File Code No. 120.03

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: June 24, 2008

TO: Ordinance Committee

FROM: Planning Division, Community Development Department

SUBJECT: Proposed Title 28 Zoning Ordinance Amendments

RECOMMENDATION:

That the Ordinance Committee review a Draft Ordinance amending the City's Zoning Ordinance and forward it to Council with a recommendation for introduction and adoption.

EXECUTIVE SUMMARY:

Staff proposes a number of Municipal Code amendments in this package that range in complexity from simple numbering corrections to clarifications and revisions of more complicated Municipal Code provisions. We have culled through numerous amendment recommendations from Staff and the public, and selected the amendments in this package to move forward with at this time. The major portion of the current amendment package is a clarification of all aspects of "yards" (setbacks, open yard, private outdoor living space, building separation, definitions, etc.). Other proposed amendments relate to: setbacks along alleys and private streets; boarding houses; parking; storage; fences; family day care; Conditional Use Permits; allowed uses; Modifications; temporary seasonal uses; and some minor/miscellaneous changes. Public hearings have been held before the Planning Commission and Ordinance Committee on the proposed amendments. Staff and the Ordinance Committee have considered the public comments received and the Draft Ordinance responds to those comments and direction from the Ordinance Committee.

BACKGROUND:

Over the years, Staff and applicants who regularly use the City's Zoning Ordinance have discovered a variety of ambiguities or uncertainties created by the Code, resulting in the increasing need for Staff interpretations of the Zoning Ordinance. As a result, there is a risk that the Code could be inconsistently applied to projects. Additionally, because a majority of the Zoning Ordinance was written in 1957, the language is dated in some cases. Planning Staff often receives comments from the public regarding the complex and confusing format of the language of the Zoning Ordinance, and we agree with this sentiment. We believe a full re-writing of the Zoning Ordinance would be beneficial; however, that would not occur until after the completion of "Plan Santa Barbara."

In addition to clarifying existing provisions, amendments are proposed to existing provisions to reflect current development patterns and the existing built environment. These provisions were developed for standard flat rectangular lots which are not the typical lots we deal with today. Clarifying and changing these Code provisions is an important first step in creating a more "user-friendly" Zoning Ordinance and more consistent application of its provisions.

Planning Commission Review

The Planning Commission reviewed the proposed amendments on several occasions and recommended that the City Council adopt the majority of them. The Planning Commission expressed concern regarding the proposed amendment to eliminate the requirement for Conditional Use Permits (CUPs) for educational institutions in non-residential zones but was supportive of the other proposed amendments. We discussed the Planning Commission's concerns with the Ordinance Committee and the Ordinance Committee supported a proposed change that would allow educational institutions in the C-2 and C-M zones without a CUP, but to continue to require CUPs in the other non-residential zones.

Ordinance Committee Review

The Ordinance Committee held a series of workshops on the proposed amendment package. The Ordinance Committee was supportive of the proposed amendments. The Committee recommended minor revisions to the proposed revised setback for garages, carports, and uncovered parking in the Multi-Family zones and the proposed revisions regarding CUPs. These revisions are discussed further below in the subject topic areas.

DISCUSSION:

The attached draft Ordinance contains the entire amendment package. In general, new zoning standards are <u>underlined</u> and deleted text is ~~strikethrough~~ in the draft Ordinance. However, many of the proposed changes merely reformat existing text. Responding to a request from the Ordinance Committee, staff has omitted some of the underlining and has highlighted the text where substantive changes are occurring. Existing text that has been deleted in its entirety and reformatted is not underlined in order to simplify the ordinance text where possible. Additionally, in many instances, page numbers are included below to point out the page numbers in the Draft Ordinance where the subject amendment can be found.

Proposed Changes

<u>Yards</u>

Each zone contains provisions regarding yards. The major changes to yards involve definitions, open yard areas in the single family and R-2 Zones, and revised setbacks for garages/carports and third-story elements in the multiple-family and some commercial zones. The following summarizes the proposed changes to yards.

Clarification of Yard Areas

Currently, the term "yard" is used in the Zoning Ordinance to describe various requirements such as setbacks, open yard, distance between buildings, or common outdoor living space. This has resulted in a lack of clarity in certain requirements. To clarify what the term "yard" means, Staff is proposing to change all references to the word "yard" to the actual term it denotes. Therefore, if a regulation pertains to setbacks, then the word "yard" will be changed to "setback." If the regulation pertains to open yard, then it will be changed to open yard, and so forth.

Definitions

The more substantive changes to the definition section include, but are not limited to:

- Revise the definition of front yard. Slight changes are proposed to the location of the front yard. If a main building is located within the front setback, then the front yard would terminate at the front setback line. Additionally, the location of the front yard at the sides of a main building and on irregularly shaped lots will be clarified. (See page 9 of Attachment 1 and see Attachment 2 for illustration)
- Revise the definition of open yard to exclude the detailed standards. The existing basic definition would remain. However, the standards for open yard will be moved into the appropriate locations within the regulatory portions of the Code with more information on the required size and allowed location and configuration of the open yard. (See pages 6, 10, 14, 15, 17, 18, and 19 of Attachment 1)
- Revise the existing definition of alley. (See page 2 of Attachment 1)
- Define driveway, street, and private street. As part of the amendments related to setbacks along private streets and alleys, definitions for these terms are necessary. (See pages 4, 8 and 9 of Attachment 1)
- Define primary and secondary front yard. These definitions are needed as part of the proposed amendments to allow the open yard in a portion of the secondary front yard. (See page 10 of Attachment 1)
- Revise the existing definition of boarding house. (See page 2 of Attachment 1)
- Delete definitions of terms that are no longer used in the Zoning Ordinance.

Single Family and Two Family Zones (A, E, R-1 and R-2)

Several changes/clarifications are proposed to the open yard requirements in the single family and two family zones. The proposed changes are as follows:

- **Sloped Areas.** Currently, open areas can count towards the open yard requirement, regardless of their slope. However, cut and fill areas with slopes greater than 20 percent are not allowed to count towards the open yard requirement. An amendment is proposed to allow cut and fill slopes greater than 20 percent to count towards the required open yard. However, if the slope of the open yard (natural or cut and fill) exceeds an average slope of 20 percent, a flat area of at least 160 square feet will be required somewhere on the property. This change would recognize that sloped areas can provide visual open space, while still requiring some useable area on steeply sloped parcels. (See pages 14 and 17 of Attachment 1 and see Attachment 3 for illustration)

- **Contiguous Areas.** All contiguous areas, regardless of retaining walls or changes in grade, slope or elevation would be counted toward the open yard requirement. (See pages 14 and 18 of Attachment 1)
- **Decks.** Decks no higher than 36" (not including the railing) would be counted towards the open yard requirement. This change would recognize that decks can make an open yard more useable. (See pages 14, 18, and 29 of Attachment 1 and see Attachment 4 for illustration)
- **Lots with Multiple Street Frontages.** Currently, the open yard cannot be provided in the front yard. This standard poses a hardship for lots with multiple street frontages. An amendment is proposed to allow lots with multiple street frontages to provide the required open yard in the secondary front yard, up to 10 feet from the secondary front property line. The ten-foot distance is consistent with the current limitations on fence height. This amendment would not significantly change the visual appearance of the front yard from the street and would allow for more flexibility in meeting the open yard requirement and would result in a better design. (See pages 15 and 19 of Attachment 1 and see Attachment 5 for illustration)
- **Exception for Small Lots.** The Planning Commission recommended an amendment to allow the required open yard for properties with a lot area of less than 7,500 square feet and an average slope of less than 20 percent, be provided in one or separate areas of not less than 400 square feet each. The Planning Commission recommended this amendment because it allows for a more creative design while maintaining useable open yard for residents. This is similar to what is currently allowed in the R-2 zone. The lot size of 7,500 square feet was suggested as this is the minimum lot size of the E-3 zone; however, it was recognized that the maximum lot size could be reduced in the draft ordinance based on review of the size of lots which requested an open yard modification.

  Staff researched the size of lots which received open yard modifications and determined that the median size was 7,000 square feet. When we discussed this proposed lot size with Planning Staff, concern was raised that the provision could lead to over building of a site. Staff's opinion is that a lot which meets, or is close to, the minimum lot size requirements of the zone should be able to meet the existing open yard requirement. Staff recommended that the lot size for this new exception to the open yard standard be a maximum of 6,000 square feet to truly reflect the size of lots that may not be able to meet the existing open yard requirement. Staff believes that this revised recommendation is consistent with the Planning Commission's intent to allow small constrained sites flexibility in providing the required open yard while not leading to overbuilding of a site. Therefore, Staff recommends that the Ordinance Committee specify the maximum lot size as 6,000 square feet. (See pages 14 and 15 of Attachment 1 and see Attachment 6 for illustration)

Multi-Family and Multi-Family/Hotel/Motel Zones (R-3/R-4)

The proposed changes to the R-3/R-4 yard requirements are**:**

- **Private Outdoor Living Space – Small Common Area Required.** Currently, development in the R-3/R-4 zones must provide either private outdoor living space or common open yard area per §28.21.081, Outdoor Living Space, of the Santa Barbara Municipal Code (SBMC). A new requirement is proposed for an additional 15'x15' common open area when using the private outdoor living space alternative. This open area can be provided on the ground floor, upper floors, or on a roof deck. The intent of this change is to provide common areas for children to play or for other uses by residents, not for additional on-grade open space. The Planning Commission has requested this type of open area during recent project reviews. (See page 28 of Attachment 1 and see Attachment 7 for illustration)
- **Private Outdoor Living Space – Multi-Story Units.** An amendment is also proposed to clarify that if a residential unit occupies multiple floors, the private outdoor living space could be provided on either floor as long as it meets the minimum size and dimension specified for the floor on which it is proposed to be located. This amendment codifies long-standing City policy. (See page 27 of Attachment 1)
- **Open Space.** The 10% open space regulations for multi-family residential developments are proposed to be clarified, and moved from the Lot Area section to the Outdoor Living Space section. Properties zoned R-3 or R-4, or subject to those standards, will continue to require the 10% open space. (See pages 25 and 28 of Attachment 1)
- **Regulations for Non-residential Buildings, Structures and Uses.** Currently, non-residential uses in the R-4 Zone require double setbacks, and maximum lot area coverage of 25% (SBMC §28.21.085). Due to a quirk in the language, wholesale conversions of residential units to hotels etc. are exempt from the double setback and coverage rules, but remodels of existing hotels, motels and bed & breakfast (B&Bs) facilities are not exempt. Therefore, the double setback and maximum lot area coverage regulations in the R-4 for non-residential uses are proposed to be changed to allow remodels of existing hotels, motels, B&Bs and other non-residential uses specifically allowed in the R-4 Zone without triggering those requirements. (See pages 29 and 30 of Attachment 1)
- **Three-Story Building Front Setback.** The current front setback in the R-3/R-4 zone reads as follows:

  > "10 feet for one- and two-story buildings and 15 feet for three-story buildings provided, however, that if one-half or less of the ground floor area of a proposed building is three stories and said third story is constructed no closer to a front yard than one-third the ground floor building dimension measured perpendicularly to that front yard, the setback conditions for a two-story building for the front yard shall apply."
- This provision is confusing. An amendment is proposed to simplify the front setback to be a fixed distance from the front property line. For one- and two-story buildings the setback would continue to be ten feet. For three story buildings, the general rule would be a setback 15 feet for all three floors. An exception to the general rule

would be allowed if the net floor area of the third floor is less than fifty percent (50%) of the net floor area of the first floor. In these cases, the first and second floors would have a setback of ten feet (10') and the third floor would have a setback of twenty feet (20'). This change is also proposed for the R-O, Restricted Office, and C-O, Medical Office Zones. (See page 23, 37, 39 and 40 of Attachment 1 and see Attachment 8 for illustration)

- **Interior and Rear Setbacks.** The current interior and rear setback for garages, carports and uncovered parking in the R-3/R-4 zones is six feet. An amendment is proposed to reduce this setback to three feet outside of the front yard. This new setback is consistent with the most recent amendment in the R-2 Zone and amendments to the single family zones as part of the recently completed Neighborhood Preservation Ordinance (NPO) update (§28.18.060.B and §28.90.100.G.1.b respectively). Roof projections (eaves, cornices, etc.) could only extend 12 inches further into the setback, per the California Building Code. (See pages 23 and 24 of Attachment 1 and see Attachment 9 for illustration)

The Ordinance Committee reviewed the proposed changes to the R-3/R-4 zone requirements and agreed to incorporate them into the Zoning Ordinance Amendment package with some changes to the proposal for reduced interior and rear setback for garages and carports. The Ordinance Committee's changes were:

- Applies to lots less than 55 feet wide
- No electrical or gas meters, etc. allowed within the 3 foot setback
- Need to provide an allowance for landscaping and/or trees within the reduced setback
- Limit the garage depth to a maximum of 20 feet interior clear space

Staff incorporated the Ordinance Committee's changes related to the width of qualifying lots and to limiting the maximum depth of the garage. However, Staff recommends not including the changes regarding allowance for landscaping and prohibiting electrical or gas meters within the setback. The provision of landscaping pockets could result in a longer building. The required minimum interior depth of a garage is 20 feet. Therefore, where landscaping pockets are provided in the building, the interior depth of the building would have to be reduced and would not meet the minimum 20 foot interior garage dimension. Therefore, that area could not be utilized for a garage. Additionally, site and landscape plans for multiple family developments are subject to review and approval by the Architectural Board of Review (ABR) or Historic Landmarks Commission (HLC). Staff believes that the ABR or HLC should have the discretion to review those plans and require appropriate landscaping and screening for the building in this reduced setback. In regards to the meter location, in some instances it is preferred to have meters located on the sides of buildings where they are not visible from the street. Therefore, Staff would prefer to allow flexibility in the location of the meters.

Yard Encroachments (See pages 65-66 of Attachment 1)

Currently, Section 28.04.430.5 (definition of "Open Yard") allows an unenclosed patio cover, summer house, arbor, canopy or other similar structure, except where attached to a wall of a main building, to encroach into the required open yard provided the structure does not occupy more than 20% (250 square feet) of the required open yard. If the existing open yard is less than 1,250 square feet in area (i.e. nonconforming to size), then a structure would be allowed to occupy no more than 20% of the provided open yard. These provisions are being moved from the Definition section to the General Provision section, and being joined to Section 28.87.062 (Yard Encroachments), which specifies the types of structures that currently can encroach into a required yard. (Attachment 10)

The existing provisions for yard encroachments are proposed to be changed or clarified, as follows:

- Allow decks no more than ten inches in height above grade in the setbacks. This is codification of a long-standing City policy. (Attachment 10)
- Allow window seats which are at least three feet above grade or the finished floor (whichever is higher) to encroach up to two feet into the front setback. The reason why the window seat must be at least three feet above finished grade or finished floor is so that additional floor area is not provided within the front setback. (Attachment 11)
- Allow a small entrance landing (either covered or uncovered) and/or entrance stairs to encroach a total of 3 feet into the required front setback. The purpose is to allow a small landing or stairs to get to an elevated front door, not for usable porch/patio areas within the front setback. (Attachment 11)
- Clarify that if the open yard is provided in more than one area, then the 20 percent encroachment applies to each individual area.
- Clarify that unenclosed structures attached to a wall of a main building may encroach a maximum of 20 percent into the required open yard. Currently this provision is ambiguously worded. (Attachment 11)
- Clarify the existing provision that allows cantilevered architectural features to encroach no more than two feet by specifying that the cantilevered architectural feature must be at least three feet above finished grade or three feet above the finished floor if the feature is proposed on an upper floor. The purpose of this amendment it to ensure that the encroachment is an architectural feature that does not provide additional floor area.
- Clarify that roof eaves cannot be located closer than two feet from any property line. (Attachment 10)
- Allow the following types of structures to encroach into the required minimum distance between main buildings on the same lot. This is a codification of City policy. (Attachment 12)
    - Detached accessory structures (as long as the 5 foot minimum distance between main buildings and accessory buildings is maintained)
    - Uncovered parking
    - Planters less than 10 inches in height from grade
    - Paving

- Fences, hedges, and walls
- Uncovered bicycle parking areas including bicycle racks and posts, excluding bicycle locker parking
- The following structures can encroach a maximum of three feet into the required distance between buildings:
  - Balconies, decks, porches and terraces on the first or higher floor, that do not provide additional floor area. These improvements may be roofed or unroofed. However, any structure that is located on an upper floor must be cantilevered and may not be enclosed below.
  - Structures built to enclose trash, water heaters, or water softeners.
  - Exterior stairways on the first or higher floors that are unenclosed by solid walls.

<u>Conditional Use Permits (CUPs)</u>

Churches

Currently, churches, convents, monasteries and educational institutions require CUPs in all zones, except where another section of the Zoning Ordinance specifically allows the use in the zone. In those instances, a CUP is not required (SBMC §28.94.030). The C-2 Zone allows "Church (temporary revival)" as a permitted use. The term "temporary revival" is not defined in the Zoning Ordinance. Based on this allowance, Staff practice has been to allow churches in the C-2, C-M, and M-1 zones without a CUP. An amendment was originally proposed to codify this practice of allowing churches in the C-2, C-M and M-1 zones. However after discussion with the Planning Commission, Staff amended the proposal to only allow churches in the C-2 and C-M zones without the requirement for a CUP. Churches proposed in any other zone would continue to require a CUP. The Ordinance Committee agreed to allow churches in the C-2 and C-M zones without a CUP. (See pages 51, 56, and 84 of Attachment 1)

Monasteries and Convents

An amendment is also proposed to include monasteries and convents as an allowed use in the R-O, C-O, C-P, C-L, C-1, C-2, and C-M zones. The Planning Commission concurred that monasteries and convents should be an allowed use in these zones. However, they stated that monasteries and convents should not be included as an allowed use in the M-1 zone given the prohibition of residential uses in the M-1 zone. The Ordinance Committee concurred with the Planning Commission's recommendation regarding convents and monasteries. (See pages 57 and 84 of Attachment 1)

Educational Facilities

Currently, trade schools, art schools, dance schools, language schools, and other types of vocational, music, and arts-related schools are allowed in most non-residential zones without a CUP. Educational institutions, such as private schools that provide education for students in grades K-12 (like Anacapa School), and private colleges (Antioch, Brooks), or private schools of advanced learning (Santa Barbara College of Law, Fielding Institute), require a CUP in any zone. (See pages 57 and 84 of Attachment 1)

Staff believes that the intensity of use of an educational institution is equivalent to uses already allowed in most non-residential zones (retail, office, commercial, and restaurant). In addition, the CUP findings for educational facilities are currently covered by statutory requirements and Design Review. Therefore, Staff was proposing that educational institutions be an allowed use within the M-1, C-M, C-2, C-1, C-P, C-L, C-O, and R-O Zones; thus removing the requirement for a CUP in those zones. The Planning Commission did not agree with the proposal, and felt that CUPs should continue to be required for all educational facilities. The Ordinance Committee discussed this issue and based on input from the public, recommended that the proposal be revised to allow Educational Facilities in the C-2 and C-M zones without a CUP. Educational Facilities in any other zone would continue to require a CUP. Staff concurs with this recommendation.

C-O Zone

Two changes are proposed to the allowed uses in the C-O (Medical Office) Zone. The first is to allow branch banks without a CUP because they support the uses allowed in the C-O zone and are similar to the other allowed uses. The second change is to allow medical equipment and supply stores (formerly called "Businesses Specializing in Sick Room Supplies") without a CUP, as they are closely related to the Medical Office use of the C-O Zone.

The Ordinance Committee agreed to allow banks and medical equipment supply stores in the C-O zone. However they requested Staff to explore limiting the size and intensity of these types of uses. In the amendments, Staff is proposing to limit the size of banks to 1,000 square feet and medical equipment supply stores to less than 3,000 square feet. If a larger bank or medical equipment and supply store wanted to be located within the C-O Zone, a CUP would have to be pursued. (See pages 39 and 87 of Attachment 1)

Birth Centers

Currently, birth centers require a CUP in the C-O, C-P, C-1, C-2, C-M and M-1 Zones. The proposed change would allow birth centers in these zones without a CUP, because it is similar to other allowed uses in these zones, in terms of intensity of use. Additionally, the birthing center use is similar to outpatient surgery centers, which do not need CUPs. (See pages 39 and 89 of Attachment 1)

<u>Seasonal Holiday Sales</u>

Currently, the Zoning Ordinance does not have provisions for temporary seasonal uses, such as Christmas tree lots and pumpkin patches. The Planning Division's administrative practice has been to allow these temporary uses in the C-P, C-2, C-M, M-1, and P-D zones. The proposed amendment would codify which land use zones the seasonal holiday sales would be allowed in, the time period (maximum of six weeks) that the use is allowed to remain, and establish a process that is required for review and approval of the seasonal holiday sales event. Any seasonal holiday sales event would have to obtain a permit from the Community Development Department and comply with

all requirements of the City's Building and Safety Division, Fire Department, Police Department, business license section and other agencies, including ABR, HLC, and/or the Sign Committee as needed. (See page71 of Attachment 1)

Setbacks Along Alleys and Private Streets

Currently, the Zoning Ordinance is not clear on the required setback for development adjacent to alleys and private streets. In the past, both the interior and front setbacks have been applied to new development along alleys and private streets, which has led to discrepancies and disparity in setbacks between adjacent properties. To clarify the required setbacks, amendments are proposed to specify that an interior setback is required for new development along an alley, and that a front setback is required from a public or private street. This is consistent with recent Planning Commission requirements for new development along a street, whether or not the street is public. (See pages 2, 4, 5, 7 and 8 of Attachment 1)

Renting of Rooms in Single-Family Zones

From time to time, the City receives complaints from neighbors that single-family homes in their neighborhood are being rented to several individuals as a boarding house. In the past, the City and other jurisdictions attempted to regulate boarding houses by distinguishing between related and unrelated persons in setting occupancy limits for single-family homes. In 1980, the California Supreme Court ruled that distinctions based on family relation violated the right to privacy in the State Constitution.

Following the court decision, the City amended the definition of boarding house (SBMC §28.04.100) to remove the distinctions based on family relation. The revised definition has been difficult to enforce. Staff has investigated regulatory solutions attempted in other jurisdictions and found the other examples to be ineffective or administratively burdensome. Staff recommends revising the definition of boarding house to focus on function rather than occupancy. (See page 3 of Attachment 1)

For complaints of room rentals in houses, Staff would continue to enforce the noise ordinance, parking requirements, setback and open yard standards. Concerns relating to overcrowding and illegal garage and room conversions would continue to be enforced upon by Community Development Department staff.

Parking

The proposed amendments to Chapter 28.90, Automobile Parking Requirements, relate to multi-family dwelling unit definition, parking requirements for disabled/handicapped developments, and the storage of unregistered vehicles.

Three or More Units on a Lot

Currently, parking is prohibited in any required setback except that uncovered parking or turnaround areas are allowed in the required interior setback in the R-3 or less restrictive zone for multi-family dwellings if at least five percent of the area used for parking/turnaround is landscaped. A multi-family dwelling is defined as three or more attached units. An amendment is proposed to allow this exemption to apply to R-3 zoned properties that have three or more residential units on one lot, whether or not the units are attached. (See page 73 of Attachment 1)

Handicapped/Disabled Residential Unit

The parking requirement for low income senior housing is proposed to be amended to include disabled persons. This proposal was requested by the Housing Authority, in order to remove a conflict between the U.S. Department of Housing and Urban Development's (HUD's) requirements and the Parking Ordinance. HUD requires the Housing Authority to allow disabled persons equal access to low income senior housing units, which have a reduced parking requirement of ½ space per unit. The Parking Ordinance requires that additional parking spaces be provided for this change of occupancy, because disabled housing units do not currently have a reduced parking requirement. The Housing Authority does not have the ability to provide the additional parking spaces, and thus is caught between conflicting regulations. The proposal would allow disabled persons to occupy low income senior residential units. (See page 77 of Attachment 1)

Unregistered Vehicles

Currently, vehicles incapable of movement under their own power must be kept in a garage or carport. For enforcement purposes, the proposed change would extend the applicability of this provision to include unregistered vehicles, and require that these vehicles be stored in a garage and not a carport. (See page 73 of Attachment 1)

<u>Storage</u>

This section is proposed to be clarified so that the locations where storage is not allowed are stated explicitly. This amendment will specify that no portion of any front yard or required setback, open yard, private outdoor living space or front porch shall be used for the permanent storage of items such as appliances, motor vehicles, trailers, boats, loose rubbish, garbage or rubbish receptacles, building materials, compost pile, or any similar item for 48 or more consecutive hours. Additionally, an existing provision regarding storage on corner lots is proposed to be deleted, as it is not clear in its meaning and therefore has never been used. (See page 68 of Attachment 1)

Reasonable Accommodation

State and Federal law requires local governments to make reasonable accommodations (modifications or exceptions) to their land use regulations and practices, when necessary, to provide disabled persons an equal opportunity for housing. In response to this law, the City of Santa Barbara Housing Element (2004) includes strategy 1.1.5 which states *"The City shall amend the Municipal Code to provide persons with disabilities seeking equal access to housing to request reasonable accommodation in the application of City zoning laws."* Amendments to the parking standards, yard encroachments, and allowed modifications are proposed to implement Housing Element Strategy 1.1.5. to enable people with disabilities flexibility in zoning standards when seeking access to housing.

Parking

Currently, the Planning Division's administrative practice is to allow existing required parking spaces to be converted from a standard parking space to an accessible space or access aisle without triggering the requirement for a modification. This is true even if the conversion results in fewer spaces than required by the Zoning Ordinance as long as the accessible parking requirements are not triggered by an expansion of an existing use or new development. An amendment is proposed to codify this existing administrative practice. (See page 76 of Attachment 1)

Yard Encroachments

Presently, if a structure or improvement is proposed within one of the required yards, an applicant must seek approval of a modification of the zoning standard. An amendment to the Zoning Ordinance yard standards is proposed to allow certain accommodating structures and improvements, such as accessible parking spaces, access aisles or accessibility ramps, to be placed within required yards without the need of a modification. This proposed change would not change the requirements for a building permit, building code compliance, or design review. (See page 65 of Attachment 1)

Modifications

Currently, the modification process is available to applicants requesting relief from zoning standards. Staff recognizes that it may not be possible to anticipate every potential accessibility improvement in order to revise the zoning standards to allow for accessibility improvements as a matter of right. Therefore, Staff recommends amending Section 28.92.110 of the Municipal Code to allow for modifications to any zoning standard when necessary to make an existing residential unit accessible to persons with a disability. (See page 84 of Attachment 1)

Fences, Walls, Screens, and Hedges

Currently, nonconforming fences, walls and screens are allowed to remain, provided there is no physical change except necessary repair and maintenance. However, there is no definition of "necessary repair and maintenance." As a result, entire fences (posts, stringers and boards) have been demolished and rebuilt, which is contrary to the intent

of the Zoning Ordinance, which is to eliminate over-height fences and replace them with conforming fences. The proposed changes to this section would add language that would define this phrase to be the replacement of up to 10% of the existing wall length, and codify existing policy on how to determine whether a hedge is nonconforming. Staff believes that these changes would, over time, reduce the number of nonconforming fences, walls and hedges, as those in need of replacement of more than 10% of their length would need to be rebuilt to meet current standards, or apply for a Modification.

The following summarized the proposed changes:

- No more than 10% of the length of any nonconforming fence, screen or wall may be replaced per year.
- A hedge shall be determined to be nonconforming upon receipt of sufficient supporting evidence, as determined by the Community Development Director, indicating that a hedge existed in 1957, the year when the hedge height restrictions became effective.

Staff would like to attempt to address the overall issues of fence/hedge height in a future Zoning Ordinance amendment, and such a comprehensive discussion has not yet occurred with the Planning Commission. When a full discussion takes place it is likely that varied opinions will be expressed, and some controversy generated. Therefore, at this time, the proposed amendments are limited to quick fixes to assist in the enforcement process. (See page 68 of Attachment 1)

<u>Allowed Uses – Additions and Revisions</u>

A wholesale updating of the permitted uses in various land use zones will take place in a future Zoning Ordinance amendment. However, a few changes are proposed at this time.

C-P and C-L Zones

- Add child care centers to the C-L Zone (allowed by policy, but not specifically listed). (See page 45 of Attachment 1)
- Add “other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director with a substantial conformance determination pursuant to the adopted Planning Commission’s Guidelines.” This language is proposed to be added to all the permitted use sections of the non-residential zones we are amending. (See pages 39, 43, 45, 49, 52, 54 and 58 of Attachment 1)

C-1 Zone

Add child care centers (allowed by policy, but not specifically listed). (See page 48 of Attachment 1)

C-2 Zone

Add health club/spa/gym. (See page 51 of Attachment 1)

C-M Zone

- Add Car Wash (a new definition is also proposed). (See pages 3 and 54 of Attachment 1)
- Add Automobile Paint Shop. (See page 53 of Attachment 1)

Modifications

The proposed change to the Modification section would specifically state that a modification of the required minimum distance between buildings may be granted subject to the standard yard findings. This change is consistent with existing administrative policy and numerous actions by the Planning Commission and Staff Hearing Officer. (See page 83 of Attachment 1)

Minor and Miscellaneous Revisions and Clean-Up

As part of the amendment package, staff is proposing minor revisions and clean-up amendments. These amendments include:

1. The deletion of language that is either redundant or no longer used.
2. The addition/revision of definitions for terms that relate to the proposed amendments in this package.
3. The reformatting of existing development standards from paragraph to tabular form for clarity.
4. The clarification that slope density regulations apply to accessory dwelling units in the R-2 zone.
5. The deletion of Section 28.87.150.1, Interior Yards for Dwelling Units in Non-Single Family Zones. The removal of this Code Section has always been included in this amendment package as it is viewed as a clean-up amendment in that it should have been deleted in previous Zoning Ordinance amendments, but was missed. When the Mixed-use Development Ordinance was adopted by the City Council in 1996, it was very clear that no setbacks would be required for mixed-use projects in the C-2 and C-M zones. This Section was discussed at the Ordinance Committee meeting on March 18, 2008 and the Ordinance Committee expressed understanding for the history and rationale behind this amendment. (See page 66 of Attachment 1)

RECOMMENDATION:

Staff recommends that the Ordinance Committee review the Draft Ordinance and forward it to the Council with a recommendation for Introduction and Adoption. The Ordinance Committee has reviewed the scope and context of the proposed amendments at several public hearings. At these public hearings, the Ordinance Committee moved to include the proposed amendments in the Draft Ordinance with the changes as discussed above. The Draft Ordinance responds to the direction given by the Ordinance Committee. Therefore, Staff recommends that the Ordinance Committee review the Draft Ordinance and focus the discussion on particular areas of interest or

areas of question. If needed, a subsequent public hearing with the Ordinance Committee has been scheduled for July 1, 2008.

NOTE: Copies of the following attachments are available for public review on the City's website and in the City Clerk's Office.

