit shall not be located closer to any property line than the lesser of 100 feet or the distance from the principal dwelling to that property line unless other zoning provisions such as setback requirements, or the location of existing development on the lot including agricultural operations, would prohibit compliance with this requirement.

3) **Lots larger than 20 acres.** For lots that are larger than 20 acres, the location of a detached accessory dwelling unit is not restricted provided the location complies with zoning requirements such as applicable setback requirements or building envelopes.

4) A new construction detached accessory dwelling unit shall be clustered with other existing structures to the maximum extent feasible.

8. **Maximum floor area.** The floor area of the accessory dwelling unit shall not exceed the following standards, provided that these standards allow an accessory dwelling unit of up to 800 square feet with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units):

a. **Conversion.** The floor area of an accessory dwelling unit located entirely within an existing structure shall not exceed 1,200 square feet.

b. **New construction.**

1) **Lots of 15,000 net square feet or less.** 850 square feet for an accessory dwelling unit that provides one bedroom or less and 1,000 square feet for an accessory dwelling unit that provides two or more bedrooms.

2) **Lots greater than 15,000 net square feet.** 1,200 square feet.

3) **Attached accessory dwelling units.** In addition to the floor area limits of Section 35-142.6.8.b.1) and 2), above, the floor area of an attached accessory dwelling unit shall not exceed 50 percent of the floor area of the principal dwelling that exists at the time of application for the accessory dwelling unit.

9. Parking.

a. New construction. A new construction detached accessory dwelling unit shall comply with the following parking requirements:

1) Except as provided in Section 35-142.6.9.a.2), below, one parking space per accessory dwelling unit shall be required for a new construction detached accessory dwelling unit. The space may be provided in any of the following configurations:

a) Tandem parking on a driveway or in a location outside of the required setback areas.

b) On a driveway located within the front, side, or rear setback area.

2) A parking space shall not be required for a new construction detached accessory dwelling unit that complies with any of the following criteria:

a) The accessory dwelling unit is located within one-half mile walking distance of public transit (e.g., a bus stop).

b) The accessory dwelling unit is located within an architecturally and historically significant historic district.

c) On-street parking permits are required, but not offered to the occupant of the accessory dwelling unit.

d) A car share vehicle is located within one block of the accessory dwelling unit.

10. Setbacks. The setbacks for an accessory dwelling unit shall not exceed the following standards, provided that these standards permit an accessory dwelling unit of up to 800 square feet with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units):

a. Conversion. No setbacks shall be required for an existing living area or accessory structure converted to an accessory dwelling unit or a portion thereof. For purposes of this Section 35-142.6.10.a, "living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

b. New construction.

1) Except as provided in Section 35-142.6.10.b.2), below, the accessory dwelling unit shall comply with the setback requirements that apply to accessory structures, provided that the accessory dwelling unit has side and rear setbacks of at least four feet. For interior lots, standard interior lot setbacks applicable to a principal dwelling shall apply provided that this standard allow an accessory dwelling unit(s) of up to 800 square feet to be constructed on the lot with minimum four foot interior setbacks in compliance with other standards of this Section. All portions of the accessory dwelling unit, including eaves and roof overhangs, shall comply with these requirements.

2) No setback shall be required for a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or a portion thereof.

11. Tree protection. An application for an accessory dwelling unit shall comply with the following standards or applicable community plan requirement, whichever is more protective.

a. All development associated with the accessory dwelling unit shall avoid the removal of or damage to all protected trees. For the purposes of this Section 35-142.7.11, protected trees are defined for the purpose of this policy as (1) mature and/or (2) roosting/nesting trees that do not pose a threat to health and safety. Non-native, invasive species are not protected if they are not roosting/nesting trees. Protected trees include:

1) Oaks (*Quercus agrifolia*).

2) Sycamores (*Platanus racemosa*).

3) Willow (*Salix sp.*).

4) Maples (*Acer macrophyllum*).

5) California Bay Laurels (*Umbellularia californica*).

6) Cottonwood (*Populus fremontii* and *Populus balsamifera*).

7) White Alder (*Alnus rhombifolia*).

8) California Walnut (*Juglans californica*).

9) Any tree serving as known or discovered raptor nesting and/or raptor roosting sites.

10) Any trees serving as Monarch butterfly habitat, including aggregation sites.

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

c. Where removal of protected trees cannot be avoided through the implementation of project alternatives that accommodate an accessory dwelling unit of up to 800 square feet, or where development encroachments into the area within six feet of the dripline of protected trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees (native trees only) on-site, if suitable area exists on the project site, at a ratio of 10 replacement trees for every one tree. Where on-site mitigation is not feasible, the most proximal off-site mitigation shall be required.

Section 35-142.7 Junior accessory dwelling units.

One junior accessory dwelling unit per lot located within an existing or proposed one-family dwelling shall be allowed with a Coastal Development Permit and any other necessary approvals when in compliance with all of the following development standards:

1. General standards.

a. Zoning. The junior accessory dwelling unit shall be located within one of the following one-family zones or zones that allow one-family dwelling residential use:

One-Family Residential Zones	Zones that Allow One-Family Residential Use
RR (Rural Residential)	AG-I (Agriculture I)
R-1/E-1 (Single Family Residential)	AG-II (Agriculture II)
EX-1 (One-Family Exclusive Residential)	R-2 (Two-Family Residential)

	DR (Design Residential) PRD (Planned Residential Development) SR-M (Medium Density Student Residential) SR-H (High Density Student Residential) MHP (Mobile Home Park) C-1 (Limited Commercial) C-2 (Retail Commercial) CH (Highway Commercial) C-V (Resort/Visitor-Serving Commercial) PI (Professional and Institutional) RES (Resource Management) MT-TORO (Mountainous Area – Toro Canyon Planning Area)

b. Lot requirements.

1) The lot shall contain no more than one junior accessory dwelling unit.

2) The lot shall contain an existing or proposed one-family dwelling.

c. Additional standards. The junior accessory dwelling unit shall comply with the standards of Section 35-142.8, below.

2. Declaration of Restrictions. Prior to the issuance of a Building Permit for a junior accessory dwelling unit, the owner shall record a Declaration of Restrictions, which shall run with the land, in compliance with Section 35-179D (Recordable Documents). The owner shall record the Declaration of Restrictions with the County of Santa Barbara Clerk-Recorder and file the Declaration of Restrictions with the Planning and Development Department. The Declaration of Restrictions shall include both of the following:

a. A prohibition on the sale of the junior accessory dwelling unit separate from the one-family dwelling, including a statement that the deed restriction shall be enforced against future purchasers; and

b. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with the standards of this Section 35-142.7.

3. Efficiency kitchen. The junior accessory dwelling unit shall have an efficiency kitchen that includes the following:

a. A cooking facility with appliances, including at least a two-burner stove, sink, and freestanding refrigerator; and

b. Food preparation and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit and not less than four feet in length.

4. Exterior access. The junior accessory dwelling unit shall have separate exterior access from the one-family dwelling.

5. Location. The junior accessory dwelling unit shall be located entirely within an existing or proposed one-family dwelling or attached garage. The junior accessory dwelling unit shall not be located within any other attached or detached accessory structure.

6. Maximum floor area. The floor area of the junior accessory dwelling unit shall not exceed 500 square

feet.

7. **Owner-occupancy.** Except as provided below in Section 35-142.7.7.a, owner-occupancy shall be required for the junior accessory dwelling unit or the one-family dwelling in which the junior accessory dwelling unit is located.

   a. Owner-occupancy shall not be required if the owner of the junior accessory dwelling unit is a governmental agency, land trust, or housing organization.

8. **Parking.**

   a. New parking spaces. No new parking spaces shall be required for a junior accessory dwelling unit allowed in compliance with this Section 35-142.7.

   b. Replacement parking. In addition to the replacement parking requirements set forth in Section 35-142.8.7 below, replacement parking spaces to satisfy the parking requirements of the principal dwelling shall be required for a junior accessory dwelling unit located within an attached garage.

9. **Sanitation facilities.** The junior accessory dwelling unit shall include separate sanitation facilities or share sanitation facilities with the one-family dwelling. If shared, interior access to the main living area of the principal dwelling shall be required.

10. **Setbacks.** The side and rear setbacks shall be sufficient for fire and safety purposes in compliance with the current, adopted edition of the California Fire Code and the California Building Code. The junior accessory dwelling unit shall comply with the front setback requirements of the applicable zone. All portions of the junior accessory dwelling unit, including eaves and roof overhangs, shall comply with these requirements.

11. **Accessory dwelling unit.** A junior accessory dwelling unit that complies with the standards of this Section 35-142.7 may be located on the same lot as an accessory dwelling unit that complies with the standards of Section 35-142.5.2 or 5.3, above.

Section 35-142.8 Additional standards that apply to all accessory dwelling units and junior accessory dwelling units.

The following development standards shall apply to all accessory dwelling units and junior accessory dwelling units in addition to the development standards set forth in Section 35-142.5 (Accessory dwelling units and junior accessory dwelling units located within residential or mixed-use zones), Section 35-142.6 (Accessory dwelling units located within zones that allow one-family or multiple-family uses), or Section 35-142.7 (Junior accessory dwelling units), as applicable.

1. **Minimum floor area.** At a minimum, the floor area of an accessory dwelling unit or junior accessory dwelling unit shall be sufficient to allow for an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1207.4 or successor statute.

2. **Passageway not required.** A passageway, defined for the purpose of this section as a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit, shall not be required in conjunction with the construction of an accessory dwelling unit or junior accessory dwelling unit.

3. **Building Separation.** No building separation between accessory dwelling unit(s) and other structures shall be required as long as all the structures meet minimum Building Code safety standards and allow for separate access.

4. **Kitchen.** Except as provided in Section 35-142.7.3 above, an accessory dwelling unit shall provide complete independent living facilities for one or more persons, including permanent provisions for eating and cooking inclusive of the following.

   a. A cooking facility with appliances, including at least a range, sink, and freestanding refrigerator; and

   b. Food preparation counter and storage cabinets that are of reasonable size in relation to the size of the accessory dwelling unit and not less than four feet in length.

5. **Rental restrictions.**

   a. An accessory dwelling unit or junior accessory dwelling unit may be used for rentals provided that the length of any rental is longer than 30 consecutive days.

   b. The use of an accessory dwelling unit or junior accessory dwelling unit as a Homestay or Short-Term Rental shall be prohibited in all zones.

6. **Sale restriction.** Except as provided in Government Code Section 65852.26, an accessory dwelling unit or junior accessory dwelling unit shall not be sold or otherwise conveyed separate from principal dwelling(s).

7. **Replacement parking spaces required.**

   a. To preserve coastal access, for parcels outside of Isla Vista located within a quarter-mile of the inland extent of any beach or coastal bluff or south/west of Highway 101, whichever is closer, on-site replacement parking space(s) shall be required for any parking space(s) serving the principal dwelling that are removed to accommodate construction of an accessory dwelling unit or junior accessory dwelling unit.

   b. To preserve coastal access, for parcels located in Isla Vista south of El Colegio Road, on-site replacement parking space(s) shall be required for any parking space(s) serving the principal dwelling that are removed to accommodate construction of an accessory dwelling unit or junior accessory dwelling unit.

   Replacement parking may be provided in any of the following configurations:

      a) Tandem parking on a driveway or in a location outside of the required front and side setback areas.

      b) On a driveway located within the front, side, or rear setback area, provided there is no encroachment into the public right-of-way.

8. **Coastal resource protection.**

   a. **Environmentally sensitive habitat areas.** All development associated with the construction of the accessory dwelling unit shall be located in compliance with the requirements of Section 35-97 (ESH - Environmentally Sensitive Habitat Area Overlay District) and all applicable ESH policies and provisions of the certified Local Coastal Program.

   b. The accessory dwelling unit shall not significantly obstruct public views from any public road or from a public recreation area to, and along, the coast.

   c. The accessory dwelling unit shall not obstruct public access to and along the coast or public

trails.

d. **Lots zoned AG-I and AG-II.** The development of a detached accessory dwelling unit on lots zoned AG-I (Agriculture I) and AG-II (Agriculture II) shall also comply with the Coastal Act Section 30241, the development standards shown above, and the agriculture protection policies and development standards of the certified Local Coastal Program. If these requirements are in conflict with other provisions of the Coastal Land Use Plan or any applicable community or area plan, this Article, or any permit conditions established by the County, the requirements which are most protective of coastal resources shall control.

SECTION 29:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 1 of Subsection C, Exceptions, of Section 35-144O, Agricultural Buffers, to read as follows:

1. Single-family dwelling, accessory dwelling units, junior accessory dwelling units, and residential accessory structures.

SECTION 30:

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2 of Section 35-169.2, Applicability, of Section 35-169, Coastal Development Permits, to read as follows:

2. Except as provided in Subsection 2.a (Final Development Plan not required for accessory dwelling units or junior accessory dwelling units), the approval of a development plan as provided in Section 35-174 (Development Plans) shall be required prior to the approval of any Coastal Development Permit for a structure that is not otherwise required to have a discretionary permit 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 lot will total 20,000 square feet or more of gross floor area.

   a. **Final Development Plan not required for accessory dwelling units or junior accessory dwelling units.** If Development Plan approval would be required in compliance with Section 35-169.2.2, and the application for development includes an accessory dwelling unit or junior accessory dwelling unit, then only the approval of a Coastal Development Permit in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units) is required for the proposed accessory dwelling unit or junior accessory dwelling unit.

SECTION 31:

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

c. Decision-maker, hearing requirements and notice requirements.

1) **Applications for certain solar energy facilities and accessory dwelling units and junior accessory dwelling units.** Applications for freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system is accessory and incidental to, accessory dwelling units, and junior accessory dwelling units, shall be processed in compliance with the following:

   a) Notice of the submittal of the application and pending decision of the Director shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).

   b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.

   c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with Section 35-182 (Appeals).

2) **All other applications.** Applications for development other than such development specified in Subsection 2.c.1) (Applications for certain solar energy facilities and accessory dwelling units and junior accessory dwelling units), above, shall be processed in compliance with the following:

   a) The decision-maker shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations.

   b) The Zoning Administrator shall hold at least one noticed public hearing unless waived in compliance with Subsection 2.d (Waiver of public hearing), below, on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.

   c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).

   d) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).

SECTION 32:

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2 and 3, of Section 35-174.2, Applicability, of Section 35-174, Development Plans, to read as follows:

...

2. The following shall be under the jurisdiction of the Director and shall be processed as set forth herein:

   a) In the Highway Commercial (CH), Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Industrial Research Park (M-RP), Light Industry (M-1), General Industry (M-2), Service Industrial Goleta (M-S-GOL), and Professional and Institutional (PI) zoning districts, Preliminary and Final Development Plans for buildings and structures which do not exceed a total of 10,000 square feet when combined with all outdoor areas designated for sales or storage and existing buildings and structures on the site.

   b) In all zone districts, Final Development Plans for projects that were legally permitted and developed without an effective Development Plan where the project is now considered nonconforming due to the absence of a Development Plan provided that no revisions to the existing development are proposed in connection with the Final Development Plan application. If revisions to the existing development are proposed, then the application shall be processed as if it were an application for a new project and the jurisdiction shall be determined pursuant to Section 35-174.2.

   c) Communication facilities as specified in Section 35-144F.

   d) In all zones, Final Development Plans for projects where the Board of Supervisors, Planning Commission, Zoning Administrator, or Director approved the Preliminary Development Plan and the conditions of approval of the Preliminary Development Plan do not specify a decision-maker for the Final Development Plan other than the Director.

3. The following shall be under the jurisdiction of the Zoning Administrator and shall be processed as set forth herein:

   a. In the Visitor Serving Commercial (CV) and Public Utilities (PU) zoning districts, Preliminary and Final Development Plans for buildings and structures which do not exceed a total of 15,000 square feet when combined with all outdoor areas designated for sales or storage and existing buildings and structures on the site.

   b. In the Highway Commercial (CH), Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Industrial Research Park (M-RP), Light Industry (M-1), General Industry (M-2), Service Industrial Goleta (M-S-GOL), and Professional and Institutional (PI) zoning districts, Preliminary and Final Development Plans for buildings and structures and outdoor areas designated for sales or storage that exceed 10,000 square feet but do not exceed 15,000 square feet.

   c. Communication facilities as specified in Section 35-144F.

...

SECTION 33:

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection f, of Subsection 3, of Section 35-179.2, Applicability, of Section 35-179, Modifications, to read as follows:

f. Reduction of parking spaces. A reduction in the required number and/or a modification in the design or location of parking spaces and loading zones may be allowed provided that in no case

shall:

1) The number of required parking spaces be reduced in the Medium Density Student Residential, High Density Student Residential, or Single Family Restricted Overlay Districts.

2) The number of required bicycle parking spaces be reduced.

3) The number of spaces required for an accessory dwelling unit be reduced, unless such reduction in the number of spaces is allowed in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

4) 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.

SECTION 34:

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection B, Other Notices, Agreements, Covenants, and Easements, of Section 35-179D, Recordable Documents, to read as follows:

B. Other Notices, Agreements, Covenants, and Easements. Documents to require, or notify future buyers of real property of, the following are recordable.

1. Compliance with the parking requirements of this Coastal Zoning Ordinance, including, but not limited to, provision of an offsite parking easement.
2. Compliance with project and/or permit conditions of approval.
3. Declaration of Restrictions.
4. Implementation of historic structural preservation and restoration/renovation plan or program.
5. Implementation of Stormwater Control Plan or Stormwater Quality Management Plan.
6. Maintenance of stormwater quality and retention measures.
7. Prohibitions on high water use/consumption businesses.
8. Resale Restrictive Covenant and Preemptive Right.
9. Water well meter monitoring, provision of meter records, and measures to take in the event water quality degrades.

SECTION 35:

DIVISION 12, Administration, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection e, Contents of Notice, of Subsection 1, By the Department, of Subsection A, Minimum requirements, of Section 35-181.3, Coastal Development Permits and Land Use Permits, of Section 35-181, Noticing, to add a new Subsection 1) to read as follows:

e. Contents of Notice. The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice).

1) Notice of applications for accessory dwelling units and junior accessory dwelling units, and additions thereto, as may be allowed in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units) shall also include a statement that the grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).

SECTION 36:

DIVISION 12, Administration, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change and retitle Subsection c, "Appeals regarding accessory dwelling units," of Subsection 2, Additional requirements for certain appeals, of Subsection C, Requirements for Contents of an Appeal, of Section 35-182.2, General Appeal Procedures, of Section 35-182, Appeals, to read as follows:

c. **Appeals regarding accessory dwelling units and junior accessory dwelling units.** The grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).

SECTION 37:

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

a. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

SECTION 38:

DIVISION 13, Summerland Community Plan Overlay, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change and retitle Subsection 6), "Accessory dwelling units," of Subsection a, One-family dwellings, of Subsection 1, Floor area limit, of Section 35-191.5, Floor Area Limit, of Section 35-191, Summerland - SUM, to read as follows:

6) **Accessory dwelling units and junior accessory dwelling units.** The floor area limits enumerated above do not apply to existing or proposed accessory dwelling units or junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

SECTION 39:

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

e. **Accessory dwelling units and junior accessory dwelling units.** Notwithstanding Subsection 35-191.5.1.a.6 above, any floor area (net) devoted to an attached accessory dwelling unit in excess of 850 square feet for units with up to one bedroom or 1,000 square feet for two or more bedrooms, shall be included in the net floor area calculation used to determine compliance of the principal dwelling(s) with Subsection 1, above.

SECTION 40:

DIVISION 15, Montecito Community Plan Overlay District, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 1 and 2, All accessory structures, of Section 35-210, Accessory Structures, to read as follows:

1. Accessory structures, except barns and stables, shall not exceed 16 feet in height and shall conform to the front and side yard setback regulations of the district. Accessory structures may be located in the required rear yard setback provided that:
   a. They are located no closer than 10 feet to the principal structure;
   b. They do not exceed a height of 12 feet; and
   c. The cumulative footprint of all accessory structures, including accessory dwelling units, occupies no more than 30 percent of the required rear yard.
2. **All accessory structures.** Detached accessory structures, including accessory structures containing one or more accessory uses, shall not exceed a building footprint area of 800 square feet as measured to the interior surface of exterior perimeter walls, posts, columns, or other supports.
   a. This 800 square foot building footprint limitation shall not apply to accessory dwelling units, barns, and stables; however, another accessory structure may only be attached to an accessory dwelling unit, barn, or stable if the total footprint area of the combined structure is 800 square feet or less. This shall not be construed in any way to limit the size of an accessory dwelling unit stacked above or below another accessory structure when constructed in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
   b. For the purposes of this Subsection 35-210.2, footprint refers to how the building sits on the ground. The building footprint includes the following:
      1) Any cantilevered portions of the structure as viewed perpendicularly from above.
      2) Any fully enclosed, partially enclosed, or unenclosed portions of the accessory structure located beneath a solid roof or other permanent covering.
      3) The area of any portions of roof eaves that extend more than three feet from the exterior wall of the building.

4) The footprint for structures that are fully or partially below grade shall be limited to only that portion of the structure with exposed walls.

SECTION 41:

DIVISION 15, Toro Canyon Plan Overlay District, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 1, Nonconforming residential structures damaged or destroyed by calamity, of Section 35-194.5, of Section 35-194, General, to read as follows:

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

SECTION 42:

DIVISION 15, Toro Canyon Plan Overlay District, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2, Reconstruction of nonconforming residential structures located within Rural Neighborhood Areas and within or adjacent to an Environmentally Sensitive Habitat (ESH) area, of Section 35-194.5, of Section 35-194, General, to read as follows:

2. **Reconstruction of nonconforming residential structures located within Rural Neighborhood Areas and within or adjacent to an Environmentally Sensitive Habitat (ESH) area:** Lawfully established structures that serve as residences in an Existing Developed Rural Neighborhood located within ESH buffer areas or adjacent to ESH, which are damaged due to normal wear and tear such as structural pest damage or dry rot, may be reconstructed to the same or lesser size (square footage, height, and bulk) in the same footprint. If the reconstructed residence is proposed to be larger than the existing structure, it may only be permitted where findings are made that such development shall not adversely impact the adjacent riparian species, meets all other provisions of this Plan and the Local Coastal Program including development standards for native and non-native protected tree species, and complies with development standards DevStd BIO-TC-5.1 through DevStd BIO-TC-5.4.

Reconstruction includes any project that results in the demolition of more than 50 percent of the exterior walls. For the purpose of this section, "residential structure" shall include primary dwellings, secondary dwellings including accessory dwelling units, junior accessory dwelling units, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage exists, one detached private garage structure may be included provided that evidence of such structure's use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction or structural repair shall commence within 24 months of the time of the owner's first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The 24 month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the 24 month period. Where the reconstruction or structural repair permitted above does not commence within the specified 24 months or the extended time period that may be granted by the Director, such structure shall not be reconstructed or repaired except in conformity with the regulations of the Toro Canyon Plan and this Article.

SECTION 43:

DIVISION 17, Gaviota Coast Plan (GAV) Overlay, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential Uses section of Table 17-2, Allowed Land Uses and Permit Requirements in the Gaviota Coast Plan Area, of Section 35-430, Allowable Development and Planning Permit Requirements, to read as follows

Table 17-2 - Continued

Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area

P	Permitted use, Coastal Permit required (2)
PP	Principal Permitted Use, Coastal Permit required (2)
MCUP	Minor Conditional Use Permit required
CUP	Major Conditional Use Permit required
E	Allowed use, No permit required
S	Permit determined by Specific Use Regulations
—	Use Not Allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	AG-II	M-CD(3)	REC	RES	RR	TC	
RESIDENTIAL USES							
Agricultural employee housing, 4 or fewer employees	PP	—	—	—	—	—	35-460.C
Agricultural employee housing, 5 or more employees	CUP	—	—	—	—	—	35-460.C
Artist studio	P	—	—	MCUP	P	—	35-120
Caretaker/manager dwelling	—	CUP (6)	MCUP	—	—	—	
Dwelling, one-family (7)	PP	—	—	P	PP	—	
Farmworker dwelling unit (7)	PP	—	—	PP	PP	CUP (8)	35-144.P
Farmworker housing complex	CUP	P	—	CUP	CUP	CUP	35-144.P
Guesthouse	P	—	—	P	P	—	35-120
Home occupation	PP	—	—	PP	PP	—	35-121
Incentive dwelling unit	P	—	—	—	—	—	35-470
Pool house/cabaña	P	—	—	P	P	—	35-120
Residential accessory use or structure	P (11)	—	MCUP	P	PP	—	35-119
Accessory dwelling unit	PP	—	—	P	PP	—	35-142
Junior accessory dwelling unit	PP	—	—	P	PP	—	35-142
Special care home, 7 or more clients	MCUP	—	—	MCUP	MCUP	—	35-143

Key to Zone Symbols

AG-II	Agriculture II	**REC**	Recreation	**RR**	Rural Residential
M-CD	Coastal-Dependent Industry	**RES**	Resource Management	**TC**	Transportation Corridor

Notes:
(1) See Section 35-58 (Definitions) and Section 35-420 (Definitions) for land use definitions.
(2) Development Plan approval may also be required; see Section 35-430.E (Allowable land uses and permit requirements).
(3) Uses limited to those that require a site on or adjacent to the sea to be able to function at all.
(4) The proposed use may be allowed pursuant an approved CUP if the proposal would otherwise satisfy the criteria for a CUP and prohibiting such use would result in a violation of the federal Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §2000cc.
(5) See Section 35-450.D (School development) for specific use regulations.
(6) May also include dwellings for the employees of the owner or lessee of the land engaged in a permitted use of the land on which the dwelling is located.
(7) One-family dwelling may be a mobile home on a permanent foundation, see Section 35-141 (Mobile Homes on Foundations).
(8) Only if single-family dwellings are allowed as a permitted use in an abutting zone district.
(9) See 35-460.E (Agricultural product sales) for specific use regulations.
(10) Limited to the on-site production only; see 35-131 (Agricultural Sales) for specific use regulations.
(11) Detached garages, carports, storage sheds, fences, and swimming pools associated with a residential dwelling may be considered part of the Principal Permitted Use (PPU).

SECTION 44:

DIVISION 17, Gaviota Coast Plan (GAV) Overlay, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 3 of Subsection C, Agricultural resources and prime agricultural soils, of Section 35-440, Standards for All Development and Land Uses, to read as follows:

3. In order to retain the maximum amount of land in agricultural production or available for future agricultural production, agricultural accessory structures, agricultural product processing and sales facilities, and residential structures (such as a primary residential dwelling, accessory dwelling units, guesthouse, cabana/pool house, artist studio, incentive dwelling unit, agricultural employee housing, and farmworker dwelling or housing complex) shall be clustered to the maximum extent feasible and their footprints shall be minimized, consistent with all applicable policies and provisions of the Local Coastal Program.

SECTION 45:

DIVISION 17, Gaviota Coast Plan (GAV) Overlay, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2, Farmstay, of Subsection J, Rural recreation, of Section 35-460, Permit Requirements and Development Standards for Specific Land Uses in the AG-II Zone, to read as follows:

2. Farmstay.

a. A Farmstay operation may be considered a component of the Principal Permitted Use and may be allowed with a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) provided the operation complies with the following development standards:

1) The operation is located on a single lot of 40 acres or greater and the entire lot is located in the AG-II zone. Only one Farmstay operation may be allowed on a premises.

2) The operation is housed in a single permitted or nonconforming dwelling existing as of November 7, 2018. However, the operation shall not be housed in an accessory dwelling unit or junior accessory dwelling unit.

3) The primary purpose of the Farmstay operation shall be the education of registered guests regarding the agricultural operations on the premises. Lodging and meals are incidental and not the primary function of the Farmstay operation.

   a) The maximum number of registered guests that can be accommodated shall be 15 per night and they shall be accommodated in no more than six bedrooms. Only registered guests may utilize the accommodations overnight.

   b) Food service is only available to registered guests of the operation. The cost of any food provided shall be included in the total price for accommodation and not be charged separately.

4) The operation shall be consistent with the compatibility guidelines set forth in Uniform Rule Two (Compatible Uses within Agricultural Preserves) of the County Uniform Rules for Agricultural Preserves and Farmland Security Zones.

   a) If a Farmstay operation is proposed on a lot not subject to a contract executed in accordance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones, then the applicable review authority shall determine if the operation will be consistent with the compatibility guidelines.

