

## EXHIBIT 3: COASTAL ZONING ORDINANCE AMENDMENTS

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE COASTAL ZONING ORDINANCE OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, AND DIVISION 15, MONTECITO COMMUNITY PLAN OVERLAY DISTRICT, TO CLARIFY EXISTING REGULATIONS REGARDING THE SIZE OF DETACHED ACCESSORY BUILDINGS ON RESIDENTIAL LOTS IN MONTECITO.

Case No. 17ORD-00000-00012

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

### **SECTION 1:**

DIVISION 15, Montecito Community Plan Overlay District, of the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, specifically Section 35-210, Accessory Structures, is hereby amended to read as follows:

#### **Section 35-210. Accessory Structures.**

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. ~~An a~~ Accessory structures may be located in the required rear yard setback provided that:
  - a. ~~it is~~ They are located no closer than 10 feet to the principal structure;
  - b. They do not exceed a height of 12 feet; and
  - c. ~~and that it occupies~~ The cumulative footprint of all accessory structures occupies no more than 30 percent of the required rear yard; ~~and that it does not exceed a height of 12 feet.~~
2. **All accessory structures.** 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. ~~excluding barns and stables.~~
  - a. 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.
  - b. For the purposes of this ~~s~~ Subsection 35-210.2, 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:
    - 1) ~~a~~ Any cantilevered portions of the structure; as viewed perpendicularly from above; and
    - 2) 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 have received preliminary or final approval from the County Board of Architectural Review, and have not been constructed, as of May 16, 1995.
3. **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 35-210.3, 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 35-210.3, “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 2:**

DIVISION 15, Montecito Community Plan Overlay District, of the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, specifically Section 35-211, Guest House, Artist Studio, and Pool House/Cabana, is hereby amended to read as follows:

### **Section 35-211. Guest House, Artist Studio, and Pool House/Cabana.**

1. No guest house, artist studio or pool house/cabana shall exceed a height of 16 feet.
2. ~~The floor area of such guest house, artist studio, or pool house/cabana shall not exceed a building footprint area of 800 square feet as measured to the interior surface of exterior, perimeter walls; however, such structure may be attached to an accessory structure provided the building footprint of the combined structure does not exceed 800 square feet as measured to the interior surface of exterior, perimeter walls, provided no interior access exists between the guest house, artist studio, or pool house/cabana and the accessory structure. For the purposes of this subsection, footprint refers to how the building sits on the ground as viewed perpendicularly from above, and includes any cantilevered portions of the structure.~~

**Floor area.** The net floor area of a guesthouse, artist studio, or cabaña shall not exceed 800 square feet. However, a 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).

- a. For the purposes of this Section 35-211.2, 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:
  - 1) Any cantilevered portions of the structure as viewed perpendicularly from above; and,
  - 2) 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 detached accessory building is proposed to be located.

- 1) For purposes of this Subsection 35-210.2.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 35-210.2.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.

~~The 800 square foot restriction on the building footprint area of a combined accessory structure shall not apply to projects that have received preliminary or final approval from the County Board of Architectural Review, and have not been constructed, as of May 16, 1995; such projects are still subject to the 800 square foot building footprint area limitation on guest houses, artist studios, or pool houses/cabañas and interior access between such uses and any other portion of a combined accessory structure may not be provided.~~

### **SECTION 3:**

DIVISION 2, Definitions, of the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, specifically Section 35-58, 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 Building or Structure:** A building or structure located upon the same building site as the building or use to which it is accessory, the use of which is customarily incidental, appropriate and subordinate to the use of the principal building, or to the principal use of the land. Such buildings or structures shall not contain kitchen or cooking facilities and shall not be used as guest houses, artists studios, or pool houses/cabanans, unless~~

~~specifically permitted for such uses, under the pertinent sections of this Article. Except for guesthouses, such buildings or structures shall not be used for overnight accommodations.~~

**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 4:**

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

**SECTION 5:**

Except as amended by this Ordinance, Division 15, Montecito Community Plan Overlay District, the CZO, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

**SECTION 6:**

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 and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

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JOAN HARTMANN, 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:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel