

3. **Development standards.** The standards for specific uses in this Chapter supplement and are required in addition to those in [Article 35.2 \(Zones and Allowable Land Uses\)](#) and [Article 35.3 \(Site Planning and Other Project Standards\)](#). In the event of any conflict between the requirements of this Chapter and those of [Article 35.2](#) or [Article 35.3](#), the requirements of this Chapter shall control. Within the Coastal Zone, conflicts shall be resolved in a manner which on balance is the most protective of significant coastal resources.

35.42.020 - Accessory Structures and Uses

- A. **Purpose and applicability.** This Section provides standards for accessory structures and uses, where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#). Accessory structures, including agricultural accessory structures shall comply with the requirements of this Section, except that mobile home site accessory structures within a Mobile Home Park shall instead comply with the requirements of the MHP District in [Section 35.23.080 \(MHP Zone Standards\)](#).
- B. **Development standards.**
1. **Sequence of construction.** Accessory structures shall not be constructed on a lot until construction of the principal structure has begun or a principal use has been established and commenced, and an accessory structure shall not be used unless the principal structure on a lot is also being used or a principal use has been established and commenced.
 2. **Standards for attached structures.** An accessory structure attached to the principal structure shall comply with the use, setback, and height requirements applicable to the principal structure.
 3. **Height restrictions.** Accessory structures shall comply with the height restrictions of the applicable zones except as specified below:
 - a. **Fences and walls.** See [Section 35.30.070 \(Fences and Walls\)](#) for height limits for fences and walls.
 - b. **Guesthouses, artist studios and cabañas.** See [Section 35.42.150 \(Guesthouses, Artist Studios, and Cabañas\)](#) for height limits for guesthouses, artist studios and cabañas.
 - c. **Located in the rear setback.** The height limit for accessory structures located in the rear setback is 12 feet.
 - d. **Residential second units.** See [Section 35.42.230 \(Residential Second Units\)](#) for height limits for residential second units.
 - e. **Telecommunication facilities.** See [Chapter 35.44 \(Telecommunications Facilities\)](#) height limits and exception for commercial and noncommercial telecommunication facilities.
 4. **Setback requirements.** Accessory structures, including swimming pools, spas, and appurtenant equipment, shall comply with the front and side setback requirements of the applicable zone unless otherwise specifically allowed in compliance with this Development Code.
 - a. **Location in rear setback.** An accessory structure, other than guesthouses, artist studios and cabañas ([Section 35.42.150](#)), and residential second units ([Section 35.42.230](#)) may be located in the required rear setback provided that:
 - (1) It is not attached to the principal structure.
 - (2) It is located no closer than five feet to the principal structure.
 - (3) It does not exceed 40 percent of the required rear setback.

- (4) It does not exceed a height of 12 feet.
 - (5) If located on a corner lot backing on a key lot, the accessory structure shall be set back from the rear property line by a distance equal to the side setback requirement applicable to the key lot.
 - (6) A swimming pool, spa, and appurtenant equipment shall not be located closer than five feet to any property line.
 - (7) An accessory structure may otherwise be located adjacent to the rear property line provided that all other provisions (e.g., building code or fire code requirements for separation between structures) are complied with.
- b. Corner lot setbacks.** Accessory structures located on a corner lot having a width of less than 100 feet shall not be located closer to the front line of the lot than the principal structure on that lot.
- c. Swimming pools and spas in setback area.**
- (1) **Location outside of the EX-1 zone.** Swimming pools, spas, and appurtenant equipment shall not be located in the required front or side setback areas and shall not be closer than five feet to any property line.
 - (2) **Location within the EX-1 zone.** Swimming pools, spas, and appurtenant equipment may not be located within a required front, side or rear setback; however, the required setbacks may be decreased by 15 feet for the purpose of locating a swimming pool, spa, and appurtenant equipment within this area.
- 5. Kitchen or cooking facilities/amenities prohibited.** Accessory structures shall not contain kitchen or cooking facilities unless the accessory structure is specifically permitted as a dwelling (e.g., agricultural employee dwellings, residential second units). Artist studios, cabañas and guesthouses are not dwellings.
- 6. Gross floor area and footprint limitations.** Accessory structures, excluding barns, garages and stables, shall not exceed a gross floor area 800 square feet if located on a lot of one acre or less. See also [Section 35.42.230 \(Residential Second Units\)](#).
- 7. Plumbing devices.**
- a. Agricultural accessory structures.** Agricultural accessory structures that serve as a primary place of employment or that are used by the public may include a bathroom and wetbar area, provided that a Notice to Property Owner that specifies the allowable uses of the agricultural accessory structure is recorded in the County public records. Wetbars shall be limited to the following features:
- (1) A counter area with a maximum total length of seven feet.
 - (2) The counter area may include a bar sink.
 - (3) The counter area may include an overhead cupboard area not to exceed seven feet in length.
 - (4) The counter area shall be located against a wall, or if removed from the wall, it shall not create a space between the counter and the wall of more than four feet in depth. The seven foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.

- (5) Refrigerators are limited to an under-counter unit located within the counter area.
 - (6) No cooking facilities (e.g., ovens including microwave ovens, hot plates) shall be included in the wetbar area.
 - b. Other accessory structures.** Plumbing devices in accessory structures shall be limited to toilets and washbasins, and no bathing facilities or wetbars shall be allowed, unless otherwise specifically allowed by this Development Code.
- 8. Use restrictions.** Accessory structures shall not be used as guesthouses, artist studios, or cabañas, unless specifically permitted for these uses. Except for guesthouses or structures specifically permitted as dwellings, (e.g. agricultural employee dwellings, residential second units) accessory structures shall not be used for overnight accommodations.
- 9. Determination that an accessory structure constitutes a dwelling.**
- a. An accessory structure, or portion of a structure, including guesthouses, artist studios and cabañas, may be determined to constitute a dwelling by the Director when it:
 - (1) Is configured or occupied for residential purposes, whether permanent or temporary.
 - (2) Contains elements evidencing separate residential occupancy.
 - b. Elements to be considered by the Director include:
 - (1) Proximal arrangement and various combinations of
 - (a) Bathing facilities.
 - (b) Closets.
 - (c) Countertops or cupboards.
 - (d) Dishwashers.
 - (e) Exterior entrances.
 - (f) Exterior staircases.
 - (g) Garbage disposals.
 - (h) Interior locking doors.
 - (i) Sleeping lofts.
 - (j) Toilets and sinks or bar sinks.
 - (2) Separate address/mail box designations.
 - (3) Separate balconies, decks, patios or yards.
 - (4) Separate cable lines, phone lines or utility lines.
 - (5) Separate carports, garages or parking areas (covered or uncovered).
 - (6) Other elements at the discretion of the Director.
 - c. Issuance of a building permit or other approval shall not, of itself, establish that a structure, or portion of a structure, is not a dwelling unit.

- d. The Director's determination that the accessory structure or portion of structure constitutes a dwelling may be appealed in compliance with [Chapter 35.102 \(Appeals\)](#). If the Director's determination is upheld on appeal, then the dwelling may be subject to an enforcement action in compliance with [Chapter 35.108 \(Enforcement and Penalties\)](#).

35.42.030 - Agricultural Employee Dwellings

- A. **Purpose and applicability.** This Section provides standards for agricultural employee dwellings, where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. **Uses allowed with a Minor Conditional Use Permit.** Additional dwellings housing up to, but not exceeding, four employees of the owner or lessee of the land that are engaged full-time in agriculture on the farm or ranch upon which the dwelling is located, are allowed, provided:
 1. The applicant can document the existing and proposed agricultural use of the land and demonstrate a need for additional dwellings to support the use; and
 2. The applicant provides proof of the full-time employment of the employees. Said proof shall be to the satisfaction of the Department in the form of any one or combination of the following:
 - a. Employer's income tax return.
 - b. Employee's pay receipts.
 - c. Employer's DE-3 form.
 - d. Employee's W-2 form.
 - e. A notarized contract between the permittee and the employee which delineates work to be performed and wages to be received.
 - f. Other option approved by the Director.
- C. **Uses allowed with a Conditional Use Permit.** Additional dwellings housing five or more employees engaged full time in agriculture working on or off the farm or ranch upon which dwellings are located.

35.42.040 - Agricultural Processing Facilities

- A. **Purpose and applicability.** This Section establishes standards and procedures for agricultural processing facilities, where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. **Standards.**
 1. Agricultural processing facilities shall be subject to the following standards.
 - a. The facility may be used for the sorting, cleaning, packing, freezing, and storage of horticultural and agricultural products (other than animals) grown on or off the premises preparatory to wholesale or the retail sale and/or shipment in their natural form.
 - b. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands that are located within 25 miles of the boundaries of the County.
 - c. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of the County for local processing, distribution, or sale. In the Coastal Zone, on lands zoned AG-I, these facilities shall be restricted to serving South Coast Agriculture.