5) The operation is located on, and is part of, a farm or ranch operation that produces agricultural products, and the Farmstay operation:

   a) Does not constitute the principal land use of the premises,

   b) Is beneficial and inherently related to the farm or ranch operation, and

   c) Is in character with the rural setting.

6) The operation will not have significant adverse impacts on the long-term productive agricultural capability or natural resources of the subject lot or adjacent lot(s).

7) No sign(s) located on the premises on which the Farmstay operation is located shall advertise or otherwise identify the existence of the Farmstay operation.

b. A Farmstay operation that may not be allowed in compliance with Subsection J.2.a, above, above, may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:

1) The operation is in character with the rural setting and will not result in significant adverse impacts to visual resources, natural resources, or the agricultural lands on or adjacent to the subject lot.

2) The operation will not include a new at-grade crossing of Highway 101.

3) The operation will not be housed in an accessory dwelling unit or junior accessory dwelling unit.

SECTION 46:

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

SECTION 47:

Except as amended by this ordinance, Divisions 2, 4, 6, 7, 11, 12, 13, 15, 16, and 18 of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 48:

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

SECTION 49:

If legislation is enacted that amends Government Code sections 65852.2 or 65852.22 or other provisions regarding Accessory Dwelling Units or Junior Accessory Dwelling Units which would superseded or preempt any section or subsection of this ordinance then, that the Board of Supervisors deems that section or subsection null and void and this ordinance shall remain in effect without said section or subsection and continue to apply to all Accessory Dwelling Units and Junior Accessory Dwelling Units.

SECTION 50:

For applicants that have an approved or issued Coastal Development Permit for a proposed accessory dwelling unit or junior accessory dwelling unit on or before the effective date of this ordinance, the Coastal Development Permit shall remain valid, provided that a Building Permit for the proposed accessory dwelling unit or junior accessory dwelling unit is issued and the proposed accessory dwelling unit or junior accessory dwelling unit receives final building inspection approval by one year following the effective date of this ordinance, or the date that this ordinance is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later. Otherwise, the Coastal Development Permit shall be invalid.

SECTION 51:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the latter of: (i) the date the Board adopts the ordinance, or (ii) upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, or (iii) pursuant to Government Code Section 68582.2(h), upon the date that: (a) the California Department of Housing and Community Development (HCD) finds that the ordinance complies with state law, or (b) the Board of Supervisors adopts a resolution addressing HCD's findings; and before the expiration of 15 days after its

adoption, it, or a summary of it, shall be published once, together with the names of the members of the Board voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of November, 2023, by the following vote:

AYES: Supervisors Williams, Capps and Hartmann

NOES: None

ABSTAIN: None

ABSENT: Supervisors Nelson and Lavagnino

DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:
RACHEL VAN MULLEN
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT 5-1: ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE (CZO), OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 1, IN GENERAL, DIVISION 2, DEFINITIONS, DIVISION 4, ZONING DISTRICTS, DIVISION 7, GENERAL REGULATIONS, DIVISION 11, PERMIT PROCEDURES, DIVISION 12, ADMINISTRATION, DIVISION 13, SUMMERLAND COMMUNITY PLAN OVERLAY, DIVISION 15, TORO CANYON PLAN (TCP) OVERLAY DISTRICT, AND DIVISION 17 GAVIOTA COAST PLAN TO IMPLEMENT NEW REGULATIONS AND DEVELOPMENT STANDARDS REGARDING ACCESSORY DWELLING UNITS (ADUS) AND JUNIOR ACCESSORY DWELLING UNITS (JADUS) AND MINOR ORDINANCE AMENDMENTS TO CORRECT AND CLARIFY EXISTING REGULATIONS.

23ORD-00009

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

SECTION 1:

DIVISION 1, In General, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Subsection C, Process, of Section 35-51B, Exemptions from Planning Permit Requirements, to read as follows:

C. Process. Any determination made by the Director that a use, activity, or structure is exempt from the planning permit requirements of this Article in accordance with this Section is final and not subject to appeal except in accordance with Section 30625 of the Coastal Act.

SECTION 2:

DIVISION 2, Definitions, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the definitions of "Accessory Dwelling Unit," "Cannabis," "Floor Area – Gross," and "Passageway" and add a new definition of "Junior Accessory Dwelling Unit" to read as follows:

Accessory Dwelling Unit. An attached or a detached residential dwelling unit ~~on a permanent foundation~~ that is located on the same lot as a single-family or multiple-family dwelling to which the accessory dwelling unit is accessory and (1) provides complete independent living facilities for one or more persons including permanent provisions for cooking, eating, living, sanitation, and sleeping, and (2) provides interior access between all habitable rooms~~, and (3) includes an exterior access that is separate from the access to the principal dwelling or accessory structure in which the accessory dwelling unit is located~~. An accessory dwelling unit may also include an efficiency unit, as defined in Section 17958.1 of Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

1. **Attached Accessory Dwelling Unit**. An accessory dwelling unit that ~~is either attached to (e.g.,~~ shares at least five feet of common wall with, or is stacked above or below the~~) or is located within the living area of the existing or proposed~~ principal dwelling or an attached accessory structure.

2. **Detached Accessory Dwelling Unit.** An accessory dwelling unit that is detached from the ~~existing~~

~~or proposed~~ principal dwelling and is located on the same lot as the existing or proposed principal dwelling. A detached accessory dwelling unit may be attached to a detached accessory structure.

Cannabis: All parts of the plant *Cannabis sativa Linnaeus*, *Cannabis indicia* or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including, but not limited to, separated resin. Cannabis also means medical and non-medical marijuana. Cannabis does not include industrial hemp, as defined in Section 11018.5 of the Health and Safety Code as may be amended. Additionally, the following terms are defined for the purposes of Section 35-144U (Cannabis Regulations):

a. **Canopy.** The designated area(s) at a licensed premise, except nurseries, that will contain mature flowering plants at any point in time, as follows:

1) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature flowering plants at any point in time, including all of the space(s) within the boundaries;

2) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds, or garden plots; and

3) If mature flowering plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

b. **Commercial cannabis activity.** Any activity, recreational or medicinal, that includes the cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products as provided in this Chapter. "Commercial cannabis activity" does not include personal use.

c. **Commercial cannabis operation.** Any person or entity that engages in commercial cannabis activities.

d. **Cultivation.** Any activity involving the planting, growing, harvesting, drying, curing, or trimming of cannabis, as well as grading of land to conduct any such activity. Cultivation includes outdoor cultivation, indoor cultivation, and mixed light cultivation as follows:

1) **Indoor cultivation.** The cultivation of cannabis within a structure using exclusively artificial light.

2) **Outdoor cultivation.** The cultivation of cannabis, outside of a structure, without the use of artificial lighting in the canopy area at any point in time. Cultivation within a hoop structure is considered outdoor cultivation. No artificial lighting is permissible for outdoor cultivation, including within hoop structures.

3) **Mixed-light cultivation.** The cultivation of cannabis a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models, excluding hoop structures.

e. **Distribution.** The procurement, wholesale, and transport of cannabis and cannabis products between licensees.

f. **Distributor.** A facility used for the storage and distribution of cannabis and cannabis products.

g. **Manufacturing.** All aspects of the extraction and/or infusion processes, including processing, preparing, holding, storing, packaging, or labeling of cannabis products. Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.

h. **Microbusiness.** Permit by an owner or entity to engage in three of the four following types of cannabis activities: cultivation, distribution, non-volatile manufacturing, and/or retail. Microbusiness permitees must demonstrate compliance with all requirements imposed by this Article on cultivators, distributors, non-volatile manufacturers, and retailers to the extent the permit is to engage in such activities.

i. **Nonvolatile Manufacturing.** Manufacturing using any solvent in the extraction process that is not a volatile solvent, mechanical extraction, and infusions. For purposes of this Section, nonvolatile solvents include, but are not limited to, carbon dioxide and ethanol.

j. **Nursery.** A nursery only produces clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

k. **Personal Use.** The cultivation, harvesting, drying, or processing of cannabis plants with the intent to possess, smoke, or ingest cannabis or cannabis products for one's own individual use or by a primary caregiver for his or her qualified patient(s) in accordance with State law.

l. **Private residence.** A house, an apartment unit, a mobile home, a condominium, a townhome, an accessory dwelling unit, junior accessory dwelling unit, or other similar dwelling.

m. **Premise.** The designated structure or structures and land specified in the state application that is owned, leased, or otherwise held under the control of the applicant where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

n. **Processing.** All activities associated with drying, curing, grading, trimming, storing, packaging, and labeling of nonmanufactured cannabis products.

o. **Retail.**

- **i.** **Non-Storefront Retail.** Delivery-only retail of commercial cannabis or cannabis products. Those who conduct non-storefront retail are referred to as Non-Storefront Retailer.
- **ii.** **Storefront Retail.** The retail sale and delivery of cannabis or cannabis products to customers, also referred to as a Storefront Retailer. A retailer shall operate from a licensed premise, which is a physical location from which commercial cannabis activities are conducted. A retailer's premise may be closed to the public. A Storefront retailer may also conduct some sales by delivery.

p. **Testing.** An accredited laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products.

q. **Volatile Manufacturing.** Manufacturing using any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

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 for greater and that are deemed usable by the building official;

(10) In residential zone districts, additionally all roofed porches, arcades, balconies, porticos, breezeways or similar features when located above the ground floor.

The gross floor area of a structure that lacks walls shall be the area of all floors or levels included under the roofed or covered area of the structure.

This definition shall not apply to accessory dwelling units and junior accessory dwelling units, which shall be subject to the definition of "floor area" as defined in Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units). The gross floor area, as defined above, of any existing or proposed accessory dwelling unit or junior accessory dwelling unit shall be included in any total gross floor area calculations of the subject lot.

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

Junior accessory dwelling unit. A residential dwelling unit that is no more than 500 gross square feet in size (as measured in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units)) and contained entirely within a one-family dwelling or its attached garage. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

SECTION 3:

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

Section 35-68.3 Permitted Uses.

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard,

subject to the limitations hereinafter provided in this Section 35-68.

2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich; or three goats, hogs, or other livestock not specifically enumerated herein, shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept. In no case shall more than three hogs be kept on any such lot. *(Amended by Ord. 4086, 12/15/1992)*

3. Private kennels, and small animals and poultry raising limited to reasonable family use on a non-commercial basis. *(Added by Ord. 4067, 08/18/1992)*

4. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales). *(Amended by Ord. 4557, 12/07/2004)*

5. Greenhouses, hothouses, other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a Development Plan shall be submitted, processed, and approved as provided in Section 35-174 (Development Plans). For any greenhouse or related development, packing and shipping facility, and shade and hoop structure in the Carpinteria Valley additional regulations of the Carpinteria Agricultural (CA) Overlay District (Section 35-102F) shall apply. *(Amended by Ord. 4529, 04/20/2004)*

6. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq*.) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).

7. One accessory dwelling unit or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

8~~7~~. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot. *(Amended by Ord. 3835, 03/20/1990; Ord. 4557, 12/07/2004)*

9~~8~~. Home occupations, subject to the provisions of Section 35-121 (General regulations) and accessory to a residential use of the same lot. *(Amended by Ord. 3836, 03/20/1990); Ord. 4557, 12/07/2004)*

10~~9~~. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities). *(Added by Ord. 4378, 11/16/1999; Amended by Ord. 5004, 12/14/2017)*

11~~10~~. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

12~~11~~. Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.

13~~12~~. Cannabis, Distribution, subject to the provisions of Section 35-144U.

14~~13~~. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.

15~~14~~. Uses, buildings and structures accessory and customarily incidental to the above uses. *(Amended by Ord. 4557, 12/07/2004)*

SECTION 4:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-69.3, Permitted Uses, of Section 35-

69, AG-II – Agriculture II, to read as follows:

Section 35-69.3 Permitted Uses.

1. All types of agriculture and farming, including commercial raising of animals, subject to the limitations hereinafter provided in this Section 35-69.

2. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales). *(Amended by Ord. 4557, 12/07/2004)*

3. Commercial boarding of animals.

4. Private and/or commercial kennels. *(Amended by Ord. 4067, 08/18/1992)*

5. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).

6. One accessory dwelling unit or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

7~~6~~. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use located on the same lot. *(Amended by Ord. 3835, 03/20/1990; Ord. 4557, 12/07/2004)*

8~~7~~. Greenhouses, hothouses, or other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a development plan shall be submitted, processed, and approved as provided in Section 35-174 (Development Plans). *(Amended by Ord. 3838, 03/20/1990)*

9~~8~~. On-shore oil development, including exploratory and production wells, pipelines, storage tanks, processing facilities for on-shore oil and gas, and truck terminals subject to the requirements set forth in DIVISION 9, OIL & GAS FACILITIES.

10~~9~~. Excavation or quarrying of building or construction materials, including diatomaceous earth, subject to the provisions of Section 35-177 (Reclamation Plans).

11~~10~~. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use located on the same lot. *(Amended by Ord. 3836, 03/20/1990; Ord. 4557, 12/07/2004)*

12~~11~~. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities). *(Added by Ord. 4378, 11/16/1999; Amended by Ord. 5004, 12/14/2017)*

13~~12~~. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). (*Added by Ord. 5004, 12/14/2017)*

14~~13~~. Uses, buildings and structures accessory and customarily incidental to the above uses. *(Amended by Ord. 4557, 12/07/2004)*

15~~14~~. Cannabis, Cultivation and Nursery, subject to the provisions of *Section 35-144U*.

16~~15~~. Cannabis, Distribution, subject to the provisions of *Section 35-144U*.

17~~16~~. Cannabis, Non-volatile Manufacturing, subject to the provisions of *Section 35-144U*.

SECTION 5:

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

Section 35-70.3 Permitted Uses.

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this Section 35-70.

2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich, or other livestock not specifically enumerated herein; or three goats, hogs; shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept. In no event shall more than three hogs be kept on any such lot. *(Amended by Ord. 4086, 12/15/1992)*

3. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales). *(Amended by Ord. 4557, 12/07/2004)*

4. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq*.) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).

5. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

6~~5~~. One guest house or artist studio per legal lot, subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot. *(Amended by Ord. 3835, 03/20/1990, Ord. 4557, 12/07/2004)*

7~~6~~. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot. *(Amended by Ord. 4557, 12/07/2004)*

8~~7~~. Greenhouses, hothouses, or other plant protection structures not exceeding 300 square feet.