ATTACHMENTS:

1. Draft Ordinance Amending Sections 6.08.010 and 15.24.020 and Titles 28 and 29 of the Santa Barbara Municipal Code Relating to zoning setbacks and miscellaneous zoning standards
2. Illustration showing "Proposed Front Yard Area" and "Proposed Front Yard – Towers and Curved Lot Lines"
3. Illustration showing "Open Yard – Sloped Lot"
4. Illustration showing "Open Yard – Sloped Lot with 36" High Deck"
5. Illustration showing "Single Family Zones Open Yard Multiple Street Frontages - Corner Lot," "Single Family Zones Open Yard Multiple Street Frontages – Through Lot," and "R-2 Zone Open Yard – Corner Lot"
6. Illustration showing "Single Family Zones Open Yard – Less than 6,000 s.f. and 20% Slope"
7. Illustration showing "Proposed 15'x15' Common Open Yard"
8. Illustration showing "R-3/R-4/R-O/C-O (E) Third Floor Setback Requirements," "R-3/R-4/R-O/C-O (P) Third Floor Setback Requirement," and "R-3/R-4/R-O/C-O (P) Third Story Setbacks"
9. Illustration showing "Sample R-3 Zoned Parcel –Four Unit Condominium"
10. Illustration showing "Existing Allowed Yard Encroachments"
11. Illustration showing "Proposed Yard Encroachments"
12. Illustration showing "Encroachments in Required Distance Between Buildings"

PREPARED BY: Susan Reardon, Senior Planner and Danny Kato, Senior Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

ORDINANCE COMMITTEE DISCUSSION DRAFT 6/24/08
SHOWING CHANGES FROM CURRENT CODE
(Except unchanged definitions and where the current text has been deleted entirely.)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SECTIONS 6.08.010 AND 15.24.020 AND TITLES 28 AND 29 OF THE SANTA BARBARA MUNICIPAL CODE RELATING TO ZONING SETBACKS AND MISCELLANEOUS ZONING STANDARDS

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6.08.010 of Chapter 6.08 (Care and Keeping of Animals) of Title 6 of the Santa Barbara Municipal Code is amended to read as follows:

6.08.010 Raising Rabbits, Chickens and Fowl.

A. GENERALLY. Except where two or fewer rabbits, chickens or fowl are kept as pets and not for commercial or breeding purposes, rabbits, chickens and other fowl may not be kept or raised unless in accordance with the following conditions:

1. No more than fifteen (15) rabbits, chickens or fowl, or any combination thereof, may be kept at any one time on any premises zoned pursuant to Title 28 of the Santa Barbara Municipal Code as R-4, R-3, R-2, R-1, E-3, or E-2.

2. No more than thirty (30) rabbits, chickens or fowl, or any combination thereof, may be kept at any one time on any premises zoned pursuant to Title 28 of the Santa Barbara Municipal Code as E-1, A-2 or A-1.

3. No more than one hundred (100) racing or homing pigeons may be kept at any one time on any premises within the City.

4. All rabbits, chickens, fowl or racing or homing pigeons shall be kept in cages, hutches or coops which shall be maintained in a clean and sanitary condition at all times. Any such cage, hutch or coop shall be located in the interior ~~yard~~setback, as that term is defined in Section 28.04.~~580~~635, at least one hundred (100) feet from any property being used as a school, park, hospital or similar institution and at least thirty-five (35) feet from any dwelling unit or structure used for human habitation and located on an adjoining lot.

B. ROOSTERS. It shall be unlawful to keep or maintain a rooster.

SECTION 2. Section 15.24.020 of Chapter 15.24 (Preservation of Trees) of Title 15 of the Santa Barbara Municipal Code is amended to read as follows:

15.24.020 Prohibition.

It is unlawful to cut down or otherwise destroy or to authorize or allow the destruction or cutting down of any tree:

A. Situated in the ~~minimum front yard area~~front setback of any lot or situated in the area of any lot required to be landscaped pursuant to Section 28.90.050 of this Code, except as provided in Sections 15.24.030 and 15.24.035 of this chapter, without the express permission of the Board of Park Commissioners, or City Council, on appeal;

B. That has been designated as an historic or specimen tree by the City Council as defined herein, anywhere it may occur on a lot, parcel or building site.

SECTION 3. Chapter 28.04 (Definitions) of Title 28 of the Santa Barbara Municipal Code is amended to order the definitions alphabetically and renumber the sections by increments of .005, subject to the additions, deletions and amendments specified in this Section 3. In addition, the City Clerk is authorized to amend all references to the definitions of this Chapter 28.04 found elsewhere in this Code to conform to the revised sections numbers.

28.04.~~040~~045 Alley.

A public or private way 25 feet or less in width that is primarily used for vehicular access to the back or side of properties. Alleys typically do not meet standard requirements for City streets, which include curbs, gutters, sidewalks, or similar improvements. Typically, alleys are separated from adjacent parcels by a lot line. An alley may have an official name and may be shown on the official street map of the City of Santa Barbara.
~~which affords a secondary means of access to abutting property is an alley to that property for the purposes of this ordinance.~~

28.04.115 Balcony.

A balcony is a cantilevered platform that projects from the wall of a building above the ground and is surrounded by a railing, balustrade, or parapet.

28.04.~~092~~125 Bed and Breakfast Inn.

~~See~~The definitions of "Bed and Breakfast Inn" and "Hotel" are synonymous. See, Section 28.04.~~290~~405.

28.04.~~100~~140 Boarding House.

A building, group of buildings or a portion of a building which is designed for or occupied as sleeping quarters for five (5) or more paying guests and where meal service is included in the price of the lodging. A boarding house is not considered a single residential unit. ~~for definite pre-arranged periods of seven (7) or more days and wherein individual rooms do not have kitchens. A boarding house may serve meals to its guests from a central kitchen facility and may also contain not more than one (1) dwelling unit.~~

28.04.155 Building, Main.

A main building is a building in which the principal use of the lot is conducted.

28.04.165 Carport.

A carport is a building with a solid weatherproof roof that is permanently open on at least two sides and is designed to shelter one or more vehicles. A carport may be freestanding or attached to another structure. A trellis or other similar structure is not considered a carport.

28.04.170 Car wash.

A car wash is any business whose activity involves washing, steam cleaning, polishing or detailing motor vehicles.

28.04.~~160~~240 Court.

A court is an area open to the sky that is enclosed on at least three sides by walls~~. Also~~, sometimes referred to as a courtyard.

28.04.245 Deck.

A deck is an outdoor platform wholly or partially supported from the ground below, which may be surrounded by a railing, balustrade, or parapet. A deck can be freestanding or attached to a building.

28.04.250 Deck, Roof.

A roof deck is a deck constructed above any top plate of a structure and which is designed to function as useable outdoor area.

28.04.255 Distance Between Buildings.

The shortest distance measured from the exterior wall or supporting post(s) of a building to the nearest exterior wall or supporting post(s) of another building.

28.04.265 Driveway.

A minor private way that provides vehicular access from a street or alley to an on-site parking facility. Driveways may provide vehicular access for up to four lots or to multiple buildings on the same lot. Driveways are usually differentiated from private streets by shorter lengths, narrower widths, and the lack of curbs, gutters, sidewalks, street lights, and similar improvements. Driveways are usually differentiated from alleys in that they are located on the lots to which they provide vehicular access, while alleys are normally separated from adjacent real property by a lot line. Except as otherwise specified in this Title, setbacks do not apply to driveways.

28.04.~~170~~270 Dwelling Unit.

As used in this title, the terms dwelling unit and residential unit are synonymous.

~~**28.04.210Dwelling Unit.**~~

~~One (1) or more rooms in a dwelling, apartment house or apartment hotel designed for or occupied by, one (1) family for living or sleeping purposes and having not more than one (1) kitchen.~~

~~**28.04.225Elderly Person.**~~

~~A person who is sixty-two (62) years of age or older.~~

28.04.~~233~~305 Family Day Care Home.

A State-licensed home which regularly provides care, protection, and supervision of ~~12 or fewer~~ children under 18 years of age in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, as further defined and permitted pursuant to ~~in Chapter 3.4 of Division 2 of~~ the California Health and Safety Code and other applicable State Regulations. The term "Family Day Care Home" includes the terms “Large Family Day Care Home” and “Small Family Day Care Home” as such terms are defined in Sections 1597.465 and 1597.44 of the California Health and Safety Code.~~following:~~

~~A. "Large Family Day Care Home" which means a home which provides family day care to 7 to 12 children, inclusive, including children under the age of 10 years who reside at the home.~~

~~B. "Small Family Day Care Home" which means a home which provides family day care to six or fewer children, including children under the age of 10 years who reside at the home.~~

28.04.~~239~~325 Floor Area, Net.

The net floor area of a building shall be calculated in accordance with the following general rule and any applicable special rules:

A. **GENERAL RULE**. Net floor area shall be defined as the area in square feet of all floors confined within the exterior walls of a building, but not including the area of the following: exterior walls, vent shafts, courts, and any areas with a ceiling height of less than five (5) feet above the finished floor.

B. **SPECIAL RULES**.

1. The area occupied by stairs or an elevator shaft within the exterior walls of a building shall be counted only on one floor of the building.

2. Freestanding accessory buildings that do not require a building permit for construction or installation are excluded from the net floor area calculation.

28.04.~~260~~340 Garden Apartment Development.

A multiple-family residence development of four (4) or more dwelling units of high quality designed to provide greater amenities than are normally provided in R-3 apartment developments, the plans and specifications, site development plans, landscaping plans and general appearance of which meet the approval of the ~~Board of Land Use Controls~~Planning Commission.

28.04.345 Gazebo.

A freestanding, open-sided, roofed structure.

~~**28.04.350Lot, Key.**~~

~~The first interior lot to the rear of a reversed corner lot, whether or nor separated by an alley.~~

~~**28.04.360Lot, Reversed, Corner.**~~

~~A corner lot the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.~~

28.04.~~380~~450 Lot Line, Front.

The ~~property~~ line or lines dividing a lot from a public or private street. The line or lines that divide a lot from an alley or a driveway shall not be considered front lot lines. On lots that abut multiple streets, all lines that divide the lot from a street shall be considered front lot lines. ~~On a corner lot and/or a through lot all street lines shall be considered as front lot lines.~~

~~For the purpose of computing the street frontage of an irregularly shaped lot which is narrower at the front than at the rear, said measurement shall be along a straight line approximately parallel to the street and at a distance from the front property~~

line equal to the required setback.

28.04.415475 Mobilehome.

Mobilehome is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the California Vehicle Code. Mobilehome includes a manufactured home, as defined in Section 18007 of the California Health and Safety Code, and a mobilehome as defined in Section 18008 of the California Health and Safety Code, but does not include a recreational vehicle as defined in Section 28.04.468565 of this Code and Section 18010 of the California Health and Safety Code or a commercial coach as defined in Section 18001.8 of the California Health and Safety Code.

28.04.418495 Motel.

See The definitions of "Motel" and "Hotel" are synonymous. See, – Section 28.04.290405.

28.04.430.5 Open Yard Area.

An open yard area is a yard or portion thereof which does not contain any of the following: (a) cut or fill sloped greater than one foot (1') rise or fall in five feet (5') of horizontal distance; (b) portion of a front yard; (c) paving or other surfacing designed for use by motor vehicles or trailers.

Any portion of a yard which is less than 20 feet in length, width, or other horizontal dimension measured perpendicular to the boundary of the yard shall not be included in an open yard area.

A patio cover, summer house, arbor, canopy or other similar structure unenclosed in any manner, except where attached to a wall or walls of a main building, may intrude into a required open yard area, provided such structure occupies no more than twenty percent (20%) of the area of such required open yard area.[Note: These provisions have been incorporated into Sections 28.15.060 and 28.18.060.]

28.04.431Organizational Documents.

Organizational Documents are the Declaration of Covenants, Conditions, and Restrictions, articles of incorporation, by-laws, and any contracts for the maintenance, management, or operation of all or any part of project.

28.04.530 Patio.

A hardscaped (e.g., concrete, tile, brick, stone, etc.) space, constructed on the ground, usually adjoining a building and intended for indoor-outdoor living and recreation. A patio may be surrounded by walls or roofed, but not both.

28.04.540 Porch.

A raised platform, usually roofed and sometimes partly enclosed with low walls, that extends along an outside wall of a building, usually at an entrance to a dwelling. A porch may also be referred to as a veranda.

~~28.04.451Project.~~

~~As defined in Section 1350(3) of the Civil Code.~~

~~28.04.465Real Estate Development.~~

~~As defined in Section 11003.1 of Business Professions Code.~~

~~28.04.466Recreational Open Space.~~

~~Recreational Open Space is open space on the project (exclusive of the required front setback area and driveway), which shall be used exclusively for leisure and recreational purposes, for the use and enjoyment of occupants (and their visitors) of units on the project and to which such occupants (and their visitors) shall have the right of use and enjoyment. Accessory structures such as swimming pools, recreational buildings, and landscaped areas may be included as open space.~~

~~28.04.468.4 Recreational Vehicle Park Space.~~

~~A recreational vehicle space is that portion of a recreational vehicle park set aside and designated for the occupancy of one (1) recreational vehicle, including any contiguous area designed or used for automobile parking, carport, storage, awning, cabana or other use which is clearly incidental and accessory to the primary use of the space.~~

28.04.630 Setback, Front.

An area between the front lot line and a line parallel to the front lot line bounded by the interior lot lines of the lot that are roughly perpendicular to the front lot line, the depth of such area being the distance required by this zoning ordinance. The front setback is to be provided and maintained as an open space on a lot or parcel of land, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

28.04.635 Setback, Interior.

An area between an interior lot line and a line parallel to the interior lot line bounded by the two lot lines adjacent to the interior lot line from which the setback is measured, the depth of such area being the distance required by this zoning ordinance. The interior setback is to be provided and maintained as an open space on a lot or

parcel of land, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

~~28.04.486 Stock Cooperative Project.~~

~~Stock Cooperative project is the entire parcel of real property, including all structures thereon, on which existing improved real property is to be converted to a cooperative apartment.~~

~~28.04.487 Stock Cooperative Apartment.~~

~~Stock Cooperative Apartment is an improved real property owned or leased by a cooperative housing corporation or by any other corporation, partnership, trust, or association if all or substantially all of the shareholders of such corporation, or partners of such partnership, or beneficiaries of such trust, or members of such association, receive a right of exclusive occupancy in a portion of the apartment house or apartment hotel, which right of occupancy is transferrable only concurrently with the transfer of the stock, partnership interest, beneficial interest, or membership held by the person having such right of occupancy.~~

28.04.~~490~~655 Story.

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between such floor and the ceiling next above it. The number of stories in a building shall be construed to be the maximum number of stories through which any one (1) of an unlimited number of possible vertical lines can pass, without passing through a wall, excluding certain mezzanines as provided in Section 28.04.~~410~~460.

28.04.660 Street.

A public or private way constructed for the primary purpose of vehicular travel. An alley or a driveway is not a street. The term "street" describes the entire legal right-of-way or easement (public or private), including, but not limited to, the traffic lanes, bike lanes, curbs, gutters, sidewalk whether paved or unpaved, parkways, and any other grounds found within the legal street right-of-way. The name given to the right-of-way (avenue, court, road, etc.) is not determinative of whether the right-of-way is a street.

28.04.665 Street Frontage.

The length of the front lot line along an adjacent street. For the purpose of computing the street frontage of an irregularly shaped lot which is narrower at the front than at the rear, said measurement shall be along a straight line approximately parallel to the street and at a distance from the front property line equal to the required setback.

28.04.670 Street, Private.

A street that is privately owned. Private streets do not appear on the official dedicated street map of the City of Santa Barbara. Private streets generally provide access to multiple lots or units and are usually named, unlike driveways. Private streets may be constructed to public street standards. Private streets are generally differentiated from driveways by larger widths, longer lengths, and may include public or private utilities. A private street may also be referred to as private road, lane, or drive.

28.04.~~500~~675 Street, Public.

Any street shown on the official dedicated street map of the City of Santa Barbara, ~~or any addition thereto~~as such map may be amended from time to time.

28.04.~~530~~695 Tourist Court.

~~See~~The definitions of "Tourist Court" and "Hotel" ~~-~~are synonymous. See, Section 28.04.~~290~~405.

28.04.700 Trellis.

A structure or frame supporting open latticework, sometimes referred to as a pergola or arbor. A trellis is not considered an accessory building.

28.04.~~560~~720 Yard, Front.

A yard extending across the full width of the lot between the front lot line and the nearest wall of any main building on the lot. This yard shall be measured by extending perpendicular lines from each point of the front lot line to the nearest wall of any main building on the lot. Where there is no wall of any main building on the lot which intercepts said perpendicular lines, said yard will terminate at a point determined by extending a line parallel to the front lot line from the ~~wall of any building which forms the longest parallel or nearly parallel line to the front lot line~~ corner of the front elevation of the main building to the nearest lot line. The front elevation of a building is any elevation that faces a street. If the corner of the front elevation is rounded (i.e., a tower), the corner of the elevation shall be established by drawing the smallest square or rectangle that will enclose the round element and extend the line from the corner of the superimposed square or rectangle that is closest to the front lot line.

~~**28.04.580Yard, Interior.**~~

~~A yard between any building and an interior lot line, excluding any portion of a front yard as defined herein, the width of which interior yard shall be measured horizontally from and perpendicular to the lot line.~~

28.04.725 Yard, Open.

An open yard is a required yard, the purpose of which is to provide usable outdoor living space and/or visual open space.

28.04.730 Yard, Primary Front.

A front yard, on a lot with multiple front yards, designated by the property owner and approved by the Community Development Director or the Director's designee as the primary front yard. All other front yards on the lot shall be secondary front yards.

28.04.735 Yard, Remaining Front.

The area of the front yard outside the required front setback.

~~**28.04.590 Yard, Required.**~~

~~That area included between the lot line and a line parallel to the lot line, the width of such area being the minimum width of yard required by this ordinance.~~

28.04.740 Yard, Secondary Front.

Any front yard on a lot with multiple front yards that is not designated as the primary front yard.

SECTION 4. Sections 28.10.001 and 28.10.030 of Chapter 28.10 (Zones) of Title 28 of the Santa Barbara Municipal Code are amended to read as follows:

28.10.001 Establishing and Naming Zones.

In order to classify, regulate, restrict and segregate the uses of land, buildings and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of setbacks, open yards, courts and other open spaces about buildings; and to regulate the density of population; the territory of the City of Santa Barbara is hereby divided into the following zone classifications:

	ZONE	CHAPTER
A-1, A-2, E-1, E-2, E-3 & R-1	One-Family Residence Zones	28.15
R-2	Two-Family Residence Zone	28.18
R-3	Limited Multiple-Family Residence Zone	28.21
R-4	Hotel-Motel Multiple Residence Zone	28.21
HRC-1 & HRC-2	Hotel and Related Commerce Zones	28.22

R-H	Resort-Residential Hotel Zone	28.27
	Garden Apartment Developments	28.30
	Planned Residence Developments	28.33
PUD	Planned Unit Development Zone	28.36
PR	Park and Recreation Zone	28.37
P-D	Planned Development Zone	28.39
S-H	Senior Housing Zone	28.42
S-D-3	Coastal Overlay Zone	28.44
S-D	Special District Zone	28.45
SP-5	Westmont Faculty Housing Specific Plan	28.46
SP-7	Riviera Campus Specific Plan	28.47
R-O	Restricted Office Zone	28.48
SP-8	Hospital Zone	28.49
C-O	Medical Office Zone	28.51
C-P	Restricted Commercial Zone	28.54
C-L	Limited Commercial Zone	28.57
C-X	Research and Development and Administrative Office Zone	28.60
C-1	Limited Commercial Zone	28.63
C-2	Commercial Zone	28.66
C-M	Commercial Manufacturing Zone	28.69
H-C	Harbor Commercial Zone	28.70
OC	Ocean-Oriented Commercial Zone	28.71
M-1	Light Manufacturing Zone	28.72
OM-1	Ocean-Oriented Light Manufacturing Zone	28.73
HWMF	Hazardous Waste Management Facility Overlay Zone	28.75

28.10.030 Uses Permitted in Zones.

Except as hereinafter provided:

~~1~~A. No building or structure shall be erected, moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designed, or intended to be used, for any purpose or in any manner other than is permitted in the zones in which such land, building, structure or premises are located.

~~2~~B. No building or structure shall be erected, moved, reconstructed or structurally altered to exceed in height the limit established for the zone in which such building or structure is located.

~~3~~C. No building or structure shall be erected nor shall any existing building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the lot area, setback, and open yard regulations established for the zone in which such building or structure is located, except as otherwise provided in this Code.

~~4~~D. No setback, open yard, or other open space provided about any building or structure for the purpose of complying with these regulations shall, by reason of

change in ownership or otherwise, be considered as providing a setback, open yard, or open space for any other building or structure.

SECTION 5. Section 28.11.030 of Chapter 28.11 (Protection and Enhancement of Solar Access) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.11.030 Exemptions.

The following shall be exempt from the height limitations of Section 28.11.020:

A. Any portion of a structure in existence, or for which a valid building permit was issued, prior to the effective date of the ordinance first enacting this Chapter.

B. Any portion of a structure which received Preliminary Approval by the Architectural Board of Review prior to the effective date of the ordinance first enacting this Chapter.

C. Any flagpole, antenna, ornamental spire, chimney, or other building element less than four (4) feet along each horizontal dimension.

D. A utility pole and line.

E. Any portion of a structure for which a shadow plan is prepared and submitted by the applicant demonstrating that shadows cast by that portion of the structure at 9:00 a.m., noon, and 3:00 p.m., Pacific Standard Time on December 21 will:

1. Not exceed the boundaries of a simultaneous shadow cast by a legally existing structure, or by a hill or other topographical feature other than trees or other vegetation; or

2. Not shade that portion of any adjacent residentially zoned lot which is occupied by a dwelling or which could legally and without modification of required setbacks ~~yards~~ be occupied in the future by a dwelling; or

3. Fall entirely within the boundaries of an existing covered or uncovered paved off street parking area, or paved driveway leading thereto.

SECTION 6. Section 28.15.040 of Chapter 28.15 (One-Family Residence Zones) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.15.040 Locations Allowed for Mobilehomes.

A. USE OF MOBILEHOMES GENERALLY. Mobilehomes installed in accordance with Section 28.15.030.G may be only allowed on lots located in One-Family Residence Zones, except where the lot is located within:

1. City-designated high fire hazard area (~~Chapter 82 of the Uniform Building Code as adopted~~As designated in Chapter 22.04 of this Code).

2. Any landmark district established in accordance with Chapter 22.22 of this Code.

B. INTERIM USE OF A MOBILEHOME TO PROVIDE FIRE SERVICE. Notwithstanding Subsection A hereof, a mobilehome may be used at City Fire Station No. 7 (Sheffield/Stanwood Station) in accordance with Santa Barbara Municipal Code Section 28.15.030.(G) for the purposes of providing fire protection services, provided the following conditions apply: 1. that such use does not continue for a period of time in excess of five (5) years from its initiation; 2. that the mobilehome is not installed on a permanent foundation; 3. that the requirements of Santa Barbara Municipal Code Section 28.15.085.A(1) and B(2) regarding the required setback yard and lot coverage regulations are observed to the greatest extent feasible.

SECTION 7. Section 28.15.060 of Chapter 28.15 (One-Family Residence Zones) of Title 28 of the Santa Barbara Municipal Code is deleted in its entirety and amended to read as follows:

28.15.060 Yard Requirements.

1. Front yards:

A-1 Zone. There shall be a front yard of not less than thirty-five feet (35').
A-2 Zone. There shall be a front yard of not less than thirty feet (30').
E-1 Zone. There shall be a front yard of not less than thirty feet (30').
E-2 Zone. There shall be a front yard of not less than twenty-five feet (25').
E-3 Zone. There shall be a front yard of not less than twenty feet (20').
R-1 Zone. There shall be a front yard of not less than fifteen feet (15') for single-story buildings and twenty feet (20') for any two-story portion of a building.

In no case shall a garage be closer than twenty feet (20') to the property line when its opening faces the street, except as otherwise provided in Section 28.87.160.3 of this Title.

2. Interior yards:

A-1 Zone. There shall be interior yards of not less than fifteen feet (15').
A-2 Zone. There shall be interior yards of not less than ten feet (10').
E-1 Zone. There shall be interior yards of not less than ten feet (10').
E-2 Zone. There shall be interior yards of not less than eight feet (8').
E-3 Zone. There shall be interior yards of not less than six feet (6').
R-1 Zone. There shall be interior yards of not less than five feet (5').

3. Open yard area:

There shall be provided at least one (1) open yard area which contains a minimum of one thousand two hundred fifty (1,250) square feet of lot area.

28.15.060 Setback and Open Yard Requirements.

The following setbacks and open yard requirements shall be observed on all lots within these zones:

A. Front Setback. A front setback of not less than the indicated distance shall be provided between the front lot line and all buildings, structures, and parking on every lot within the indicated zones as follows:

1. A-1 Zone (All buildings, structures, and parking): 35 feet
2. A-2 Zone (All buildings, structures, and parking): 30 feet
3. E-1 Zone (All buildings, structures, and parking): 30 feet
4. E-2 Zone (All buildings, structures, and parking): 25 feet
5. E-3 Zone (All buildings, structures, and parking): 20 feet
6. R-1 Zone:
   a. Ground floor of any building or structure: 15 feet
   b. Upper story portion of a building or structure: 20 feet
   c. Garage or carport with an opening that does not face an adjacent street or uncovered parking that does not back out onto the street : 15 feet
   d. Garage or carport with an opening that faces an adjacent street or uncovered parking that backs out onto the street: 20 feet

B. Interior Setback. An interior setback of not less than the indicated distance shall be provided between any interior lot line and all buildings, structures, and parking on every lot within the indicated zones as follows:

1. A-1 Zone: 15 feet
2. A-2 Zone: 10 feet
3. E-1 Zone: 10 feet
4. E-2 Zone: 8 feet
5. E-3 Zone: 6 feet
6. R-1 Zone: 5 feet

C. Open Yard. An open yard shall be provided on every lot within the A-1, A-2, E-1, E-2, E-3, and R-1 zones. The required open yard shall observe the following general rules regarding dimension, location, and configuration, except as such general rules may be altered by any applicable additional rules or exceptions specified within this Subsection C:

1. General Rules.
   a. Minimum size: One area of at least 1,250 square feet of lot area.
   b. Minimum dimensions: At least 20 feet long and 20 feet wide measured in perpendicular directions.
   c. Location and Configuration. The open yard may consist of any combination of ground level areas such as patios, ground floor decks, pathways, landscaped areas, natural areas, flat areas, or hillsides, so long as the overall size and dimensions of the open yard area meet the requirements specified in these general rules and the open yard is not located in any of the following locations:
      (1) Any portion of the front yard,
      (2) Any areas designated for use by motor vehicles including, but not limited to, driveways and parking areas, or
      (3) On decks, patios, terraces, or similar improvements where the maximum height of the improvement above existing or finished grade, whichever is lower, is greater than 36 inches.

2. Additional Rules for Sloped Open Yards. If the average slope of the open yard is greater than 20% (as calculated pursuant to Section 28.15.080), the lot shall contain at least one flat area (which may be provided on grade or on a deck or patio) that observes the following dimensions and configurations:

a. Minimum Size: 160 square feet of area.

b. Minimum dimensions: At least 10 feet long and 10 feet wide measured in perpendicular directions.

c. Maximum slope: 2 %.

3. Exception for Lots with Multiple Front Yards. On lots with multiple front yards, the following exception to the location requirement is available: an open yard may include area in a secondary front yard as long as the open yard observes a 10 foot setback from the front lot line.

4. Exceptions for Lots of Less than 6,000 Square Feet of Net Lot Area. On lots of less than 6,000 square feet of net lot area and which are sloped less than 20% (as calculated pursuant to Section 28.15.080), the following exceptions to the general rules regarding size and location shall apply:

a. Size. The 1,250 square feet of open yard area may be provided in one area or in multiple areas; however, each area of open yard shall be at least 20 feet long and 20 feet wide measured in perpendicular directions.

b. Location. Up to 850 square feet of open yard area may be provided in the remaining front yard of the lot.

SECTION 8. Sections 28.15.065 and 28.15.085 of Chapter 28.15 (One-Family Residence Zones) of Title 28 of the Santa Barbara Municipal Code are amended to read as follows:

28.15.065Reduction of ~~Yard~~Setback Requirements.

It is hereby declared that under the following conditions a physical hardship exists on all E-1, E-2, E-3 and R-1 single-family residence zone lots, and that the listed ~~modifications~~exceptions are hereby granted where the stated conditions exist:

Where the average natural slope of the front half of a lot is more than one foot (1') rise or fall in five feet (5') horizontal, the front ~~yard may be~~setback required by Section 28.15.060 is reduced by ~~not more than~~ five feet (5').

Other provisions of this chapter notwithstanding, a conforming addition may be made to an existing non-conforming single-family dwelling where such non-conformance is due to inadequate front setback or interior ~~yard~~ setback, providing said single-family dwelling complied with the ~~yard~~ setbacks required by ordinance at the time of construction.

28.15.085Regulations for Non-Residential Buildings, Structures and Uses.

~~1~~A. ~~YARDS~~SETBACKS. ~~Yards~~Setbacks for all buildings and structures used for non-residential purposes shall be double the ~~yard~~setback requirements for a

dwelling as required for the zone in which such building or structure is located.

~~2~~B. LOT COVERAGE. Not more than twenty-five percent (25%) of the area of a lot may be covered by buildings used for non-residential purposes.

~~3~~C. ARCHITECTURAL APPROVAL. All buildings used for non-residential purposes shall be subject to the approval of the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark.

~~4~~D. OTHER REQUIREMENTS. The City Council may impose other requirements as may be deemed necessary to preserve the residential character of the neighborhood, including the mailing of notices to property owners and the holding of a public hearing.

SECTION 9. Section 28.18.060 of Chapter 28.18 (R-2 Two-Family Residence Zones) of Title 28 of the Santa Barbara Municipal Code is deleted in its entirety and amended to read as follows:

~~**28.18.060 Yard Requirements.**~~

~~A. **FRONT YARD.** There shall be a front yard of not less than fifteen feet (15') for single-story buildings and twenty feet (20') for any two-story portion of a building provided that for those lots developed with an accessory dwelling unit pursuant to subsection (E) of SBMC Section 28.18.075 which are Corner or Through Lots (as defined in SBMC Chapter 28.04), the owner may designate a particular frontage as the "front yard" exclusively for the purposes of providing the required front yard setback and so long as all new buildings thereafter constructed on the lot shall conform to the front yard setback requirements. In no case shall a garage be closer than twenty feet (20') to the front property line when its opening faces the street, except as otherwise provided in Section 28.87.160.3 of this Title.~~

~~B. **INTERIOR YARD.** There shall be interior yards of not less than six feet (6') provided, however, that a building constructed and used exclusively for parking purposes and uncovered permitted parking spaces may be constructed within three (3) feet of an interior property line.~~

~~C. **OPEN YARD AREA.**~~

~~1. There shall be provided at least one thousand two hundred fifty (1,250) square feet of open yard area for the development which may be provided in one area or provided in separate areas of not less than 400 square feet (20' x 20' minimum). Notwithstanding any other provisions in this Title, in the R-2 Zone a portion, but not the entire open yard area, may be provided in the front yard, excluding the required front yard. The open yard area may be provided as private open yard area which is assigned to individual units, or it may be provided as common open yard area.~~

~~2. If more than three dwelling units are proposed on a single lot, additional private outdoor living space shall be provided for all units as follows:~~

~~a. Studio unit - 100 square feet per unit~~

~~b. 1 bedroom unit - 120 square feet per unit~~
~~c. 2 bedroom unit - 140 square feet per unit~~
~~d. 3 bedroom unit - 160 square feet per unit~~
~~provided that such private outdoor living space shall be of not less than ten (10) linear feet in each direction.~~

~~3. For those lots developed with an accessory dwelling unit pursuant to subsection (E) of SBMC Section 28.18.075, the minimum amount of shared open yard area [or areas] shall be reduced to a total 600 square feet of ground floor level space [with a minimum dimension in each direction of ten (10) feet and which may consist of two (2) separate areas of not less than 300 square feet each] so long as no portion of the 600 square feet is also a part of the required front yard and so long as each dwelling unit on the lot also provides a minimum private outdoor living space, patio, balcony, porch, or deck at either the ground floor level or above ground level in a manner consistent with the following requirements:~~
~~a. Studio unit - 60 square feet per unit~~
~~b. 1 bedroom unit - 72 square feet per unit~~
~~c 2 bedroom unit - 84 square feet per unit~~
~~d. 3 bedroom unit - 96 square feet per unit~~
~~provided that such minimum private outdoor living space shall be of not less than six (6) linear feet in each direction and provided further that the dwelling unit located nearest the front lot line may utilize the required front yard space to satisfy this private outdoor living space requirement so long as the front yard is open and unobstructed for not less than nine (9) feet in depth as measured from the street frontage.~~

28.18.060 Setback, Open Yard, and Private Outdoor Living Space Requirements.

The following setback, open yard, and private outdoor living space requirements shall be observed on all lots within the R-2 zone:

A. Front Setback. A front setback of not less than the indicated distance shall be provided between the front lot line and all buildings, structures, and parking on the lot as follows:

1. Ground floor of any building or structure: 15 feet
2. Upper story portion of a multiple story building or structure: 20 feet
3. Garage or carport with an opening that does not face an adjacent street or uncovered parking that does not back out onto the street: 15 feet
4. Garage or carport with an opening that faces an adjacent street or uncovered parking that backs out onto the street: 20 feet

B. Interior Setback. An interior setback of not less than the indicated distance shall be provided between the interior lot line and all buildings, structures, and parking on the lot as follows:

1. Buildings and structures other than covered parking: 6 feet
2. Covered or uncovered parking: 3 feet

C. Open Yard and Private Outdoor Living Space. An open yard shall be provided on all lots within this zone. The required open yard shall observe the following general rules regarding dimension, location, and configuration, except as such general rules may be altered by any applicable additional rules or exceptions specified within this Subsection C:

1. General Rules. In this zone, open yards shall conform to the following dimension, location, and configuration requirements:

a. Minimum size: Total area of at least 1,250 square feet of lot area.

b. Minimum dimensions: The open yard may be provided in one area or in multiple areas; however, each area of open yard shall be at least 20 feet long and 20 feet wide measured in perpendicular directions.

c. Common Area or Assigned. The open yard may be provided as a common open yard or as private open yard assigned to individual units.

d. Location and Configuration. The open yard may consist of any combination of ground level areas such as patios, ground floor decks, pathways, landscaped areas, natural areas, flat areas, or hillsides, so long as the overall size and dimensions of the open yard area meet the requirements specified in these general rules and the open yard is not located in any of the following locations:

(1) Any portion of the front setback; however, up to 850 square feet of the open yard may be provided in the remaining front yard,

(2) Any areas designated for use by motor vehicles including, but not limited to, driveways and parking areas, or

(3) On decks, patios, terraces, or similar improvements where the maximum height of the improvement above existing or finished grade, whichever is lower, is greater than 36 inches.

2. Additional Open Yard and Private Outdoor Living Space Requirements for Lots Developed with Four or More Dwelling Units.

a. Common Open Yard. On lots developed with four or more dwelling units, a common open yard shall be provided that meets the size, dimensional, and location requirements specified in the general rules.

b. Private Outdoor Living Space. In addition to the required common open yard, lots developed with four or more dwelling units shall provide private outdoor living space for each dwelling unit of not less than the size specified below based on the number of bedrooms in the dwelling unit:

(1)	Studio Unit:	100 square feet
(2)	1 Bedroom Unit:	120 square feet
(3)	2 Bedroom Unit:	140 square feet
(4)	3+ Bedroom Unit:	160 square feet.

The minimum dimensions of the private outdoor living space shall be at least 10 feet long and 10 feet wide measured in perpendicular directions. In addition, private outdoor living space provided pursuant to this paragraph shall observe the requirements specified in subparagraphs (c), (e), (f), (g), and (h) of paragraph 28.21.081.A.1 of this Code**.**

3. Alternative Open Yard and Private Outdoor Living Space Requirements for Lots Developed with Accessory Dwelling Units Pursuant to Section 28.18.075.E.

a. Common Open Yard. On any lot developed with an Accessory Dwelling Unit pursuant to Section 28.18.075.E, a common open yard shall be provided that meets the following size, dimension, and location and configuration requirements:

(1) Minimum size: The open yard may be provided in one area of at least 600 square feet or two areas each of which must be at least 300 square feet.

(2) Minimum dimensions: Each area of open yard shall be at least 10 feet long and 10 feet wide measured in perpendicular directions.

(3) Location and configuration: The common open yard shall observe the location and configuration requirements specified in the general rules, except that any amount of the common open yard may be located in the remaining front yard.

b. Private Outdoor Living Space. In addition to the required common open yard, any lot developed with an Accessory Dwelling Unit pursuant to Section 28.18.075.E shall provide private outdoor living space for each dwelling unit of not less than the size specified below based on the number of bedrooms in the dwelling unit:

(1)	Studio Unit	60 square feet
(2)	1 Bedroom Unit	72 square feet
(3)	2 Bedroom Unit	84 square feet
(4)	3+ Bedroom Unit	96 square feet.

The minimum dimensions of the private outdoor living space shall be at least 6 feet long and 6 feet wide measured in perpendicular directions. The private outdoor living space may be provided by a patio, balcony, porch, deck, or similar improvement on the ground or on any upper floor. The private outdoor living space may be provided in the primary or secondary front setback, provided that it observes a setback of at least 9 feet from the front lot line. In addition, private outdoor living space provided pursuant to this paragraph shall observe the requirements specified in subparagraphs (c), (e), (f), (g), and (h) of paragraph 28.21.081.A.1 of this Code**.**

4. Exception to Location Requirement for Lots with Multiple Front Yards. On lots with multiple front yards, the following exception to the location requirement specified in the general rules or any applicable additional requirements is available: an open yard may include area in a secondary front yard as long as the open yard observes a 10 foot setback from the front lot line.

SECTION 10. Sections 28.18.065, 28.18.075 and 28.18.085 of Chapter 28.18 (R-2 Two-Family Residence Zones) of Title 28 of the Santa Barbara Municipal Code are amended to read as follows:

28.18.065Reduction of ~~Yard~~Setback Requirements.

It is hereby declared that, under the following conditions, a physical hardship exists on all R-2 Two-Family Residence Zone lots, and that the modifications described below are hereby granted where the stated conditions exist:

A. **REDUCTION OF FRONT ~~YARD~~ SETBACK.** Where the average natural slope of the front half of a lot is more than one foot (1') rise or fall in five feet (5') horizontal, the required front ~~yard~~setback may be reduced to ten feet (10').

B. **CONFORMING ADDITIONS.** Other provisions of this title notwithstanding, a conforming addition may be made to an existing nonconforming single-family or two-family dwelling where such nonconformity is due to inadequate front or interior ~~yard~~ setback, providing the existing dwelling complied with the ~~yard~~ setbacks required by this Code at the time of its construction.

C. **NONCONFORMING ADDITIONS.** Other provisions of this Title notwithstanding, where an existing building has been constructed five (5) feet from an interior property line, a ground level addition to the building may be made or constructed so long as the addition is also constructed no less than five (5) feet from the same interior property line.

28.18.075Lot Area and Frontage Requirements.

A. **NEWLY-CREATED LOTS.** Every lot hereafter created in an R-2 Zone shall contain at least seven thousand (7,000) square feet and sixty feet (60') of frontage on a public street.

B. **LOTS BETWEEN 6,000 AND ~~7,000~~6,999 SQUARE FEET.** ~~For an existing lot having between six thousand (6,000) and seven thousand (7,000)~~ Existing lots between 6,000 and 6,999, square feet of net lot area, inclusive, ~~such lot~~ may be used as if it had seven thousand (7,000) square feet of lot area.

C. **LOTS WITH LESS THAN 6,000 SQUARE FEET.** ~~For an existing lot~~Existing lots of less than six thousand (6,000) square feet of net lot area~~, such lot~~ may be used as a building site for a one-family dwelling, provided that all other regulations of the zone prescribed by this ordinance are observed.

D. **MINIMUM AREA PER DWELLING UNIT FOR STANDARD LOTS.** For lots of seven thousand (7,000) square feet or more, there shall be provided a lot area of three thousand five hundred (3,500) square feet or more for each dwelling unit hereafter erected.

E. **ACCESSORY DWELLING UNITS ON CERTAIN R-2 LOTS.** Notwithstanding other requirements of this Chapter, for an R-2 lot with a total lot area of between 5,000 and 6,000 square feet, two dwelling units on such lot may be allowed subject to the following requirements:

1. **Unit Size.** One dwelling unit may have no more than three (3) bedrooms and no more than 1,200 square feet of Habitable Dwelling Space and the other dwelling unit may have no more than one (1) bedroom and no more than 600 square feet of Habitable Dwelling Space, provided that where appropriate in the determination of the Community Development Director, such maximum Habitable Dwelling Space square footage may be allocated differently between the two units provided the amount of Habitable Dwelling Space on one lot in no case exceeds a total of 1,800 square feet;

2. **Private Storage Space.** Each dwelling unit shall have at least 200 cubic feet of enclosed, weatherproof, lockable, and separate storage space in addition to the guest, linen, pantry, and clothes closets customarily provided exclusively for the use of the occupants of the dwelling unit. Such storage space shall be accessible from the exterior of the unit for which it is provided.

3. **Accessory Unit Parking Requirements.** Notwithstanding the parking requirements established for Two-Family Dwelling units on standard-sized lots in excess of 6,000 square feet as provided in ~~subp~~Paragraph (2) of Subsection (G) of Section 28.90.100, a two dwelling unit development that meets the criteria delineated in this subsection shall provide not less than two (2) covered and one (1) uncovered parking spaces. Two of such parking spaces shall be allocated to the larger unit and the remaining space shall be allocated to the smaller unit through the use of appropriate

signage on the site. Any such uncovered parking space may be provided in a tandem parking arrangement provided that both of the tandem parking spaces are allocated to the larger dwelling unit. Tandem parking spaces may be constructed within a non-conforming interior setback area under circumstances where the setback of the parking area remains consistent with the setback of a pre-existing non-conforming garage structure. The Community Development Director may require the recordation of a parking site plan in the official records of Santa Barbara County with respect to the lot involved for the purposes of memorializing the permanent use and availability of the required parking spaces as allocated to each permitted dwelling unit.

4. **Non-Conforming Garages.** Notwithstanding other provisions of this Chapter to the contrary, a lot containing a garage or parking structure which is non-conforming as to its interior ~~yard~~ setback may be maintained or reconstructed in its same location in accordance with the requirements of subsection (d) of SBMC Section 28.87.030 or, in connection with the construction of an accessory dwelling unit pursuant to this subsection, it may be expanded in size along the non-conforming setback line so long as the expansion is to make the structure more in conformance with the City's Uniform Construction Code requirements or with City Parking Design Standards for Accessory Dwelling Units in R-2 Zone adopted pursuant to this subsection.

5. **Condominium Units Not Allowed; ABR Review.** Notwithstanding other provisions of this Code, including specifically but not limited to subsection (B) of Santa Barbara Municipal Code Section 28.88.120, the subdivision of a development of two family dwellings pursuant to this subsection, either as a new development or as a conversion of an existing two-family dwelling, shall be governed by the requirements of Santa Barbara Municipal Code Section 27.13.040. In addition, an application to develop a lot with an accessory dwelling unit pursuant to this subsection shall receive design review approval from the Architectural Board of Review in accordance with the requirements of subsection B of Santa Barbara Municipal Code Section 22.68.020 as noticed in accordance with the requirements of Santa Barbara Municipal Code Section 22.68.040.

6. **Not Applicable To Sloped Lots.** The provisions of this Subsection E shall not apply to any lot with an average slope of ten percent (10%) or greater as calculated pursuant to the formula specified in Subsection F below.

F. **R-2 LOT SLOPE DENSITY.** The minimum lot areas specified in this section shall be increased by the following factors where the average slope of the parcels falls within the percent of average slope ranges given:

Factor	Percent of Average Slope
1.5 times minimum lot area	10% to 20%
2.0 times minimum lot area	20% to 30%
3.0 times minimum lot area	over 30

"Average slope" of a parcel of land or any portion thereof shall be computed by applying the formula (S=.00229 IL divided by A) to the natural slope of the land, before

grading is commenced, as determined from a topographic map conforming to National Mapping Standards and having a scale of not less than 1 inch equals 200 feet and a contour interval of not less than five feet (5'). The letters in this formula shall have the following significance:

S = The average slope of the land in percent.

I = The contour interval in feet.

L = The combined length of all contours in feet, excluding the length of contours in drainage channels and in natural water courses below the 25 year flood level.

A = The net area of parcel or portion thereof, in acres, after deducting all areas in drainage channels below the 25 year flood level, for which the slope is to be determined.

G. **HABITABLE DWELLING SPACE - DEFINED.** For the purpose of this Section, the term "Habitable Dwelling Space" shall be calculated to include all building square footage as measured from the inside of the walls of the building, excluding the square footage of the garage.

28.18.085 Regulations for Non-Residential Buildings, Structures and Uses.

~~1~~A. **~~YARDS~~SETBACKS.** ~~Yards~~Setbacks for all buildings and structures used for non-residential purposes shall be double the ~~yard~~setback requirements for a dwelling as required for the zone in which such building or structure is located.

~~2~~B. **LOT COVERAGE.** Not more than twenty-five percent (25%) of the area of a lot may be covered by buildings used for non-residential purposes.

~~3~~C. **ARCHITECTURAL APPROVAL.** All buildings used for non-residential purposes shall be subject to the approval of the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark.

SECTION 11. Section 28.21.060 of Chapter 28.21 (R-3/R-4 Limited Multiple-Family Residence Zone/Hotel-Motel Multiple Residence Zone) of Title 28 of the Santa Barbara Municipal Code is deleted in its entirety and amended to read as follows:

~~**28.21.060 Yards.**~~

~~1. FRONT YARD. There shall be a front yard of not less than ten feet (10') for one- and two-story buildings and fifteen feet (15') for three-story buildings provided, however, that if one-half (1/2) or less of the ground floor area of a proposed building is three (3) stories and said third story is constructed no closer to a front yard than one-third (1/3) the ground floor building dimension measured perpendicularly to that front yard, the setback conditions for a two-story building for the front yard shall apply.~~

~~2. INTERIOR YARDS. There shall be interior yards of not less than six feet (6') for one- and two-story buildings, and ten feet (10') for three-story buildings;~~

~~provided, however, that if one-half (1/2) or less of the ground floor area of a proposed building is three (3) stories, the ten foot (10') setback shall apply only to said three-story portion of the building.~~

~~3. REAR YARDS. There shall be rear yards of not less than six feet (6') for one-story buildings or the first floor of a building which is more than one-story and ten feet (10') for the second story and above for floors above the first floor.~~

~~For purposes of this section, a rear yard shall be that yard area at the property line opposite the front lot line. In the event of two or more front lot lines, the rear yard area shall be opposite either of the front lot lines.~~

28.21.060 Setbacks.

The following setbacks shall be observed on all lots within these zones:

A. Front Setback. A front setback of not less than the indicated distance shall be provided between the front lot line and all buildings, structures, and parking on the lot; as follows:

1. One or two story building or structure: 10 feet
2. Three story building or structure: 15 feet; however, if the net floor area of the third floor is less than fifty percent (50%) of the net floor area of the first floor building footprint, the front setback shall be reduced as follows:
   a. Ground floor portions: 10 feet
   b. Second story portions: 10 feet
   c. Third story portions: 20 feet
3. Parking that does not back out onto the street: 10 feet
4. Parking that backs out onto the street: 20 feet

B. Interior Setback. An interior setback of not less than the indicated distance shall be provided between the interior lot line and all buildings, structures, and parking on the lot as follows:

1. One or two story building or structure: 6 feet
2. Three story building or structure: 10 feet; however, if the net floor area of the third floor is less than fifty percent (50%) of the net floor area of the first floor building footprint, the interior setback shall be reduced as follows:
   a. Ground floor portions: 6 feet
   b. Second story portions: 6 feet
   c. Third story portions: 10 feet
3. Garage, carport or uncovered parking: 6 feet; however, if the width of the lot is less than fifty five (55) feet at the opening of the garage, the garage opening does not face the street, and the interior depth of the garage or carport does not exceed twenty (20) feet, the setback may be reduced to 3 feet.

C. Rear Setback. A rear setback of not less than the indicated distance shall be provided between the rear lot line and all buildings, structures, and parking on the lot:

1. Ground floor portions: 6 feet
2. Second story portions: 10 feet

3. Third story portions: 10 feet
4. Garage, carport, or uncovered parking: 3 feet

For purposes of this section, a rear setback shall be provided from the lot line opposite to the front lot line. In the event of two or more front lot lines, the rear setback shall be provided from the lot line opposite to any of the front lot lines.

SECTION 12. Sections 28.21.065 and 28.21.080 of Chapter 28.21 (R-3/R-4 Limited Multiple-Family Residence Zone/Hotel-Motel Multiple Residence Zone) of Title 28 of the Santa Barbara Municipal Code are amended to read as follows:

28.21.065 Reduction of ~~Yard~~Setback Requirements.

It is hereby declared that under the following conditions a physical hardship exists on all R-3 and R-4 Zone lots, and that the listed modifications are hereby granted where the stated conditions exist.

Other provisions of this title notwithstanding, a conforming addition may be made to an existing nonconforming dwelling where such nonconformance is due to inadequate front setback or interior ~~yard~~ setback~~s~~, providing said dwelling complied with the ~~yard~~ setbacks required by ordinance at the time of construction.

28.21.080 Lot Area and Frontage Requirements.

A. Minimum Lot Size and Frontage for New Lots. Every lot hereafter created in an R-3 and R-4 Zone shall contain at least fourteen thousand (14,000) square feet and sixty feet (60') of frontage on a public street.

B. Lots Less Than 5,000 Square Feet. Existing lots of less than five thousand (5,000) square feet of net lot area may be used as a building site for a one-family dwelling, provided that all other regulations of the zone prescribed by this title are observed.

~~B~~C. Existing Lots ~~Between~~of 5,000 ~~and 7,000~~to 6,999 Square Feet. ~~For e~~Existing lots ~~having between five thousand (5,000) and seven thousand (7,000)~~of 5,000 to 6,999 square feet of net lot area, inclusive, ~~such lot~~ may be used as a building site for two (2) dwelling units, provided that all other regulations of the zone prescribed by this title are observed.

~~**C. Lots Less Than 5,000 Square Feet.** For existing lots of less than five thousand (5,000) square feet of area, such lot may be used as a building site for a one-family dwelling, provided that all other regulations of the zone prescribed by this title are observed.~~

D. Lots ~~Greater Than~~ of 7,000 ~~and Less Than 14,000~~to 13,999 Square Feet. ~~For e~~Existing lots ~~having between seven thousand (7,000) and fourteen thousand (14,000)~~ of 7,000 to 13,999 square feet of net lot area, inclusive, ~~such lot~~ may be used as a building site for three (3) units, provided that all other regulations of the zone prescribed by this title are observed.

E. Lots ~~Greater Than~~ of 14,000 Square Feet or More. For lots of fourteen

thousand (14,000) square feet or more of net lot area, there shall be provided a lot area of a minimum of three thousand five hundred (3,500) square feet of net lot area shall be provided or more for each dwelling unit hereafter erected.

F. Additional Open Space. In addition to all required yards, there shall be an open space area of not less than ten percent (10%) of the total lot area. The open space may consist of walks, patios, planted areas, lawns, swimming pool areas and other landscaped area; excluding, however, for open space credit garages, carports, balconies, porches, roof areas, driveways, parking and turn-around areas. Landscaped areas which are located seven feet (7') or more below eaves, balconies and other architectural and building projections may be included in the open space required herein. [Note: These provisions have been moved to Section 28.21.081.]

GF. Variable Density in Certain Zones. Lots in the R-3, R-4, C-1, C-2, C-M and R-O Zones, as well as lots in the HRC-2 and OC Zones where residential uses are allowed by the Local Coastal Plan, may be used as a building site for more units than permitted in paragraphs B, C, D and E above if the number of bedrooms in the dwelling unit is limited in accord with the following:

a1. Studio unit - one (1) unit per 1,600 square feet of lot area;
b2. 1 bedroom unit - one (1) unit per 1,840 square feet of lot area;
c3. 2 bedroom unit - one (1) unit per 2,320 square feet of lot area;
d4. 3 or more bedroom unit - one (1) unit per 2,800 square feet of lot area.

Existing lots with less than 5,000 square feet of net lot area size, shall not be used as a building site under this sub-paragraphSubsection (F) for more than two (2) dwelling units. This sub-paragraphSubsection (F) shall be applicable in the R-3, R-4, C-1, C-2, C-M, R-O, HRC-2 and OC Zones and not in any other zone. The fact that a lot may be subject to an overlay zone including, but not limited to, the S-D-2 or S-D-3 Overlay Zones, does not prohibit the application of variable density if variable density is otherwise allowed in the base zoning of the lot.

SECTION 13. Section 28.21.081 of Chapter 28.21 (R-3/R-4 Limited Multiple-Family Residence Zone/Hotel-Motel Multiple Residence Zone) of Title 28 of the Santa Barbara Municipal Code is deleted in its entirety and amended to read as follows:

28.21.081Outdoor Living Space.

Outdoor living space shall be provided in either of the following methods:

a. Private outdoor living space as follows:

(1) Private outdoor living space shall be provided for each dwelling unit as follows:

A. Ground Floor Units:

(1) Studio unit-100 square feet
(2) 1 bedroom unit-120 square feet
(3) 2 bedroom unit-140 square feet
(4) 3 bedroom unit-160 square feet

B. Second Floor Units and above:

~~(1) Studio unit-60 square feet~~
~~(2) 1 bedroom unit-72 square feet~~
~~(3) 2 bedroom unit-84 square feet~~
~~(4) 3 bedroom unit-96 square feet~~

~~(2) Private outdoor living space areas shall have a minimum dimension in any direction as follows:~~

~~A. Ground floor units-10 feet~~
~~B. Second floor units and above-6 feet~~

~~(3) Private outdoor living space may include planter areas of less than fifty (50) square feet, patio areas, balconies, and decks, and shall not include stairs, entrance decks, and/or landings.~~

~~(4) Private outdoor living space may encroach into required yards as follows:~~

~~A. Uncovered balconies may encroach 2 feet as specified in section 28.87.062.1 and 2.~~

~~B. Private outdoor living space on the ground floor may encroach into required side and rear yard up to the property line, provided there is no overhead structure of any type.~~

~~C. Private outdoor living space may encroach in the front yard up to 10 feet from the front property line but shall not include more than fifty (50) percent of the front yard area, excluding driveways, and subject to the following conditions:~~

~~(1) Said private outdoor living space shall be enclosed with a solid fence and landscaping having a minimum height of five (5) feet and a maximum height of six (6) feet. If there are substantial views from the respective unit and/or where the area does not abut a street, this condition may be waived by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark.~~

~~(5) Private outdoor living space shall be contiguous to and accessible from the unit served.~~

~~b. Common open yard area subject to the following conditions:~~

~~(1) Ten percent (10%) open space as stated in section 28.21.080.6 is waived when using this option.~~

~~(2) Open yard areas shall consist of at least fifteen percent (15%) of the total lot area.~~

~~(3) At least one open yard area shall have a minimum dimension of twenty feet (20') in any direction.~~

~~(4) Open yard areas may include required side and rear yard setback areas, but not required front yard areas.~~

28.21.081 Outdoor Living Space.

Every lot in this zone shall provide outdoor living space in accordance with either of the following methods:

A. Private Outdoor Living Space Method. Lots providing outdoor living space in accordance with this method shall provide each of the spaces described in paragraphs 1-3 below:

1. Private outdoor living space. Private outdoor living space shall be provided for each dwelling unit as follows:

a. Minimum size. The private outdoor living space shall be not less than the size specified below based on the number of bedrooms in the dwelling unit and the location where the private outdoor living space is provided:

(1) Ground floor:

(a) Studio unit - 100 square feet

(b) 1 Bedroom unit - 120 square feet

(c) 2 Bedroom unit - 140 square feet

(d) 3 or more Bedroom unit - 160 square feet

(2) Second or higher story:

(a) Studio unit - 60 square feet

(b) 1 Bedroom unit - 72 square feet

(c) 2 Bedroom unit - 84 square feet

(d) 3 or more Bedroom unit - 96 square feet

b. Minimum Dimensions. The private outdoor living space shall have minimum dimensions as specified below measured in perpendicular directions based on the location where the private outdoor living space is provided:

(1) Ground floor: 10 feet

(2) Second or higher story: 6 feet

c. Connectivity. Private outdoor living space shall be contiguous to and accessible from the dwelling unit for which it is provided.

d. Multi-story dwelling units. Dwelling units that occupy more than one story may provide the required private outdoor living space on any story.

e. Allowed amenities. Private outdoor living space may include planter areas totaling no more than fifty (50) square feet, patio areas, balconies, and decks.

f. Exclusions. Private outdoor living space shall not include stairs, entrance decks, or landings. In addition, private outdoor living space shall not include areas located under eaves, balconies, or other cantilevered architectural or building projections not providing additional floor area where the vertical clearance under the architectural or building projection is less than seven feet.

g. Allowed setback encroachments. Private outdoor living space may encroach into setbacks as follows:

(1) Uncovered balconies may encroach up to two (2) feet into any setback.

(2) Private outdoor living space provided on grade may encroach into interior and rear setbacks up to the property line.

h. On grade private outdoor living space in the front yard. Private outdoor living space provided on grade may be located up to ten (10) feet from the front lot line subject to the following conditions:

(1) The area of the private outdoor living space located in the front yard may not exceed more than 50% of the front yard area, excluding driveways.

(2) The private outdoor living space provided in the front yard shall be enclosed by a solid fence having a minimum height of five (5) feet and a

maximum height of six (6) feet. The exterior of the fence shall be landscaped. However, the design review body that reviews the project may reduce or waive the requirement for a fence or landscaping in order to preserve substantial views from the unit being served by the private outdoor living space or if the area does not abut a street.

2. Open Space. In addition to all setbacks, every lot satisfying the outdoor living space requirement in accordance with this private outdoor living space method shall provide on grade open space of an area not less than ten percent (10%) of the net lot area in accordance with the provisions of this paragraph 2. The intent of this provision is to provide relief from building volume, driveways and parking beyond that afforded by setbacks.

a. The required open space may consist of landscaped or hardscaped areas unobstructed from the ground upwards, including, but not limited to:

(1) Walks,
(2) Patios,
(3) Planted areas,
(4) Decks no more than 18" above grade at all points, and
(5) Swimming pool areas.

b. The required open space shall not consist of the following:

(1) Garages,
(2) Carports,
(3) Driveways,
(4) Loading areas,
(5) Parking and turnaround areas,
(6) Balconies,
(7) Porches,
(8) Decks higher than 18" above grade at any point,
(9) Roof decks, or
(10) Areas located under trellises, arbors, eaves, balconies, bay windows, window seats, or other cantilevered architectural or building projections where the vertical clearance under the structure or architectural or building projection is less than seven feet.

3. Common Open Area. Every lot satisfying the outdoor living space requirement in accordance with this private outdoor living space method shall provide a common open area in accordance with this paragraph 3. The common open area shall have a minimum dimension of fifteen (15) feet measured in perpendicular directions and shall be accessible to all dwelling units on the lot. The common open area may be located on grade, on the second or higher story, or on a roof deck. The common open area may include portions of the interior or rear setback areas, but shall not include any portion of a front yard except a secondary front yard. No portion of a common open area provided in a secondary front yard shall be located less than ten (10) feet from the front lot line. The common open area required in this paragraph 3 may be counted as part of the open space required in paragraph 2 as long as the other conditions of paragraph 2 are satisfied.

B. Common Outdoor Living Space Method. Lots providing outdoor living

space in accordance with this method shall provide common outdoor living space in accordance with the following:

1. Accessibility. The common outdoor living space shall be accessible to all dwelling units on the lot.

2. Minimum Size. The common outdoor living space shall consist of at least fifteen percent (15%) of the net lot area.

3. Minimum Dimensions. The common outdoor living space may be provided in multiple locations on the lot, but at least one location shall have a minimum dimension of twenty (20) feet measured in perpendicular directions.

4. Location. Common outdoor living space must be located on grade. Common outdoor living space may be located in an interior or rear setback, but shall not include any portion of a front yard except a secondary front yard. No portion of the common outdoor living space provided in a secondary front yard shall be located less than ten (10) feet from the front lot line.

5. Exclusions. Common outdoor living space shall not include any of the following areas:

a. Areas designed for use by motor vehicles including, but not limited to, driveways, parking, and turn-around areas.

b. Decks, patios, terraces, or similar improvements where the maximum height of the improvement above grade is greater than 36 inches.

c. Areas located under trellises, arbors, eaves, balconies, bay windows, window seats, or other architectural or building projections where the vertical clearance under the structure or architectural or building projection is less than seven feet.

SECTION 14. Section 28.21.085 of Chapter 28.21 (R-3/R-4 Limited Multiple-Family Residence Zone/Hotel-Motel Multiple Residence Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.21.085Regulations for Non-residential Buildings, Structures and Uses.

~~1. YARDS~~A. SETBACKS. ~~Yards~~Setbacks for all buildings and structures used for non-residential purposes shall be double the ~~yard~~setback requirements for a dwelling as required for the zone in which such building or structure is located. Notwithstanding the forgoing, the following shall be exempt from the double setback requirement:

1. Conversions ~~or remodels~~ of existing residential structures to structures that contain non-residential uses specifically allowed in Paragraph 28.21.030.B.2, and ~~shall be exempt from the double yard requirement.~~

2. Remodels of existing buildings that contain non-residential uses specifically allowed in Paragraph 28.21.030.B.2.

~~2~~B. LOT COVERAGE. Not more than twenty-five percent (25%) of the net area of a lot may be covered by buildings used for non-residential purposes. Notwithstanding the forgoing, the following shall be exempt from the lot coverage limitation:

1. Conversions of existing residential structures to structures that

contain non-residential uses specifically allowed in Paragraph 28.21.030.B.2, and ~~shall be exempt from the 25% coverage requirement.~~

2. Remodels of existing buildings that contain non-residential uses specifically allowed in Paragraph 28.21.030.B.2.

~~3~~C. ARCHITECTURAL APPROVAL. All buildings used for non-residential purposes shall be subject to the approval of the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark.

SECTION 15. Sections 28.22.030 and 28.22.060 of Chapter 28.22 (HRC-1 & HRC-2 Hotel and Related Commerce Zones) of Title 28 of the Santa Barbara Municipal Code are amended to read as follows:

28.22.030 Land Uses Permitted.

The following land uses are allowed in the HRC zones indicated:

~~1~~A. HRC-1 ZONE:

Hotels, motels and tourist courts, including related recreational, conference center and other auxiliary uses primarily for use by hotel guests and as permitted in Section 28.21.030.B.2 of this code. In addition, restaurants, including those with entertainment facilities used in conjunction with the restaurant, are allowed.

~~2~~B. HRC-2 ZONE:

~~a~~1. General. Any use permitted in the HRC-1 Zone and subject to the restrictions and limitations contained therein.

~~b~~2. Specific. Any of the following uses which are primarily visitor-serving or of a commercial recreational nature specific to the Coastal Zone are allowed:

~~(1)~~a. Bicycle, roller skating, moped, dive gear and other recreational equipment rental stores.

~~(2)~~b. Stores which sell liquor, groceries and food, which do not exceed 2,500 sq. ft. in gross floor area.

~~(3)~~c. Specialty and gift shops.

~~(4)~~d. Art galleries.

~~(5)~~e. Bait and tackle shops, sales of boats, marine supplies and related equipment.

~~(6)~~f. Other visitor-serving or commercial recreational uses deemed appropriate by the Planning Commission.

~~c~~3. General Office Use. The second and third floors of commercial buildings are allowed to be used for general office uses upon issuance of a Conditional Use Permit. A Conditional Use Permit may be granted by the Planning Commission or City Council on appeal for such uses in accordance with the provisions of Chapter 28.94 of this Code, subject to the following additional findings:

~~(1)~~a. The use is compatible with visitor-serving uses;

~~(2)~~b. Visitor-serving uses remain the primary use of the building; and

~~(3)~~c. Non-visitor-serving uses shall not exceed fifty (50) percent of the total square footage of the building.

~~d~~4. Restriction on Residential Use. Residential use is prohibited in the HRC-2 Zone except in the area bounded by Cabrillo Boulevard on the southeast, Los Patos Way on the southwest and the existing railroad right-of-way on the north. Any use permitted in the R-3 Zone is allowed in these areas subject to the restrictions and limitations contained in this Chapter.

