

EXHIBIT 2: MONTECITO LAND USE AND DEVELOPMENT CODE AMENDMENTS

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES, DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, AND DIVISION 35.10, GLOSSARY, TO CLARIFY EXISTING REGULATIONS REGARDING THE SIZE, AND REVISE EXISTING REGULATIONS REGARDING THE HEIGHT OF, DETACHED ACCESSORY BUILDINGS ON RESIDENTIAL LOTS IN MONTECITO.

Case No. 17ORD-00000-00011

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

SECTION 1:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, specifically Subsection C, Development Standards, of Section 35.428.070, Montecito Hillside (H-MON) Overlay Zone – Inland Area, of Chapter 35.428, Montecito Overlay Zones, is hereby amended to read as follows:

- C. Development standards.** All residential development within the H-MON overlay zone shall comply with the development standards in Section IV.C (Hillside Development Standards) of the Montecito Architectural Guidelines and Development Standards, and as provided below:
1. The visual bulk of residential structures shall be minimized as viewed from scenic view corridors as shown on Figure 37, Visual Resources Map in the Montecito Community Plan EIR (92-EIR-03).
 2. The height of the primary residence should not exceed 16 feet.
 3. No elevation, including retaining walls adjacent to the structure, shall exceed an average height of ~~twenty (20)~~ feet as measured at five-foot intervals from finished grade to the average height of the highest gable roof or to the top of the parapet of a flat roof. At no point shall the structure exceed ~~twenty eight (28)~~ feet in height from any finished grade or existing grade, whichever is lower, to the highest gable, except for architectural features.
 4. Accessory structures except barns and stables shall not exceed ~~sixteen (16)~~ feet in height.
 5. **Gross floor area and footprint limitations.**
 - a. All accessory structures.** Accessory structures, ~~excluding barns and stables,~~ 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.
 - (1) This 800 square foot building footprint limitation shall not apply to accessory dwelling units, barns, and stables; however, an accessory structure shall not be attached to an accessory dwelling unit, barn, or stable if the total footprint area of the combined structure exceeds 800 square feet.
 - (2) For the purposes of this Subsection C.5.a, footprint refers to how the building sits on the

ground. The building footprint includes the following, but does not include roof eaves that extend no more than three feet from the exterior wall of the building:

- (a) Any cantilevered portions of the structure as viewed perpendicularly from above.
- (b) Any fully enclosed, partially enclosed, or unenclosed portions of the accessory structure located beneath a solid roof or other permanent covering.

b. Detached accessory buildings. The total gross floor area of all existing and proposed buildings located on a lot, including an existing accessory dwelling unit but excluding a proposed accessory dwelling unit, shall not exceed 40 percent of the gross lot area of the lot on which the proposed detached accessory building would be located.

- (1) For purposes of this Subsection C.5.b, gross floor area includes any fully enclosed, partially enclosed, or unenclosed floor area of the detached accessory building(s) covered by a solid roof or other permanent covering.
- (2) If an application includes a proposed detached accessory dwelling unit and one or more detached accessory buildings, and the total gross floor area of all buildings located on the lot, both existing and proposed, would exceed 40 percent of the gross lot area, then the floor area of the proposed detached accessory building(s) shall be reduced as necessary in order to comply with the 40 percent of gross lot area limitation.
- (3) For purposes of this Subsection C.5.b, “existing” means there is an active, unexpired planning or building permit, including an exemption or zoning clearance, that allows for the construction of the detached accessory building or accessory dwelling unit, or that construction of the detached accessory building or accessory dwelling unit has been completed. “Proposed” means that an application for a detached accessory building or accessory dwelling unit has been submitted to the Department, and final action on the application has not been taken.