9~~8~~. The keeping of animals and poultry subject to the R-1/E-1 provisions of Section 35-71.12, Subsections 3. through 9., only (Animals). *(Added by Ord. 4067, 08/18/1992; amended by Ord. 4086, 12/15/1992; Ord. 4557, 12/07/2004)*

10~~9~~. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities). *(Added by Ord. 4378, 11/16/1999; Amended by Ord. 5004, 12/14/2017)*

11~~10~~. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

12~~11~~. Uses, buildings and structures which are customarily incidental to the above uses. *(Amended by Ord. 4557, 12/07/2004)*

SECTION 6:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-71.3, Permitted Uses, of Section 35-71, R-1/E-1 – Single-Family Residential, to read as follows:

Section 35-71.3 ***Permitted Uses*** (Amended by Ord. 3518, 06/03/1985, Ord. 4186, 03/14/1995)

1. One single-family dwelling per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, and subject to the provisions of Section 35-141. *(Amended by Ord. 4557, 12/07/2004)*

2. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

3~~2~~. One guest house or artist studio, subject to the provisions in Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot. *(Amended by Ord. 3835, 03/20/1990 and Ord. 4557, 12/07/2004)*

4~~3~~. Home occupations subject to the provisions of Section 35-121. (General Regulations) and accessory to a residential use of the same lot. *(Amended by Ord. 4557, 12/07/2004)*

5~~4~~. Orchards, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.

6~~5~~. Greenhouses, hothouses, and other plant protection structures subject to all of the following: *(Amended by Ord. 4557, 12/07/2004)*

   a. The structure is accessory to either a residential or agricultural use of the same lot.

   b. The structure shall not exceed a gross floor area of 300 square feet.

   c. The structure is used only for the propagation and cultivation of plants.

   d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.

7~~6~~. The keeping of animals and poultry accessory to the primary residential use located on the same lot and subject to the provisions of Section 35-71.12. *(Amended by Ord. 4557, 12/07/2004)*

8~~7~~. Public parks, public playgrounds, and community centers operated by a public agency. *(Amended by Ord. 4557, 12/07/2004)*

9~~8~~. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities). *(Added by Ord. 4378, 11/16/1999; Amended by Ord. 5004, 12/14/2017)*

10~~9~~. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). (*Added by Ord. 5004, 12/14/2017)*

11~~10~~. Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises. *(Amended by Ord. 4186, 03/14/1995; Ord. 4557, 12/07/2004)*

SECTION 7:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-72.3, Permitted Uses, of Section 35-72, R-2 – Two Family Residential, to read as follows:

Section 35-72.3 Permitted Uses (Amended by Ord. 3518, 06/03/1985; Ord. 4067, 08/018/1992; Ord. 4557, 12/07/2004)

1. One single family dwelling or one two family dwelling, i.e., duplex, per legal lot. *(Amended by Ord. 4298, 03/24/1998)*

2. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

3~~2~~. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities). *(Added by Ord. 4378, 11/16/1999; Amended by Ord. 5004, 12/14/2017)*

4~~3~~. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

5~~4~~. Home occupations subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot. *(Amended by Ord. 4557, 12/07/2004)*

6~~5~~. Orchards, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.

7~~6~~. Greenhouses, hothouses, and other plant protection structures subject to all of the following:

   a. The structure is accessory to either a residential or agricultural use of the same lot.

   b. The structure shall not exceed a gross floor area of 300 square feet.

   c. The structure is used only for the propagation and cultivation of plants.

   d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.

8~~7~~. The keeping of animals and poultry accessory to a residential use located on the same lot and subject to the provisions of Section 35-71.12 (R-1/E-1, Animals).

9~~8~~. Public parks, public playgrounds, and community centers operated by public agencies.

10~~9~~. Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises.

SECTION 8:

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

Section 35-73.3 Permitted Uses.

1. One single-family dwelling per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, and subject to the provisions of Section 35-141 (General Regulations). Except as provided herein, trailers in any condition shall not be used for any purpose.

2. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

3~~2~~. One guest house or artist studio, subject to the provisions in Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot. *(Amended by Ord. 3835; 03/20/1990; Ord. 4557, 12/07/2004)*

4~~3~~. Golf courses and facilities incidental and subordinate to such use (e.g., restaurant, pro shop) but not including commercial driving tees, ranges, putting courses or miniature golf courses.

5~~4~~. Parks, playgrounds, and community facilities operated by a non-profit homeowners association.

6~~5~~. Orchards, truck and flower gardens, and the raising of field crops.

7~~6~~. Greenhouses, hothouses, and other plant protection subject to all of the following:

a. The structure is accessory to either a residential or agricultural use of the same lot.

b. The structure shall not exceed a gross floor area of 300 square feet.

c. The structure is used only for the propagation and cultivation of plants.

d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.

8~~7~~. The keeping of animals and poultry subject to the provisions of Section 35-71.12 and accessory to the primary residential use of the same lot. *(Amended by Ord. 4557 12/07/2004)*

9~~8~~. Home occupations subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot.

10~~9~~. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities). *(Added by Ord. 4378, 11/16/1999; Amended by Ord. 5004, 12/14/2017)*

11~~10~~. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

12~~11~~. Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises. *(Amended by Ord. 4186; 03/14/1995)*

SECTION 9:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-74.4, Permitted Uses, of Section 35-74, DR – Design Residential, to read as follows:

Section 35-74.4 Permitted Uses. (Amended by Ord. 3518, 06/03/1985; Ord. 4378, 11/16/1999)

1. Single family, duplex, triplex, and multi-family dwelling units, including developments commonly known as row houses, town houses, condominiums, cluster, and community apartment projects.

2. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory

Dwelling Units).

3~~2~~. Parking lots, carports, and garages designed and used for individual units within the district and either adjacent to such units or centrally located to serve a group of units.

4~~3~~. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-74.4, for use by on-site residents and/or employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Added by Ord. 4067, 08/18/1992)*

5~~4~~. Golf courses.

6~~5~~. Public parks, public playgrounds, and community centers.

7~~6~~. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot. *(Amended by Ord. 4557, 12/07/2004)*

8~~7~~. The keeping of animals accessory to a residential use located on the same lot and subject to the provisions of Section 35-419.12 (R-1/E-1, Animals). *(Amended by Ord. 4557, 12/07/2004)*

9~~8~~. Greenhouses, hothouses, and other plant protection structures subject to all of the following: *(Added by Ord. 3959, 02/21/1992; amended by Ord. 4557, 12/07/2004)*

a. The structure is accessory to either a residential or agricultural use of the same lot.

b. The structure shall not exceed a gross floor area of 300 square feet.

c. The structure is used only for the propagation and cultivation of plants.

d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.

10~~9~~. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities). *(Added by Ord. 4378, 11/16/1999; Amended by Ord. 5004, 12/14/2017)*

11~~10~~. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

12~~11~~. Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises. *(Added by Ord. 4378, 11/16/1999; amended by Ord. 4557, 12/07/2004)*

SECTION 10:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-75.7, Permitted Uses, of Section 35-75, PRD – Planned Residential Development, to read as follows:

Section 35-75.7 Permitted Uses.

1. Residential units, either attached or detached, including single family dwellings, duplexes, row houses, town houses, apartments, and condominiums.

2. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when

approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

3~~2~~. Recreational facilities, including but not limited to tennis courts, swimming pools, playgrounds, and parks for the private use of the residents of the development, provided such facilities are not operated for remuneration. *(Amended by Ord. 4557, 12/07/2004)*

4~~3~~. Laundromat, meeting rooms, for use by residents of the development. *(Amended by Ord. 4067, 08/18/1992)*

5~~4~~. Where required by the Coastal Land Use Plan, resort visitor-serving facilities.

6~~5~~. Home Occupations, subject to the provisions of Section 35-121 (General Regulations). *(Amended by Ord. 3836, 03/20/1990)*

7~~6~~. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-75.7, for use by on-site residents and/or employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Added by Ord. 4067, 08/18/1992)*

8~~7~~. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities). *(Added by Ord. 4378, 11/16/1999; Amended by Ord. 5004, 12/14/2017)*

9~~8~~. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

10~~9~~. The keeping of household pets accessory to a residential use of a dwelling located on the lot on which the animal keeping occurs provided that: *(Amended by Ord. 4557, 12/07/2004)*

a. There shall not be more than three dogs permitted on any one lot.

b. Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.

c. 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 Animal Services Division of the County Public Health Department.

d. Enclosures for such small animals shall be no closer than 25 feet to any dwelling located on another lot.

e. No rooster or peacock shall be kept or raised on the lot.

11~~10~~. Uses, buildings, and structures accessory and customarily incidental to the above uses. *(Amended by Ord. 4557, 12/07/2004)*

SECTION 11:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-76.4, Permitted Uses, of Section 35-76, SR-M – Medium Density Student Residential, to read as follows:

Section 35-76.4 Permitted Uses.

1. One single family dwelling unit, one two-family dwelling or multi-unit dwellings. *(Amended by Ord. 4318, 06/23/1998)*

2. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

3~~2~~. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

4~~3~~. Parking lots, carports, and garages designed and used for individual units within the development and either adjacent to such units or centrally located to serve a group of units. The required parking may be located on lots within 500 feet of the lot containing the development requiring such parking, subject to conditions which will insure permanent maintenance of such parking spaces so long as the development exists.

5~~4~~. Accessory uses, buildings, and structures which are incidental, and subordinate to, permitted uses and not involving the maintenance of a commercial enterprise on the premises.

6~~5~~. Public parks, public playgrounds, and community centers.

7~~6~~. Home occupations, subject to the provisions of Section 35-121 (General Regulations).

8~~7~~. Orchard, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.

9~~8~~. Greenhouses, hothouses, and other plant protection structures not exceeding 300 square feet, used only for the propagation and cultivation of plants, provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith.

10~~9~~. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-76.4, for use by on-site residents and/or employees of the development; when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Added by Ord. 4067, 08/18/1992)*

SECTION 12:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-77.4, Permitted Uses, of Section 35-77, SR-H – High Density Student Residential, to read as follows:

Section 35-77.4 Permitted Uses.

1. One single family dwelling unit, one two-family dwelling or multi unit dwellings. *(Amended by Ord. 4318, 06/23/1998)*

2. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

3~~2~~. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

4~~3~~. Dormitories, student housing facilities, residence halls, sororities and fraternities located in an area where such facilities are to be used by students of an educational institution.

5~~4~~. Parking lots, carports, and garages designed and used for individual units within the development and

either adjacent to such units or centrally located to serve a group of units. The required parking may be located on lots within 500 feet of the lot containing the development requiring such parking, subject to conditions which will insure permanent maintenance of such parking spaces so long as the development exists.

6~~5~~. Accessory uses, buildings, and structures which are incidental, and subordinate to, permitted uses and not involving the maintenance of a commercial enterprise on the premises.

7~~6~~. Public parks, public playgrounds, and community centers.

8~~7~~. Home occupations, subject to the provisions of Section 35-121 (General Regulations).

9~~8~~. Orchard, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.

10~~9~~. Greenhouses, hothouses, and other plant protection structures not exceeding 300 square feet, used only for the propagation and cultivation of plants, provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith.

11~~10~~. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-77.4, for use by on-site employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Amended by Ord. 4067, 08/18/1992)*

12~~11~~. Emergency Shelter. *(Added by Ord. 4169, 10/11/1994)*

SECTION 13:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-77A.3, Permitted Uses, of Section 35-77A, C-1 – Limited Commercial, to read as follows:

Section 35-77A.3 Permitted Uses. (Amended by Ord. 4318, 06/23/1998)

1. Retail stores, shops or establishments supplying commodities for travelers, as well as residents in the surrounding neighborhood, provided that such enterprises are conducted entirely within an enclosed building, such as bakeries, ice cream shops, grocery and liquor stores, hardware and appliance stores, clothing and shoe stores, sporting goods stores, pet shops, prescription pharmacies, florist shops, automobile accessory stores, garden supply stores and other similar uses, but not including uses which are incompatible with their adjoining residential uses due to noise, glare, odor and hazardous material concerns, such as amusement enterprises, miniature golf courses, automobile and machinery sales or service establishments, music recording studios, pool supply stores or car washes.

2. Service uses conducted entirely indoors such as laundry, laundromats, dry-cleaning sub-stations, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, radio and repair shops, physical fitness studios, and other similar uses.

3. Restaurants and cafes, including outdoor restaurant, cafe or tea room.

4. Financial institutions such as banks, excluding corporate offices, and savings and loan offices and general business offices which would serve the neighborhoods, such as real estate offices and general practitioners' offices, but not including trade or business schools.

5. Retail Plant nurseries.

6. Community non-profit recycling facility.

7. Child Care Facilities.

8. One Single Family Residence, on a lot where there is no commercial use, subject to the regulations set out in Section 35-77A.6, Minimum Lot Size, and Section 35-71 (R-1/E-1).

9. On lots where commercial uses are present, residential uses that are secondary to the primary commercial use.

10. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

11~~10~~. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

12~~11~~. Any other uses which the Planning Commission determines to be similar in character to those enumerated in this section and not more injurious to health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, or vibration, pursuant to Section 35-179C (Use Determination). *(Amended by Ord. 4964, 12/14/2017)*

13~~12~~. Overnight visitor-serving accommodations such as bed-and-breakfasts, lodges and hostels.

14~~13~~. Cannabis, Retail, subject to the provisions of Section 35-144U.

15~~14~~. Cannabis, Testing, subject to the provisions of Section 35-144U.

16~~15~~. Accessory uses, buildings and structures which are customarily incidental to any of the above uses provided:

a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments.

b. Such operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life and property, or other similar causes.

SECTION 14:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-78.3, Permitted Uses, of Section 35-78, C-2 – Retail Commercial, to add a new Subsection 25 to read as follows:

25. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

SECTION 15:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-80.3, Permitted Uses, of Section 35-80, CH – Highway Commercial, to add a new Subsection 11 to read as follows:

11. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

SECTION 16:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-81.5, Permitted Uses, of Section 35-81, C-V – Resort/Visitor Serving Commercial, to add a new Subsection 6 to read as follows:

6. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

SECTION 17:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-83.4, Permitted Uses, of Section 35-83, PI – Professional and Institutional, to add a new Subsection 16 to read as follows:

16. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

SECTION 18:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-90.3, Permitted Uses, of Section 25-90, RES – Resource Management, to read as follows:

Section 35-90.3 Permitted Uses. (Amended by Ord. 4557, 12/07/2004)

1. One single family dwelling per legal lot.

2. One accessory dwelling unit or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

3~~2~~. One guest house subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot.