~~e~~5. Special Treatment Area. The following additional restrictions shall apply in the area bounded by Cabrillo Boulevard on the southeast, Los Patos Way on the southwest and the existing railroad right-of-way on the north, due to concerns about protection of the sensitive habitat character and aesthetics of the Andree Clark Bird Refuge:

~~1~~a. High Intensity Uses. The following high-intensity uses shall be prohibited:

~~(a)~~i. fast food restaurants

~~(b)~~ii. stores which sell liquor, groceries and food, except that off-site sale of beer and wine and picnic items may be allowed only when incidental to and related to the primary use of the establishment.

~~(c)~~iii. automobile service station.

~~2~~b. Front ~~Yards~~Setback. There shall be a front ~~yard~~setback of not less than:

~~(a)~~i. Ten (10) feet for one-story buildings that do not exceed fifteen (15) feet in height; and

~~(b)~~ii. one hundred (100) feet for the second-story portion of any building that exceeds fifteen (15) feet in height.

~~3~~c. Building Height. Three-story buildings and buildings in excess of thirty (30) feet in height shall be prohibited.

28.22.060~~Yards~~Setbacks.

~~1~~A. FRONT ~~YARD~~SETBACK. There shall be a front ~~yard~~setback of not less than:

~~a~~1.. Ten (10) feet for one-story buildings that do not exceed fifteen (15) feet in height; and

~~b~~2. Twenty (20) feet for all other buildings.

~~2~~B. INTERIOR ~~YARD~~SETBACK. Buildings on property immediately adjacent to residentially-zoned property shall have an interior ~~yard~~setback of no less than ten (10) feet or one-half (½) the height of the building, whichever is greater.

SECTION 16. Section 28.27.050 of Chapter 28.27 (H-R Resort-Residential Hotel Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.27.050Building Regulations.

~~1~~A. SETBACK~~:~~. All buildings and structures shall be separated from ~~perimeter~~interior lot lines and ~~street right-of-way~~front lot lines a distance equal to or

greater than twice the maximum front ~~yard~~setback requirement for the underlying residential zone, and in no case less than thirty feet (30') ~~n~~or less than the height of the building or structure.

~~2~~B. DISTANCE BETWEEN BUILDINGS~~:~~. No part of any building shall be located nearer to any part of any other building than the height of the taller of them, and in no case less than fifteen feet (15').

~~3~~C. HEIGHT LIMITATION, MAIN BUILDING~~:~~. The main building shall not be higher in number of feet than the building height limitation for the underlying residential zone.

~~4~~D. HEIGHT LIMITATIONS, ALL OTHER BUILDINGS~~:~~. Buildings, other than the main building, shall not exceed two (2) stories in height.

SECTION 17. Section 28.30.060 of Chapter 28.30 (Garden Apartment Developments) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.30.060~~Yards~~Setbacks.

~~1~~A. FRONT ~~YARDS~~SETBACK. There shall be a front ~~yard~~setback of not less than thirty feet (30').

~~2~~B. INTERIOR ~~YARDS~~SETBACK. There shall be interior ~~yards~~setbacks of not less than thirty feet (30').

SECTION 18. Section 28.36.075 of Chapter 28.36 (PUD Planned Unit Development Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.36.075Setback Requirements.

In lieu of ~~yard~~setback requirements as set forth in the ~~basic~~base zone, the following ~~minimum~~ setbacks shall be provided:

~~1. There shall be interior yards not less than forty feet (40') in width.~~

~~2. There shall be a front yard or yards not less than twice the required front yard in the basic zone in which the site is located.~~

A. FRONT SETBACK. There shall be a front setback or setbacks not less than twice the required front setback in the base zone in which the site is located.

B. INTERIOR SETBACK. There shall be interior setback not less than forty feet (40').

SECTION 19. Section 28.37.040 of Chapter 28.37 (PR Park and Recreation Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.37.040Development Standards.

A. SETBACKS. The following setbacks shall apply to parking areas, buildings, structures, outdoor game areas, playground equipment and formal/informal ball fields:

1. Front ~~Yards~~Setback. The required front ~~yard~~ setback shall be the same as that specified for the residential zone of the property on the abutting parcels on each side of the subject property. Where the setbacks on the abutting parcels are different from each other, the front setback shall be the least restrictive residential setback of the abutting zones. In the event the park property is bounded by a street, the front setback shall be the same as the least restrictive front ~~yard~~ setback on the adjacent properties on the same side of the street. In no case shall the front setback be less than ten (10) feet.

2. Interior and Rear ~~Yards~~Setbacks: There shall be interior and rear ~~yards~~setbacks of not less than ten (10) feet.

B. LIGHTING. All exterior lighting shall be directed such that it will not cast light or glare onto adjacent properties. Any lighting shall be hooded or shielded so that no direct beams fall upon adjacent residential property. Indirect diffused lights and low garden lights shall be used wherever possible and shall be required as necessary to assure compatibility with adjacent and surrounding properties.

C. LOCATION OF PLAY AREAS. Outdoor playgrounds and informal ball fields and courts shall be located in a manner that is compatible with the character of the surrounding area and that minimizes significant detrimental noise impacts to adjacent properties while promoting visibility and safety.

D. PARKING REQUIREMENTS. Parking within the Park and Recreation Zone shall be in accordance with requirements set forth in Chapter 28.90 - Automobile Parking Requirements.

SECTION 20. Section 28.39.060 of Chapter 28.39 (P-D Planned Development Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.39.060~~Yards~~Setbacks.

~~1~~A. FRONT ~~YARD~~SETBACK. There shall be a front ~~yard~~setback of not less than ten feet (10').

~~2~~B. INTERIOR ~~YARDS~~SETBACKS, LOT AREA, FRONTAGE, DISTANCE BETWEEN BUILDINGS ON THE SAME LOT. ~~None, except~~ Interior setbacks, lot area, street frontage, and distance between buildings shall be provided as may be required pursuant to Section 28.39.~~125~~130.

SECTION 21. Section 28.42.060 of Chapter 28.42 (S-H Senior Housing Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.42.060~~Yards~~Setbacks.

~~Yard~~Setback requirements shall be the same as in the ~~basic~~base zone in which the property is located.

SECTION 22. Sections 28.45.007 and 28.45.008 of Chapter 28.45 (S-D Special District Zone) of Title 28 of the Santa Barbara Municipal Code are amended to read as follows:

28.45.007S-D-1 Zone Designation.

~~1~~A. LOCATION. The S-D-1 Zone is applied to the San Roque Park Subdivision, which is located northerly of State Street between San Roque Road and Ontare Road.

~~2~~B. LEGISLATIVE INTENT. It is the purpose of the S-D-1 Zone to require front ~~yard~~ setbacks greater than those required in the basic zones in which lots in the San Roque Park Subdivision are classified. The San Roque Park Subdivision was created in 1926, at which time a deed restriction was imposed requiring that buildings be set back at least forty feet (40') from the front property line. This restriction was in effect until 1941, at which time it expired. Development since 1941 has largely respected this increased front setback, in spite of the fact that the Zoning Ordinance requirements are less restrictive. A majority of the property owners in the San Roque Park Subdivision have expressed the desire for the City, through zoning, to increase the front setback requirement in this area to conform with the original deed restrictions.

~~3~~C. S-D-1 STANDARDS.

~~a~~1. FRONT ~~YARD~~SETBACK. There shall be a front ~~yard~~setback of not less than forty feet (40') in depth, with the following exceptions:

~~(1)~~a. ~~Any~~For front yards abutting San Roque Road or Ontare Road, or any front yard abutting that portion of Canon Drive where land on both sides of the streets is not classified in the S-D-1 Zone category, the front setback shall be as provided in the Basic Zone.

~~(2)~~b. Any front yard abutting Madrona Drive shall ~~be~~provide a front setback of not less than thirty feet (30') in depth.

2. INTERIOR SETBACK. The interior setback requirement shall be as provided in the base zone.

28.45.008S-D-2 Zone Designation.

A. LOCATION. The S-D-2 zone is applied to the "Upper State Street Area" which is defined as the area bounded by Alamar Avenue, U.S. Highway 101, Foothill Road and State Highway 154.

B. LEGISLATIVE INTENT. It is the purpose of the S-D-2 Zone to impose certain traffic related restrictions greater than those provided in the ~~basic~~base zones in which lots in the "Upper State Street Area" are classified. State Street is the only major east-west surface street serving the Upper State Street Area and it is one of the most heavily traveled streets in the City. In order to prevent the volumes of traffic on State Street from exceeding acceptable limits and to limit increased air pollution, due to vehicular traffic, it is necessary to impose the traffic related restrictions contained in this section on new developments in the area. In order to ensure the appropriateness of developments in said area, and the mitigation of traffic impacts where possible, it is necessary that development plans for said developments be reviewed.

C. DEVELOPMENT POTENTIAL. Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in General Provisions, Development Plan Approval, Section 28.87.300.

D. STANDARDS. The following standards shall apply to all projects in the S-D-2 Zone:

1. Parking Requirements. Off-street parking shall be provided as required in Chapter 28.90 of this Title.

2. Drive-through Facilities. No building or structure hereafter erected, reconstructed, structurally altered or enlarged in the S-D-2 Zone shall be designed or used, in whole or in part, as a motor vehicle drive-through facility. As used herein, "motor vehicle drive-through facility" means a commercial building or structure or portion thereof which is designed or used to provide goods or services to the occupants of motor vehicles. Such term shall include, but not be limited to, banks and other financial institutions, fast food establishments, and film deposit/pick-up establishments, but shall not include drive-in movies, gasoline stations, or car wash operations.

3. Building Height. Three (3) stories not exceeding forty-five (45) feet and not exceeding the total floor area of a two (2) story building (thirty (30) feet) which could be constructed on the lot in compliance with all applicable regulations.

4. Front ~~Yard~~ Setback~~s~~. ~~There shall be a front yard of not less than ten (10) feet for one story buildings not exceeding fifteen (15) feet in height and not less than twenty (20) feet for two and three story buildings not exceeding forty-five (45) feet in height.~~ A front setback of not less than the indicated distance shall be provided between the front lot line and all buildings and structures on the lot as follows:

a. One story building or structure not exceeding fifteen feet (15') of building height: 10 feet

b. Two or three story building or structure or any one story building or structure in excess of fifteen feet (15') of building height: 20 feet

SECTION 23. Section 28.46.035 of Chapter 28.46 (SP-5 Westmont Faculty Housing Specific Plan) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.46.035 Front and Interior ~~Yard~~Setback Requirements.

Residential lots fronting a public or private street shall have a front ~~yard~~ setback from curb face of the roadway of not less than twenty-five feet (25'). Residential lots fronting common open space or driveways shall have a front ~~yard~~setback of not less than ten feet (10'). There shall be interior ~~yards~~setbacks of not less than ten feet (10').

SECTION 24. Section 28.47.060 of Chapter 28.47 (SP-7 Riviera Campus Specific Plan Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.47.060 Front and Interior ~~Yard~~Setback Requirements.

All structures within the Riviera Campus Specific Plan Area shall have a front ~~yard~~setback of not less than 35 feet and an interior ~~yard~~setback of not less than 25 feet. Pine Hall, the Cafeteria/Music building, and Ebbets Hall shall be considered nonconforming to the front setback requirement. Furse Hall (Administration building) shall be considered nonconforming to the interior ~~yard~~ setback requirement. Structures designed to replace these demolished or destroyed structures on substantially the same footprint may meet or be consistent with the existing structure setback, and additions to the structures shall not be closer than the line of the existing building parallel to the front property line at any point. Any approved additions to these buildings should generally be consistent with current requirements.

SECTION 25. Section 28.48.060 of Chapter 28.48 (R-O Restricted Office Zone) of Title 28 of the Santa Barbara Municipal Code is deleted in its entirety and amended to read as follows:

~~**28.48.060 Yards.**~~

~~1. FRONT YARD. There shall be a front yard of not less than ten feet (10') for one (1) and two (2) story buildings and fifteen feet (15') for three (3) story buildings, provided, however, that if the floor area of a third story is one-half (1/2) or less of the ground floor area of a proposed building and said third story is constructed no closer to a front yard than one-third (1/3) the ground floor building dimension measured perpendicularly to that front yard, the setback conditions for a two (2) story building for the front yard shall apply.~~

~~2. INTERIOR YARDS. There shall be interior yards of not less than six feet (6') for one (1) and two (2) story buildings and ten feet (10') for three (3) story buildings provided, however, that if the floor area of a third story is one-half (1/2) or less of the ground floor area of a proposed building, the ten foot (10') setback shall apply only to said three (3) story portion of the building. Buildings on property immediately adjacent to residentially-zoned property shall have an interior yard of no less than ten (10) feet or one-half (1/2) the height of the building, whichever is greater. Driveways and parking areas on property used for commercial or office purposes shall be set back a minimum of five (5) feet from property lines adjacent to residentially-zoned property; said setback area shall be landscaped. In addition, a minimum six (6) foot high solid fence or decorative wall shall be provided along the property line adjacent to residentially-zoned property except where it interferes with traffic safety or would be contrary to §28.87.170. The requirement for said wall or fence may be waived or modified by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark.~~

28.48.060 Setbacks.

The following setback requirements shall be observed on all lots within this zone:

A. FRONT SETBACK. A front setback of not less than the indicated distance shall be provided between the front lot line and all buildings, structures, and parking on the lot as follows:

1. One or two story building or structure or uncovered parking: 10 feet
2. Three story building or structure: 15 feet; however, if the net floor area of the third floor is less than fifty percent (50%) of the net floor area of the first floor building footprint, the front setback shall be reduced as follows:
   a. Ground floor portions: 10 feet
   b. Second story portions: 10 feet
   c. Third story portions: 20 feet
3. Covered parking: the setback applicable to the building in which the parking is provided as specified in A.1 or A.2 above.

B. INTERIOR SETBACK ADJACENT TO NONRESIDENTIAL ZONE. An interior setback of not less than the indicated distance shall be provided between an interior lot line that abuts a non-residentially zoned parcel and all buildings, structures, and parking on the lot as follows:

1. One or two story building or structure or uncovered parking: 6 feet
2. Three story building or structure: 10 feet; however, if the net floor area of the third floor is less than fifty percent (50%) of the net floor area of the first floor building footprint, the interior setback shall be reduced as follows:
   a. Ground floor portions: 6 feet
   b. Second story portions: 6 feet
   c. Third story portions: 10 feet
3. Covered parking: the setback applicable to the building in which the parking is provided as specified in B.1 or B.2 above.

C. INTERIOR SETBACK ADJACENT TO RESIDENTIAL ZONE. An interior setback of not less than the indicated distance shall be provided between an interior lot line that abuts a residentially zoned parcel and all buildings, structures, and parking on the lot as follows:

1. Any building, structure or covered parking: 10 feet or ½ of the building height, whichever is greater.
2. Driveways to parking areas serving exclusively residential uses: R-3/R-4 interior setback requirements.
3. Driveways and uncovered parking areas serving nonresidential uses: 5 feet, landscaped. In addition, a minimum six (6) foot high solid fence or decorative wall shall be provided along the property line abutting a residentially zoned parcel, except where such fence or wall will interfere with traffic safety or would be inconsistent with the provisions of Section 28.87.170 of this Code. However, the requirement for a fence or wall may be reduced or waived by the design review body that reviews the project.

SECTION 26. Chapter 28.48 (R-O Restricted Office Zone) of Title 28 of the Santa Barbara Municipal Code is amended to add Section 28.48.081 to read as follows:

28.48.081 Outdoor Living Space.

Any lot in this zone developed exclusively for residential use or developed with a mixed use development shall provide outdoor living space for each dwelling unit in accordance with the provisions of the R-3/R-4 Zone as stated in Section 28.21.081 of this Code.

SECTION 27. Section 28.48.145 of Chapter 28.48 (R-O Restricted Office Zone) of Title 28 of the Santa Barbara Municipal Code is deleted in its entirety.

~~**28.48.145New Office Structures.**~~

~~All office uses hereafter developed shall be in new structures designed as office buildings, except that the use of existing buildings for office use may be allowed provided the Architectural Board of Review or the Historic Landmarks Commission if the property is located within a landmark district or if the structure is a designated City Landmark, finds that the design and appearance of such building is of historic importance, architectural significance, or compliments both the area and the City and should be preserved. However, such a finding does not restrict the Architectural Board of Review, or the Historic Landmarks Commission from requiring some remodeling, painting or other improvements before such building may be converted to office use.~~

SECTION 28. Section 28.49.030 of Chapter 28.49 (SP-8 Hospital Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.49.030Front and Interior ~~Yard~~Setback Requirements.

There shall be a front ~~yard~~setback and interior ~~yards~~setbacks of not less than ten (10) feet for all buildings and parking structures in Land Use Areas A, B & C. Notwithstanding the foregoing, however, for a parking structure in Land Use Area C there shall be interior ~~yards~~setbacks of no less than ten (10) feet provided that, if the area of the building that encroaches into the interior ~~yard~~setback is compensated for by having an equal or greater unobstructed area outside the interior ~~yard~~setback, the ten (10) foot setback may be reduced to 4.5 feet for a distance of up to 80 lineal feet.

SECTION 29. Section 28.51.030 of Chapter 28.51 (C-O Medical Office Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.51.030 Uses Permitted.

A. Any residential use permitted in the R-3 Limited Multiple-family Residence Zone.

B. Professional offices offering medical and related services, including the following: chiropodists, chiropractors, clinics, dentists, opticians, optometrists, osteopaths, physicians, surgeons and other similar medical offices as approved by the Planning Commission.

C. Hospitals, skilled nursing facilities and other similar buildings and facilities for the treatment of human ailments where facilities are provided for the keeping of patients overnight or longer, subject to the issuance of a conditional use permit and subject to the special procedural provisions prescribed in Chapter 28.94 of this Code.

D. Accessory buildings and accessory uses such as medical laboratories and prescription pharmacies.

E. ~~Businesses specializing in sick room supplies or equipment~~Medical equipment and supply stores of no more than 3000 square feet of net floor area. Medical equipment and supply stores of more than 3000 square feet of net floor area are subject to the issuance of a conditional use permit under Chapter 28.94 of this Code.

F. Banks of no more than 1000 square feet of net floor area. Banks of more than 1000 square feet of net floor area are subject to the issuance of a conditional use permit issued under Chapter 28.94 of the Santa Barbara Municipal Code.

G. Community care facilities, residential care facilities for the elderly and hospices serving up to 12 individuals.

H. State-licensed Large Family Day Care Homes.

I. Birth Centers.

J. Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a substantial conformance determination pursuant to the adopted Planning Commission Guidelines.

SECTION 30. Section 28.51.060 of Chapter 28.51 (C-O Medical Office Zone) of Title 28 of the Santa Barbara Municipal Code is deleted in its entirety and amended to read as follows:

~~**28.51.060 Yards.**~~

~~1. FRONT YARD. There shall be a front yard of not less than ten feet (10') for one (1) and two (2) story buildings and fifteen feet (15') for three (3) story buildings; provided, however, that if the floor area of a third story is one-half (1/2) or less of the ground floor area of a proposed building and said third story is constructed no closer to a front yard than one-third (1/3) of the ground floor building dimension measured perpendicularly to that front yard, the setback conditions for a two (2) story building for~~

~~the front yard shall apply.~~

~~2. INTERIOR YARDS. There shall be interior yards of not less than six feet (6') for one (1) and two (2) story buildings, and ten feet (10') for three (3) story buildings; provided, however, that if the floor area of a third story is one-half (1/2) or less of the ground floor area of a proposed building, the ten foot (10') setback shall apply only to said three (3) story portion of the buildings. Buildings on property immediately adjacent to residentially-zoned property shall have an interior yard of no less than ten (10) feet or one-half (1/2) the height of the building, whichever is greater. Driveways and parking areas on C-0 zoned property used for commercial or office purposes shall be set back a minimum of five (5) feet from property lines adjacent to residentially- zoned property; said setback area shall be landscaped. In addition, a minimum six (6) foot high solid fence or decorative wall shall be provided along the property line adjacent to residentially-zoned property except where it interferes with traffic safety or would be contrary to §28.87.170. The requirement for said wall or fence may be waived or modified by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark.~~

28.51.060 Setbacks.

The following setback requirements shall be observed on all lots within this zone:

A. FRONT SETBACK. A front setback of not less than the indicated distance shall be provided between the front lot line and all buildings, structures, and parking on the lot as follows:

1. One or two story building or structure or uncovered parking: 10 feet
2. Three story building or structure: 15 feet; however, if the net floor area of the third floor is less than fifty percent (50%) of the net floor area of the first floor building footprint, the front setback shall be reduced as follows:
   a. Ground floor portions: 10 feet
   b. Second story portions: 10 feet
   c. Third story portions: 20 feet
3. Covered parking: the setback applicable to the building in which the parking is provided as specified in A.1 or A.2 above.

B. INTERIOR SETBACK ADJACENT TO NONRESIDENTIAL ZONE. An interior setback of not less than the indicated distance shall be provided between an interior lot line that abuts a non-residentially zoned parcel and all buildings, structures, and parking on the lot as follows:

1. One or two story building or structure or uncovered parking: 6 feet
2. Three story building or structure: 10 feet; however, if the net floor area of the third floor is less than fifty percent (50%) of the net floor area of the first floor building footprint, the interior setback shall be reduced as follows:
   a. Ground floor portions: 6 feet
   b. Second story portions: 6 feet
   c. Third story portions: 10 feet

3. Covered parking: the setback applicable to the building in which the parking is provided as specified in B.1 or B.2 above.

C. INTERIOR SETBACK ADJACENT TO RESIDENTIAL ZONE. An interior setback of not less than the indicated distance shall be provided between an interior lot line that abuts a residentially zoned parcel and all buildings, structures, and parking on the lot as follows:

1. Any building, structure or covered parking: 10 feet or ½ of the building height, whichever is greater.

2. Driveways to parking areas serving exclusively residential uses: R-3/R-4 interior setback requirements.

3. Driveways and parking areas serving nonresidential uses: 5 feet, landscaped. In addition, a minimum six (6) foot high solid fence or decorative wall shall be provided along the property line abutting a residentially zoned parcel, except where such fence or wall will interfere with traffic safety or would be inconsistent with the provisions of Section 28.87.170 of this Code. However, the requirement for a fence or wall may be reduced or waived by the design review body that reviews the project.

SECTION 31. Chapter 28.51 (C-O Medical Office Zone) of Title 28 of the Santa Barbara Municipal Code is amended to add Section 28.51.081 to read as follows:

28.51.081 Outdoor Living Space.

Any building in this zone developed exclusively for residential use or any mixed use development shall provide outdoor living space for each dwelling unit in accordance with the provisions of the R-3/R-4 Zone as stated in Section 28.21.081 of this Code.

SECTION 32. Section 28.51.145 of Chapter 28.51 (C-O Medical Office Zone) of Title 28 of the Santa Barbara Municipal Code is deleted in its entirety.

~~**28.51.145New Office Structures.**~~

~~All office uses hereafter developed shall be in new structures designed as office buildings; except remodeling of existing buildings for office use may be allowed provided the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, finds that the proposed remodeling is of such a degree that substantial compliance with the intent of this requirement for new buildings is assured.~~

SECTION 33. Section 28.54.030 of Chapter 28.54 (C-P Restricted Commercial Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.54.030 Uses Permitted in the C-P Zone.

A. Any use permitted in the R-4, R-O and C-O Zones and subject to the use restrictions and limitations contained ~~therein~~in the respective zone and in Section 28.54.130.

B. Any of the following uses:

1. Art school.
2. Automobile parking areas.
3. Automobile service station or automobile service station/mini-market containing not more than six (6) pumps and limited to incidental tire and tube repairing, battery servicing, automobile lubrication and other minor automotive service and repair with a conditional use permit issued pursuant to Subsection 28.94.030.U of this Code.
4. Bakery employing not more than ten (10) persons.
5. Bank.
6. Barber shop.
7. Beauty shop.
8. Billiard parlor.
9. Bookstore.
10. Bowling alley.
11. Caterer.
12. Child care center.
13. Confectionery store.
14. Dancing school.
15. Dressmaking or millinery shop.
16. Drugstore.
17. Dry cleaning, pressing and laundry agency.
18. Dry goods or notion store.
19. Florist shop.
20. Garden nursery.
21. Gift shop.
22. Grocery, fruit and vegetable store.
23. Hardware store.
24. Household appliance store and repair.
25. Ice storage house of not more than five (5) ton capacity.
26. Jewelry store.
27. Liquor store.
28. Meat market or delicatessen.
29. Music and vocal schools.
30. Pet shop.
31. Photographic shop.
32. Restaurant, bar, tearoom or cafe.
33. Self-service laundry or dry cleaning.
34. Shoe store or shoe repair shop.
35. Stationery store.
36. Tailor, clothing or wearing apparel shop.

37. Television, radio store and repair.

38. Veterinary hospital for small animals provided;

a. That no animals are to be boarded overnight except for medical reasons.

b. That the building shall be designed so as to prevent the escape of all obnoxious odors and noises.

39. Wig shop.

40. Household hazardous waste collection facility, as defined in Section 28.04.~~295~~415.

41. Accessory buildings and accessory uses, including a storage garage for the exclusive use of the patrons of the above stores or businesses.

42. Automobile rental, restricted to passenger vehicles, not including trailers, campers, trucks, recreational vehicles, etc., with the specific location subject to approval by the Planning Commission.

43. Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a substantial conformance determination pursuant to the adopted Planning Commission Guidelines.

C. The above specified stores, shops or businesses, to the extent that they sell merchandise shall sell only at retail, shall sell only new merchandise, except for the resale of used merchandise acquired incidentally in the sale of new merchandise, and shall be permitted only under the following conditions:

1. Such store, shop or business, except automobile service station and nursery shall be conducted entirely within an enclosed building.

2. Products made incidental to a permitted use shall be sold at retail on the premises.

SECTION 34. Section 28.54.060 of Chapter 28.54 (C-P Restricted Commercial Zone) of Title 28 of the Santa Barbara Municipal Code is deleted in its entirety and amended to read as follows:

~~**28.54.060Yards.**~~

~~1. FRONT YARD. There shall be a front yard of not less than ten feet (10').~~

~~2. INTERIOR YARD. None, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 Zone. Buildings on property immediately adjacent to residentially-zoned property shall have an interior yard of no less than ten (10) feet or one-half (1/2) the height of the building, whichever is greater. Driveways and parking areas on C-P zoned property used for commercial or office purposes shall be set back a minimum of five (5) feet from property lines adjacent to residentially-zoned property; said setback area shall be landscaped. In addition, a minimum six (6) foot high solid fence or decorative wall shall be provided along the property line adjacent to residentially-zoned property except where it interferes with traffic safety or would be contrary to §28.87.170. The requirement for said wall or fence may be waived or modified by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark~~

~~District or another landmark district or if the structure is a designated City Landmark.~~

28.54.060 Setbacks.

The following setback requirements shall be observed on all lots within this zone:

A. FRONT SETBACK. A front setback of not less than ten (10) feet shall be provided between the front lot line and all buildings, structures and parking on the lot.

B. INTERIOR SETBACK ADJACENT TO NONRESIDENTIAL ZONE. An interior setback of not less than the indicated distance shall be provided between an interior lot line that abuts a non-residentially zoned parcel and all buildings, structures and parking on the lot as follows:

1. Nonresidential or mixed use buildings or structures: No setback required.
2. Exclusively residential buildings or structures: R-3/R-4 interior setback requirement.
3. All parking and driveways: No setback required.

C. INTERIOR SETBACK ADJACENT TO RESIDENTIAL ZONE. An interior setback of not less than the indicated distance shall be provided between an interior lot line that abuts a residentially zoned parcel and all buildings, structures, and parking on the lot as follows:

1. All buildings and structures: 10 feet or ½ the building height, whichever is greater.
2. Residential parking and driveways: R-3/R-4 interior setback requirements.
3. Nonresidential or mixed use parking and driveways: 5 feet, landscaped. In addition, a minimum six (6) foot high solid fence or decorative wall shall be provided along the property line abutting a residentially zoned parcel, except where such fence or wall will interfere with traffic safety or would be inconsistent with the provisions of Section 28.87.170 of this Code. However, the requirement for a fence or wall may be reduced or waived by the design review body that reviews the project.

SECTION 35. Chapter 28.54 (C-P Restricted Commercial Zone) of Title 28 of the Santa Barbara Municipal Code is amended to add Section 28.54.081 to read as follows:

28.54.081 Outdoor Living Space.

Any lot in this zone developed exclusively for residential use or developed with a mixed use development shall provide outdoor living space for each dwelling unit in accordance with the provisions of the R-3/R-4 Zone as stated in Section 28.21.081 of this Code.

SECTION 36. Section 28.57.030 of Chapter 28.57 (C-L Limited Commercial Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.57.030Uses Permitted in the C-L Zone.

A. Any use permitted in the R-O, C-O and R-4 Zones and subject to the use restrictions and limitations contained ~~therein~~in the respective zone, except that any such use specifically mentioned hereafter shall be subject to the use restrictions of the C-L Zone.

B. Any of the following uses:

1. Antique shop~~Restaurant~~.
2. ~~Antique shop~~Bank.
3. ~~Bank~~Barber, beauty shop, including hair stylist.
4. ~~Barber, beauty shop, including hair stylist~~Candy, ice cream, pastry shop.
5. Caterer.
6. ~~Candy, ice cream, pastry shop.~~ Child Care Center.
7. ~~Liquor, wine store.~~
8. ~~8.~~ Delicatessen and specialty food store, including convenience grocery items.
9. ~~9~~8. Drug store and pharmacy, limited to stores carrying primarily drugs, personal care and health products.
10. ~~10~~9. Florist shop.
10. Funeral parlor.
11. Gift shop.
12. ~~Photographic studio.~~
13. ~~Funeral parlor.~~Household hazardous waste collection facility, as defined in Section 28.04.415 of this Title.
14. ~~14~~13. Interior decorating shop.
15. ~~15~~14. Jewelry store.
16. ~~16~~15. Liquor, wine store.~~Household hazardous waste collection facility, as defined in Section 28.04.295 of this Title.~~
16. Photographic studio.
17. Restaurant.
18. Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a substantial conformance determination pursuant to the adopted Planning Commission Guidelines.

C. The above specified stores, shops or businesses shall be permitted only under the following conditions:

~~a~~1. Merchandise shall be sold only at retail;

~~b~~2. Except for restaurants and child care centers, all activities shall be conducted entirely within an enclosed building;

~~c~~3. Products made incidental to a permitted use shall be sold at retail on the premises.

D. Accessory buildings and uses.

SECTION 37. Section 28.57.060 of Chapter 28.57 (C-L Limited Commercial Zone) of Title 28 of the Santa Barbara Municipal Code is deleted in its entirety and amended to

read as follows:

~~**28.57.060Yards.**~~

~~1. FRONT YARD. There shall be a front yard of not less than ten feet (10').~~

~~2. INTERIOR YARD. None, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 Zone. Buildings on property immediately adjacent to residentially-zoned property shall have an interior yard of no less than ten (10) feet or one-half (1/2) the height of the building, whichever is greater. Driveways and parking areas on C-L zoned property used for commercial or office purposes shall be set back a minimum of five (5) feet from property lines adjacent to residentially-zoned property; said setback area shall be landscaped. In addition, a minimum six (6) foot high solid fence or decorative wall shall be provided along the property line adjacent to residentially-zoned property except where it interferes with traffic safety or would be contrary to §28.87.170. The requirement for said wall or fence may be waived or modified by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark.~~

28.57.060 Setbacks.

The following setback requirements shall be observed on all lots within this zone:

A. FRONT SETBACK. A front setback of not less than ten (10) feet shall be provided between the front lot line and all buildings, structures and parking on the lot.

B. INTERIOR SETBACK ADJACENT TO NONRESIDENTIAL ZONE. An interior setback of not less than the indicated distance shall be provided between an interior lot line that abuts a non-residentially zoned parcel and all buildings, structures and parking on the lot as follows:

1. Nonresidential or mixed use buildings or structures: No setback required.

2. Exclusively residential buildings or structures: R-3/R-4 interior setback requirement.

3. All parking and driveways: No setback required.

C. INTERIOR SETBACK ADJACENT TO RESIDENTIAL ZONE. An interior setback of not less than the indicated distance shall be provided between an interior lot line that abuts a residentially zoned parcel and all buildings, structures, and parking on the lot as follows:

1. All buildings and structures: 10 feet or ½ the building height, whichever is greater.

2. Residential parking and driveways: R-3/R-4 interior setback requirements.

3. Nonresidential or mixed use parking and driveways: 5 feet, landscaped. In addition, a minimum six (6) foot high solid fence or decorative wall shall be provided along the property line abutting a residentially zoned parcel, except where such fence or wall will interfere with traffic safety or would be inconsistent with the provisions of Section 28.87.170 of this Code. However, the requirement for a fence or

wall may be reduced or waived by the design review body that reviews the project.

SECTION 38. Chapter 28.57 (C-L Limited Commercial Zone) of Title 28 of the Santa Barbara Municipal Code is amended to add Section 28.57.081 to read as follows:

28.57.081 Outdoor Living Space.

Any lot in this zone developed exclusively for residential use or developed with a mixed use development shall provide outdoor living space for each dwelling unit in accordance with the provisions of the R-3/R-4 Zone as stated in Section 28.21.081 of this Code.

SECTION 39. Section 28.60.060 of Chapter 28.60 (C-X Research and Development and Administrative Office Zone) of Title 28 of the Santa Barbara Municipal Code is deleted in its entirety and amended to read as follows:

~~**28.60.060 Yards.**~~

~~1. There shall be a front yard of not less than thirty-five feet (35').~~
~~2. There shall be interior yards of not less than twenty-five feet (25').~~

28.60.060 Setbacks.

The following setback requirements shall be observed on all lots within this zone:

A. FRONT SETBACK. A front setback of not less than thirty five (35) feet shall be provided between the front lot line and all buildings, structures and parking on the lot.

B. INTERIOR SETBACK. An interior setback of not less than twenty five (25) feet shall be provided between the interior lot line and all buildings, structures and parking on the lot.

SECTION 40. Section 28.63.030 of Chapter 28.63 (C-1 Limited Commercial Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.63.030 Uses Permitted in the C-1 Zone.

A. Any use permitted in the R-4, R-O and C-O Zones and subject to the use restrictions and limitations contained ~~therein~~in the respective zone and in Section 28.63.130, except as otherwise provided in Subsection B. herein.

B. When land classified in a C-1 Zone is also classified in another zone, as provided in Section 28.63.001, uses shall be limited to the following:

1. Any use permitted in Subsection C. herein;
2. Any use permitted in the other zone in which the land is classified and when so used subject to the restrictions and limitations contained therein.

C. Any of the following uses:

1. Antique shop.
2. Automobile service station or automobile service station/mini-market, and accessory uses, limited to incidental tire and tube repairing, battery servicing, automobile lubrication and other minor automotive service within the building not including auto body repair with a conditional use permit issued pursuant to Subsection 28.94.030.U of this Code.
3. Bakery employing not more than ten (10) persons.
4. Bank.
5. Barber shop.
6. Beauty shop.
7. Billiard parlor.
8. Bookstore.
9. Caterer.
10. Child Care Center
~~10~~11. Clothing store.
~~11~~12. Club or lodge.
~~12~~13. Confectionery store.
~~13~~14. Dressmaking or millinery shop.
~~14~~15. Drugstore.
~~15~~16. Dry cleaning, pressing and laundry agency.
~~16~~17. Dry goods or notion store.
~~17~~18. Florist.
~~18~~19. Garden nursery.
~~19~~20. Gift shop.
~~20~~21. Grocery, fruit and vegetable store.
~~21~~22. Hardware store.
~~22~~23. Hotel.
~~23~~24. Household appliance store and repair.
25. Household hazardous waste collection facility, as defined in Section 28.04.415 of this Title.
~~24~~26. Ice storage house of not more than five (5) ton capacity.
~~25~~27. Interior decorator.
~~26~~28. Jewelry store.
~~27~~29. Liquor store.
~~28~~30. Meat market or delicatessen store.
~~29~~31. Offices: general, administrative, business, professional, public.
~~30~~32. Pet store.
~~31~~33. Photographer.
~~32~~34. Photographic store.
~~33~~35. Research and development.
~~34~~36. Restaurant and bar.
~~35~~37. Self-service laundry and dry cleaning.
~~36~~38. Shoe store, shoe repair.
~~37~~39. Stationery store.
~~38~~40. Tailor.
~~39~~41. Television and radio store and repair.

~~40. Wig shop.~~

~~41~~42. Veterinary hospital for small animals provided:

a. That no animals are to be boarded overnight except for medical reasons.

b. The building shall be designed so as to prevent the escape of all obnoxious odors and noises.

43. Wig shop.

~~42. Household hazardous waste collection facility, as defined in Section 28.04.295 of this Title.~~

~~43~~44. Accessory buildings and accessory uses, including a storage garage for the exclusive use of the patrons of the above stores or businesses.

~~44~~45. ~~Other businesses and occupations similar to the uses enumerated above, upon approval of the Planning Commission.~~Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a substantial conformance determination pursuant to the adopted Planning Commission Guidelines.

D. The above specified stores, shops or businesses shall be permitted only under the following conditions:

1. Such stores, shops or businesses, except automobile service stations, child care centers, and nurseries, shall be conducted entirely within an enclosed building.

2. Products made incidental to a permitted use shall be sold at retail on the premises.

SECTION 41. Section 28.63.060 of Chapter 28.63 (C-1 Limited Commercial Zone) of Title 28 of the Santa Barbara Municipal Code is deleted in its entirety and amended to read as follows:

~~**28.63.060 Yards.**~~

~~1. FRONT YARD. There shall be a front yard of not less than ten feet (10').~~

~~2. INTERIOR YARDS. None, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 Zone. Buildings on property immediately adjacent to residentially-zoned property shall have an interior yard of no less than ten (10) feet or one-half (1/2) the height of the building, whichever is greater. Driveways and parking areas on C-1 zoned property used for commercial or office purposes shall be set back a minimum of five (5) feet from property lines adjacent to residentially-zoned property; said setback area shall be landscaped. In addition, a minimum six (6) foot high solid fence or decorative wall shall be provided along the property line adjacent to residentially-zoned property except where it interferes with traffic safety or would be contrary to §28.87.170. The requirement for said wall or fence may be waived or modified by the Architectural Board of Review or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark.~~

28.63.060 Setbacks.

The following setback requirements shall be observed on all lots within this zone:

A. FRONT SETBACK. A front setback of not less than ten (10) feet shall be provided between the front lot line and all buildings, structures and parking on the lot.

B. INTERIOR SETBACK ADJACENT TO NONRESIDENTIAL ZONE. An interior setback of not less than the indicated distance shall be provided between an interior lot line that abuts a non-residentially zoned parcel and all buildings, structures and parking on the lot as follows:

1. Nonresidential or mixed use buildings or structures: No setback required.
2. Exclusively residential buildings or structures: R-3/R-4 interior setback requirement.
3. All parking and driveways: No setback required.

C. INTERIOR SETBACK ADJACENT TO RESIDENTIAL ZONE. An interior setback of not less than the indicated distance shall be provided between an interior lot line that abuts a residentially zoned parcel and all buildings, structures, and parking on the lot as follows:

1. All buildings and structures: 10 feet or ½ the building height, whichever is greater.
2. Residential parking and driveways: R-3/R-4 interior setback requirements.
3. Nonresidential or mixed use parking and driveways: 5 feet, landscaped. In addition, a minimum six (6) foot high solid fence or decorative wall shall be provided along the property line abutting a residentially zoned parcel, except where such fence or wall will interfere with traffic safety or would be inconsistent with the provisions of Section 28.87.170 of this Code. However, the requirement for a fence or wall may be reduced or waived by the design review body that reviews the project.

SECTION 42. Chapter 28.63 (C-1 Limited Commercial Zone) of Title 28 of the Santa Barbara Municipal Code is amended to add Section 28.63.081 to read as follows:

28.63.081 Outdoor Living Space.

Any lot in this zone developed exclusively for residential use or developed with a mixed use development shall provide outdoor living space for each dwelling unit in accordance with the provisions of the R-3/R-4 Zone as stated in Section 28.21.081 of this Code.

SECTION 43. Section 28.66.030 of Chapter 28.66 (C-2 Commercial Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.66.030 Uses Permitted.

A. Any use permitted in the C-P Zone and subject to the use restrictions and limitations contained ~~therein~~in that zone, except that any such use specifically mentioned hereafter shall be subject to the restrictions of the C-2 Zone.

B. Such use shall not be inimical to the public health, welfare, safety or morals by reason of the offering to distribute, or distributing or exhibition to members of the public of any obscene matter as defined in Section 311 of the Penal Code of the State of California.

C. Any of the following uses:

1. Retail, wholesale or service store or business provided that there shall be no manufacturing, assembly, processing or compounding or products other than such as are customarily incidental or essential to such establishments and provided further that there shall be not more than ten (10) persons engaged in any such manufacture, processing or treatment of products, and not more than fifty percent (50%) of the floor area of the building is used in the treatment, manufacture or processing of products, and that such operations are not objectionable due to noise, odor, dust, smoke, vibration or other similar causes.

2. Advertising sign board or structure.

3. Automobile parking area.

4. Automobile super service station or automobile service station/mini-market including automobile laundry or car wash and auto steam cleaning establishment provided that all tire and tube repairing, battery, servicing and steam cleaning shall be conducted wholly within a building with a conditional use permit issued pursuant to Subsection 28.94.030.U of this Code.

5. Bakery employing not more than twenty (20) persons on premises.

6. Bath, Turkish and the like.

7. Billiard or pool hall or bowling alley.

8. Blueprinting and photostating shop.

9. Church ~~(temporary revivals)~~.

10. Cleaning and pressing establishment using non-inflammable and non-explosive cleaning fluid.

11. Conservatory of music.

12. Contractor - no outside storage or storage of heavy equipment.

13. Department store.

14. Educational facility.

~~14~~15. Electric distributing substation.

~~15~~16. Funeral parlor.

~~16~~17. Furniture warehouse for storing personal household goods.

~~17~~18. ~~Parking garage, public.~~ Health Club, Spa, Gymnasium

~~18~~19. Hospital, clinic or skilled nursing facility.

~~19~~20. Interior decorating shop.

~~20~~21. Medical laboratory.

22. Parking garage, public

~~21~~23. Pest control.

~~22~~24. Plumbing shop.

~~23~~25. Printing, lithographing or publishing establishment.

~~24~~26. Public parking area.

~~25~~27. Radio and television store.

~~26~~28. Refrigerated locker.

~~27~~29. Restaurant, tea room or cafe.

30. Skating Rink

~~28~~31. Storage garage, including repairing and servicing.

~~29~~32. Studio.

~~30. Skating rink.~~

~~31~~33. Taxidermist.

~~32~~34. Telephone exchange.

~~33~~35. Theater or auditorium (except drive-in theater).

~~34~~36. Trade school, not objectionable due to noise, odor, dust, smoke, vibration or other similar causes.

~~35~~37. Trailer and equipment sales and rental - non-industrial use.

~~36~~38. Upholstery shop.

~~37~~39. Used car sales area provided that no repair or reconditioning of automobiles shall be permitted, except when enclosed in a building.

~~38~~40. Wedding chapel.

41. Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a substantial conformance determination pursuant to the adopted Planning Commission Guidelines.

D. Accessory buildings and accessory uses.

SECTION 44. Section 28.66.060 of Chapter 28.66 (C-2 Commercial Zone) of Title 28 of the Santa Barbara Municipal Code is deleted in its entirety and amended to read as follows:

~~**28.66.060Yards.**~~

~~All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 Zone. Buildings on property immediately adjacent to residentially-zoned property shall have an interior yard of no less than ten (10) feet or one-half (1/2) the height of the building, whichever is greater. Driveways and parking areas on C-2 zoned property used for commercial or office purposes shall be set back a minimum of five (5) feet from property lines adjacent to residentially-zoned property; said setback area shall be landscaped. In addition, a minimum six (6) foot high solid fence or decorative wall shall be provided along the property line adjacent to residentially-zoned property except where it interferes with traffic safety or would be contrary to §28.87.170. The requirement for said wall or fence may be waived or modified by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark.~~

28.66.060 Setbacks.

The following setback requirements shall be observed on all lots within this zone:

A. FRONT SETBACK. A front setback of not less than the indicated distance shall be provided between the front lot line and all buildings, structures and parking on the lot as follows:

1. Nonresidential or mixed use buildings, structures and parking: No

setback required.

2. Exclusively residential buildings, structures and parking: R-3/R-4 front setback requirement.

B. INTERIOR SETBACK ADJACENT TO NONRESIDENTIAL ZONE. An interior setback of not less than the indicated distance shall be provided between an interior lot line that abuts a non-residentially zoned parcel and all buildings, structures and parking on the lot as follows:

1. Nonresidential or mixed use buildings or structures: No setback required.

2. Exclusively residential buildings or structures: R-3/R-4 interior setback requirement.

3. All parking and driveways: No setback required.

C. INTERIOR SETBACK ADJACENT TO RESIDENTIAL ZONE. An interior setback of not less than the indicated distance shall be provided between an interior lot line that abuts a residentially zoned parcel and all buildings, structures, and parking on the lot as follows:

1. All buildings and structures: 10 feet or ½ the building height, whichever is greater.

2. Residential parking and driveways: R-3/R-4 interior setback requirements.

3. Nonresidential or mixed use parking and driveways: 5 feet, landscaped. In addition, a minimum six (6) foot high solid fence or decorative wall shall be provided along the property line abutting a residentially zoned parcel, except where such fence or wall will interfere with traffic safety or would be inconsistent with the provisions of Section 28.87.170 of this Code. However, the requirement for a fence or wall may be reduced or waived by the design review body that reviews the project.

SECTION 45. Chapter 28.66 (C-2 Commercial Zone) of Title 28 of the Santa Barbara Municipal Code is amended to add Section 28.66.081 to read as follows:

28.66.081 Outdoor Living Space.

Any lot in this zone developed exclusively for residential use or developed with a mixed use development shall provide outdoor living space for each dwelling unit in accordance with the provisions of the R-3/R-4 Zone as stated in Section 28.21.081 of this Code.

SECTION 46. Section 28.69.030 of Chapter 28.69 (C-M Commercial Manufacturing Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.69.030 Uses Permitted.

~~1~~A. Any use permitted in the C-2 Zone and subject to the use restrictions and limitations contained ~~therein~~in that zone, except that any such use specifically

mentioned hereafter shall be subject to the restrictions of the C-M Zone.

~~2~~B. Any of the following uses, provided that such operations, manufacturing, processing or treatment of products are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, liquids, wastes, noise, vibrations, disturbances or other similar causes which may impose hazard to life or property:

~~(1)~~1. Automobile body shop.

2. Automobile paint shop.

~~(2)~~3. Bakery goods manufacturing.

~~(3)~~4. Boat building and repairing and machine shop.

~~(4)~~5. Building contractor and material storage.

~~(5)~~6. Cabinet shop.

~~(6)~~7. Canvas and canvas products manufacturing.

8. Car Wash.

~~(7)~~9. Cement products manufacturing.

~~(8)~~10. Cleaning and dyeing.

~~(9)~~11. Clothing products manufacturing.

~~(10)~~12. Draying and truck yard or terminal.

~~(11)~~13. Electronics products manufacturing.

~~(12)~~14. Equipment and trailer rental and storage.

~~(13)~~15. Food products manufacturing.

~~(14)~~16. House moving.

~~(15)~~17. Laundry.

~~(16)~~18. Lumber yard.

~~(17)~~19. Machine shop.

~~(18)~~20. Plating works.

~~(19)~~21. Produce warehouse.

~~(20)~~22. Research and development establishment and related administrative operations.

~~(21)~~23. Rug cleaning.

~~(22)~~24. Sheet metal shop.

~~(23)~~25. Sign manufacturing.

~~(24)~~26. Storage warehouse.

~~(25)~~27. Tire retreading.

~~(26)~~28. Veterinary hospital.

29. Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a substantial conformance determination pursuant to the adopted Planning Commission Guidelines.

~~3~~C. Accessory buildings and accessory uses.

SECTION 47. Section 28.69.060 of Chapter 28.69 (C-M Commercial Manufacturing Zone) of Title 28 of the Santa Barbara Municipal Code is deleted in its entirety and amended to read as follows:

~~**28.69.060 Yards.**~~

~~All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 Zone. Buildings on property immediately adjacent to residentially-zoned property shall have an interior yard of no less than ten (10) feet or one-half (1/2) the height of the building, whichever is greater. Driveways and parking areas on C-M zoned property used for manufacturing, commercial or office purposes shall be set back a minimum of five (5) feet from property lines adjacent to residentially-zoned property; said setback area shall be landscaped. In addition, a minimum six (6) foot high solid fence or decorative wall shall be provided along the property line adjacent to residentially-zoned property except where it interferes with traffic safety or would be contrary to §28.87.170. The requirement for said wall or fence may be waived or modified by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark.~~

28.69.060 Setbacks.

The following setback requirements shall be observed on all lots within this zone:

A. FRONT SETBACK. A front setback of not less than the indicated distance shall be provided between the front lot line and all buildings, structures and parking on the lot as follows:

1. Nonresidential or mixed use buildings, structures and parking: No setback required.

2. Exclusively residential buildings, structures and parking: R-3/R-4 front setback requirement.

B. INTERIOR SETBACK ADJACENT TO NONRESIDENTIAL ZONE. An interior setback of not less than the indicated distance shall be provided between an interior lot line that abuts a non-residentially zoned parcel and all buildings, structures and parking on the lot as follows:

1. Nonresidential or mixed use buildings or structures: No setback required.

2. Exclusively residential buildings or structures: R-3/R-4 interior setback requirement.

3. All parking and driveways: No setback required.

C. INTERIOR SETBACK ADJACENT TO RESIDENTIAL ZONE. An interior setback of not less than the indicated distance shall be provided between an interior lot line that abuts a residentially zoned parcel and all buildings, structures, and parking on the lot as follows:

1. All buildings and structures: 10 feet or ½ the building height, whichever is greater.

2. Residential parking and driveways: R-3/R-4 interior setback requirements.

3. Nonresidential or mixed use parking and driveways: 5 feet, landscaped. In addition, a minimum six (6) foot high solid fence or decorative wall shall be provided along the property line abutting a residentially zoned parcel, except where such fence or wall will interfere with traffic safety or would be inconsistent with the provisions of Section 28.87.170 of this Code. However, the requirement for a fence or

wall may be reduced or waived by the design review body that reviews the project.

SECTION 48. Chapter 28.69 (C-M Commercial Manufacturing Zone) of Title 28 of the Santa Barbara Municipal Code is amended to add Section 28.69.081 to read as follows:

28.69.081 Outdoor Living Space.

Any lot in this zone developed exclusively for residential use or developed with a mixed use development shall provide outdoor living space for each dwelling unit in accordance with the provisions of the R-3/R-4 Zone as stated in Section 28.21.081 of this Code.

SECTION 49. Section 28.72.030 of Chapter 28.72 (M-1 Light Manufacturing Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.72.030 Uses Permitted.

~~1~~A. Any use permitted in the C-M Zone ~~and~~ subject to the use restrictions and limitations contained ~~therein~~in that zone, except that any such use specifically mentioned hereafter shall be subject to the restrictions of the M-1 Zone.~~, and provided, however, that~~ Furthermore, no building or any portion of a building shall be erected or used as a dwelling except ~~accessory buildings which are incidental to the use of the land.~~ for a caretaker or night watchperson's residence of no more than four hundred (400) square feet of net floor area.

~~2~~B. Any of the following uses are permitted provided that such operations, manufacturing, processing or treatment of products are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, liquids, wastes, noise, vibrations, disturbances or other similar causes which may impose a hazard to life or property:

~~(1)~~1. Agricultural equipment rental.
~~(2)~~2. Alcohol and alcoholic beverages manufacture.
~~(3)~~3. Assembly plant.
~~(4)~~4. Automobile body and fender works, painting and upholstery and automobile laundry.
~~(5)~~5. Awning manufacturing.
~~(6)~~6. Bag manufacturing.
~~(7)~~7. Battery manufacturing and rebuilding.
~~(8)~~8. Bedspring manufacturing.
~~(9)~~9. Bookbinding.
~~(10)~~10. Bottling plant.
~~(11)~~11. Brewery.
~~(12)~~12. Brush manufacturing.
~~(13)~~13. Building materials, new and used.
~~(14)~~14. Candle manufacturing.
~~(15)~~15. Candy manufacturing.
~~(16)~~16. Cannery (except fish and meat products).
~~(17)~~17. Cellophane products manufacturing.

~~(18)~~18. Cement products manufacturing.
~~(19)~~19. Cesspool - pumping, draining, cleaning.
20. Church, subject to the issuance of a conditional use permit issued under Chapter 28.94 of this Code.
~~(20)~~21. Cigar and cigarette manufacturing.
~~(21)~~22. Cleaning and dyeing, wholesale.
~~(22)~~23. Clock factory.
~~(23)~~24. Clothing manufacturing.
~~(24)~~25. Coffee roasting.
~~(25)~~26. Cold storage plant.
~~(26)~~27. Contractor, farming equipment.
~~(27)~~28. Cork products manufacturing.
~~(28)~~29. Cornice works.
~~(29)~~30. Cosmetics manufacturing.
~~(30)~~31. Cotton storage.
32. Covenant or monastery, subject to the issuance of a conditional use permit issued under Chapter 28.94 of this Code.
~~(31)~~33. Creamery.
~~(32)~~34. Dextrine manufacturing.
~~(33)~~35. Distribution plant.
~~(34)~~36. Dog kennel, boarding, breeding or training.
~~(35)~~37. Draying and truck yard or terminal.
~~(36)~~38. Drug manufacturing.
39. Educational facility, subject to the issuance of a conditional use permit issued under Chapter 28.94 of this Code.
~~(37)~~40. Electrical appliance and equipment manufacturing.
~~(38)~~41. Electric utility warehouse and service yard or electric transmission substation.
~~(39)~~42. Electronic instruments and devices manufacturing.
~~(40)~~43. Feather products, manufacturing or renovation.
~~(41)~~44. Felt products manufacturing.
~~(42)~~45. Fiber products manufacturing.
~~(43)~~46. Fixture manufacturing, gas, electric.
~~(44)~~47. Fumigating contractor.
~~(45)~~48. Furniture manufacturing.
~~(46)~~49. Hay barn.
~~(47)~~50. Horn products manufacturing.
~~(48)~~51. Ice manufacturing and storage.
~~(49)~~52. Ink manufacturing.
~~(50)~~53. Insecticides manufacturing.
~~(51)~~54. Iron works, ornamental (no casting).
~~(52)~~55. Knitting mill.
~~(53)~~56. Laboratory for research, testing and experimental purposes.
~~(54)~~57. Leather products manufacturing (no tanning).
~~(55)~~58. Machinery, farm and repair.
~~(56)~~59. Malt products manufacturing.

~~(57)~~60. Medicine manufacturing.
~~(58)~~61. Metal spinning.
~~(59)~~62. Milk pasteurization.
~~(60)~~63. Millinery manufacturing.
~~(61)~~64. Novelty manufacturing.
~~(62)~~65. Packing plant, fruit and vegetables.
~~(63)~~66. Paint mixing (no boiling).
~~(64)~~67. Paper products manufacturing.
~~(65)~~68. Perfume manufacturing.
~~(66)~~69. Phonograph manufacturing.
~~(67)~~70. Plastic products manufacturing.
~~(68)~~71. Plating.
~~(69)~~72. Pottery and statuary manufacturing.
~~(70)~~73. Produce yard or terminal.
~~(71)~~74. Pumping plant.
~~(72)~~75. Refrigerating plant.
~~(73)~~76. Rope plant.
~~(74)~~77. Rubber products manufacturing.
~~(75)~~78. Rug manufacturing.
~~(76)~~79. Sandpaper manufacturing.
~~(77)~~80. Sea shell products manufacturing.
~~(78)~~81. Sheet metal products.
~~(79)~~82. Starch mixing and bottling.
~~(80)~~83. Stone grinding, cutting and dressing.
~~(81)~~84. Tool manufacturing (no drop hammer or punch presses).
~~(82)~~85. Toy manufacturing.
~~(83)~~86. Venetian blind manufacturing.
~~(84)~~87. Wood products manufacturing.
88. Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a substantial conformance determination pursuant to the adopted Planning Commission Guidelines.

~~3~~C. Accessory buildings and accessory uses.

SECTION 50. Section 28.72.060 of Chapter 28.72 (M-1 Light Manufacturing Zone) of Title 28 of the Santa Barbara Municipal Code is deleted in its entirety and amended to read as follows:

~~**28.72.060 Yards.**~~

~~All buildings or portions thereof used exclusively for dwelling purposes shall comply with the provisions of the R-4 Zone. Buildings on property immediately adjacent to residentially-zoned property shall have an interior yard of no less than ten (10) feet or one-half (1/2) the height of the building, whichever is greater. Driveways and parking areas on M-1 zoned property used for manufacturing, commercial or office purposes shall be set back a minimum of five (5) feet from property lines adjacent to residentially-~~

~~zoned property; said setback area shall be landscaped. In addition, a minimum six (6) foot high solid fence or decorative wall shall be provided along the property line adjacent to residentially-zoned property except where it interferes with traffic safety or would be contrary to §28.87.170. The requirement for said wall or fence may be waived or modified by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark.~~

28.72.060 Setbacks.

The following setback requirements shall be observed on all lots within this zone:

A. FRONT SETBACK. A front setback of not less than the indicated distance shall be provided between the front lot line and all buildings, structures and parking on the lot as follows:

1. Nonresidential or mixed use buildings, structures and parking: No setback required.

2. Exclusively residential buildings, structures and parking: R-3/R-4 front setback requirement.

B. INTERIOR SETBACK ADJACENT TO NONRESIDENTIAL ZONE. An interior setback of not less than the indicated distance shall be provided between an interior lot line that abuts a non-residentially zoned parcel and all buildings, structures and parking on the lot as follows:

1. Nonresidential or mixed use buildings or structures: No setback required.

2. Exclusively residential buildings or structures: R-3/R-4 interior setback requirement.

3. All parking and driveways: No setback required.

C. INTERIOR SETBACK ADJACENT TO RESIDENTIAL ZONE. An interior setback of not less than the indicated distance shall be provided between an interior lot line that abuts a residentially zoned parcel and all buildings, structures, and parking on the lot as follows:

1. All buildings and structures: 10 feet or ½ the building height, whichever is greater.

2. Residential parking and driveways: R-3/R-4 interior setback requirements.

3. Nonresidential or mixed use parking and driveways: 5 feet, landscaped. In addition, a minimum six (6) foot high solid fence or decorative wall shall be provided along the property line abutting a residentially zoned parcel, except where such fence or wall will interfere with traffic safety or would be inconsistent with the provisions of Section 28.87.170 of this Code. However, the requirement for a fence or wall may be reduced or waived by the design review body that reviews the project.

SECTION 51. Section 28.73.060 of Chapter 28.73 (OM-1 Ocean-Oriented Light Manufacturing Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.73.060~~Yards~~Setbacks.

~~Yard restrictions~~Setback requirements shall be the same as those provided for the M-1 Zone, Chapter 28.72 of this Code.

SECTION 52. Section 28.75.060 of Chapter 28.75 (HWMF Hazardous Waste Management Facility Overlay Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.75.060~~Yards~~Setbacks.

Required ~~yards~~setbacks shall be subject to the same limitations as those found in the underlying zone, except as outlined by Section 28.75.045 above.

SECTION 53. Chapter 28.82 (Establishing Procedure for Setback Lines) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.82.009Determining Authority.

Whenever the public peace, health, safety, comfort, convenience, interest or welfare may require, the City Council is hereby authorized and empowered to determine the minimum distance back from the street line for the erection of buildings or structures along any portion of any street, public way or place in the City and to order the establishment of a line to be known and designated as a street widening setback line between which line and the street line no building or structure shall be erected or constructed. The street widening setbacks and the procedures relating to street widening setbacks specified in this Chapter 28.82 and Chapters 28.83 and 28.84 are to be distinguished from the general setbacks defined in Chapter 28.04 and established elsewhere in this Title 28.

SECTION 54. Sections 28.87.030, 28.87.062, 28.87.150, 28.87.160, 28.87.170, 28.87.190 and 28.87.250 of Chapter 28.87 (General Provisions) of Title 28 of the Santa Barbara Municipal Code are amended to read as follows:

28.87.030Uses Permitted.

A. LESS RESTRICTIVE USES PROHIBITED. The express enumeration and authorization in this title of a particular class of building, structure, premises or use in a designated zone shall be deemed a prohibition of such building, structure, premises or use in all zones of more restrictive classification, except as otherwise specified.

B. ADDITIONAL PERMITTED USES. Uses other than those specifically mentioned in this title as uses permitted in each of the zones may be permitted therein provided such uses are similar to those mentioned and are in the opinion of the City Council no more obnoxious or detrimental to the welfare of the community than the

permitted uses in the respective zones. The City Council may approve such uses by ordinance amendment after a recommendation has been received from the Planning Commission.

C. EXCLUSION OF PERMITTED USES. The City Council after a recommendation has been received from the Planning Commission may by ordinance amendment, exclude any permitted use from any zone if in the opinion of the City Council it is obnoxious or detrimental to the welfare of the community.

D. NONCONFORMING BUILDINGS. The following provisions shall apply to all nonconforming buildings and structures or parts thereof legally existing at the effective date of this title.

1. Any nonconforming building or structure may be maintained, improved, or altered only as follows:

a. Improvements that do not change the use or the basic, exterior characteristics or appearance of the building or structure are allowed. Such improvements include but are not limited to the following:

(1) Interior alterations or upgrades to any portion of the nonconforming building or structure, including portions that exceed the current height limitation, such as:

(a) The replacement of wall coverings;

(b) The replacement of existing utilities, or the installation of new utilities;

(c) The replacement of existing interior walls, or the construction of interior walls;

(d) The replacement of existing insulation, or the installation of new insulation; or

(e) The replacement of existing floor coverings, or the installation of new floor coverings;

(2) The replacement of structural members, such as studs, rafters, joists, beams, or other structural members, except where it will result in an increase in roof pitch;

(3) The replacement or installation of new foundations and slabs under the existing building footprint;

(4) Seismic safety retrofit improvements;

(5) The demolition and replacement of the nonconforming building or structure, provided that the following conditions are met:

(a) The basic, exterior characteristics of the replacement building or structure is not changed, except as allowed in this Section;

(b) The new structure complies with all applicable height and building story limitations; and

(c) The demolition and replacement of the nonconforming building or structure does not continue or perpetuate a nonconforming use.

(6) Additions that conform to the current Zoning standards for the zone.

(7) Solar energy systems, as defined in subdivision (a) of Civil Code section 801.5, that are installed roughly parallel to, and protrude no higher

than ten inches (10”) above (measured from the top of the roof or other structure perpendicularly to the highest point of the solar energy system), a roof or other similar structure that is legally nonconforming as to the required yard, may extend into a required yard to the extent of the legal nonconforming roof or other similar structure.

b. Minor improvements that change the exterior characteristics are allowed. Such minor improvements are limited to the following:

(1) The replacement of exterior wall coverings with the same or different materials;

(2) The replacement of roofing materials with the same or different materials, except those that require an increase in roof pitch;

(3) Reduction in the number or size of window or door openings;

(4) Replacement of existing windows or doors where there is no increase in opening size, or changes in the location of the windows or doors.

c. Minor expansions of the net floor area on lots that are nonconforming as to the maximum net floor area or where the proposed expansion would otherwise be deemed precluded development as specified in Section 28.15.083 are allowed under the following conditions:

(1) The expansion may not exceed 100 square feet of net floor area over the net floor area legally existing on the lot as of the effective date of section 28.15.083;

(2) Only one expansion is allowed pursuant to this subparagraph (c) (even if the expansion is less than 100 square feet of net floor area); and

(3) A minor expansion of net square footage pursuant to this subparagraph (c) is not permitted in connection with the demolition and replacement of a nonconforming building.

