

ATTACHMENT 4

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING DIVISION 35.2, ZONES AND ALLOWABLE LAND USES, AND DIVISION 35.3, MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS, TO CLARIFY THE DEVELOPMENT STANDARDS APPLICABLE TO THE MONTECITO HILLSIDE OVERLAY ZONE AND TO AMEND THE MAXIMUM HEIGHT APPLICABLE TO STRUCTURES SUBJECT TO THE RIDGELINE AND HILLSIDE DEVELOPMENT GUIDELINES AND THE MONTECITO HILLSIDE OVERLAY ZONE.

Case No. 16ORD-00000-00002

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

SECTION 1:

DIVISION 35.2, 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, is amended to amend Subsection C, Development Standards, of Section 35.428.070, Montecito Hillside (H-MON) Overlay Zone – Inland area, of Chapter 35.428, Montecito Overlay Zones, 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. Accessory structures, excluding barns and stables, containing one or more accessory uses shall not exceed a building footprint area of 800 square feet.
 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 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 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.
- c. Drainage plans have been prepared which minimize erosional impacts.
- d. The project includes fire-retardant landscaping.

SECTION 2:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection C.2, Maximum height in ridgeline/hillside locations, of Section 35.430.090, Height Measurement, Exceptions and Limitations, of Chapter 35.430, Standards for All Development and Land Uses, to read as follows:

- 2. Maximum height in ridgeline/hillside locations.** In addition to the height limit applicable to a structure as described in Subsection C.1 (Height of structures) above, a structure subject to Chapter 35.452 (Montecito Ridgeline and Hillside Development) or Section 35.428.070 (Montecito Hillside Overlay Zone) shall not exceed a maximum height of ~~32~~28 feet as measured from the highest part of the structure, excluding chimneys, vents and noncommercial antennas, to the lowest point of the structure where an exterior wall intersects the finished grade or the existing grade, whichever is lower. In the case where the lowest point of the structure is cantilevered over the ground surface, then the calculated maximum height shall include the vertical distance below the lowest point of the structure to the finished grade or the existing grade, whichever is lower, See Figure 3-3 (Maximum Height).

SECTION 3:

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

SECTION 4:

Except as amended by this Ordinance, Divisions 35.2 and 35.3 of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5:

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. 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.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

PETER ADAM, 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