4~~3~~. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

5~~4~~. The non-commercial keeping of animals and poultry accessory to the primary residential use located on the same lot.

6~~5~~. Agricultural grazing.

7~~6~~. Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 19:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-91.4, Permitted Uses, of Section 35-91, MHP – Mobile Home Park, to read as follows:

Section 35-91.4 Permitted Uses.

1. Mobile Home Park.
2. Recreational facilities for the use of the residents of the park.
3. One or more accessory dwelling units and/or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

4~~3~~. Accessory uses, structures, and buildings which are customarily incidental and subordinate to the uses permitted in this district.

5~~4~~. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

SECTION 20:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-93A.3, Permitted Uses, of Section 35-93A, MT-TORO – Mountainous Area – Toro Canyon Planning Area, to read as follows:

Section 35-93A.3 Permitted Uses.

1. One single-family dwelling per legal lot.
2. One accessory dwelling unit or one junior accessory dwelling unit per legal lot when approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

3~~2~~. One guest house subject to the provisions of Section 35-120 (General Regulations).

4~~3~~. The non-commercial keeping of animals and poultry.

5~~4~~. Cultivated agriculture, vineyard, or orchard when there is evidence of permitted or legal non-conforming use within the previous ten-year period.

6~~5~~. Home occupations, subject to the provisions of Section 35-121 (General Regulations).

7~~6~~. Accessory uses, buildings and structures that are customarily incidental to the above uses.

8~~7~~. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing). *(Added by Ord. 5004, 12/14/2017)*

SECTION 21:

DIVISION 6, Parking Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 7, Accessory dwelling units, of Section 35-108, Required Number of Spaces: Residential, and to add a new Subsection 8, Junior accessory dwelling units, to read as follows:

7. **Accessory dwelling units.** As determined by Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

8. **Junior accessory dwelling units.** No new parking spaces required.

SECTION 22:

DIVISION 6, Parking Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete in its entirety Subsection 1) of Subsection a of Subsection 2, Location, of Section 35-114, Size, Location, and Design.

SECTION 23:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 4 of Section 35-119, Accessory Structures, to read as follows:

4. Except as provided in Subsection 4.a (Accessory dwelling units and junior accessory dwelling units), below, accessory structures shall conform to the height requirements and the front and side yard setback regulations of the district. An accessory structure may be located in the required rear yard setback provided that it is located no closer than 10 feet to the principal structure and that it occupies no more than 40 percent of the required rear yard, and that it does not exceed a height of 12 feet. *(Amended by Ord. 4557, 12/07/2004)*

   a. **Accessory dwelling units and junior accessory dwelling units.**

      1) See Section 35-142 (Accessory D~~d~~welling U~~u~~nits and Junior Accessory Dwelling Units) for height limits for accessory dwelling units and junior accessory dwelling units.

      2) An accessory dwelling unit may be located in the required rear setback only when allowed in compliance with Section 35-142 (Accessory D~~d~~welling U~~u~~nits and Junior Accessory Dwelling Units).

SECTION 24:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 8 of Section 35-119, Accessory Structures, to read as follows:

8. Accessory structures, including artist studios, cabañas, and guesthouses, shall not contain kitchen or cooking facilities unless the accessory structure is specifically permitted as a dwelling (e.g., accessory dwelling units and junior accessory dwelling units). Artist studios, cabañas and guesthouses are not dwellings.

SECTION 25:

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

14. If an accessory dwelling unit or junior accessory dwelling unit exists or is approved for development on a lot, a guesthouse or artist studio shall not also be approved.

SECTION 26:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change and retitle Subsection g, "Accessory dwelling units," of Subsection 3, General height limit exceptions, of Subsection A, Height measurement, of Section 35-127, Guest Height, to read as follows:

g. Accessory dwelling units and junior accessory dwelling units. See Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units) for height limits and exceptions for accessory dwelling units and junior accessory dwelling units.

SECTION 27:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-135, "Parking Lot Sales", to read as follows:

Section 35-135. Parking Lot Sales.

In any C-2~~,~~ or C-3~~, or SC~~ zone district, the operator of an existing retail store, shop, or establishment may apply for either a Coastal Development Permit under Section 35-169 and a Minor Conditional Use Permit, under Section 35-172 or merely a Coastal Development Permit for a parking lot sale. If the proposed sale when added together with the establishment's other parking lot sales within the same calendar year exceeds four days, a Minor Conditional Use Permit shall be required prior to the issuance of a Coastal Development Permit. If the proposed sale when added together with the establishment's other parking lot sales within the same calendar year does not exceed four days, the application shall be made to the Director for a Coastal Development Permit. The Director shall not issue the permit unless the Director finds that the proposed sale will not be detrimental to the public health, safety, and welfare and the adequate on-premise pedestrian access and parking will exist during the proposed sale. The Director may impose any reasonable conditions in the permit necessary to protect and preserve the public health, safety, and welfare.

SECTION 28:

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

Section 35-142. Accessory Dwelling Units and Junior Accessory Dwelling Units.

Section 35-142.1 Purpose and Intent.

The purpose of this Section is to establish procedures and development standards for attached and detached accessory dwelling units and junior accessory dwelling units in compliance with California Government

Code Sections 65852.2 and 65852.22. The intent is to encourage the development of accessory dwelling units and junior accessory dwelling units that contribute needed housing to the County's housing stock.

Section 35-142.2 Applicability.

An accessory dwelling unit or junior accessory dwelling unit may be allowed on a lot in compliance with the lists of allowable uses in Division 4, Zoning Districts.

Section 35-142.3 Allowed Use.

1. As required by Government Code Section 65852.2, an accessory dwelling unit shall:

   a. Be deemed to be an accessory use or an accessory building.

   b. Not be considered to exceed the allowable density for the lot on which it is located.

   c. Be deemed to be a residential use that is consistent with the existing Comprehensive Plan land use designation, including the Coastal Land Use Plan and applicable zone for the lot on which the accessory dwelling unit is located.

   d. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.

Section 35-142.4 Application and Processing Requirements.

1. **Permit required.** Prior to the development or use of a building or portion thereof as an accessory dwelling unit or junior accessory dwelling unit, an application for a Coastal Development Permit shall be submitted in compliance with Section 35-57A (Application Preparation and Filing), and the Coastal Development Permit shall be issued in compliance with Section 35-169 (Coastal Development Permits).

2. **No Hearing Required.** An application for a Coastal Development Permit for an accessory dwelling unit or junior accessory dwelling unit shall be considered without a hearing.

3. **Accessory to a principal dwelling.** If an application for an accessory dwelling unit or junior accessory dwelling unit is submitted for a lot that does not contain a principal dwelling at the time of application, the application for a principal dwelling shall be submitted in conjunction with an application for an accessory dwelling unit or junior accessory dwelling unit.

   a. Final building permit inspection for the proposed principal dwelling shall be approved prior to final building permit inspection approval for the accessory dwelling unit.

4. **Conflicts with other sections of this Article.** Except as provided in Section 35-142.4.5, below, where there are conflicts between the standards in this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units), the standards in Section 35-119 (Accessory Structures), and the standards in the specific zone regulations (Division 4 Zoning Districts), the provisions of this Section shall prevail.

5. **Coastal resource protection.** If there is a conflict between the standards of this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units) and standards that protect coastal resources, the requirements which are most protective of coastal resources shall prevail.

6. **Development impact mitigation fees.** Except as provided in Section 35-142.4.6.a, below, the applicant shall pay development impact mitigation fees in compliance with ordinances and/or

resolutions in effect at the time the fees are paid. The amount of the required fee shall be determined by adopted fee resolutions and ordinances and applicable law in effect when paid, provided that the fee is charged proportionately in relation to the square footage of the principal dwelling.

a. The applicant shall not be required to pay development impact mitigation fees for an accessory dwelling unit of less than 750 square feet or a junior accessory dwelling unit.

7. **Floor area.** As used in this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units), "floor area" means the floor area within the inside perimeter of the exterior walls of the building under consideration, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns, or other features.

   a. **Architectural Feature.** An attached, un-inhabitable architectural feature (e.g., covered entry, covered patio, deck, balcony, etc.) may be allowed in addition to the floor area of the accessory dwelling unit. The architectural feature(s) shall be subordinate to the accessory dwelling unit and limited to a cumulative square footage total of 20% of the floor area of the accessory dwelling unit. The square footage calculation shall be measured as the roof area (covered) or the footprint (uncovered). The square footage shall be capped at a maximum of 240 square feet for existing structures converted to an accessory dwelling unit that exceed 1,200 square feet in floor area. The height of the feature(s) shall not exceed the roofline of the accessory dwelling unit. Architectural feature(s) do not include attached garages, storage rooms, laundry rooms, and other enclosed spaces or unenclosed amenities. Architectural feature(s) shall comply with the setback requirements applicable to the accessory dwelling unit on the lot, provided that upper story unenclosed landings, decks, and balconies greater than 20 square feet shall be located a minimum of 10 feet from side, rear, and interior lot lines unless landscape screening with a six-foot minimum height is provided along the perimeter.

8. **Modifications.** An accessory dwelling unit or junior accessory dwelling unit that does not comply with the requirements of this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units), may be allowed with the approval of a Modification in compliance with Section 35-179 (Modifications), provided that the applicant requests a delay and tolls the processing time period until final action is taken on the Modification.

9. **Nonconforming zoning conditions.** An accessory dwelling unit located entirely or partially within a nonconforming accessory building may be allowed in compliance with Section 35-162 (Nonconforming Buildings and Structures); however, accessory dwelling units are not allowed within a nonconforming accessory building if the nonconforming accessory building is inconsistent with any of the coastal resource protection policies or coastal resource protection development standards of the certified Local Coastal Program.

10. **Variances.** Variances shall not be granted for accessory dwelling units or junior accessory dwelling units.

11. **Residential second units.** For purposes of this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units), a residential second unit previously permitted in compliance with this Article shall be considered the same as an accessory dwelling unit.

12. **Unpermitted existing development.** For purposes of this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units), unpermitted existing development and any proposed improvements to unpermitted existing development to accommodate an accessory dwelling unit or

junior accessory dwelling unit shall be considered new development.

13. **Must Yield Provision.** Where the application of front setbacks stipulate that the standard must be complied with unless it would preclude development of an accessory dwelling unit of up to 800 square feet with side and rear setbacks of at least four feet, this standard must yield when there are no other physical locations to place an accessory dwelling unit on the lot without conflicting with other applicable provisions of this Section, such as height, setbacks, tree protection, grading, environmentally sensitive habitat areas, historic resources, and archaeological resources. A property owner's preference for a specific location on the lot does not constitute a reason to vary from objective standards. Nothing in this subsection shall be interpreted to apply new standards to an accessory dwelling unit developed in accordance with Section 35-142.5, below that do not already apply. If encroachment into the front setback is required, it shall be the minimum necessary to accommodate the project.

Section 35-142.5 Accessory dwelling units located within residential or mixed-use zones.

This Section 35-142.5 provides standards for certain accessory dwelling units in accordance with Government Code Section 65852.2(e)(1). An accessory dwelling unit that complies with all of the following standards, as applicable, shall be permitted with a Coastal Development Permit and any other necessary approvals. An accessory dwelling unit that does not comply with this Section 35-142.5 may be allowed in compliance with Section 35-142.6, below.

1. **General standards.** The following development standards shall apply to all accessory dwelling units allowed in compliance with this Section 35-142.5:

   a. **Zoning.** The accessory dwelling unit shall be located within one of the following residential or mixed-use zones. For purposes of this Section 35-142.5, mixed-use zones include commercial zones that allow a residential use, and a two-family dwelling (i.e., "dwelling, two-family," as defined in Section 35-58 (Definitions)) shall be considered a multiple-family dwelling residential use.

Residential Zones	Mixed-Use Zones
RR (Rural Residential)	C-1 (Limited Commercial)
R-1/E-1 (Single Family Residential)	C-2 (Retail Commercial)
EX-1 (One-Family Exclusive Residential)	CH (Highway Commercial)
R-2 (Two-Family Residential)	C-V (Resort/Visitor-Serving Commercial)
DR (Design Residential)	PI (Professional and Institutional)
PRD (Planned Residential Development)	
SR-M (Medium Density Student Residential)	
SR-H (High Density Student Residential)	
MHP (Mobile Home Park)	

   b. **Parking spaces not required.** Parking spaces shall not be required for an accessory dwelling unit allowed in compliance with this Section 35-142.5.

   c. **Additional standards.** The accessory dwelling unit shall comply with the standards of Section 35-142.8, below.

2. **One accessory dwelling unit per lot located within a one-family dwelling or accessory structure.** One accessory dwelling unit per lot located entirely (except as noted in Section 35-142.5.2.c.1, below)

within an existing or proposed one-family dwelling or an existing accessory structure shall be approved with a Coastal Development Permit when in compliance with all of the following development standards:

a. Exterior access. The accessory dwelling unit shall have exterior access separate from the one-family dwelling.

b. Lot requirements. The lot shall contain an existing or proposed one-family dwelling.

c. Location. The accessory dwelling unit shall be located entirely within the existing or proposed one-family dwelling or existing accessory structure, except as provided in Section 35-142.5.2.c.1, below.

1) The accessory dwelling unit may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure and shall be limited to accommodating ingress and egress.

d. Setbacks. The side and rear setbacks shall be sufficient for fire and safety purposes in compliance with the current, adopted edition of the California Fire Code and the California Building Code. The accessory dwelling unit shall also comply with the front setback requirements of the applicable zone, provided that this standard allow an accessory dwelling unit of up to 800 square feet to be constructed on the lot in compliance with other standards of this Section. All portions of the accessory dwelling unit, including eaves and roof overhangs, shall comply with these requirements.

e. Junior accessory dwelling unit. An accessory dwelling unit that complies with the standards of this Section 35-142.5.2 may be located on the same lot as a junior accessory dwelling unit that complies with the standards of Section 35-142.7, below.