- 6. The floor area of guest houses, artist studios, or pool house/cabana shall not exceed 800 square feet; however, such structures may be attached to an accessory structure provided the building footprint of the combined structure does not exceed 800 square feet.
- 7. Project grading shall not exceed 1,500 cubic yards of cut or fill, unless additional grading is necessary to allow reasonable development of the property or to achieve reasonable vehicular access. Exception: Excavation not apparent from the exterior, such as for basements entirely below grade, crawl spaces, swimming pools, underground water storage tanks, etc., shall not be included in the grading calculations under this provision. Grading may exceed 1,500 cubic yards if ~~MBAR~~ the Montecito Board of Architectural Review can make all of the following findings:
 - a. The proposed grading respects the significant natural land forms of the site and blends with adjacent properties.
 - b. The graded slopes relate to the natural contours of the site.
 - c. The length and height of retaining walls have been minimized to the maximum extent feasible.
 - d. There are no other suitable alternative building sites available on the property that could be utilized with significantly less required grading for the primary residence and/or access road.
- 8. Fill for residential structures on downslope areas shall not be over 10 feet in height at the highest point (top of slope).
- 9. Cut over thirty (30) feet in total height shall be avoided to the extent feasible.
- 10. To the maximum extent feasible, freestanding vertical retaining walls shall not exceed eight (8) feet

in height. The height of the wall shall be measured from the natural or finished grade at the base of the lower side of the wall to the top edge of the wall material.

11. Building materials and color schemes of structures, walls and roofs shall blend with predominant colors and values of the surrounding natural landscape.
12. The design of new development shall protect, to the extent feasible, unique or special features of the site, such as landforms, rock outcroppings, mature trees, unique vegetative groupings, drainage courses, hilltops and ridgelines.
13. Landscape plans shall include appropriate planting to reduce fire hazard, stabilize cut/fill slopes, reduce erosion, retain moisture, repair areas of required fire department brush removal, and integrate architectural components.
14. Calculation of runoff from impervious surfaces shall be made by a licensed civil engineer prior to issuance of any permits for new residences or additions which exceed fifty (50) percent of existing floor area of the principal structure. Project review will include consideration of any increased runoff and its impact on offsite drainage courses. These calculations will be retained in County records for use in preparing a Master Drainage Plan.

MBAR Montecito Board of Architectural Review Adjustments: Adjustments to the development standards may be granted by the MBAR, not to exceed the regulations of the zoning ordinance, if all of the following criteria are met:

- a. Allowing greater flexibility would better serve the interests of good design, without negatively affecting neighborhood compatibility or the surrounding viewshed.
- b. The project is not within 100 feet of an Environmentally Sensitive Habitat area as delineated on the County Zoning Map or the project complies with the requirements of ~~the MLUDC~~ Section 35.428.040 of this Development Code.
- c. Drainage plans have been prepared which minimize erosional impacts.
- d. The project includes fire-retardant landscaping.

SECTION 2:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, specifically Subsection B, Development Standards, of Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, is hereby amended to read as follows:

B. Development standards.

1. **Sequence of construction.** Except in agricultural zones, accessory structures shall not be constructed on a lot until construction of the principal structure has begun or the principal use has been established and commenced, and an accessory structure shall not be used unless the principal structure on a lot is also being used or the principal use has been established and commenced.
2. **Standards for attached structures.** An accessory structure attached to the principal structure shall comply with the use, setback, and height requirements applicable to the principal structure.
3. **Height restrictions.** Accessory structures shall conform to the following height limits:
 - a. **Accessory structures other than barns and stables.** ~~Except as provided below, the~~ The height limit for accessory structures ~~other than barns and stables~~ is 16 feet unless located in

the rear setback, in which case the height limit is 12 feet.