2. Nothing in the above provisions shall be construed to prohibit any additions or alterations to a nonconforming structure as may be reasonably necessary to comply with any lawful order of any public authority, such as seismic safety requirements, the Americans with Disabilities Act, or a Notice and Order of the Building Official, made in the interest of the public health, welfare, or safety, provided that modification approvals pursuant to Chapter 28.92 of this Title may be required for such additions or alterations.

E. NONCONFORMING USES. Any nonconforming use of a conforming or nonconforming building may be maintained and continued, provided there is no increase or enlargement of the floor area of the buildings or structures on site which are occupied or devoted to such nonconforming use except as provided in this Subsection, and further provided there is no increase in the intensity of such nonconforming use except as otherwise provided in this title. When a building containing a nonconforming use is demolished, the nonconforming use shall be deemed discontinued, and such nonconforming use shall not be continued or perpetuated in any replacement building, except as provided in this Subsection. For the purposes of this section, an increase in intensity of use shall include but not be limited to the following: An increase in the number of required parking spaces for the use, or increase in the amount of traffic, noise, odors, vibration, air pollution including dust and other particulate matter,

hazardous materials or other detrimental effects on the surrounding community that are generated by the use.

1. **Properties with Nonconforming Residential Density.** Improvements or alterations to a residential structure~~ that do not increase residential density, do not increase floor area (including all accessory buildings except garages and carports), or do not increase the amount of habitable space shall be allowed on lots with nonconforming residential density~~ are not allowed if the improvement or alteration does any of the following: 1. increases residential density, 2. increases floor area of any main or accessory building on the lot (except garages and carports), or 3. increases the amount of habitable space. For the purpose of this paragraph, residential density shall be defined as the number of dwelling units on a property, except in the R-3, R-4, R-O, C-1, C-2, ~~and~~ C-M, HRC-2, and OC Zones, where residential uses are allowed, the residential density shall be defined as a combination of the number of dwelling units and the number of bedrooms per unit on a property. The following improvements are allowed, provided that any portion of a building or structure that is nonconforming as to the physical standards of the zone shall only be improved consistent with the provisions in SBMC §28.87.030.D.:

a. New fences;
b. New windows;
c. New doors;
d. Replace windows with doors;
e. New ground floor or upper floor decks;
f. New utilities;
g. Re-roof, including changes in pitch up to 4 in 12;
h. New interior or exterior wall coverings;
i. New insulation;
j. New foundations;
k. Structural upgrades;
l. Seismic Safety retrofit improvements;
m. New exterior water heater enclosures;
n. Interior floor plan changes, including converting existing floor area to bathrooms or laundry rooms,~~ that do not increase the residential density on site or do not increase the amount of habitable space on site, including converting existing habitable space to bathrooms~~ subject to the limitations specified above regarding residential density, floor area, and habitable space;
o. New covered or uncovered parking spaces, up to the minimum number required by this Title for the existing dwelling units;
p. Demolition and replacement, pursuant to the conditions in Section 28.87.038.B of this Title; or
q. Other improvements which neither increase the residential density on site, add floor area, nor increase the amount of habitable space.

2. **Residential Uses in the M-1 Zone.** Buildings or structures containing residential uses in the M-1 Zone may be improved and upgraded as allowed in Paragraph 28.87.030.E.1., above, provided the following conditions are met:

a. There is no increase in floor area, including accessory buildings;

b. There is no increase in residential density;

c. If a proposal to upgrade or improve a residential property in the M-1 zone requires discretionary review by the City, notice of such discretionary review shall be given as required by SBMC Sections 22.22.132, 22.68.040, 22,69.040 or 28.92.060, depending on the reviewing body.

3. **Neighborhood Markets in Residential Zones.** Nonconforming neighborhood markets in residential zones that are properly permitted as of September 1, 1998 may be improved and upgraded as allowed in Paragraph 28.87.030.E.1. above, subject to the following additional conditions:

a. There is no increase in floor area;

b. If a proposal to upgrade or improve a neighborhood market in a residential zone requires discretionary review by the City, notice of such discretionary review shall be given as required by SBMC Sections 22.22.132, 22.68.040, or 28.92.060, depending on the reviewing body.

For the purpose of this Section, a neighborhood market shall be defined as a small-scale market that may sell a full range of food and convenience products, including meat, dairy, vegetables, fruits, dry goods, beverages, and prepared food for off-site consumption.

4. Any part of a building, structure or land occupied by such a nonconforming use which is changed to or replaced by a use conforming to the provisions of this title shall not thereafter be used or occupied by a nonconforming use.

5. Any part of a building, structure or land occupied by such a nonconforming use, which use is discontinued or ceases for a period of one (1) year or more, shall not again be used or occupied except by a use allowed by the applicable zoning. This time limit shall not apply to a nonconforming use in a building or structure or on land located in an area which the City Council has, by resolution, found to be impacted by governmental action provided (i) the nonconforming use is resumed within one year of the completion of the governmental action and (ii) the nonconforming use is not more intense than the use which existed prior to the governmental action.

6. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restrictive classification. In areas found by the City Council to be impacted by governmental action, any interim use not conforming to the zoning designation but found appropriate by the Planning Commission may be established upon issuance of a conditional use permit.

7. The foregoing provisions of this section shall also apply to buildings, structures, land or uses which hereafter become nonconforming due to any reclassification of zones under this title or any subsequent change in the regulations of this title.

8. The provisions of this Chapter 28.87 concerning the physical change, abandonment, structural alteration, removal, discontinuance, reconstruction, repairing or rebuilding of nonconforming buildings, structures and uses shall not apply to public utility buildings, structures and uses. Nothing in this part shall be construed or applied so as to prevent the expansion, modernization or replacement of public utility buildings, structures, equipment and facilities where there is no change of use or increase in area of the property so used.

9. An existing educational institution may use, for all educational purposes, buildings existing on the date that this subsection is adopted.

28.87.062 Setback, Open Yard, Common Outdoor Living Space, and Distance Between Main Buildings Encroachments.

A. Where setbacks, open yards, common outdoor living space, and minimum distances between main buildings are required in this title, they shall be not less in depth or width than the minimum dimensions specified for any part, and they shall be at every point unobstructed by structures from the ground upward, except as follows:

1. Encroachments allowed in the specific zone.

2. Cantilevered architectural features at least three feet (3') above adjacent grade or finished floor (whichever is higher), and which do not provide additional floor space within the building (such as~~Uncovered balconies,~~ cornices, canopies, ~~chimneys,~~ or eaves ~~or~~),~~other similar architectural features not providing additional floor space within the building may extend into a required yard not to exceed two feet~~ or chimneys may encroach up to two feet (2'). However, no cantilevered architectural feature or chimney shall be located closer than three feet (3') from any property line, except roof eaves, which may be located as close as two feet (2') from any property line.

3. Uncovered balconies not providing additional floor space within the building may encroach up to two feet (2'). ~~As it pertains to balconies, the~~ However, ~~encroachment allowed by this subsection is not available~~an uncovered balcony shall not encroach into an interior setback on a lot located in any single family zone ~~of the zones listed in Chapter 28.15 of this Code without prior approval of a modification pursuant to Chapter 28.92 of this Code~~.

~~3~~4. Solar energy systems, as defined in subdivision (a) of Civil Code section 801.5, that are installed roughly parallel to, and protrude no higher than ten inches (10") above (measured from the top of the roof perpendicularly to the highest point of the solar energy system), a roof eave, may ~~extend into a required yard~~encroach the same amount as the roof eave ~~but in no case more than two feet (2')~~.

B. The following structures may encroach into setbacks as specified:

1. Decks that are no more than 10 inches (10") in height above existing grade may encroach into any setback.

2. ~~P~~Uncovered porches, terraces and outside ~~stairways, unroofed, unenclosed above and below floor or~~ steps, ~~and~~ not extending above the finished floor level of the first floor, may ~~project not more than~~encroach up to three feet (3') into any ~~required~~ interior ~~yard~~setback.

3. Covered or uncovered entrance landings not extending above the finished floor level of the ground floor and not exceeding three feet (3') measured in perpendicular dimensions (excluding the area under any handrail required under the California Building Code as adopted and amended by the City) may encroach three feet into any setback.

4. Bay windows at least three feet (3') above adjacent grade or finished floor (whichever is higher), and which do not provide additional floor space

within the building may encroach up to two feet (2') into the front setback.

5. Accessible uncovered parking spaces, access aisles, and accessibility ramps necessary to make an existing building accessible to persons with disabilities may encroach into required setbacks to the extent reasonably necessary to accommodate the existing building. This encroachment is not available for new buildings or additions to existing buildings where the addition precludes the development of a conforming accessible improvement.

C. The following types of structures may encroach into the required open yard or common outdoor living space, provided the total area of all such structures on the property does not occupy more than 20% of the total required open space or common outdoor living space on the lot, that no structure or structures occupy more than 20% of any individual area of required open space or common outdoor living space (if provided in multiple locations), and no structure is located in any front yard:

1. Detached, unenclosed structures (e.g., gazebos, trellises, hot tubs, spas, play equipment, or other freestanding structures).

2. Unenclosed structures which are attached to a wall or walls of a main building (.e.g., patio covers, trellises, canopies, or other similar structures).

D. The following types of structures may encroach into the required minimum distance between main buildings on the same lot. However, at no time shall any structure be located closer than five (5) feet to any other structure on the lot with the exception of: planters less than ten (10) inches in height above finished grade, fences, walls, and roof eaves.

1. Detached accessory structures.

2. Uncovered parking.

3. Planters less than ten (10) inches in height from finished grade.

4. Paving.

5. Fences, hedges, and walls.

6. Uncovered bicycle parking areas including bicycle racks and posts, but excluding bicycle locker parking.

7. The following structures may encroach a maximum of three feet:

a. Balconies, decks, porches, and terraces that do not provide additional floor area. These improvements may be roofed or unroofed. If such improvements are provided above the first floor, they must be cantilevered and the area below the structure shall not be enclosed.

b. Structures built to enclose trash, recycling, water heaters, or water softeners.

c. Exterior stairways as long as the stairways are not enclosed by solid walls.

28.87.150 Dwelling and Other Occupancies.

~~1. **INTERIOR YARDS FOR DWELLING UNITS IN NON-SINGLE FAMILY ZONES.** Where a dwelling is located, placed or erected above another type of use in zones other than A, E, or R zones, the interior yards for the floors occupied for dwelling purposes shall comply with the provisions of the R-4 Zone.~~

~~2.~~A. **DWELLING UNIT MINIMUM FLOOR AREA REQUIREMENTS**. Every

dwelling unit hereafter created shall contain not less than four hundred (400) square feet of usable floor area. Such usable floor area shall be exclusive of open porches, garages, basements, cellars and unfinished attics.

~~3.~~B. **EXCEPTION FOR AFFORDABLE EFFICIENCY DWELLING UNITS.** For projects constructed or operated by a nonprofit or governmental agency providing housing as an "Affordable Housing Cost" to "Lower Income Households" (as those terms are defined in sections 50052.5 and 50079.5 of the state Health and Safety Code), the City may permit efficiency dwelling units (as defined in Section 310.7 of the California Building Code as adopted and amended by this Code) for occupancy by no more than two persons who qualify as either very low or low income households at the time of their initial occupancy under circumstances where the unit will have a minimum useable floor area (excluding floor area in the kitchen, bathroom and closet) of not less than 150 square feet. In all other respects, such efficiency dwelling units shall conform to the minimum standards specified in the California Building Code (2001 Edition) and other applicable provisions of this Code.

28.87.160 Accessory Buildings.

The following regulations shall apply to the size and location of accessory buildings unless otherwise provided in this title.

~~1~~A. No detached accessory buildings in the A-1, A-2, E-1, E-2, E-3, R-1, R-2, R-3 or R-4 Zones may exceed two (2) stories or thirty feet (30') in height.

~~2~~B. ~~Yard~~Setback requirements contained in this title shall apply to all accessory buildings and structures as well as main buildings and structures, except that no accessory buildings, except garages, shall be located in a front yard.

~~3~~C. Accessory buildings, excluding garages, shall not have a total aggregate floor area in excess of 500 square feet.

~~4~~D. Garages in the A-1 and A-2 Zones shall not have a total aggregate floor area in excess of 750 square feet. Garages in the E-1, E-2, E-3, and R-1 Zones shall not have a total aggregate floor area in excess of 500 square feet, except that garages on lots in excess of 20,000 square feet shall not have a total aggregate floor area in excess of 750 square feet.

28.87.170 Fences, Screens, Walls and Hedges.

~~1~~A. Required ~~yard~~setbacks. Except as hereinafter provided, in the A, E, R, C-O and C-X Zones, no fence, screen, wall or hedge located in the required ~~yards~~setbacks shall exceed a height of eight feet (8').

~~2~~B. Front Lot Line, Side of Driveway. In the A, E, R, C-O and C-X Zones, no fence screen, wall or hedge exceeding a height of three and one-half feet (3-1/2') shall be located:

~~a~~1. Within ten feet (10') of a front lot line.

~~b~~2. Within ten feet (10') of either side of a driveway for a distance of twenty feet (20') back from the front lot line.

~~3~~C. Corner. In the A, E, R, C-O and C-X Zones, no fence, screen, wall or hedge located within fifty feet (50') of a street corner measured from the edge of the vehicular travelled way as determined by the Traffic Engineer and within the required

front yard shall exceed a height of three and one-half feet (3-1/2'); provided that where any fence, screen, wall or hedge within fifty feet (50') of any corner impairs the vision of drivers of vehicles approaching on the intersecting street, the Chief of Building and Zoning may further limit the height of construction by the terms of the permit issued to the applicant so as to prevent such impairment of vision.

D. Alleys. In the A, E, R, C-O, and C-X zones, the City Traffic Engineer may require the height of a fence, screen, wall or hedge to be reduced if the improvement is determined to be a safety hazard.

~~4~~E. Separation. Unless there is a horizontal separation of at least five feet (5') between fences, screens, walls or hedges, the height shall be measured from the lowest point of such fence, screen, wall or hedge to the highest point of either fence, screen, wall or hedge.

~~5~~F. Barbed Wire, Sharp Wire or Points. In any zone, no barbed wire shall be used or maintained in or about the construction of a fence, screen, wall or hedge along the front or interior lines of any lot, or within three feet (3') of said lines, and no sharp wire or points shall project at the top of any fence or wall less than six feet (6') in height.

~~6~~G. Schools. Any open mesh type fence to enclose an elementary or high school site may be located and maintained in any required yard.

~~7~~H. Nonconforming. Any fence, screen, wall or hedge which is nonconforming to the provisions of this section and which ~~is legally existing on~~existed lawfully on January 10, 1957 (the effective date of the ordinance adopting the provisions of this section) may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen, wall or hedge except as permitted in other sections of this title. Notwithstanding the foregoing, no more than ten percent (10%) of the length of a nonconforming fence, screen, or wall may be replaced within any twelve month period. A hedge shall be determined to be nonconforming by the Community Development Director upon receipt of sufficient evidence indicating that the hedge existed in its present location on January 10, 1957. If a nonconforming fence, screen, wall or hedge has been determined to be a safety hazard by the City Traffic Engineer, the City may require the removal or reduction of the height of the nonconforming fence, screen, wall or hedge.

28.87.190 Storage.

~~1~~A. No portion of any front yard or any required interior ~~yard~~setback, open yard, private outdoor living space or front porch shall be used for the permanent storage of motor vehicles, trailers, airplanes, boats, parts of any of the foregoing, appliances, loose rubbish or garbage, junk, tents, garbage or rubbish receptacles, ~~or~~ building materials, compost pile, or any similar item, except as hereinafter provided. Permanent storage, as used in this section, shall mean storage for a period of forty-eight (48) or more consecutive hours.

B. No portion of any vacant or undeveloped lot in a residential zone where no main building exists shall be used for permanent storage.

~~2. On corner lots no portion of any of the things mentioned in the preceding paragraph shall be stored outside a zone bounded by the interior lot lines and lines which are equidistant from said lot lines and front lot lines.~~

~~3~~C. Building materials for use on the same premises may be stored thereon

during the time that a valid permit is in effect for construction on the premises.

28.87.250 Development Along Creeks.

~~1~~A. Legislative Intent. The purpose of this Section is to provide controls on development adjacent to the bed of Mission Creek within the City of Santa Barbara. These controls are necessary:

~~a~~1. to prevent undue damage or destruction of developments by flood waters;

~~b~~2. to prevent development on one parcel from causing undue detrimental impact on adjacent or downstream properties in the event of flood waters;

~~c~~3. to protect the public health, safety and welfare.

~~2~~B. Limitation on Development. No person may construct, build, or place a development within the area described in Subsection 28.87.250.~~3~~C unless said development has been previously approved as provided in Subsection 28.87.250.~~5~~E.

~~3~~C. Land Area Subject to Limitation. The limitations of this Section shall apply to all land within the banks and located within twenty-five (25) feet of the top of either bank of Mission Creek within the City of Santa Barbara.

"Top of bank" means the line formed by the intersection of the general plane of the sloping side of the watercourse with the general plane of the upper generally level ground along the watercourse; or, if the existing sloping side of the watercourse is steeper than the angle of repose (critical slope) of the soil or geologic structure involved, "top of bank" shall mean the intersection of a plane beginning at the toe of the bank and sloping at the angle of repose with the generally level ground along the watercourse. The angle of repose is assumed to be 1.5 (horizontal) : 1 (vertical) unless otherwise specified by a geologist or soils engineer with knowledge of the soil or geologic structure involved.

"Toe of bank" means the line formed by the intersection of the general plane of the sloping side of the watercourse with the general plane of the bed of the watercourse.

~~4~~D. Development Defined. Development, for the purposes of this Section, shall include any building or structure requiring a building permit; the construction or placement of a fence, wall, retaining wall, steps, deck (wood, rock, or concrete), or walkway; any grading; or, the relocation or removal of stones or other surface which forms a natural creek channel.

~~5~~E. Approval Required. Prior to construction of a development in the area described in Subsection 28.87.250.~~3~~C, the property owner shall obtain approvals as follow:

~~a~~1. Any development subject to the requirement for a building permit shall be reviewed and approved by the Chief of Building and Zoning or the Planning Commission on appeal prior to the issuance of a building permit.

~~b~~2. Any development not requiring a building permit shall be reviewed and approved by the Chief of Building and Zoning or his designated representative or the Planning Commission on appeal. A description of the development shall be submitted showing the use of intended development, its location, size and manner of

construction.

~~6~~F. Development Standards. No development in the area subject to this Section shall be approved unless it is found that it will be consistent with the purposes set forth in Subsection 28.87.250.~~1~~A.

~~a~~1. The Chief of Building and Zoning or the Planning Commission on appeal shall consider the following in determining whether the development is consistent with Subsection 28.87.250.~~1~~A:

~~(1)~~a. That the proposed new development will not significantly reduce existing floodways, re-align stream beds or otherwise adversely affect other properties by increasing stream velocities or depths, or by diverting the flow, and that the proposed new development will be reasonably safe from flow-related erosion and will not cause flow-related erosion hazards or otherwise aggravate existing flow-related erosion hazards.

~~(2)~~b. That proposed additions, alterations or improvements comply with ~~Subsection~~Subparagraph ~~a(1)~~1.a above.

~~(3)~~c. That proposed reconstruction of structures damaged by fire, flood or other calamities will comply with ~~Subsection~~Subparagraph ~~a(1)~~1.a above, or be less nonconforming than the original structure and will not adversely affect other properties.

~~(4)~~d. The report, if any, of a qualified soils engineer or geologist and the recommendations of the Santa Barbara County Flood Control and Water Conservation District.

~~(5)~~e. After review of that report, whether denial of approval would cause severe hardship or prohibit the reasonable development and use of the property.

~~b~~2. The Chief of Building and Zoning, or the Planning Commission on appeal may consider the following factors as mitigating possible hazards which might otherwise result from such development:

~~(1)~~a. Where the development is located on a bank of the creek which is sufficiently higher than the opposite bank to place the development outside a flood hazard area.

~~(2)~~b. Where the creek bed adjacent to the development is sufficiently wide or the creek bank slope sufficiently gradual that the probability of flood hazard is reduced.

~~(3)~~c. Where approved erosion or flood control facilities or devices have been installed in the creek bed adjacent to the development.

~~(4)~~d. Where the ground level floor of the development is not used for human occupancy and has no solid walls.

~~(5)~~e. Where the development is set on pilings so that the first occupied floor lies above the 100-year flood level, and such pilings are designed to minimize turbulence.

~~c~~3. The Chief of Building and Zoning or the Planning Commission on appeal may allow development into required ~~yards~~setbacks if he makes the finding that the encroachment would not be necessary except for the development controls required by this section and that the modification of the required ~~yard~~setback is necessary to secure an appropriate improvement on a lot, to prevent unreasonable hardship or to

promote uniformity of improvement.

~~7~~G. Procedures. The following procedures shall apply to developments in the area defined in Subsection 28.87.250.~~3~~C:

~~a~~1. All applicants shall receive an environmental assessment.

~~b~~2. All applications shall be referred to the Santa Barbara County Flood Control and Water Conservation District and the City Public Works Department for review and comment.

~~c~~3. Upon completion of the above review and comment, the proposed development shall be reviewed by the Chief of Building and Zoning as provided in Subsection 28.87.250.~~5~~E. The Chief of Building and Zoning shall give the applicant and any other person requesting to be heard, an opportunity to submit oral and/or written comments to him prior to his decision. The Chief of Building and Zoning shall send by mail notice of his decision to the applicant. The decision of the Chief of Building and Zoning shall be final unless appealed by the applicant or any interested person to the Planning Commission within ten (10) days by the filing of a written appeal with the Department of Community Development. The Department of Community Development shall schedule the matter for a hearing by the Planning Commission and shall mail the applicant and any interested person requesting notice written notice of the hearing ten (10) days before the hearing. The decision of the Planning Commission shall be final.

SECTION 55. Chapter 28.87 of Title 28 of the Santa Barbara Municipal Code is amended by adding Section 28.87.290 to read as follows:

28.87.290 Seasonal Holiday Sales.

Notwithstanding any provisions of this Title to the contrary, the annual retail sale of Christmas trees or Halloween pumpkins (holiday sales) is permitted in the C-P, C-2, C-M, M-1, and P-D zones subject to the following requirements:

A. The person, firm, or organization conducting holiday sales shall first obtain a permit from the Community Development Department. The Community Development Department shall develop appropriate application requirements for holiday sales permits.

B. No holiday sales permitted under this section shall be maintained or operated for more than six weeks.

C. The space in which holiday sales are conducted shall not displace any parking spaces or loading areas required for other uses on the lot pursuant to this Code.

D. The operator of the holiday sales shall comply with all other applicable provisions of the Santa Barbara Municipal Code, including, but not limited to, the Sign Ordinance, the Outdoor Lighting Ordinance, applicable Building and Fire Codes, and any applicable design review of buildings or structures.

E. The lot on which the holiday sales are conducted shall be restored to the condition in which it existed prior to the conduct of the holiday sales within one week following the respective holiday.

SECTION 56. Sections 28.90.001, 28.90.045, 28.90.070 and 28.90.100 of Chapter 28.90 (Automobile Parking Requirements) of Title 28 of the Santa Barbara Municipal

Code are amended to read as follows:

28.90.001In General.

~~1~~A. MINIMUM REQUIREMENTS. This chapter provides the minimum requirements and standards for the provision of off-street parking for all buildings, structures and uses in the City of Santa Barbara.

~~2~~B. EXISTING PARKING SPACE. Where automobile parking space provided and maintained on a lot in connection with a main building or structure at the time this title becomes effective is insufficient to meet the requirements for the use with which it is associated, or where no such parking has been provided, said building or structure may be altered or enlarged, provided additional automobile parking spaces are provided to meet the standards for use in conformity with the requirements set forth in this chapter for the enlargement, extension or addition proposed. However, if an enlargement is more than fifty percent (50%) of the existing net floor area (excluding the garage), then parking shall be brought up to the current standards for the entire lot.

~~3~~C. COLLECTIVE USE OF SPACE. Nothing in this Title shall prohibit the collective use of space for off street parking. The collective space shall remain available to all occupants and users of structures for which said permit is issued.

~~4~~D. PROGRAM FOR ALTERNATIVE TRANSPORTATION MODES. A method for reducing the number of parking spaces required by this chapter for any land use is by granting a modification in accordance with Municipal Code Section 28.92.110 if the property owner files and obtains approval of a program of alternative transportation modes or other approved measures for employees working on the parcel and pays the City for any periodic verification procedures and expenses associated therewith.

~~5~~E. No building permit for any structure referred to in the preceding subsections (~~3~~C) and (~~4~~D) shall be issued without the written approval of the ~~Zoning Administrator~~Community Development Director as to compliance with the provisions of this chapter. In connection with the issuance of any modification, building permit, variance or conditional use permit, the City of Santa Barbara shall have continuing jurisdiction over any such permit for the purpose of requiring, upon thirty (30) days written notice given, off-street parking of like kind and quantity, whenever it appears to the ~~Zoning Administrator~~Community Development Director that any collective parking rights or privileges of any permittee under any modification, variance, conditional use permit or building permit previously granted have expired or are about to do so. Any failure of any such permittee to provide such substitute off-street parking, effective as of the date of such expiration, together with the filing of documentary evidence of the right to the same with the ~~Division of Land Use Controls~~Building and Safety Division, as herein provided, shall be deemed to be grounds for the revocation of any such permit, or in the alternative, the City of Santa Barbara may enforce such parking requirements by any legal remedy available to it.

~~6~~F. LOADING SPACE. On the same premises with every building, structure or part thereof erected or occupied for any use, truck loading space shall be required if loading interferes with short-term or visitor parking. The requirements for such loading space shall be determined and approved in writing by the City's Transportation

Engineer.

~~7~~G. DRIVEWAY ACCESS. In any zone, for other than single- or two-family dwellings, driveway access from a public street to the required off-street parking area shall be as follows, provided that in no zone shall minimum access to the premises be by paved driveway of lesser width than is required by the ~~Uniform~~California Fire Code as amended and adopted by ordinance of this City.

~~a~~1. Where such parking area contains less than twenty-five (25) parking spaces, driveway access shall be not less than ten feet (10') in width plus a minimum of three feet (3') in width of planting strip abutting any main building on the same lot or served by such driveway.

~~b~~2. Where such parking area contains twenty-five (25) or more parking spaces, or a projected total of twenty-five (25) or more parking spaces, a two-way driveway shall be required with a minimum paving surface width of at least eighteen feet (18') plus a three foot (3') width of planting strip abutting any main building on the same lot or served by such driveway. Two (2) one-way driveways may be substituted for one (1) two-way driveway in which event the requirements of ~~subp~~Paragraph ~~a~~1. ~~herein~~above shall be applicable to each such driveway.

The design review body that reviews the project~~Architectural Board of Review, or Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark,~~ may reduce or waive the requirement regarding the three (3) foot planting strip where alternative landscaping and designs are presented that result in landscaping and designs that are equally effective.

~~8~~H. PARKING IN ~~REQUIRED YARD~~SETBACK PROHIBITED. In any zone, there shall be no parking space provided in any ~~required yard~~setback, except that uncovered parking or turnaround areas may be allowed in ~~the required~~ interior ~~yard~~setbacks in an R-3 or less restrictive zone for ~~multiple-family dwellings~~lots containing three or more residential units, commercial buildings, ~~and~~ or office buildings if at least five percent (5%) of the total area used for parking, turnaround and driveway ~~shall be~~is landscaped.

~~9~~I. PARKING IN FRONT ~~YARD~~SETBACK PROHIBITED. ~~There shall be no parking space provided in any zone in the required front yard~~Parking is prohibited in the front setback in any zone. Parking may be allowed in the remaining front yard, whether covered or uncovered, if screened by a decorative wall or fence and planting.

~~10~~J. HARD-SURFACED DRIVEWAYS REQUIRED. All required off-street automobile parking areas and driveways shall be fully hard surfaced with asphaltic concrete of minimum thickness of two inches (2"), or other techniques or materials providing equivalent service. In order to comply with this subsection, such alternative techniques and materials must be approved in writing by the Fire Department and Transportation Engineer.

~~11~~K. ENTRANCES AND EXITS - PARKING LOTS. Each entrance and exit to a parking lot shall be constructed and maintained so that a pedestrian within ten feet (10 ') of the driveway is visible to the driver when the vehicle is stopped at the property line.

~~12~~L. DESIGN REVIEW. All plans for improvement of parking areas shall be specifically reviewed and approved in accordance with the provisions of Chapter 22.22, 22.68, or 22.69 where applicable.

~~13~~M. MOTOR VEHICLES INCAPABLE OF MOVEMENT UNDER THEIR OWN POWER, UNREGISTERED VEHICLES. All motor vehicles incapable of movement under their own power, other than in cases of emergency, and vehicles not currently registered for use on the street shall be stored in an entirely enclosed space ~~or carport~~. This provision shall not apply in the case of auto wrecking establishments.

~~14~~N. CHANGE OF USE. Whenever the type of use of any existing building is changed to another type of use that requires more parking spaces under this Chapter than were required for the prior use, there shall be provided additional permanently maintained parking spaces as required by this chapter for said building and any other existing buildings located on the parcel or parcels. The number of required additional parking spaces under this subsection shall be computed by determining if the number of parking spaces required for the new use is greater than that required for the previous use under this Chapter. If there is an increased number of parking spaces required for the new use, that increased number of additional parking spaces shall be added to the number of parking spaces required for the prior legal conforming or non-conforming use and the total of these two numbers shall be the number of parking spaces required for the new use.

~~15~~O. CONVERSION OF GARAGES. Where required off-street parking spaces for one-family and/or two-family dwellings are provided in a garage or carport, and where it is proposed by the owner to convert said garage or carport to other use and to provide the required parking spaces elsewhere, a building permit for such conversion shall not be issued until all necessary clearing and grading of the new parking area has been accomplished and access has been provided thereto from a public street and such work has been approved by the Chief Building Official.

~~16~~P. BICYCLE PARKING. Bicycle parking spaces shall be provided for all commercial and industrial uses as indicated herein.

~~17~~Q. PARKING OF COMMERCIAL VEHICLES. The parking of commercial vehicles off-street in A, R, and E zones, that are developed with dwelling units, is not permitted except for those times it is necessary in the course of transacting business at the residence and then only for such time as is necessary to complete deliveries or provide services. For the purpose of this section, a commercial vehicle is defined as any truck, bus, truck-tractor, cargo trailer, or other motorized or towed vehicle which has a rated capacity of more than fifteen (15) passengers, a rated capacity of more than one (1) ton by the manufacturer, or which exceeds a length of 20 feet or a height of 10 feet.

~~18~~R. OFF SITE PARKING. Required off street parking spaces shall be located on the same lot as the use served, or for office, commercial, industrial and mixed use developments only, on a lot within a walking distance of five hundred (500) feet. Walking distance of up to 1,250 feet may be approved by the Transportation and Parking Manager. Walking distance shall mean the distance from an outside entrance of a structure or use or part thereof to each off street parking space which serves such structure or use or part thereof, along the shortest, most convenient public pedestrian walkway available for such purpose. Whenever any off street automobile parking spaces required by this Chapter are provided on a different lot from that on which the use they are to serve is located, as a prerequisite to the issuance of any required building permit or certificate of occupancy, the following shall occur:

~~a~~1. An agreement, in a form satisfactory to the City Attorney, shall be

executed and recorded by each owner of the lot on which the parking is to be provided and each owner of the lot on which the use the off site parking spaces are to serve is located. The agreement may be in the form of an easement, covenant running with the land, or other satisfactory agreement, and shall provide that the off site parking spaces shall be maintained so long as the use they are intended to serve is maintained. The agreement shall not be amended, modified or rescinded without the prior written consent of the City.