3. One detached, new construction accessory dwelling unit per lot with a one-family dwelling. One detached, new construction accessory dwelling unit per lot with an existing or proposed one-family dwelling shall be approved with a Coastal Development Permit when in compliance with all of the following development standards:

a. Lot requirements. The lot shall contain an existing or proposed one-family dwelling.

b. Location. The accessory dwelling unit shall be located within a detached, new construction accessory building that is not attached to another accessory structure.

c. Maximum floor area. The floor area of the accessory dwelling unit shall not exceed 800 square feet.

d. Maximum height. The height of the accessory dwelling unit shall not exceed 16 feet as measured in compliance with Section 35-127 (Height). For lots with an existing or proposed one-family dwelling that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155, the height of the accessory dwelling unit shall not exceed a height of 18 feet.

e. Setbacks. The accessory dwelling unit shall have side and rear setbacks of at least four feet and shall comply with the front setback requirements of the applicable zone, provided that this standard allows an accessory dwelling unit of up to 800 square feet to be constructed on the lot. For interior lots, standard interior lot setbacks applicable to a principal dwelling shall apply

provided that this standard allow an accessory dwelling unit of up to 800 square feet to be constructed on the lot with minimum four foot interior setbacks in compliance with other standards of this Section 35-142.3. All portions of the accessory dwelling unit, including eaves and roof overhangs, shall comply with these requirements.

f. Junior accessory dwelling unit. An accessory dwelling unit that complies with the standards of this Section 35-142.5.3 may be located on the same lot as a junior accessory dwelling unit that complies with the standards of Section 35-142.7, below.

4. One or more accessory dwelling units per lot located entirely within an existing multiple-family dwelling or accessory structure. One or more accessory dwelling units located within an existing multiple-family dwelling or existing accessory structure shall be approved with a Coastal Development Permit when in compliance with all of the following development standards:

a. Lot requirements.

1) The lot may contain at least one accessory dwelling unit and shall contain no more accessory dwelling units than 25 percent of the existing multiple-family dwelling units. For example, a lot containing eight multiple-family dwelling units may contain up to two accessory dwelling units.

a) Fractional units. If the number of allowed accessory dwelling units includes a fraction of a unit, any decimal fraction less than 0.5 shall be rounded down to the nearest whole unit and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole unit.

2) The lot shall contain an existing multiple-family dwelling.

b. Location. Each accessory dwelling unit shall be located entirely within the existing multiple-family dwelling or accessory structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, attics, basements, or garages.

5. Up to two detached accessory dwelling units per lot with an existing multiple-family dwelling. Up to two detached accessory dwelling units per lot with an existing multiple-family dwelling shall be approved with a Coastal Development Permit when in compliance with all of the following development standards:

a. Lot requirements.

1) The lot shall contain no more than two accessory dwelling units.

2) The lot shall contain an existing multiple-family dwelling.

b. Location. Each accessory dwelling unit shall be located entirely within an existing detached accessory structure or a detached, new construction accessory building.

c. Maximum height. The height of each accessory dwelling unit shall not exceed 16 feet as measured in compliance with Section 35-127 (Height). For lots with an existing or proposed multiple-family dwelling that is multi-story or within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155, the height of the accessory dwelling unit shall not exceed a height of 18 feet.

d. Setbacks. The accessory dwelling unit(s) shall have side and rear setbacks of at least four feet and shall comply with the front setback requirements of the applicable zone, provided that this standard allow up to two accessory dwelling units of up to 800 square feet to be constructed on the lot. For interior lots, standard interior lot setbacks applicable to a principal dwelling shall apply provided that this standard allow an accessory dwelling unit(s) of up to 800 square feet to be constructed on the lot with minimum four foot interior setbacks in compliance with other standards of this Section 35-142. All portions of the accessory dwelling unit(s), including eaves and roof overhangs, shall comply with these requirements.

Section 35-142.6 Accessory dwelling units located within zones that allow one-family or multiple-family residential use.

This Section 35-142.6 provides standards for accessory dwelling units that do not comply with Section 35-142.5.1 through 5.5, above. An accessory dwelling unit that complies with all of the following standards, as applicable, shall be permitted with a Coastal Development Permit and any other necessary approvals.

1. General standards. The following development standards shall apply to all accessory dwelling units allowed in compliance with this Section 35-142.6:

a. Zoning. The accessory dwelling unit shall be located within one of the following zones that allow one-family or multiple-family dwelling residential use. For purposes of this Section 35-142.6, a two-family dwelling (i.e., "dwelling, two-family," as defined in Section 35-58 (Definitions)) shall be considered a multiple-family dwelling residential use.

Zones that Allow One-Family Residential Use	Zones that Allow One-Family and Multiple-Family Residential Use
AG-I (Agriculture I)	R-2 (Two-Family Residential)
AG-II (Agriculture II)	DR (Design Residential)
RR (Rural Residential)	PRD (Planned Residential Development)
R-1/E-1 (Single Family Residential)	SR-M (Medium Density Student Residential)
EX-1 (One-Family Exclusive Residential)	SR-H (High Density Student Residential)
PRD (Planned Residential Development)	C-1 (Limited Commercial)
SR-M (Medium Density Student Residential)	C-2 (Retail Commercial)
SR-H (High Density Student Residential)	CH (Highway Commercial)
RES (Resource Management)	C-V (Resort/Visitor-Serving Commercial)
MHP (Mobile Home Park)	PI (Professional and Institutional)
MT-TORO (Mountainous Area – Toro Canyon Planning Area)	

b. Lot requirements.

1) The lot shall contain no more than one accessory dwelling unit.

2) The lot shall contain an existing or proposed one-family dwelling or multiple-family dwelling.

c. Additional standards. The accessory dwelling unit shall comply with the standards of Section 35-142.8, below.

2. Appearance and style. The exterior appearance and architectural style of an accessory dwelling unit shall comply with the following:

a. Conversion. Any exterior alterations to an existing building that result from the conversion of all or a portion of an existing building to an accessory dwelling unit shall be limited to minor alterations such as the addition of doors and windows.

b. New construction.

1) The design of an accessory dwelling unit that will be attached to an existing building shall reflect the exterior appearance and architectural style of the existing building to which it is attached and use the same or comparable exterior materials, roof covering, colors, and design for trim, windows, roof pitch, and other exterior physical features.

2) Exterior lighting shall comply with all of the following standards:

a) All exterior lighting shall be hooded and fully shielded.

b) Each exterior lighting fixture shall not exceed 800 lumens if located within the Rural Area and 1,600 lumens if located within the Urban Area.

c) Each exterior lighting fixture shall not exceed 3,000 Kelvin.

d) Landscape and pathway lighting fixtures shall not exceed four feet in height.

e) Security lighting shall be controlled by a motion sensor switch or timer between dusk and dawn.

f) Any additional lighting requirements within applicable community plan overlays.

3) Proposed landscaping shall be comparable to existing landscaping on the lot in terms of plant species and density of planting, as may be modified to ensure compliance with water efficient landscaping requirements in accordance with the Water Efficient Landscape Ordinance (WELO).

3. Grading. Grading associated with an accessory dwelling unit, inclusive of any grading required to establish access, shall be limited to 250 cubic yards and the accessory dwelling unit shall be located on existing slopes of 20 percent or less under the footprint of the accessory dwelling unit, provided that this standard permits an accessory dwelling unit of up to 800 square feet with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

4. Height limit.

a. Conversion. An accessory dwelling unit located entirely within an existing one-family dwelling, multiple-family dwelling, or accessory structure shall not be subject to a height limit.

b. New construction.

1) Attached accessory dwelling units. The height of an attached accessory dwelling unit that is proposed to be located above another floor or on grade where there is no floor above shall be limited to 25 feet and two stories and shall not exceed the maximum allowable height limit for the principal dwelling in the applicable zone.

2) Detached accessory dwelling units.

a) One-story accessory dwelling units. The height of a detached, one-story accessory dwelling unit shall not exceed a vertical distance of 16 feet as measured in

compliance with Section 35-127 (Height). For lots with an existing or proposed one-family dwelling that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155, the height of the accessory dwelling unit shall not exceed a height of 18 feet. If located above or below the floor of another accessory structure, the combined height shall not exceed the maximum allowable height limit for the principal dwelling in the applicable zone, or 25 feet, whichever is less.

b) **Two-story accessory dwelling units.** The height of a detached, two-story accessory dwelling unit shall not exceed the maximum allowable height limit for a principal dwelling in the applicable zone or a vertical distance of 25 feet, whichever is less, as measured in compliance with Section 35-127 (Height).

5. **Historic resources.** An accessory dwelling unit shall not be located within, attached to, or located on the same lot as a structure listed in, or determined to be eligible for listing in the California Register of Historical Resources or the National Register of Historic Places, or a structure designated, or determined to be eligible for designation as a County Historic Landmark or County Place of Historic Merit unless the proposed accessory dwelling unit follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior, National Park Service, 2017) or the Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67, 1990) and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer, 1995), as may be amended. If a detached accessory dwelling unit is proposed to be located on the same lot as a historic or potentially historic structure described above, the applicant shall provide a written assessment from a Department-approved historian confirming that the proposed accessory dwelling unit shall be in conformance with this requirement.

6. **Archaeological resources and tribal cultural resources.** A new construction attached or detached accessory dwelling shall be located at least 50 feet from the site boundaries of any archaeological resources or tribal cultural resources, unless a written assessment or a California Native American tribe recommends a greater buffer distance. Applicants shall submit a written assessment of any (1) archaeological resources that may qualify as "historical resources" as defined in CEQA Guidelines Section 15064.5(a), or (2) sites, features, cultural landscapes, sacred places, objects, or resources that may qualify as "tribal cultural resources" as defined in Public Resources Code Section 21074 that are located within 100 feet of the proposed accessory dwelling unit. The written assessment shall be prepared by a Department-approved archaeologist or other qualified professional and shall define the characteristics and site boundaries of the archaeological resources or tribal cultural resources.

7. **Location.** The accessory dwelling unit shall comply with one of the following:

a. **Conversion.** The accessory dwelling unit shall be located entirely within an existing one-family dwelling, multiple-family dwelling, or accessory structure.

b. **Attached accessory dwelling unit.** An attached accessory dwelling unit shall be located entirely or partially within an addition to a one-family dwelling, multiple-family dwelling, or an attached accessory structure.

c. **Detached accessory dwelling unit.** A detached accessory dwelling unit shall be located entirely or partially within a proposed detached accessory structure or an addition to an existing detached

accessory structure.

d. Development envelope. If a development envelope has been recorded through a subdivision and the record demonstrates that the development envelope was established for the protection of public health and safety or coastal resource protection, then the accessory dwelling unit shall be located within the development envelope.

e. Location on lot. A detached accessory dwelling unit shall comply with the following standards, provided that these standards allow an accessory dwelling unit of up to 800 square feet with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units):

1) Lots .5 acres or larger but less than two acres. For lots that are .5 acres or larger but less than two acres, a detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other zoning provisions such as setback requirements would prohibit compliance with this requirement.

2) Lots two acres or larger but less than 20 acres. For lots that are two acres or larger but not larger than 20 acres, a detached accessory dwelling unit shall not be located closer to any property line than the lesser of 100 feet or the distance from the principal dwelling to that property line unless other zoning provisions such as setback requirements, or the location of existing development on the lot including agricultural operations, would prohibit compliance with this requirement.

3) Lots larger than 20 acres. For lots that are larger than 20 acres, the location of a detached accessory dwelling unit is not restricted provided the location complies with zoning requirements such as applicable setback requirements or building envelopes.

4) A new construction detached accessory dwelling unit shall be clustered with other existing structures to the maximum extent feasible.

8. Maximum floor area. The floor area of the accessory dwelling unit shall not exceed the following standards, provided that these standards allow an accessory dwelling unit of up to 800 square feet with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units):

a. Conversion. The floor area of an accessory dwelling unit located entirely within an existing structure shall not exceed 1,200 square feet.

b. New construction.

1) Lots of 15,000 net square feet or less. 850 square feet for an accessory dwelling unit that provides one bedroom or less and 1,000 square feet for an accessory dwelling unit that provides two or more bedrooms.

2) Lots greater than 15,000 net square feet. 1,200 square feet.

3) Attached accessory dwelling units. In addition to the floor area limits of Section 35-142.6.8.b.1) and 2), above, the floor area of an attached accessory dwelling unit shall not exceed 50 percent of the floor area of the principal dwelling that exists at the time of application for the accessory dwelling unit.

9. Parking.

a. New construction. A new construction detached accessory dwelling unit shall comply with the following parking requirements:

1) Except as provided in Section 35-142.6.9.a.2), below, one parking space per accessory dwelling unit shall be required for a new construction detached accessory dwelling unit. The space may be provided in any of the following configurations:

a) Tandem parking on a driveway or in a location outside of the required setback areas.

b) On a driveway located within the front, side, or rear setback area.

2) A parking space shall not be required for a new construction detached accessory dwelling unit that complies with any of the following criteria:

a) The accessory dwelling unit is located within one-half mile walking distance of public transit (e.g., a bus stop).

b) The accessory dwelling unit is located within an architecturally and historically significant historic district.

c) On-street parking permits are required, but not offered to the occupant of the accessory dwelling unit.

d) A car share vehicle is located within one block of the accessory dwelling unit.

10. Setbacks. The setbacks for an accessory dwelling unit shall not exceed the following standards, provided that these standards permit an accessory dwelling unit of up to 800 square feet with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units):

a. Conversion. No setbacks shall be required for an existing living area or accessory structure converted to an accessory dwelling unit or a portion thereof. For purposes of this Section 35-142.6.10.a, "living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

b. New construction.

1) Except as provided in Section 35-142.6.10.b.2), below, the accessory dwelling unit shall comply with the setback requirements that apply to accessory structures, provided that the accessory dwelling unit has side and rear setbacks of at least four feet. For interior lots, standard interior lot setbacks applicable to a principal dwelling shall apply provided that this standard allow an accessory dwelling unit(s) of up to 800 square feet to be constructed on the lot with minimum four foot interior setbacks in compliance with other standards of this Section. All portions of the accessory dwelling unit, including eaves and roof overhangs, shall comply with these requirements.

2) No setback shall be required for a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or a portion thereof.