- b. **Barns and stables.** Barns and stables shall comply with the height limit of the applicable zone unless located in the rear setback, in which case the height limit is 12 feet.
 - c. **Fences and walls.** See Section 35.430.070 (Fences and Walls) for height limits for fences and walls.
 - d. **Guesthouses, artist studios and cabañas.** See Section 35.442.120 (Guesthouses, Artist Studios, and Cabañas) for height limits for guesthouses, artist studios and cabañas.
 - e. **Residential second units.** See Section 35.442.160 (Residential Second Units) for height limits for residential second units.
 - f. **Telecommunication facilities.** See Chapter 35.444 (Telecommunications Facilities) height limits and exception for commercial and noncommercial telecommunication facilities.
4. **Setback requirements.** Accessory structures, including swimming pools, spas, and appurtenant equipment, shall comply with the front and side setback requirements of the applicable zone unless otherwise specifically allowed in compliance with this Development Code.
- a. **Location in rear setback.** An accessory structure, other than guesthouses, artist studios and cabañas (Section 35.442.120), and ~~residential second~~ accessory dwelling units (Section 35.442.160) may be located in the required rear setback provided that:
 - (1) It is not attached to the principal structure.
 - (2) It is not located closer than 10 feet to the principal structure.
 - (3) ~~It~~ The cumulative footprint of all accessory structures that encroach into the setback does not exceed 30 percent of the required rear setback.
 - (4) It does not exceed a height of 12 feet.
 - (5) If located on a corner lot backing on a key lot, the accessory structure shall be set back from the rear property line by a distance equal to the side setback requirement applicable to the key lot.
 - (6) A swimming pool, spa, and appurtenant equipment shall not be located closer than five feet to any property line.
 - (7) An accessory structure may otherwise be located adjacent to the rear property line provided that all other provisions (e.g., building code or fire code requirements for separation between structures) are complied with.
 - b. **Corner lot setbacks.** Accessory structures located on a corner lot having a width of less than 100 feet shall not be located closer to the front line of the lot than the principal structure on that lot.
 - c. **Swimming pools and spas in setback area.** Swimming pools, spas, and appurtenant equipment shall not be located:
 - (1) **Lots other than interior lots.** In the required front or side setback areas and, if located within the rear setback, shall not be located closer than five feet to any property line.
 - (2) **Interior lots.** Closer than 10 feet to any property line.

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

6. **Gross floor area and footprint limitations.**

a. **All accessory structures.** Accessory structures, ~~excluding barns and stables,~~ 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.

(1) This 800 square foot building footprint limitation shall not apply to accessory dwelling units, barns, and stables; however, an accessory structure shall not be attached to an accessory dwelling unit, barn, or stable if the total footprint area of the combined structure exceeds 800 square feet.

(2) For the purposes of this Subsection B.6.a, footprint refers to how the building sits on the ground as viewed perpendicularly from above and includes. The building footprint includes the following, but does not include roof eaves that extend no more than three feet from the exterior wall of the building:

(a) ~~Any cantilevered portions of the structure-~~ as viewed perpendicularly from above; and

(b) Any fully enclosed, partially enclosed, or unenclosed portions of the accessory structure located beneath a solid roof or other permanent covering.

~~This limitation shall not apply to projects that received preliminary or final design review approval from the Board of Architectural Review and had not been constructed as of May 16, 1995.~~

b. **Detached accessory buildings.** The total gross floor area of all existing and proposed buildings located on a lot, including an existing accessory dwelling unit but excluding a proposed accessory dwelling unit, shall not exceed 40 percent of the gross lot area of the lot on which the detached accessory building is proposed to be located.

(1) For purposes of this Subsection B.6.b, gross floor area includes any fully enclosed, partially enclosed, or unenclosed floor area of the detached accessory building covered by a solid roof or other permanent covering.

(2) If an application includes a proposed detached accessory dwelling unit and one or more detached accessory buildings, and the total gross floor area of all buildings located on the lot, both existing and proposed, would exceed 40 percent of the gross lot area, then the floor area of the proposed detached accessory building(s) shall be reduced as necessary in order to comply with the 40 percent of gross lot area limitation.

(3) For purposes of this Subsection B.6.b, “existing” means there is an active, unexpired planning or building permit, including an exemption or zoning clearance, that allows for the construction of the detached accessory building or accessory dwelling unit, or that construction of the detached accessory building or accessory dwelling unit has been completed. “Proposed” means that an application for a detached accessory building or accessory dwelling unit has been submitted to the Department, and final action on the application has not been taken.

SECTION 3:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, specifically Subsection E, Floor Area, of Section 35.442.120, Guesthouses, Artist Studios, and Cabanas, of Chapter 35.442, Standards for Specific Land Uses, is hereby amended to read as follows:

E. Floor area. The net floor area of a guesthouse, artist studio, or cabaña shall not exceed 800 square feet. However, the guesthouse, artist studio, or cabaña structure may be attached to other accessory structures provided the building footprint area of the combined structure does not exceed 800 square feet and interior access does not exist between the guesthouse, artist studio, or cabaña and the other accessory structure(s).