~~b~~2. The certificate of occupancy for the use served by the off site parking spaces shall bear a notation that it is valid only while each such parking space is so maintained. The Community Development Director shall keep a record of each lot on which the required automobile parking spaces are provided for a use located on another lot, and whenever it is found that each required automobile parking space is no longer so maintained, the persons having ownership of the lot on which the use served by the off site parking shall be notified of that fact.

If at any time each automobile parking space required by this Code is not maintained, the certificate of occupancy shall automatically be cancelled and the building or use served by the off site parking spaces shall not there-after be occupied or used until each required automobile parking space is again provided and a new certificate of occupancy is issued.

28.90.045 Parking Design Standards.

~~1~~A. REQUIREMENTS. All parking facilities must be designed and constructed pursuant to the following:

~~a~~1. Backing out onto a public street or sidewalk from a parking space shall be permitted only for a one-family or two-family dwelling, where not more than four (4) spaces are provided.

~~b~~2. All turnaround movements shall be accomplished in one (1) maneuver. One (1) maneuver is considered to be one (1) back up and one (1) forward movement.

~~c~~3. The required dimensions and criteria for parking plans and vehicle ramps shall be as shown in the current City Standard for Parking Design as prepared by the Transportation Engineer and on file with the ~~City Clerk~~Public Works Department.

~~d~~4. It shall be the duty of the Transportation Engineer to review and approve all parking plans.

~~2~~B. VARIATION. Any variation from the above requirements must be approved pursuant to a waiver by the Public Works Director or his designee.

~~3~~C. ~~Vehicle Ramps:~~VEHICLE RAMPS.

~~a~~1. A vehicle ramp is defined to be a sloping connection between a street level and a parking level or two (2) parking levels.

~~b~~2. For multiple-family dwellings or non-residential uses, all parking plans involving ramps shall be accompanied by a profile showing the ramp, ramp transitions and overhead and adjacent wall clearances.

~~c~~3. The length of a ramp is defined as that portion of the ramp from the beginning of the transition at one end of the ramp to the end of the transition at the opposite end thereof.

~~d~~4. For ramps longer than sixty-five feet (65'), the ramp grade shall not exceed twelve percent (12%) with the first and last eight feet (8') of the ramp not exceeding six percent (6%).

~~e~~5. For ramps sixty-five feet (65') or less, the ramp grade shall not exceed sixteen percent (16%) with the first and last ten feet (10') of the ramp not exceeding eight percent (8%).

~~f~~6. The slopes of all parking areas shall not exceed five percent (5%), excluding ramps.

~~g~~7. The maximum grade for the driveway (vehicle ramp) serving a one-family dwelling shall not exceed sixteen percent (16%), except when the distance from the street pavement to the rearmost portion of any structure on the subject parcel is one hundred fifty feet (150') or less in which case the maximum grade shall not exceed twenty percent (20%).

~~4~~D. TANDEM PARKING. Notwithstanding any other provision in this Title, parking for mixed use developments may be provided in a tandem configuration (one parking space behind the other) if each set of tandem parking spaces is assigned to a single residential unit, and the tandem parking spaces are provided either on the subject lot or on an immediately adjacent lot. Vehicle movements necessary to move cars parked in a tandem arrangement shall not take place on any public street or alley. Guest parking spaces shall not be provided in a tandem configuration.

~~5~~E. BICYCLE PARKING. All bicycle parking facilities must be designed and constructed pursuant to the following:

~~a~~1. All facilities intended for permanent use shall provide a method for securing or locking the bicycle. A rack or space shall be provided for locking both the frame and the wheels.

~~b~~2. All bicycle areas shall be accessible and lighted, on an all-weather surface.

~~c~~3. A typical bicycle space shall be a minimum of two and one-half (2-1/2) feet in width and six (6) feet in length or less, if a permanent device is provided to stand the bicycle on end. A backout or maneuvering space of approximately five feet (5') shall be provided.

28.90.070 Handicapped Facilities.

A. All parking areas, for other than one- and two-family dwellings, shall provide parking spaces which are accessible to handicapped persons in accordance with the requirements of the Public Works Department as set forth in the City Standard for Parking Design.

B. The conversion of an existing parking space to an accessible parking space or access aisle for an accessible parking space does not require a modification of the parking requirement pursuant to Section 28.92.110, even if the conversion results in fewer parking spaces on the lot than required under Section 28.90.100, as long as the accessible parking requirement is not triggered by a change of use or an expansion of the existing use.

28.90.100 Parking Requirements.

A. GENERAL. Parking shall be provided for any use in the City of Santa Barbara.

B. DEFINITIONS. As used in this section of the code, certain words and phrases have the following meanings:

1. INDUSTRIAL USE. An industrial use is a use permitted in the C-M or M-1 zones, but not permitted in more restrictive zones.

2. SENIOR HOUSING. Senior Housing is housing that is restricted to residential uses by elderly and senior persons, sixty-two (62) years of age or older. In order to qualify, such restrictions must be made by recorded instrument, regulations of the United States Department of Housing and Urban Development or by similar enforceable methods.

3. LOW INCOME SENIOR HOUSING. Low income Senior Housing is housing that is restricted to residential uses by low income elderly and senior persons, sixty-two (62) years of age or older, and/or disabled or handicapped persons at affordable low income rents or sale prices in conformance with the City's adopted affordability criteria. In order to qualify, such restrictions must be for at least thirty (30) years, and be made by recorded instrument, regulations of the United States Department of Housing and Urban Development or by similar enforceable methods.

C. CUMULATIVE REQUIREMENTS. All standards set forth herein are cumulative in nature. For properties containing more than one use, the requirements for each use shall be met.

D. BUILDINGS IN EXCESS OF 10,000 SQUARE FEET. For industrial and office uses, a reduction of the required parking will be allowed for those buildings or building complexes containing in excess of 10,000 square feet of net floor area at the following rate:

1. Buildings containing 10,000 to 30,000 square feet of net floor area shall provide 90% of the required parking.

2. Buildings containing 30,000 to 50,000 square feet of net floor area shall provide 80% of the required parking.

3. Buildings in excess of 50,000 square feet of net floor area shall provide 70% of the required parking.

E. FRACTIONS. Fractions of one-half (½) or greater shall be considered to require one space.

F. SMALL CARS. Thirty percent (30%) of all required parking may be for small cars for parking lots containing more than 10 spaces with the layout to be approved by the City Transportation Engineer.

G. RESIDENTIAL PARKING REQUIREMENTS. In any zone, for every residential unit or units, and every residential building or structure occupied or intended to be occupied as sleeping quarters or dwellings, all of the required parking spaces shall be made available for all occupants to use as parking spaces on an assigned or unassigned basis. There shall be provided on the same lot or parcel of land a minimum ratio of parking space for each unit or occupant as follows:

1. Single Residential Unit or Group Home.

a. General Rule. Two (2) required. Both of the required spaces shall be provided within a garage or carport located on the lot. If two or more single family dwellings legally exist, or are proposed on a single lot in any zone except the A, E, or R-1 zones, one covered space and one uncovered space may be provided for each single-family dwelling.

b. Exception. Any lot developed with less than 85% of the maximum net floor area for the lot (as calculated pursuant to Section 28.15.083), whether or not the maximum net floor area specified in Section 28.15.083 applies to the lot as a standard, may provide the required parking in one covered space and one uncovered space under the following conditions:

(1) The uncovered space shall not be located in any front yard on the lot.

(2) The uncovered space may encroach into a required interior yard as close as three feet from the interior lot line if a landscaped buffer is provided between the uncovered space and the adjacent interior lot line.

(3) All other provisions of this Title shall apply to the required parking.

2. Two-Residential Unit. Four (4) required. Two (2) of the required spaces shall be provided within a garage or carport located on the lot. A development in which 100% of the units are rental units which are affordable to very low or low income households may reduce the number of parking spaces to one uncovered parking space per unit if the following conditions are met:

a. Each unit shall have at least 200 cubic feet of enclosed weatherproofed and lockable private storage space in addition to guest, linen, pantry, and clothes closets customarily provided. Such space shall be for the sole use of the unit tenant. Such space shall be accessible from the exterior of the unit it serves;

b. A covenant is recorded in the County Land Records against the title, which states that all of the dwelling units on the Real Property shall be rented to very low or low income households; the maximum rent and the maximum household income of tenants shall be determined as set forth in the Affordable Housing Policies and Procedures Manual of the City of Santa Barbara, which is adopted by City Council Resolution from time to time. The rents shall be controlled through recorded documents to assure continued affordability for at least thirty (30) years from the initial occupancy of the dwelling unit. The City shall be a party to the covenant; and

c. A covenant is recorded in the County Land Records against the title which states that the development has received a reduction in the amount of parking required because it is a 100% affordable project. In the event that the Real Property, or any portion thereof, is not or cannot be used solely for very low or low income rental housing, either (i) the structure(s) shall be redesigned and possibly reconstructed and the number of dwelling units shall be reduced so that the maximum number of dwelling units on the Real Property does not exceed the number of dwelling units that would be allowed if there is compliance with the City's parking requirements then in effect, or (ii) the owner shall provide the number of spaces required by the Zoning Ordinance for the new use pursuant to Chapter 28.90. The City shall be a party to the covenant.

3. Multiple Residential Unit.

a. Studio: one and one quarter (1-1/4) spaces per residential unit.

b. One bedroom: one and one-half (1-1/2) spaces per residential unit.

c. Two (2) or more bedrooms: two (2) spaces per residential unit.

d. When there are six (6) or more residential units on a lot or parcel, one (1) space for every four residential units shall be provided for guests.

e. When the parking referred to in Subsections 28.90.100.G.3.a-d. is provided for a condominium, community apartment or stock cooperative, at least one parking space that is in a garage or carport shall be allocated to each residential unit.

f. A development in which 100% of the units are rental units which are affordable to very low or low income households: one uncovered parking space per unit if the following conditions are met:

(1) A covenant is recorded in the County Land Records against the title, which states that all of the residential units on the Real Property shall be rented to very low or low income households; the maximum rent and the maximum household income of tenants shall be determined as set forth in the Affordable Housing Policies and Procedures Manual of the City of Santa Barbara, which is adopted by City Council Resolution from time to time. The rent shall be controlled through recorded documents to assure continued affordability for at least thirty (30) years from the initial occupancy of the residential unit. The City shall be a party to the covenant; and

(2) A covenant is recorded in the County Land Records against the title which states that the development has received a reduction in the amount of parking required because it is a project with 100% affordable units. In the event that the Real Property, or any portion thereof, is not or cannot be used solely for very low or low income rental housing, either (i) the structure(s) shall be redesigned and possibly reconstructed and the number of residential units shall be reduced so that the maximum number of residential units on the Real Property does not exceed the number of residential units that would be allowed if there is compliance with the City's parking requirements then in effect, or (ii) the owner shall provide the number of spaces required by the Zoning Ordinance for the new use pursuant to Chapter 28.90. The City shall be a party to the covenant.

4. Planned Unit Developments for Residential Uses.

a. For each residential unit, not less than two (2) parking spaces, either in a garage or a carport and one-half (1/2) uncovered space.

5. Senior Housing: one (1) uncovered space per residential unit.

6. Low Income Senior Housing: one-half (1/2) uncovered space per residential unit.

7. Mobilehomes and Recreational Vehicles.

a. Mobilehome on a permanent foundation: two (2) covered spaces for each mobilehome.

b. Mobilehome or permanent recreational vehicle park: two (2) parking spaces on each mobilehome and recreational vehicle space. Tandem parking is acceptable. Guest parking shall be provided at the ratio of one (1) parking space per

four (4) mobilehome and recreational vehicle spaces. Each mobilehome and recreational vehicle space shall be within one hundred (100) feet of at least one (1) guest parking space. On-street parking on internal roadways may be counted toward meeting the guest parking requirement.

8. Boarding House, club, fraternity house, sorority house, and dormitory: one (1) space for each bedroom.

9. Community care facility: one (1) space for each two (2) bedrooms.

H. MIXED USE DEVELOPMENTS.

1. Residential Uses. Parking spaces shall be provided in accordance with Subsection 28.90.100.G, subject to the following exceptions:

a. In any mixed use development, where residential uses occupy up to fifty percent (50%) of the development, residential parking requirements may be reduced by fifty percent (50%) and covered parking will not be required, although it will be encouraged. If the residential use is changed to a non-residential use, the full number of parking spaces as required in this Chapter shall be added.

b. In the delineated areas of the Central Business District (CBD) shown on the map (Figure A) which is part of this code, the residential parking requirement for mixed use developments is one uncovered parking space per dwelling unit, and guest parking is not required. If the residential use is changed to a non-residential use, the full number of parking spaces as required in this Chapter shall be added.

2. Nonresidential Uses. Parking spaces shall be provided in accordance with Subsections 28.90.100.I., 28.90.100.J. and 28.90.100.K.

I. OFFICE, COMMERCIAL AND INDUSTRIAL USES. In any zone, except as provided in Sections 28.90.100.J and 28.90.100.K of this Chapter, for all office and commercial buildings, one (1) parking space shall be provided for each two hundred fifty (250) square feet of net floor area or fraction thereof. For all general industrial uses, one (1) parking space shall be provided for each five hundred (500) square feet of net floor area or fraction thereof.

J. PARKING REQUIREMENTS FOR SPECIFIC USES. In any zone, for the following uses parking spaces shall be in the following ratios for specific types of use:

1. CENTRAL BUSINESS DISTRICT. Any nonresidential use in the delineated areas of the Central Business District (CBD) shown on the map (Figure A) which is a part of this code: one space per 500 square feet of net floor area. However, any property located in whole or in part in the Central Business District (CBD) and which has a designated "zone of benefit" as shown on Figure A shall also be exempt from the requirements of this chapter (as to the number of parking spaces required) to the extent of the percentage of the zone of benefit shown for such property on Figure A.

In other words, in applying this subsection, the parking space requirement for the property shall be computed on the basis of floor area ratios as initially required herein. The resulting number of required spaces shall then be reduced by the percentage applicable to the zone of benefit designated for that property, rounded to the nearest whole number. Bicycle parking shall also be required as necessary.

2. Automobile service stations: three (3) parking spaces for each grease rack. Grease racks, pump blocks and other service areas shall not be

considered as parking spaces. Bicycle parking not required.

3. Auto repair: As much paved area for outside storage and parking of vehicles as there is area used for servicing of vehicles. Bicycle parking not required.

4. Car wash: Four (4) spaces per washer unit. Bicycle parking not required.

5. Churches, theaters, auditoriums, funeral parlors, stadiums, arenas and similar places of assembly:
One (1) parking space shall be provided for every four (4) seats provided in such building. A seat shall mean eighteen (18) lineal inches of seating space when seats are arranged in rows or pews. For auditoriums with no permanent seats, a seat shall mean seven (7) square feet of net floor area. Bicycle parking required.

6. Amusements:

a. Dance halls and clubs: One (1) parking space shall be provided for each two hundred (200) square feet of net floor area or fraction thereof. Bicycle parking required.

b. Bowling alleys, tennis courts and similar recreation facilities: Two (2) parking spaces shall be provided for each alley, tennis court or similar activity unit. For any restaurant, retail or assembly use within the building, the requirements for that use shall apply in addition to the requirements for each activity unit. Bicycle parking required.

c. Spas and skating rinks: Three (3) spaces per 1000 square feet. Bicycle parking required.

7. Fast food restaurant: one (1) space per 100 square feet. Bicycle parking required.

8. Furniture and antique stores: one (1) space per 1000 square feet. Bicycle parking not required.

9. Hospitals: At least one (1) parking space shall be provided for each bed in the total capacity of such institution. Bicycle parking required.

10. Hotels, motels, and resort hotels: one (1) space per sleeping unit. Bicycle parking required.

11. Liquor store: three (3) spaces per 1000 square feet. Bicycle parking required.

12. Lumber yard: one (1) space per 250 square feet of retail and office space only. Bicycle parking not required.

13. Manufacturing: one (1) space per 500 square feet. Bicycle parking required.

14. Mini-warehouse: one (1) space per 5000 square feet, except that any office space associated therewith must meet the standard office requirement. Bicycle parking not required.

15. Landscape nursery: one (1) space per 2000 square feet of lot area. Bicycle parking not required.

16. Restaurant: the greater of four (4) spaces per 1000 square feet or one (1) space per three (3) seats. Bicycle parking required.

17. Skilled nursing facilities, hospices serving more than six individuals, and similar institutions: one-half (1/2) space per bed. Bicycle parking required.

18. Schools, both public and private:

a. Child Care Centers: one (1) space for each member of the faculty and employee, plus one additional space for every ten (10) children enrolled. In the case of part-time personnel, the requirement shall be equal to the maximum number of personnel present at the facility at any one time. Bicycle parking required, but at a rate determined by the school.

b. Elementary and junior high schools: one (1) space for each member of the faculty and employee, plus one (1) additional space for each one hundred (100) students regularly enrolled. Bicycle parking required, but at a rate determined by the school.

c. High schools: One (1) space for each member of the faculty and employee, plus one (1) additional space for each ten (10) students regularly enrolled. Bicycle parking required, but at a rate determined by the school.

d. Colleges, universities and similar institutions: one (1) space for every two (2) employees, plus one (1) space for every two (2) full-time or equivalent regularly enrolled students in graduate or undergraduate courses. For places of assembly, the requirements of Subsection 28.90.100.J.5 shall apply. Where a university or college presents a development plan which conforms in general with the general parking requirements for employees, students and places of assembly, said plan may be approved by the Zoning Administrator as satisfying the requirements of this chapter. Consideration shall be given to parking spaces that can be utilized by the users of two (2) or more buildings. Bicycle parking required, but at a rate determined by the governing body of the educational institution.

19. Warehousing: one (1) space per 5000 square feet. Any office or retail space associated therewith must meet the standard office or retail requirements. Bicycle parking required.

20. Overnight Recreational Vehicle Parks. There shall be at least one (1) parking space on each recreational vehicle space. Guest parking shall be provided at the ratio of one (1) parking space per ten (10) recreational vehicle spaces. Each recreational vehicle space shall be within one hundred fifty (150) feet of at least one (1) guest parking space. On-street parking on internal roadways may be counted toward meeting the guest parking requirement.

K. PARKING REQUIREMENTS FOR SPECIFIC ZONES. For the following zones, parking spaces shall be on the same lot with the main building or on lots contiguous thereto, and shall be provided in the following ratios unless otherwise provided in Section 28.90.100.J.

1. C-P Zone: One (1) parking space for each two hundred (200) square feet of net floor area.

2. C-X Zone: One (1) parking space for each two hundred fifty (250) square feet of net floor area. No parking area shall be constructed or used within twenty-five feet (25') of any street adjacent to the premises and there shall be no loading or delivery facilities in a front yard on such premises.

3. S-H Zone: For units restricted to Low Income Senior Housing, one (1) parking space for each two (2) residential units. For other units, one (1) space per unit.

4. S-D-2 Zone: One (1) parking space for each two hundred fifty (250) square feet of net floor area. In the event the property is located in a zone or has

a use with a requirement for more parking, the greater requirement shall apply.

5. HWMF Overlay Zone: Parking space requirements for Offsite Hazardous Waste Management Facilities shall be determined by the City Transportation and Parking Manager.

6. PR Zone: Except as otherwise provided in Section 28.90.100.J, parking space requirements for park and recreation facilities shall be determined by the City Transportation and Parking Manager in consultation with the Community Development Director.

L. BICYCLE PARKING. In addition to the vehicle parking spaces required under Sections 28.90.100.I, 28.90.100.J and 28.90.100.K, one (1) bicycle parking space shall be required for each seven (7) vehicle parking spaces required therein.

SECTION 57. Section 28.92.110 of Chapter 28.92 (Variances, Modifications and Zone Changes) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.92.110 Modifications.

Modifications may be granted by the Planning Commission or Staff Hearing Officer as follows:

A. BY THE PLANNING COMMISSION. The Planning Commission may permit the following:

1. **Parking.** A modification or waiver of the parking or loading requirements where, in the particular instance, the modification will not be inconsistent with the purposes and intent of this Title and will not cause an increase in the demand for parking space or loading space in the immediate area.

2. ~~**Yards**~~**Setbacks, Lot Area,** ~~**and**~~ **Floor Area, Street Frontage, Open Yard, Outdoor Living Space, and Distance Between Buildings.** A modification of ~~yard~~setback, lot area, ~~and~~ floor area, street frontage, open yard, outdoor living space, or distance between buildings regulations where the modification is consistent with the purposes and intent of this Title, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development which is affordable to very low-, low-, moderate- or middle-income households.

3. **Fences, Screens, Walls, and Hedges.** A modification of fence, screen, wall and hedge regulations where the modification is necessary to secure an appropriate improvement on a lot and is consistent with the purposes and intent of this Title.

4. **Solar Access.** A modification of height limitations imposed by Section 28.11.020 to protect and enhance solar access where the modification is necessary to prevent an unreasonable restriction. The Rules and Regulations approved pursuant to Section 28.11.040 shall contain criteria for use in making a finding of unreasonable restriction.

5. **Building Height.** A modification of building height limitations for

existing buildings or structures that exceed the current building height limit, to allow the exterior of the portion of the building or structure that exceeds the building height limit to be improved or upgraded, provided that the improvements increase neither the height nor the floor area of any portion of the building or structure that exceeds the building height limit, except as otherwise allowed in the Code.

6. **Net Floor Area (Floor to Lot Area Ratio)**. A modification of the net floor area standard imposed by Section 28.15.083 to allow a development that would otherwise be precluded by operation of Subsection 28.15.083.D where the Planning Commission makes all of the following findings:

a. Not less than five (5) members of the Single Family Design Board or six (6) members of the Historic Landmarks Commission (on projects referred to the Commission pursuant to Section 22.69.030) have voted in support of the modification following a concept review of the project;

b. The subject lot has a physical condition (such as the location, surroundings, topography, or the size of the lot relative to other lots in the neighborhood) that does not generally exist on other lots in the neighborhood; and

c. The physical condition of the lot allows the project to be compatible with existing development within the neighborhood that complies with the net floor area standard.

7. **Accommodation of Disabilities.** A modification of any zoning regulation where the modification is necessary to allow improvements to an existing building in order to provide reasonable accommodations to individuals with disabilities. This modification is not available in the case of new buildings, demolitions and rebuilds, or additions where the proposed construction precludes a reasonable accommodation that would not require a modification.

B. BY THE STAFF HEARING OFFICER. The Staff Hearing Officer may permit modifications in accordance with subsections 1., 2., 3., 4., ~~and~~ 5., and 7 above, if the Staff Hearing Officer finds that:

1. The requested modification is not part of the approval of a tentative subdivision map, conditional use permit, development plan, site plan, plot plan, or any other matter which requires approval of the Planning Commission; and

2. If granted, the modification would not significantly affect persons or property owners other than those entitled to notice.

SECTION 58. Section 28.94.030 of Chapter 28.94 (Conditional Use Permits) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.94.030 Uses Permitted in Specific Zones.

The following uses may be permitted in the zones herein indicated upon the granting of a Conditional Use Permit, except that where another section of this Title specifically allows such use in a zone in conflict with this section, the provision of such other section shall apply and a Conditional Use Permit shall not be required.

A. Church~~, convent and monastery in any~~ in the A-1, A-2, E-1, E-2, E-3, R-1, R-2, R-3, R-4, C-1, C-P, C-L, C-O, R-O, C-X, H-C, HRC-1, HRC-2, OC, M-1, and OM-1 zones.

B. Convent and monastery in the A-1, A-2, E-1, E-2, E-3, R-1, R-2, C-X, H-C, HRC-1, HRC-2, OC, M-1, and OM-1 zones.

~~B~~C. Educational institution in ~~any~~ the A-1, A-2, E-1, E-2, E-3, R-1, R-2, R-3, R-4, C-1, C-P, C-L, C-O, R-O, C-X, H-C, HRC-1, HRC-2, OC, M-1, and OM-1 zones.

~~C~~D. Golf course or driving range (but excluding miniature golf) in any zone.

~~D~~E. Outdoor tennis club and lawn bowling club in the A, E and R Zones. Normal clubhouse facilities such as pro shop, coffee shop, administrative offices, lounge, etc. may be allowed in connection with a private club only, provided that such uses shall be clearly shown to be incidental and accessory to the outdoor recreational use of the premises, and that the clubhouse facilities shall be available only to the club members and their guests.

It is hereby declared that in addition to being special uses as set forth in Sections 28.94.001 and 28.94.005, the uses permitted under this subsection are of such a nature that it is impractical to establish in advance of development the minimum requirements for parking, site area, setbacks, hours or manner of operation, lighting, landscaping, or other standards usually applied to classes or types of use, and that distinct and different performance and development standards must be applied to each individual facility proposed to be established under these provisions.

This declaration is based on the fact that the type of club permitted by these provisions will usually be within the City area, unique in terms of the facilities provided, activities conducted, method and intensity of operation, relationship to topography and impact on surrounding urban development and potential, and that meaningful minimum standards can only be established in relation to the particular features of each individual development.

In lieu of prescribing herein minimum performance and development standards, the Planning Commission shall, as a part of any Conditional Use Permit issued to permit the establishment of outdoor tennis or lawn bowling clubs under this subsection, make the following findings and impose conditions necessary to secure and perpetuate the bases for such findings:

1. That the total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

2. That the prescribed hours and days of operation of the various facilities of the club are such that the character of the area is not altered or disturbed.

3. That the design and operation of outdoor lighting equipment will not be a nuisance to the use of property in the area.

4. That adequate access and off-street parking is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

5. That the appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area.

~~E~~F. Planned unit development in A, E and R-1 Zones in accordance with the provisions of Chapter 28.36 of this Title.

~~F~~G. Planned residence development in the A, E and R-1 Zones, subject to provisions of Chapter 28.33 of this Title.

~~G~~H. Child care centers in the A, E, R-1, R-2, R-3, R-4, R-O, C-O and C-X zones, subject to the following conditions, standards and limitations:

1. Location of play areas. Outdoor play areas shall be located in a manner that is compatible with the character of the surrounding area, that minimizes significant detrimental noise impacts to adjacent properties, and that complies with the minimum standards of State Law.

2. Passenger loading. Facilities shall be provided for loading and unloading passengers, and shall be subject to the review and approval of the Planning Commission taking into consideration the recommendation of the Transportation Engineer.

~~H~~I. Driveways and parking areas for nonresidential uses in residential zones.

~~I~~J. Boarding house in the R-2, R-3 and R-4 Zones.

~~J~~K. Club and lodge in the R-3, R-4 and R-O Zones.

~~K~~L. Garden apartments in the R-2 Zone, subject to the provisions of Chapter 28.30 of this Title.

~~L~~M. Hospitals, skilled nursing facilities and other similar buildings and facilities for the treatment of human ailments where facilities are provided for the keeping of patients overnight or longer, in the R-4, C-O, C-P, C-1, C-2 and C-M Zones.

~~M~~N. Restaurant in the R-4 Zone, provided there is a minimum of one hundred (100) established hotel-motel guest rooms within five hundred feet (500') from the boundary of the proposed restaurant site. The one hundred (100) established hotel-motel guest rooms within five hundred feet (500') may be used to support any number of restaurants within the affected area.

~~N~~O. Establishment or enterprises which involve large assemblages of people on more than four occasions per year, including, but not limited to, any open air theater, Certified Farmers Market, street market, trade fair, trade exchange, recreational or sport center, in the C Zones.

~~O~~P. Automobile wrecking in the C-M and M-1 Zones.

~~P~~Q. Car wash, auto polishing, auto steam cleaning establishment in the C-1, C-P and C-2 Zones, provided that such installation shall be subject to the noise restrictions established in Chapter 28.60 of this Title.

~~Q~~R. State-licensed residential care facilities for the elderly, community care facilities and hospices serving more than 12 individuals in the A, E, R, and C Zones.

1. STANDARDS.

a. If a new residential care facility for the elderly, community care facility or hospice which is subject to a Conditional Use Permit includes a staffed congregate kitchen and dining facility providing regular meals to residents, living units may include modular cooking units without being counted as residential units.

b. If an existing residential care facility for the elderly, community care facility or hospice as of the effective date of this Ordinance, which is subject to a Conditional Use Permit includes a staffed congregate kitchen and dining facility providing regular meals to residents, living units may be converted to include modular cooking units without being counted as residential units under the provisions of a new Conditional Use Permit.

c. If a new or existing residential care facility for the elderly, community care facility or hospice as of the effective date of this Ordinance, which is subject to a Conditional Use Permit does not include a congregate dining facility, but does include kitchens in its living units, living units shall be counted as residential units.

d. Recreational facilities and skilled nursing facilities intended primarily for the residents may be allowed in connection with residential care facilities for the elderly, community care facilities or hospices provided that such uses are incidental and accessory thereto. The use of the facilities by persons other than residents and staff may be limited.

2. FINDINGS:

a. For new State licensed residential care facilities for the elderly, community care facility or hospice, in addition to the findings required under Section 28.94.020, the Planning Commission or City Council on appeal must find upon a showing of adequate information that:

(1) The facility will generate a demand for resources such as water, traffic, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, and such resources are available in amounts adequate to service the proposed facility.

(2) The intensity of use in terms of the number of people, hours of operation, hours of major activities, and other operational aspects of the proposed facility is compatible with any neighboring residential use.

(3) The proposed facility shall be able to be converted to a density which conforms to the residential unit density of the underlying zone. Sufficient land area has been shown to be available to meet the parking demand of a future use.

b. For existing State-licensed residential care facilities for the elderly, community care facility or hospice as of the effective date of this Ordinance requesting an alteration or modification, in addition to the findings required under Section 28.94.020, the Planning Commission or City Council on appeal must find upon a showing of adequate information that:

(1) The proposal has been reviewed and approved by the City Fire Marshall and the City Building Official.

(2) The facility will generate a demand for resources such as water, traffic and parking capacity, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, or if existing resource use exceeds the underlying zone, then resource use shall be equivalent to no more than that of the existing use.

(3) The intensity of use in terms of the number of people, hours of operation, hours of major activities and other operational aspects of the proposed facility is compatible with any neighboring residential use.

~~R~~S. Facilities and equipment, not to include offices, used by public utilities or quasi-public utilities, e.g., cable television, to provide services to the general public in any zone, except for Radio and Television Antennas, Cellular Telephone Antennas and Emergency Service Antennas and any facilities or equipment expressly permitted in the zone or authorized pursuant to Chapter 28.93 of this Code.

~~S~~T. ~~Businesses specializing in sick room supplies or equipment~~ Medical

equipment and supply stores of more than 3,000 square feet of net floor area in the C-O Zone subject to the following special provisions:

The Planning Commission shall find that the use is supportive and directly related to the providing of medical and related services. The Commission may permit a portion of the space to be used for non-medically related sales and/or a percentage of dollar volume of business for non-medically related sales, provided that said amount of non-medically related use is set forth in the Conditional Use Permit.

~~T~~U. Banks of more than 1,000 square feet of net floor area in the C-O Zone subject to the following:

The intent is to allow branch banks as a convenience to the medical community and neighborhood, so that there will be less traffic into the commercial areas for deposits, and as a cash source for patients in the area. It is not the intent to establish a banking community in the area. As a result, the limitations set forth below shall apply.

Prior to issuance, the Planning Commission shall find the following:

1. No similar facility is located on adjacent property or on a parcel within three hundred (300) feet of the subject property.
2. There shall not be more than one thousand (1,000) square feet of space accessible to customers for services.
3. There shall be no drive-up window, but a walk-up window may be permitted.
4. The signing of the operation is in a manner as to identify but not advertise, and to blend in with the neighborhood.
5. Services are limited to deposits, check cashing, cashier and travelers checks, acceptance of loan applications, and night deposits. The following services are excluded: loan applications processing and safety deposit boxes.
6. The permitted number of employees is consistent with the above.