11. Tree protection. An application for an accessory dwelling unit shall comply with the following standards or applicable community plan requirement, whichever is more protective.

a. All development associated with the accessory dwelling unit shall avoid the removal of or damage to all protected trees. For the purposes of this Section 35-142.7.11, protected trees are defined for the purpose of this policy as (1) mature and/or (2) roosting/nesting trees that do not pose a threat to health and safety. Non-native, invasive species are not protected if they are not roosting/nesting trees. Protected trees include:

1) Oaks (*Quercus agrifolia*).

2) Sycamores (*Platanus racemosa*).

3) Willow (*Salix sp.*).

4) Maples (*Acer macrophyllum*).

5) California Bay Laurels (*Umbellularia californica*).

6) Cottonwood (*Populus fremontii* and *Populus balsamifera*).

7) White Alder (*Alnus rhombifolia*).

8) California Walnut (*Juglans californica*).

9) Any tree serving as known or discovered raptor nesting and/or raptor roosting sites.

10) Any trees serving as Monarch butterfly habitat, including aggregation sites.

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

c. Where removal of protected trees cannot be avoided through the implementation of project alternatives that accommodate an accessory dwelling unit of up to 800 square feet, or where development encroachments into the area within six feet of the dripline of protected trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees (native trees only) on-site, if suitable area exists on the project site, at a ratio of 10 replacement trees for every one tree. Where on-site mitigation is not feasible, the most proximal off-site mitigation shall be required.

Section 35-142.7 Junior accessory dwelling units.

One junior accessory dwelling unit per lot located within an existing or proposed one-family dwelling shall be allowed with a Coastal Development Permit and any other necessary approvals when in compliance with all of the following development standards:

1. General standards.

a. Zoning. The junior accessory dwelling unit shall be located within one of the following one-family zones or zones that allow one-family dwelling residential use:

One-Family Residential Zones	Zones that Allow One-Family Residential Use
RR (Rural Residential) R-1/E-1 (Single Family Residential) EX-1 (One-Family Exclusive Residential)	AG-I (Agriculture I) AG-II (Agriculture II) R-2 (Two-Family Residential)

	DR (Design Residential) PRD (Planned Residential Development) SR-M (Medium Density Student Residential) SR-H (High Density Student Residential) MHP (Mobile Home Park) C-1 (Limited Commercial) C-2 (Retail Commercial) CH (Highway Commercial) C-V (Resort/Visitor-Serving Commercial) PI (Professional and Institutional) RES (Resource Management) MT-TORO (Mountainous Area – Toro Canyon Planning Area)

b. Lot requirements.

1) The lot shall contain no more than one junior accessory dwelling unit.

2) The lot shall contain an existing or proposed one-family dwelling.

c. Additional standards. The junior accessory dwelling unit shall comply with the standards of Section 35-142.8, below.

2. Declaration of Restrictions. Prior to the issuance of a Building Permit for a junior accessory dwelling unit, the owner shall record a Declaration of Restrictions, which shall run with the land, in compliance with Section 35-179D (Recordable Documents). The owner shall record the Declaration of Restrictions with the County of Santa Barbara Clerk-Recorder and file the Declaration of Restrictions with the Planning and Development Department. The Declaration of Restrictions shall include both of the following:

a. A prohibition on the sale of the junior accessory dwelling unit separate from the one-family dwelling, including a statement that the deed restriction shall be enforced against future purchasers; and

b. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with the standards of this Section 35-142.7.

3. Efficiency kitchen. The junior accessory dwelling unit shall have an efficiency kitchen that includes the following:

a. A cooking facility with appliances, including at least a two-burner stove, sink, and freestanding refrigerator; and

b. Food preparation and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit and not less than four feet in length.

4. Exterior access. The junior accessory dwelling unit shall have separate exterior access from the one-family dwelling.

5. Location. The junior accessory dwelling unit shall be located entirely within an existing or proposed one-family dwelling or attached garage. The junior accessory dwelling unit shall not be located within any other attached or detached accessory structure.

6. Maximum floor area. The floor area of the junior accessory dwelling unit shall not exceed 500 square

feet.

7. **Owner-occupancy.** Except as provided below in Section 35-142.7.7.a, owner-occupancy shall be required for the junior accessory dwelling unit or the one-family dwelling in which the junior accessory dwelling unit is located.

   a. Owner-occupancy shall not be required if the owner of the junior accessory dwelling unit is a governmental agency, land trust, or housing organization.

8. **Parking.**

   a. **New parking spaces.** No new parking spaces shall be required for a junior accessory dwelling unit allowed in compliance with this Section 35-142.7.

   b. **Replacement parking.** In addition to the replacement parking requirements set forth in Section 35-142.8.7 below, replacement parking spaces to satisfy the parking requirements of the principal dwelling shall be required for a junior accessory dwelling unit located within an attached garage.

9. **Sanitation facilities.** The junior accessory dwelling unit shall include separate sanitation facilities or share sanitation facilities with the one-family dwelling. If shared, interior access to the main living area of the principal dwelling shall be required.

10. **Setbacks.** The side and rear setbacks shall be sufficient for fire and safety purposes in compliance with the current, adopted edition of the California Fire Code and the California Building Code. The junior accessory dwelling unit shall comply with the front setback requirements of the applicable zone. All portions of the junior accessory dwelling unit, including eaves and roof overhangs, shall comply with these requirements.

11. **Accessory dwelling unit.** A junior accessory dwelling unit that complies with the standards of this Section 35-142.7 may be located on the same lot as an accessory dwelling unit that complies with the standards of Section 35-142.5.2 or 5.3, above.

Section 35-142.8 Additional standards that apply to all accessory dwelling units and junior accessory dwelling units.

The following development standards shall apply to all accessory dwelling units and junior accessory dwelling units in addition to the development standards set forth in Section 35-142.5 (Accessory dwelling units and junior accessory dwelling units located within residential or mixed-use zones), Section 35-142.6 (Accessory dwelling units located within zones that allow one-family or multiple-family uses), or Section 35-142.7 (Junior accessory dwelling units), as applicable.

1. **Minimum floor area.** At a minimum, the floor area of an accessory dwelling unit or junior accessory dwelling unit shall be sufficient to allow for an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1207.4 or successor statute.

2. **Passageway not required.** A passageway, defined for the purpose of this section as a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit, shall not be required in conjunction with the construction of an accessory dwelling unit or junior accessory dwelling unit.

3. **Building Separation.** No building separation between accessory dwelling unit(s) and other structures shall be required as long as all the structures meet minimum Building Code safety standards and allow for separate access.

4. Kitchen. Except as provided in Section 35-142.7.3 above, an accessory dwelling unit shall provide complete independent living facilities for one or more persons, including permanent provisions for eating and cooking inclusive of the following.

a. A cooking facility with appliances, including at least a range, sink, and freestanding refrigerator; and

b. Food preparation counter and storage cabinets that are of reasonable size in relation to the size of the accessory dwelling unit and not less than four feet in length.

5. Rental restrictions.

a. An accessory dwelling unit or junior accessory dwelling unit may be used for rentals provided that the length of any rental is longer than 30 consecutive days.

b. The use of an accessory dwelling unit or junior accessory dwelling unit as a Homestay or Short-Term Rental shall be prohibited in all zones.

6. Sale restriction. Except as provided in Government Code Section 65852.26, an accessory dwelling unit or junior accessory dwelling unit shall not be sold or otherwise conveyed separate from principal dwelling(s).

7. Replacement parking spaces required.

a. To preserve coastal access, for parcels outside of Isla Vista located within a quarter-mile of the inland extent of any beach or coastal bluff or south/west of Highway 101, whichever is closer, on-site replacement parking space(s) shall be required for any parking space(s) serving the principal dwelling that are removed to accommodate construction of an accessory dwelling unit or junior accessory dwelling unit.

b. To preserve coastal access, for parcels located in Isla Vista south of El Colegio Road, on-site replacement parking space(s) shall be required for any parking space(s) serving the principal dwelling that are removed to accommodate construction of an accessory dwelling unit or junior accessory dwelling unit.

Replacement parking may be provided in any of the following configurations:

a) Tandem parking on a driveway or in a location outside of the required front and side setback areas.

b) On a driveway located within the front, side, or rear setback area, provided there is no encroachment into the public right-of-way.

8. Coastal resource protection.

a. Environmentally sensitive habitat areas. All development associated with the construction of the accessory dwelling unit shall be located in compliance with the requirements of Section 35-97 (ESH - Environmentally Sensitive Habitat Area Overlay District) and all applicable ESH policies and provisions of the certified Local Coastal Program.

b. The accessory dwelling unit shall not significantly obstruct public views from any public road or from a public recreation area to, and along, the coast.

c. The accessory dwelling unit shall not obstruct public access to and along the coast or public

trails.

d. Lots zoned AG-I and AG-II. The development of a detached accessory dwelling unit on lots zoned AG-I (Agriculture I) and AG-II (Agriculture II) shall also comply with the Coastal Act Section 30241, the development standards shown above, and the agriculture protection policies and development standards of the certified Local Coastal Program. If these requirements are in conflict with other provisions of the Coastal Land Use Plan or any applicable community or area plan, this Article, or any permit conditions established by the County, the requirements which are most protective of coastal resources shall control.

SECTION 29:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 1 of Subsection C, Exceptions, of Section 35-144O, Agricultural Buffers, to read as follows:

1. Single-family dwelling, accessory dwelling units, junior accessory dwelling units, and residential accessory structures.

SECTION 30:

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2 of Section 35-169.2, Applicability, of Section 35-169, Coastal Development Permits, to read as follows:

2. Except as provided in Subsection 2.a (Final Development Plan not required for accessory dwelling units or junior accessory dwelling units), the approval of a development plan as provided in Section 35-174 (Development Plans) shall be required prior to the approval of any Coastal Development Permit for a structure that is not otherwise required to have a discretionary permit 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 lot will total 20,000 square feet or more of gross floor area.

   a. Final Development Plan not required for accessory dwelling units or junior accessory dwelling units. If Development Plan approval would be required in compliance with Section 35-169.2.2, and the application for development includes an accessory dwelling unit or junior accessory dwelling unit, then only the approval of a Coastal Development Permit in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units) is required for the proposed accessory dwelling unit or junior accessory dwelling unit.

SECTION 31:

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

c. Decision-maker, hearing requirements and notice requirements.

1) Applications for certain solar energy facilities and a~~A~~ccessory d~~D~~welling u~~U~~nits and junior accessory dwelling units. Applications for freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system is accessory and incidental to, ~~and~~ a~~A~~ccessory d~~D~~welling u~~U~~nits, and junior accessory dwelling units, shall be processed in compliance with the following:

a) Notice of the submittal of the application and pending decision of the Director shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).

b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.

c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with Section 35-182 (Appeals).

2) All other applications. Applications for development other than such development specified in Subsection 2.c.1) (Applications for certain solar energy facilities and a~~A~~ccessory d~~D~~welling u~~U~~nits and junior accessory dwelling units), above, shall be processed in compliance with the following:

a) The decision-maker shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations.

b) The Zoning Administrator shall hold at least one noticed public hearing unless waived in compliance with Subsection 2.d (Waiver of public hearing), below, on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.

c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).

d) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).

SECTION 32:

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2 and 3, of Section 35-174.2, Applicability, of Section 35-174, Development Plans, to read as follows:

…

2. The following shall be under the jurisdiction of the Director and shall be processed as set forth herein:

   a) In the Highway Commercial (CH), Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Industrial Research Park (M-RP), Light Industry (M-1), General Industry (M-2), ~~Shopping Center Commercial (SC),~~ Service Industrial Goleta (M-S-GOL), and Professional and Institutional (PI) zoning districts, Preliminary and Final Development Plans for buildings and structures which do not exceed a total of 10,000 square feet when combined with all outdoor areas designated for sales or storage and existing buildings and structures on the site.

   b) In all zone districts, Final Development Plans for projects that were legally permitted and developed without an effective Development Plan where the project is now considered nonconforming due to the absence of a Development Plan provided that no revisions to the existing development are proposed in connection with the Final Development Plan application. If revisions to the existing development are proposed, then the application shall be processed as if it were an application for a new project and the jurisdiction shall be determined pursuant to Section 35-174.2.

   c) Communication facilities as specified in Section 35-144F.

   d) In all zones, Final Development Plans for projects where the Board of Supervisors, Planning Commission, Zoning Administrator, or Director approved the Preliminary Development Plan and the conditions of approval of the Preliminary Development Plan do not specify a decision-maker for the Final Development Plan other than the Director.

3. The following shall be under the jurisdiction of the Zoning Administrator and shall be processed as set forth herein:

   a. In the Visitor Serving Commercial (CV) and Public Utilities (PU) zoning districts, Preliminary and Final Development Plans for buildings and structures which do not exceed a total of 15,000 square feet when combined with all outdoor areas designated for sales or storage and existing buildings and structures on the site.

   b. In the Highway Commercial (CH), Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Industrial Research Park (M-RP), Light Industry (M-1), General Industry (M-2), ~~Shopping Center Commercial (SC),~~ Service Industrial Goleta (M-S-GOL), and Professional and Institutional (PI) zoning districts, Preliminary and Final Development Plans for buildings and structures and outdoor areas designated for sales or storage that exceed 10,000 square feet but do not exceed 15,000 square feet.

   c. Communication facilities as specified in Section 35-144F.

…

SECTION 33:

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection f, of Subsection 3, of Section 35-179.2, Applicability, of Section 35-179, Modifications, to read as follows:

f. Reduction of parking spaces. A reduction in the required number and/or a modification in the

design or location of parking spaces and loading zones may be allowed provided that in no case shall:

1) The number of required parking spaces be reduced in the Medium Density Student Residential, High Density Student Residential, or Single Family Restricted Overlay Districts.

2) The number of required bicycle parking spaces be reduced.

3) The number of spaces required for an accessory dwelling unit be reduced ~~or be allowed to be located within the required front setback~~, unless such reduction in the number of spaces is allowed in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

4) 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.

SECTION 34:

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection B, Other Notices, Agreements, Covenants, and Easements, of Section 35-179D, Recordable Documents, to read as follows:

B. Other Notices, Agreements, Covenants, and Easements. Documents to require, or notify future buyers of real property of, the following are recordable.

1. Compliance with the parking requirements of this Coastal Zoning Ordinance, including, but not limited to, provision of an offsite parking easement.