(1) For the purposes of this Subsection E, building footprint area is measured to the interior surface of the exterior, perimeter walls, posts, columns, or other supports. The building footprint includes the following, but does not include roof eaves that extend no more than three feet from the exterior wall of the building:

(a) ~~Building footprint area is measured to the interior surface of the exterior, perimeter walls; and;~~

(b) ~~Footprint refers to how the building sits on the ground as viewed perpendicularly from above, and includes any cantilevered portions of the structure.~~

(a) Any cantilevered portions of the structure as viewed perpendicularly from above; and

(b) Any fully enclosed, partially enclosed, or unenclosed portions of the accessory structure located beneath a solid roof or other permanent covering.

(2) ~~Within the Inland area, the 800 square foot restriction on the building footprint area of a combined accessory structure shall not apply to projects that received preliminary or final Design Review approval and were constructed before May 16, 1995. However, these projects are still subject to the 800 square foot net floor area limitation on guesthouses, artist studios, pool houses/cabañas, and interior access between these uses and another portion of a combined accessory structure shall not be provided.~~

Detached accessory buildings. The total gross floor area of all existing and proposed buildings located on a lot, including an existing accessory dwelling unit but excluding a proposed accessory dwelling unit, shall not exceed 40 percent of the gross lot area of the lot on which the detached accessory building is proposed to be located.

(a) For purposes of this Subsection E(2), gross floor area includes any fully enclosed, partially enclosed, or unenclosed floor area of the detached accessory building covered by a solid roof or other permanent covering.

(b) If an application includes a proposed detached accessory dwelling unit and one or more detached accessory buildings, and the total gross floor area of all buildings located on the lot, both existing and proposed, would exceed 40 percent of the gross lot area, then the floor area of the proposed detached accessory building(s) shall be reduced as necessary in order to comply with the 40 percent of gross lot area limitation.

(c) For purposes of this Subsection E(2), “existing” means there is an active, unexpired planning or building permit, including an exemption or zoning clearance, that allows for the construction of the detached accessory building or accessory dwelling unit, or that construction of the detached accessory building or accessory dwelling unit has been

completed. “Proposed” means that an application for a detached accessory building or accessory dwelling unit has been submitted to the Department, and final action on the application has not been taken

SECTION 4:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, specifically Subsection F, Height limitations, of Section 35.442.120, Guesthouses, Artist Studios, and Cabanas, of Chapter 35.442, Standards for Specific Land Uses, is hereby amended to read as follows:

F. Height limitations. A guesthouse, artist studio, or cabaña:

1. ~~Shall not exceed a height of 16 feet.~~
2. Shall not contain more than one story. A loft shall be counted as a story.
3. ~~A guesthouse, artist studio, or cabaña may be located above or below another accessory structure in areas where the H-MON overlay does not apply.~~ May be located above or below another accessory structure in areas where the H-MON overlay does not apply, provided the height of the combined accessory structure does not exceed 25 feet.

SECTION 5:

DIVISION 35.10, Glossary, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning of the Santa Barbara County Code, specifically Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, is hereby amended to read as follows:

Accessory Building. See “accessory structure.”

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

1. **Attached Accessory Dwelling Unit.** An accessory dwelling unit that shares a common wall with the principal dwelling.
2. **Detached Accessory Dwelling Unit.** An accessory dwelling unit that is detached from the principal dwelling and is located on the same lot as the principal dwelling. ...

Accessory Structure. A structure located upon the same site as the structure or use to which it is accessory. The use of an accessory structure is customarily incidental, appropriate and subordinate to the use of the principal structure, or to the principal land use of the site. Accessory structure includes a building with a roof supported by columns or walls, which may be referred to as an accessory building.

SECTION 6:

All existing indices, section references, and figure and table numbers contained in Section 35-2, the MLUDC, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 7:

Except as amended by this Ordinance, Division 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the MLUDC, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 8:

This ordinance shall apply to projects that have not received preliminary approval by the MBAR as of the effective date of this ordinance, except as otherwise required by State law. This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JOAN HARTMANN, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

Case No. 17ORD-00000-00011
Montecito Planning Commission
Hearing Date: October 18, 2017
Exhibit 2 – Page 9

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

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