2. Compliance with project and/or permit conditions of approval.

3. Declaration of Restrictions.

4~~3~~. Implementation of historic structural preservation and restoration/renovation plan or program.

5~~4~~. Implementation of Stormwater Control Plan or Stormwater Quality Management Plan.

6~~5~~. Maintenance of stormwater quality and retention measures.

7~~6~~. Prohibitions on high water use/consumption businesses.

8~~7~~. Resale Restrictive Covenant and Preemptive Right.

9~~8~~. Water well meter monitoring, provision of meter records, and measures to take in the event water quality degrades.

SECTION 35:

DIVISION 12, Administration, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection e, Contents of Notice, of Subsection 1, By the Department, of Subsection A, Minimum requirements, of Section 35-181.3, Coastal Development Permits and Land Use Permits, of Section 35-181, Noticing, to add a new Subsection 1) to read as follows:

e. Contents of Notice. The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice).

1) Notice of applications for accessory dwelling units and junior accessory dwelling units, and additions thereto, as may be allowed in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units) shall also include a statement that the grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).

SECTION 36:

DIVISION 12, Administration, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change and retitle Subsection c, "Appeals regarding accessory dwelling units," of Subsection 2, Additional requirements for certain appeals, of Subsection C, Requirements for Contents of an Appeal, of Section 35-182.2, General Appeal Procedures, of Section 35-182, Appeals, to read as follows:

c. Appeals regarding accessory dwelling units and junior accessory dwelling units. The grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).

SECTION 37:

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

a. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

SECTION 38:

DIVISION 13, Summerland Community Plan Overlay, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change and retitle Subsection 6), "Accessory dwelling units," of Subsection a, One-family dwellings, of Subsection 1, Floor area limit, of Section 35-191.5, Floor Area Limit, of Section 35-191, Summerland - SUM, to read as follows:

6) Accessory dwelling units and junior accessory dwelling units. The floor area limits enumerated above do not apply to existing or proposed ~~additions to existing one-family dwellings provided the addition is located within the living area of an~~ accessory dwelling

units or junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

SECTION 39:

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

e. ~~**Accessory Dwelling Units.** Up to 300 square feet of floor area (net) devoted to an attached accessory dwelling unit is not included in the net floor area used to determine compliance with the Subsection 1, above.~~ **Accessory dwelling units and junior accessory dwelling units.** Notwithstanding Subsection 35-191.5.1.a.6 above, any floor area (net) devoted to an attached accessory dwelling unit in excess of 850 square feet for units with up to one bedroom or 1,000 square feet for two or more bedrooms, shall be included in the net floor area calculation used to determine compliance of the principal dwelling(s) with Subsection 1, above.

SECTION 40:

DIVISION 15, Montecito Community Plan Overlay District, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 1 and 2, All accessory structures, of Section 35-210, Accessory Structures, to read as follows:

1. Accessory structures, except barns and stables, shall not exceed 16 feet in height and shall conform to the front and side yard setback regulations of the district. Accessory structures may be located in the required rear yard setback provided that:
   a. They are located no closer than 10 feet to the principal structure;
   b. They do not exceed a height of 12 feet; and
   c. The cumulative footprint of all accessory structures, including accessory dwelling units, =occupies no more than 30 percent of the required rear yard.

2. All accessory structures. Detached ~~A~~accessory structures, including accessory structures containing one or more accessory uses, shall not exceed a building footprint area of 800 square feet as measured to the interior surface of exterior perimeter walls, posts, columns, or other supports.

   a. This 800 square foot building footprint limitation shall not apply to accessory dwelling units, ~~junior accessory dwelling units,~~ barns, and stables; however, another accessory structure ~~shall not~~ may only be attached to an accessory dwelling unit, ~~junior accessory dwelling unit~~, barn, or stable if the total footprint area of the combined structure ~~exceeds~~ is 800 square feet or less. This shall not be construed in any way to limit the size of an accessory dwelling unit stacked above or below another accessory structure when constructed in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

   b. For the purposes of this Subsection 35-210.2, footprint refers to how the building sits on the ground. The building footprint includes the following:

1) Any cantilevered portions of the structure as viewed perpendicularly from above.

2) Any fully enclosed, partially enclosed, or unenclosed portions of the accessory structure located beneath a solid roof or other permanent covering.

3) The area of any portions of roof eaves that extend more than three feet from the exterior wall of the building.

4) The footprint for structures that are fully or partially below grade shall be limited to only that portion of the structure with exposed walls.

SECTION 41:

DIVISION 15, Toro Canyon Plan Overlay District, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 1, Nonconforming residential structures damaged or destroyed by calamity, of Section 35-194.5, of Section 35-194, General, to read as follows:

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

SECTION 42:

DIVISION 15, Toro Canyon Plan Overlay District, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2, Reconstruction of nonconforming residential structures located within Rural Neighborhood Areas and within or adjacent to an Environmentally Sensitive Habitat (ESH) area, of Section 35-194.5, of Section 35-194, General, to read as follows:

2. **Reconstruction of nonconforming residential structures located within Rural Neighborhood Areas and within or adjacent to an Environmentally Sensitive Habitat (ESH) area:** Lawfully established structures that serve as residences in an Existing Developed Rural Neighborhood located within ESH buffer areas or adjacent to ESH, which are damaged due to normal wear and tear such as

structural pest damage or dry rot, may be reconstructed to the same or lesser size (square footage, height, and bulk) in the same footprint. If the reconstructed residence is proposed to be larger than the existing structure, it may only be permitted where findings are made that such development shall not adversely impact the adjacent riparian species, meets all other provisions of this Plan and the Local Coastal Program including development standards for native and non-native protected tree species, and complies with development standards DevStd BIO-TC-5.1 through DevStd BIO-TC-5.4. Reconstruction includes any project that results in the demolition of more than 50 percent of the exterior walls. For the purpose of this section, "residential structure" shall include primary dwellings, secondary dwellings including a~~A~~ccessory d~~D~~welling u~~U~~nits, junior accessory dwelling units, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage exists, one detached private garage structure may be included provided that evidence of such structure's use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction or structural repair shall commence within 24 months of the time of the owner's first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The 24 month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the 24 month period. Where the reconstruction or structural repair permitted above does not commence within the specified 24 months or the extended time period that may be granted by the Director, such structure shall not be reconstructed or repaired except in conformity with the regulations of the Toro Canyon Plan and this Article.

SECTION 43:

DIVISION 17, Gaviota Coast Plan (GAV) Overlay, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential Uses section of Table 17-2, Allowed Land Uses and Permit Requirements in the Gaviota Coast Plan Area, of Section 35-430, Allowable Development and Planning Permit Requirements, to read as follows

Table 17-2 - Continued **Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area**	P	Permitted use, Coastal Permit required (2)					
	PP	Principal Permitted Use, Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Major Conditional Use Permit required					
	E	Allowed use, No permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	**PERMIT REQUIRED BY ZONE**						**Specific Use Regulations**
	AG-II	**M-CD(3)**	**REC**	**RES**	**RR**	**TC**	
RESIDENTIAL USES							
Agricultural employee housing, 4 or fewer employees	PP	—	—	—	—	—	35-460.C
Agricultural employee housing, 5 or more employees	CUP	—	—	—	—	—	35-460.C
Artist studio	P	—	—	MCUP	P	—	35-120
Caretaker/manager dwelling	—	CUP (6)	MCUP	—	—	—	
Dwelling, one-family (7)	PP	—	—	P	PP	—	
Farmworker dwelling unit (7)	PP	—	—	PP	PP	CUP (8)	35-144.P
Farmworker housing complex	CUP	P	—	CUP	CUP	CUP	35-144.P
Guesthouse	P	—	—	P	P	—	35-120

Home occupation	PP	—	—	PP	PP	—	35-121
Incentive dwelling unit	P	—	—	—	—	—	35-470
Pool house/cabaña	P	—	—	P	P	—	35-120
Residential accessory use or structure	P (11)	—	MCUP	P	PP	—	35-119
Accessory dwelling unit	PP	—	—	P	PP	—	35-142
Junior accessory dwelling unit	PP	—	—	P	PP	—	35-142
Special care home, 7 or more clients	MCUP	—	—	MCUP	MCUP	—	35-143

Key to Zone Symbols

AG-II	Agriculture II	**REC**	Recreation	**RR**	Rural Residential
M-CD	Coastal-Dependent Industry	**RES**	Resource Management	**TC**	Transportation Corridor

Notes:
(1) See Section 35-58 (Definitions) and Section 35-420 (Definitions) for land use definitions.
(2) Development Plan approval may also be required; see Section 35-430.E (Allowable land uses and permit requirements).
(3) Uses limited to those that require a site on or adjacent to the sea to be able to function at all.
(4) The proposed use may be allowed pursuant an approved CUP if the proposal would otherwise satisfy the criteria for a CUP and prohibiting such use would result in a violation of the federal Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §2000cc.
(5) See Section 35-450.D (School development) for specific use regulations.
(6) May also include dwellings for the employees of the owner or lessee of the land engaged in a permitted use of the land on which the dwelling is located.
(7) One-family dwelling may be a mobile home on a permanent foundation, see Section 35-141 (Mobile Homes on Foundations).
(8) Only if single-family dwellings are allowed as a permitted use in an abutting zone district.
(9) See 35-460.E (Agricultural product sales) for specific use regulations.
(10) Limited to the on-site production only; see 35-131 (Agricultural Sales) for specific use regulations.
(11) Detached garages, carports, storage sheds, fences, and swimming pools associated with a residential dwelling may be considered part of the Principal Permitted Use (PPU).

SECTION 44:

DIVISION 17, Gaviota Coast Plan (GAV) Overlay, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 3 of Subsection C, Agricultural resources and prime agricultural soils, of Section 35-440, Standards for All Development and Land Uses, to read as follows:

3. In order to retain the maximum amount of land in agricultural production or available for future agricultural production, agricultural accessory structures, agricultural product processing and sales facilities, and residential structures (such as a primary residential dwelling, accessory dwelling units, guesthouse, cabana/pool house, artist studio, incentive dwelling unit, agricultural employee housing, and farmworker dwelling or housing complex) shall be clustered to the maximum extent feasible and their footprints shall be minimized, consistent with all applicable policies and provisions of the Local Coastal Program.

SECTION 45:

DIVISION 17, Gaviota Coast Plan (GAV) Overlay, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2, Farmstay, of Subsection J, Rural recreation, of Section 35-460, Permit Requirements and Development Standards for Specific Land Uses in the AG-II Zone, to read as follows:

2. Farmstay.

a. A Farmstay operation may be considered a component of the Principal Permitted Use and may be allowed with a Coastal Development Permit issued in compliance with Section 35-

169 (Coastal Development Permits) provided the operation complies with the following development standards:

1) The operation is located on a single lot of 40 acres or greater and the entire lot is located in the AG-II zone. Only one Farmstay operation may be allowed on a premises.

2) The operation is housed in a single permitted or nonconforming dwelling existing as of November 7, 2018. <u>However, the operation shall not be housed in an accessory dwelling unit or junior accessory dwelling unit.</u>

3) The primary purpose of the Farmstay operation shall be the education of registered guests regarding the agricultural operations on the premises. Lodging and meals are incidental and not the primary function of the Farmstay operation.

   a) The maximum number of registered guests that can be accommodated shall be 15 per night and they shall be accommodated in no more than six bedrooms. Only registered guests may utilize the accommodations overnight.

   b) Food service is only available to registered guests of the operation. The cost of any food provided shall be included in the total price for accommodation and not be charged separately.

4) The operation shall be consistent with the compatibility guidelines set forth in Uniform Rule Two (Compatible Uses within Agricultural Preserves) of the County Uniform Rules for Agricultural Preserves and Farmland Security Zones.

   a) If a Farmstay operation is proposed on a lot not subject to a contract executed in accordance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones, then the applicable review authority shall determine if the operation will be consistent with the compatibility guidelines.

5) The operation is located on, and is part of, a farm or ranch operation that produces agricultural products, and the Farmstay operation:

   a) Does not constitute the principal land use of the premises,

   b) Is beneficial and inherently related to the farm or ranch operation, and

   c) Is in character with the rural setting.

6) The operation will not have significant adverse impacts on the long-term productive agricultural capability or natural resources of the subject lot or adjacent lot(s).

7) No sign(s) located on the premises on which the Farmstay operation is located shall advertise or otherwise identify the existence of the Farmstay operation.

b. A Farmstay operation that may not be allowed in compliance with Subsection J.2.a, above, above, may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:

1) The operation is in character with the rural setting and will not result in significant adverse impacts to visual resources, natural resources, or the agricultural lands on or adjacent to the subject lot.

2) The operation will not include a new at-grade crossing of Highway 101.

3) The operation will not be housed in an accessory dwelling unit or junior accessory dwelling unit.

SECTION 46:

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

SECTION 47:

Except as amended by this ordinance, Divisions 2, 4, 6, 7, 11, 12, 13, 15, 16, and 18 of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 48:

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

SECTION 49:

If legislation is enacted that amends Government Code sections 65852.2 or 65852.22 or other provisions regarding Accessory Dwelling Units or Junior Accessory Dwelling Units which would superseded or preempt any section or subsection of this ordinance then, that the Board of Supervisors deems that section or subsection null and void and this ordinance shall remain in effect without said section or subsection and continue to apply to all Accessory Dwelling Units and Junior Accessory Dwelling Units.

SECTION 50:

For applicants that have an approved or issued Coastal Development Permit for a proposed accessory dwelling unit or junior accessory dwelling unit on or before the effective date of this ordinance, the Coastal Development Permit shall remain valid, provided that a Building Permit for the proposed accessory dwelling unit or junior accessory dwelling unit is issued and the proposed accessory dwelling unit or junior accessory dwelling unit receives final building inspection approval by one year following the effective date of this ordinance, or the date that this ordinance is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later. Otherwise, the Coastal Development Permit shall be invalid.

SECTION 51:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the latter of: (i) the date the Board adopts the ordinance, or (ii) upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, or (iii) pursuant to Government Code Section 68582.2(h), upon the date that: (a) the California Department of Housing and Community Development (HCD) finds that the ordinance complies with state law, or (b) the Board of Supervisors adopts a resolution addressing HCD's findings; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the Board voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:
RACHEL VAN MULLEN
COUNTY COUNSEL

By _____

Deputy County Counsel