~~U~~V. Automobile service station, automobile service station/mini-market or conversion to an automobile service station/mini-market shall be subject to the following conditions, standards and limitations:

1. Conditions. Specific conditions may be imposed to carry out the purposes of this Code.
2. Lot Area. The minimum area of the parcel or lot shall not be less than eight thousand (8,000) square feet.
3. Street Frontage. Each lot shall have a minimum frontage of not less than one hundred (100) feet on one abutting street.
4. Architecture. The architecture of the service station structures and landscaping shall be reviewed and approved by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark. The architectural theme shall be integrated into the design of all improvements of the site including canopies and fencing.
5. Driveways.
   a. New Service Stations. For service stations constructed after the effective date of this Subsection, driveway entrances to the service station shall not be within twenty (20) feet of the curb return (beginning of curve) on corner lots.

b. Existing Service Stations. For driveway entrances of service stations that have been constructed prior to the effective date of this Subsection, relocation of driveway entrances may be required to minimize interference with the movement and safety of vehicular and pedestrian traffic.

6. Internal Circulation. Where access from an internal circulation system of a shopping center or public parking area is available, direct street access to a service station may be prohibited or restricted.

7. Parking. Parking shall conform to the minimum parking requirements as outlined in Section 28.90.100 or a minimum of five (5) parking spaces shall be provided or one (1) parking space for each two hundred fifty (250) square feet of gross floor area used for mini-market use and one (1) space for each employee shall be provided; whichever is greater.

8. Lighting. Any perimeter flood lighting shall be hooded or shielded so that no direct beams fall upon adjacent residential property. Indirect soft lights and low garden lights shall be used wherever possible, and shall be required as necessary to assure compatibility with adjacent and surrounding properties.

9. Landscaping. All landscaped areas shall be as follows:

a. A planter shall be provided along all street-side property lines except for driveway openings.

b. On corner lots, a minimum of one hundred fifty (150) square feet of planter area shall be provided on the property adjacent to the corner intersection.

c. At least ten percent (10%) of the area not covered by buildings on the parcel shall be landscaped.

10. Restrooms. The entrance to all restrooms shall be screened from abutting properties by a decorative screen.

11. Fencing. A decorative fence six (6) feet in height from finished grade shall be provided on all property lines that do not abut a street, alley or parking area, with the exception that a fence may not be required for a service station that is an integral part of a commercial, industrial or office center or where combined landscaping will be achieved with such adjacent properties.

12. Operations and Storage.

a. Repair of vehicles is only permitted within an enclosed building.

b. All servicing of vehicles other than minor servicing shall be conducted within an enclosed building.

c. All materials, products and merchandise shall be stored and displayed only within an enclosed building.

d. No used or discarded automotive parts or equipment or visible junk or wrecked vehicles shall be located or stored outside the service station building.

e. Trash shall be stored in areas screened from public view by a fence with a minimum height of six (6) feet. Trash shall not be stored or piled above the height of the fence.

13. Fire Department Approval. Prior to the issuance of any building permit for a service station or any portion thereof, the Fire Department shall review the plans and approve said plans if they comply with applicable Fire Department ordinances

and regulations.

~~V~~W. Public or quasi-public facility in any zone, except those expressly permitted in the zone or authorized pursuant to Chapter 28.93 of this Code, and Radio and Television Antennas, Cellular Telephone Antennas and Emergency Service Antennas.

~~W. Birth Centers in the C-O, C-P, C-L, C-1, C-2, C-M and M-1 Zones subject to all state requirements for such centers.~~

X. Any use other than those permitted by Section 28.73.030.A of the OM-1 Zone and permitted in the M-1 Zone and subject to those findings required in Section 28.73.030.B and Section 28.94.020.

Y. General office uses in the HRC-2 Zone as permitted by Subsection 28.22.030.2.c, and subject to the findings required in Subsection 28.22.030.2.c and Section 28.94.020.

Z. Secondary Dwelling Units in any A, E or R-1 Zone, subject to the following provisions:

1. The minimum lot size for any parcel containing a Secondary Dwelling Unit shall be seven thousand (7,000) square feet.

2. There shall be no more than one (1) existing single-family dwelling, hereinafter referred to as the primary dwelling, on the parcel.

3. The Secondary Dwelling Unit shall be attached to the primary dwelling by a common wall, floor or ceiling and not simply by an attached breeze-way or porch. Said unit shall involve no more than a ten percent (10%) increase in the square footage of the primary dwelling nor shall it constitute more than forty percent (40%) of the combined floor area of the primary dwelling and Secondary Dwelling Unit, exclusive of the garage or carport.

4. The maximum floor area of the Secondary Dwelling Unit shall not exceed six hundred (600) square feet.

5. Setbacks and height limitations for the Secondary Dwelling Unit shall be the same as for the primary dwelling.

6. One (1) off-street parking space, covered or uncovered, shall be required for a Secondary Dwelling Unit. In addition, if the primary dwelling does not provide parking as required by Subsection 28.90.100.G.1 of this Title, such parking shall be provided. The garage or carport for the primary dwelling shall not be converted to provide a Secondary Dwelling Unit.

7. There shall be no more than four (4) separate rooms in a Secondary Dwelling Unit, one of which shall be a kitchen and one a bathroom. The total number of rooms on the parcel shall not be increased by more than two (2), including the bathroom and kitchen for the Secondary Dwelling Unit. The Secondary Dwelling Unit shall also provide a separate entrance.

8. Both the primary dwelling and the Secondary Dwelling Unit shall comply with all requirements of the housing code in effect on the date of issuance of the building permit for the Secondary Dwelling Unit. Any alteration or addition shall comply with all requirements of the Uniform Building Code as adopted by the City of Santa Barbara.

9. A separate water meter shall be provided for the Secondary Dwelling Unit. The primary dwelling shall be retrofitted with water-conserving devices to

the same extent as if the dwelling were being built under the Uniform Building Code as adopted by the City of Santa Barbara.

10. Before obtaining a building permit for a Secondary Dwelling Unit, the property owner shall file with the County Recorder, upon approval by the City Attorney as to form and content, a covenant containing a reference to the deed under which the property was acquired by the present owner and stating that:

a. The Secondary Dwelling Unit shall not be sold separately from the primary dwelling.

b. The Secondary Dwelling Unit is restricted to the approved size.

c. The conditional use permit for the Secondary Dwelling Unit shall be in effect only so long as either the primary dwelling or the Secondary Dwelling Unit is occupied by the owner of the lot on which the Secondary Dwelling Unit is located, except for bona fide temporary absences. The conditional use permit shall remain valid if disability or infirmity require the institutionalization of the owner.

d. The Secondary Dwelling Unit shall be rented at a rate that is affordable to low and moderate income families or to immediate family members as required under Subsection 28.94.030.Z.12 of this Title.

e. The conditional use permit, and any conditions imposed by said permit, shall lapse upon removal of the Secondary Dwelling Unit.

f. There shall be no more than two (2) inhabitants in any Secondary Dwelling Unit.

g. The above declarations are binding upon any successors in ownership of the property; any lack of compliance shall revoke the conditional use permit.

11. Secondary Dwelling Units shall be prohibited in High Fire Hazard Areas (as defined in the Fire Master Plan.)

12. The Secondary Dwelling Unit, or the primary dwelling if the owner chooses to live in the Secondary Dwelling Unit, shall be leased or rented to a person or persons falling within one or more of the following categories:

a. A household whose head is a member of the owner's immediate family. For purposes of this Section, "immediate family" shall be defined as parents, grandparents, children, grandchildren, sisters, brothers, and equivalent in-laws.

b. Low income households (incomes less than 80 percent of the median income for the City), as determined by the United States Department of Housing and Urban Development (HUD). The rent level will be no more than the Fair Market Rent levels for the City as determined and adjusted from time to time by HUD, and the owner shall give priority for occupancy to households referred by the Santa Barbara Housing Authority. If the unit is rented or leased to households not referred by the Housing Authority, the income level of the renter selected must be certified by the Housing Authority as to eligibility and this certification must be submitted to the Community Development Director. The Housing Authority may assess a fee for certification of renters other than those referred by the Housing Authority. The rent level for such low-income renters shall not exceed one twelfth (1/12) of thirty percent (30%) of the certified income of the renter. In addition, the owner must submit annually to the Housing Authority a copy of the lease or rental agreement in effect that identifies the

rent level and the name and income level of the lessee/renter.

c. Moderate income households (incomes between 81 and 120 percent of the median income of the City), if the owner chooses not to rent to a family member and a sworn declaration supported by written documentation, such as loan documents, setting forth the financial reasons why the unit will not be rented to a low-income household is submitted to the City. Generally, the only acceptable financial reason would be that higher rent is required in order to meet the carrying costs of new construction. The rent levels will be not more than one-twelfth (1/12) of thirty percent (30%) of the median income for a family of four in the City adjusted for household/unit size according to the following factors:

Unit Size	Factor
Studio	.70
One-Bedroom	.80
Two-Bedroom	.95
Three-Bedroom	1.06

Prior to the rental or leasing of the unit, the income level of the household shall be certified by the Housing Authority. The Housing Authority may assess a fee for certification of renters other than those referred by the Housing Authority. In addition, the owner must submit annually to the Housing Authority a copy of the lease or rental agreement in effect that identifies the rent level and name and income of the lessee/renter.

13. Approved Secondary Dwelling Units shall be subtracted from the Density Reserve established by Policy 5-1.0 of the City's Housing Element, as adopted by the City of Santa Barbara on June 8, 1982. When there are no units available in the Density Reserve, no conditional use permits shall be granted for Secondary Dwelling Units.

14. Secondary Dwelling Units shall be prohibited if there is an accessory building containing additional dwelling space, an additional dwelling unit approved under Section 28.93.030.E, caretaker's residence or similar use on the parcel. Furthermore, no accessory building intended to provide additional dwelling space, additional dwelling unit under Section 28.93.030.E, caretaker's residence or similar use shall be constructed on a lot where there is an approved Secondary Dwelling Unit.

15. The Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, shall review all Secondary Dwelling Units which require exterior change to the primary dwelling to assure that there is minimal evidence of occupancy of the parcel by more than one (1) family and that any changes or additions to the exterior of the primary dwelling necessary to establish the Secondary Dwelling Unit blend architecturally with the primary dwelling.

16. In order to encourage the development of housing opportunities for disabled and handicapped individuals, the Planning Commission may allow reasonable deviation from the stated physical requirements where necessary to install features that

facilitate access and mobility for disabled persons. Otherwise, no modification of the requirements for a Secondary Dwelling Unit shall be allowed unless specifically stated in this Section.

17. In addition to the findings required under Section 28.94.020, the Planning Commission, or City Council on appeal, must find that:

a. The Secondary Dwelling Unit does not overload the capacity of the neighborhood to absorb it or cause a concentration of such units sufficient to change the character of the single-family neighborhood in which it is located.

b. The Secondary Dwelling Unit does not detract from the privacy of the surrounding residents.

18. Modifications.

a. Parking. No modification of the required number of parking spaces shall be allowed. Modification of other parking-related requirements may be allowed subject to the provisions of Section 28.92.110 of this Code.

b. Setbacks and height limitations. Modification of these requirements may be allowed subject to the provisions of Section 28.92.110 of this Code.

AA. Any interim use deemed appropriate by the Planning Commission in those areas identified by resolution of the City Council as impacted by governmental action. Such interim uses shall be limited in duration as specified by the Planning Commission, provided all such uses are discontinued within two (2) years of the completion of the governmental action. Any authorization granted by the conditional use permit shall terminate at that time.

The conditional use permit granted pursuant to this Subsection shall not be effective until the property owner has duly executed and recorded an instrument binding itself, its successors in interest and any person holding thereunder, which contains (i) notice of the conditional use permit, (ii) notice of any conditions established thereunder, (iii) an agreement to comply with the terms and conditions of the conditional use permit, (iv) a waiver of any claim that a temporary use or any improvements on real property creates any vested right to continue a non-conforming use after completion of the governmental action, and (v) any other conditions as deemed necessary to comply with the purposes and intent of this Subsection. This instrument shall be subject to the review and approval of the City Attorney and the Community Development Director.

BB. Bed and Breakfast Inns in Designated Historic Structures.

1. R-O Zone

a. Bed and Breakfast Inns in Structures of Merit or Landmarks in the R-O zone, in accordance with the provisions of Chapter 22.22 of this Title.

b. Bed and Breakfast Inns in a structure located on a lot in the R-O zone, on which a Structure of Merit or Landmark used as a Bed and Breakfast Inn is also located.

2. R-3 Zone

a. Bed and Breakfast Inns in Structures of Merit or Landmarks in the R-3 zone, in accordance with the provisions of Chapter 22.22 of this Title, subject to the following conditions.

(1) The owner or manager of the Bed and Breakfast Inn shall maintain his or her primary residence on the property that contains the Bed and

Breakfast Inn.

(2) No meals shall be served to persons other than guests and residents of the Bed and Breakfast Inn.

(3) No conference or meeting rooms/facilities shall be provided.

(4) No outdoor swimming pool shall be provided; however, outdoor spas, hot tubs or similar facilities may be provided.

(5) Other conditions imposed by the Planning Commission in order to ensure compatibility with the surrounding neighborhood.

b. Bed and Breakfast Inns in a structure located on a lot in the R-3 zone, on which a Structure of Merit or Landmark used as a Bed and Breakfast Inn is also located, subject to the conditions listed in §28.94.030.BB.2.a. above.

3. Review by the Historic Landmarks Commission. Plans for new structures or alterations to existing structures under 1 and 2 above shall be submitted to the Historic Landmarks Commission for review and action in accordance with the provisions of Chapter 22.22 of this Title.

CC. Offsite Hazardous Waste Management Facilities in the C-M, M-1, and OM-1 zones, subject to the provisions in Chapter 28.75, HWMF Overlay Zone.

DD. Television, Radio and Cellular Telephone Antennas in all zones, subject to the following provisions:

1. Exemptions. The following are exempt from the requirement of a Conditional Use Permit, and shall be considered a permitted use in all zones:

a. Repairs and maintenance of existing facilities, whether emergency or routine, or replacement of transmitters, antennas, or other components of existing permitted facilities, provided there is little or no change in the visual appearance or any increase in radio frequency emission levels.

b. Satellite Dish Antennas designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite.

c. One or more cellular telephone antennas or paging antennas, provided that the Community Development Director finds as follows:

(1) Height: The height of the antenna and supporting structure does not exceed Municipal Code height limits set forth in Sec. 28.87.260, except where said antenna is being installed on an existing structure, in which event the height limit is measured from the highest point of the building and cannot exceed 15 feet above the building height.

(2) Separation: There is at least 100 feet between the base of the antenna support structure and the nearest dwelling unit.

(3) Access Control: The applicant establishes that the general public will be excluded from an area at least 50 feet in all directions from the antenna if antenna is not at least 10 feet off the ground. If the antenna is at least 10 feet above grade, this distance may be reduced to 30 feet.

(4) No Resource Impacts: The project will have no significant impact on any biological or archeological resources and will not generate additional traffic. The applicant may be required to provide information to the Community Development Director regarding these matters.

(5) No Visual Impacts: The project has been reviewed by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located in the El Pueblo Viejo Landmark District or another landmark district or if the property contains a designated City Landmark. The Board and Commission may take action regarding the location of the antenna(s) on the site, color and size of the proposed antennas so as to minimize any adverse visual impacts.

d. A microcell, provided it has been reviewed by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located in the El Pueblo Viejo Landmark District or another landmark district or if the property or a structure thereon is a designated City Landmark. The Board and Commission may take action regarding the location of the antenna(s) on the site, color and size of the proposed antennas so as to minimize any adverse visual impacts.

2. Conditional Use Permit by Planning Commission. A Radio or Television Antenna shall be permitted only upon issuance of a conditional use permit by the Planning Commission, and only if each of the following findings has been made:

a. Shared Use of Support Structure. The applicant had made a good faith effort to demonstrate that no existing or planned support structure, including an antenna tower, is available to accommodate the proposed antenna.

b. Site Size. The site is of a size and shape sufficient to provide an adequate setback from the base of the antenna support structure to any property line abutting a residential use.

c. Visual Impact. The project has been reviewed by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located in the El Pueblo Viejo Landmark District or another landmark district or if the property contains a designated City Landmark. The Board and Commission may take action on the location of the antenna(s) on the site, color and size so as to minimize any adverse visual impacts by requiring that the antenna and its supporting structure be designed and placed so as to be as visually unobtrusive as feasible, taking into consideration technical engineering and other pertinent factors. The Planning Commission may grant a waiver from height limitations if it finds that no feasible alternative location or design would not require such a waiver.

d. Non-ionizing Electromagnetic Radiation (NIER) Emissions. Any new transmitters and/or antennas, when combined with existing sources of NIER emissions on or adjacent to the site and when operating as designed and licensed, shall not expose the general public to ambient radiation emissions which exceed American National Standards Institute (ANSI) C95.1-1992 standard (if the Federal Communications Commission (FCC) rulemaking committee adopts a revised standard, said standard shall apply).

EE. Outdoor performance areas involving structures such as bandshells or amphitheaters in the PR Zone.

SECTION 59. Sections 29.10.010 and 29.10.030 of Chapter 29.10 (Zones Established) of Title 29 of the Santa Barbara Municipal Code are amended to read as follows:

29.10.001Establishing and Naming Zones.

In order to classify, regulate, restrict and segregate the uses of land, buildings and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of setbacks, yards and other open spaces about buildings; the territory of the Santa Barbara Municipal Airport is hereby divided into the following zone classifications:

A-A-O	Aircraft Approach and Operation Zone
A-F	Airport Facilities Zone
A-C	Airport Commercial Zone
A-I-1	Airport Industrial-1 Zone
A-I-2	Airport Industrial-2 Zone
G-S-R	Goleta Slough Reserve Zone
C-R	Commercial Recreation Zone
P-R	Park and Recreation Zone
SP-6	Airport Industrial Area Specific Plan Zone
S-D-3	Special District 3 - Coastal Overlay Zone

29.10.030 Uses Permitted in Zones.

Except as hereinafter provided:

A. No building or structure shall be erected, moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designed or intended to be used for any purpose or any manner, other than is permitted in the zone in which such land, building, structure or premises are located.

B. No building or structure shall be erected, moved, reconstructed or structurally altered to exceed in height the limit established for the zone in which such building or structure is located.

C. No building or structure shall be erected nor shall any existing building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the lot area and ~~yard~~setback regulations established for the zone in which such building or structure is located.

D. No setback, open yard, or other open space provided about any building or structure for the purpose of complying with these regulations shall, by reason of change in ownership or otherwise, be considered as providing a setback, open yard or open space for any other building or structure.

SECTION 60. Section 29.15.060 of Chapter 29.15 (A-F Airport Facilities Zone) of Title 29 of the Santa Barbara Municipal Code is amended to read as follows:

29.15.060 Front ~~Yard~~Setback.

The front ~~yard~~setback shall be established as defined in Section 29.87.055 of this Title.

SECTION 61. Section 29.18.060 of Chapter 29.18 (A-C Airport Commercial Zone) of Title 29 of the Santa Barbara Municipal Code is amended to read as follows:

29.18.060 Front ~~Yards~~Setback.

The ~~F~~front ~~Yard~~setback shall be established as defined in Section 29.87.055 of this Title.

SECTION 62. Section 29.21.060 of Chapter 29.21 (A-I-1 & A-I-2 Airport Industrial Zones) of Title 29 of the Santa Barbara Municipal Code is amended to read as follows:

29.21.060 Front ~~Yard~~Setback.

The front ~~yard~~setback shall be established as defined in Section 29.87.055 of this Title.

SECTION 63. Section 29.23.060 of Chapter 29.23 (C-R Commercial Recreational Zone) of Title 29 of the Santa Barbara Municipal Code is amended to read as follows:

29.23.060 Front ~~Yard~~Setback.

The ~~F~~front ~~Yard~~setback shall be established as defined in Section 29.87.055 of this Title.

SECTION 64. Sections 29.87.055, 29.87.060, 29.87.068, 29.87.170, and 29.87.195 of Chapter 29.87 (General Provisions) of Title 29 of the Santa Barbara Municipal Code are amended to read as follows:

29.87.055 Required Front ~~Yards~~Setbacks.

A. Measurement of all front ~~yards~~setbacks shall be taken from the face of the curb. If there is no existing curb, the measurement shall be as listed below plus one-half of the width of the adjacent street, measured from the center of the travelled way.

B. A front ~~yard~~setback shall be required for all buildings, as follows:

1. The minimum front ~~yard~~setback on Hollister Avenue, Fairview Avenue, Los Carneros Road and the first 200 feet north of Hollister Avenue on David Love Place and Frederic Lopez Road shall be twenty feet (20').

2. The minimum front ~~yard~~setback on all other roads shall be ten feet (10') for the first story of any structure and twenty feet (20') for the second and third stories of all

buildings.

29.87.060~~Yard~~Setback Encroachments.

Where ~~yards~~setbacks are required in this ordinance, they shall not be less in depth or width than the minimum dimensions specified for any part, and they shall be at every point unobstructed by structures from the ground upward, except as follows:

A. Cornices, canopies, chimneys, eaves or other similar architectural features not providing additional floor space within the building may extend into any required ~~yard~~setback not to exceed two feet (2').

B. Porches, terraces and outside stairways, unroofed, unenclosed above and below floor or steps, and not extending above the level of the first floor, may project not more than three feet (3') into any required interior ~~yard~~setback.

29.87.068Landscaping in ~~Required~~ Front ~~Yard~~Setback.

The ~~required~~ front ~~yard~~setback shall be used only for landscaping, except that such area may contain pedestrian walkways and reasonable vehicular ways of ingress and egress to and from abutting streets.

29.87.170Fences, Walls and Hedges.

A. In the A-C, A-F and A-A-P Zones, no fence, screen, wall or hedge located in a ~~required yard~~setback shall exceed a height of six feet (6').

B. In the A-C, A-F and A-A-P Zones, no fence, screen, wall or hedge exceeding a height of three and one-half feet (3-1/2') shall be located:

1. Within ten feet (10') of a front lot line.
2. Within ten feet (10') of either side of a driveway for a distance of twenty feet (20') back from the front lot line.

C. In the A-C and A-F Zones, no fence, screen, wall or hedge located within fifty feet (50') of a street corner and within the ~~required front yard~~front setback shall exceed a height of three and one-half feet (3-1/2') measured from the edge of the vehicular travelled way as determined by the Traffic Engineer; provided that where any fence, screen wall or hedge within fifty feet (50') of any corner impairs the visions of drivers of vehicles approaching on the intersecting street, the ~~Building~~Community Development Director may further limit the height of construction by the terms of the permit issued to the applicant so as to prevent such impairment of vision.

D. In any zone, no barbed wire shall be used or maintained in or about the construction of a fence, screen, wall or hedge along any lines of any lot, or within three feet (3') of said lines, and no sharp wire or points shall project at the top of any fence or wall six feet (6') or less in height.

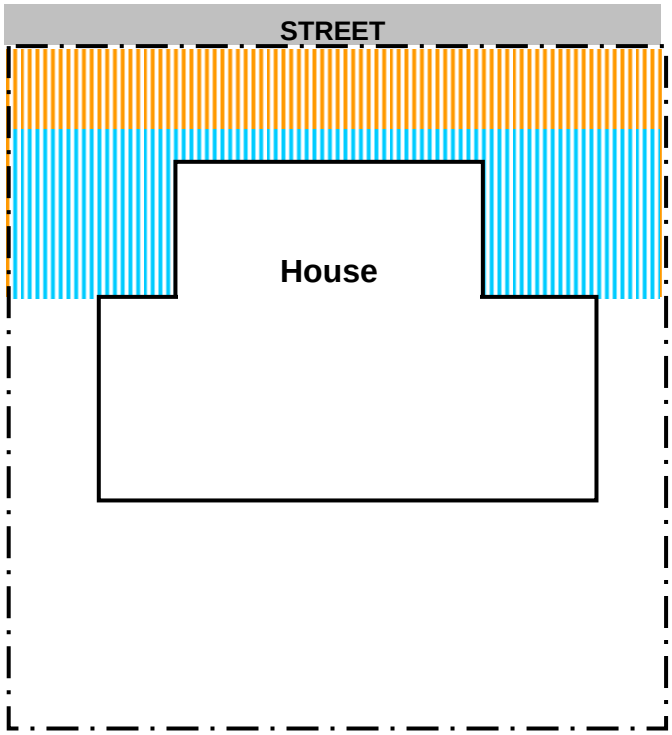
29.87.195Landscaping Requirements.

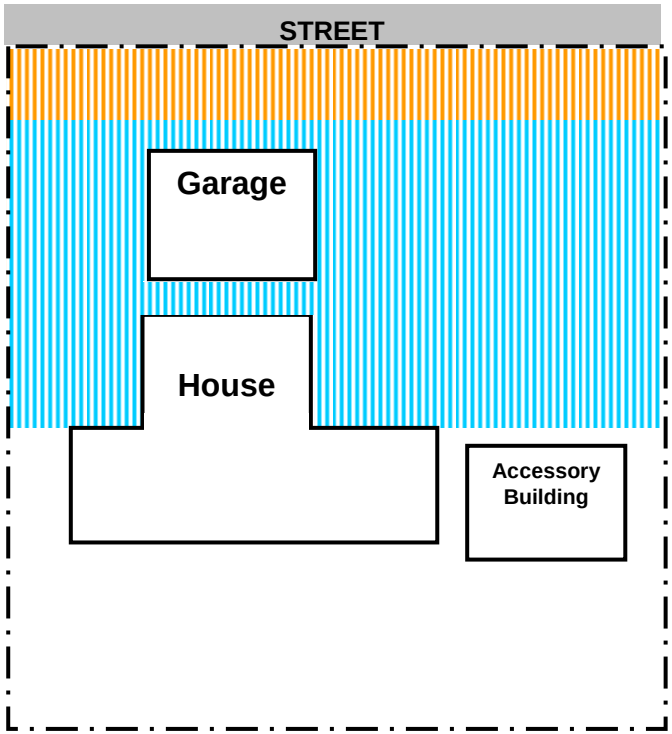
A. The landscape development plan shall include a landscaped area equal to not

less than fifteen percent (15%) of the area of the leasehold or parcel, including landscaping, within required ~~yards~~setbacks, walkways and bikeways, but excluding paved areas for vehicular use. At least one (1) shade tree for each two thousand (2,000) square feet of such paved area shall be provided. Paved areas used for movement and storage of aircraft shall not be included in the area of the leasehold or parcel for purposes of calculating required landscaped area.

B. All planting areas shall be maintained in a manner that will sustain normal growth.

Proposed Front Yard Area





Front Setback

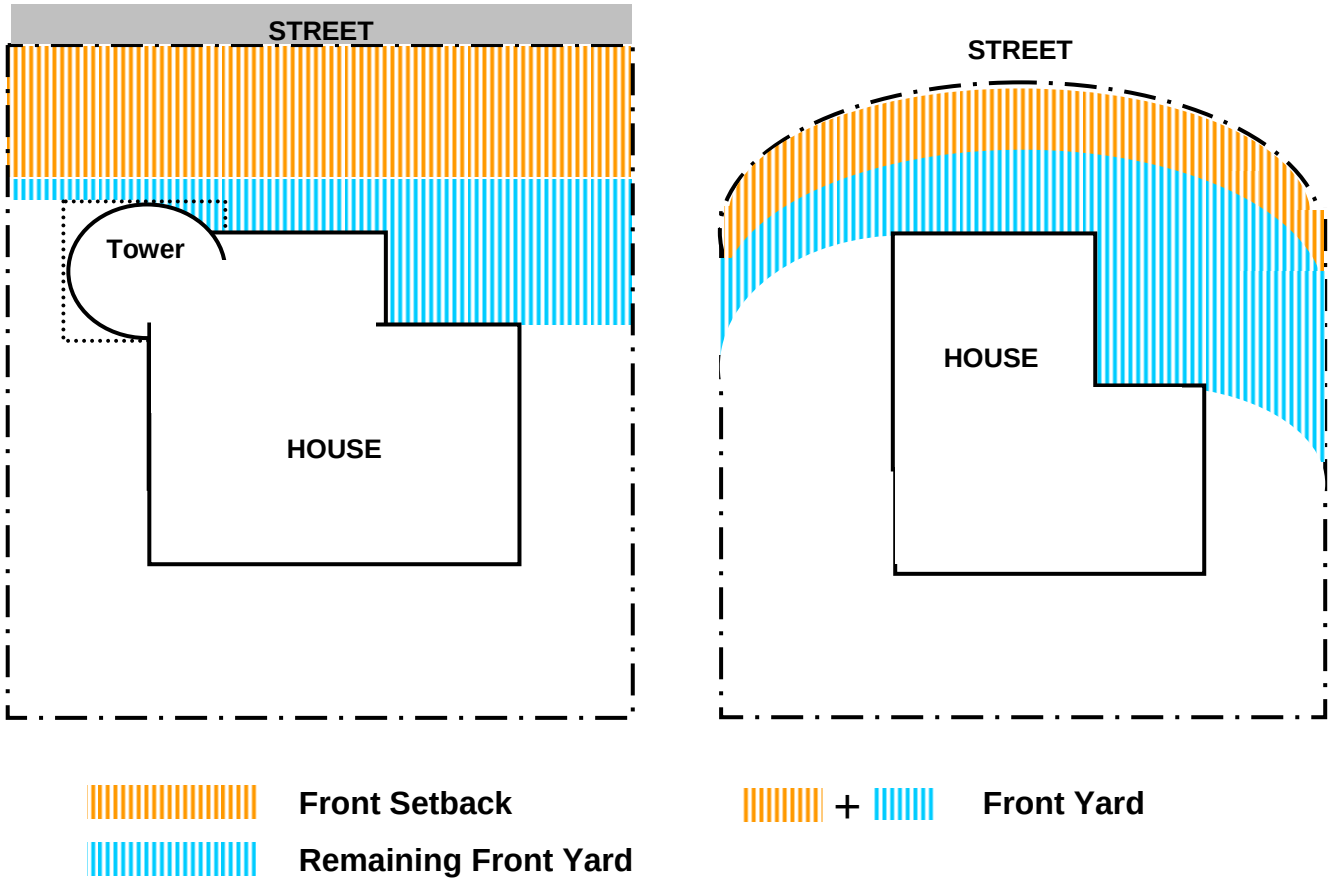
Remaining Front Yard

+ Front Yard

Not To Scale

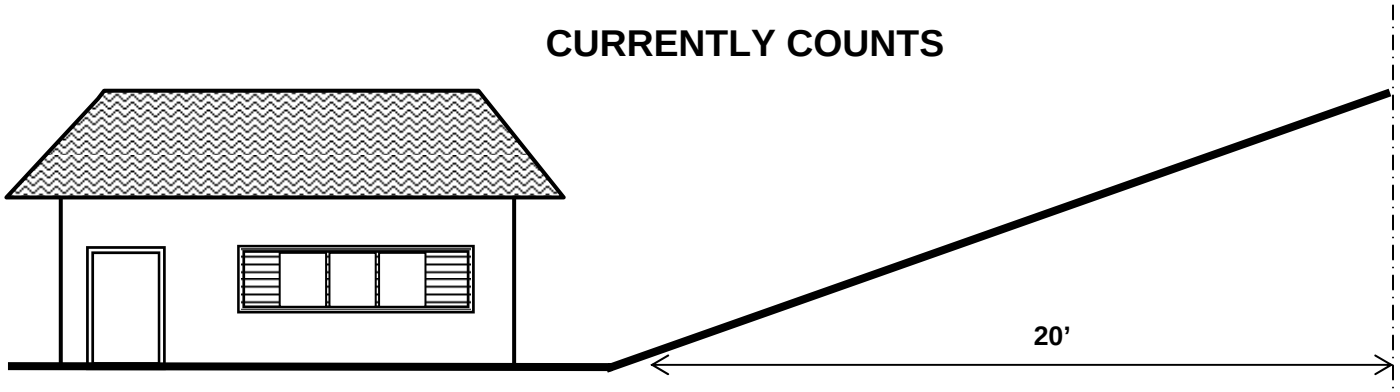
ATTACHMENT 2
Page 1 of 2

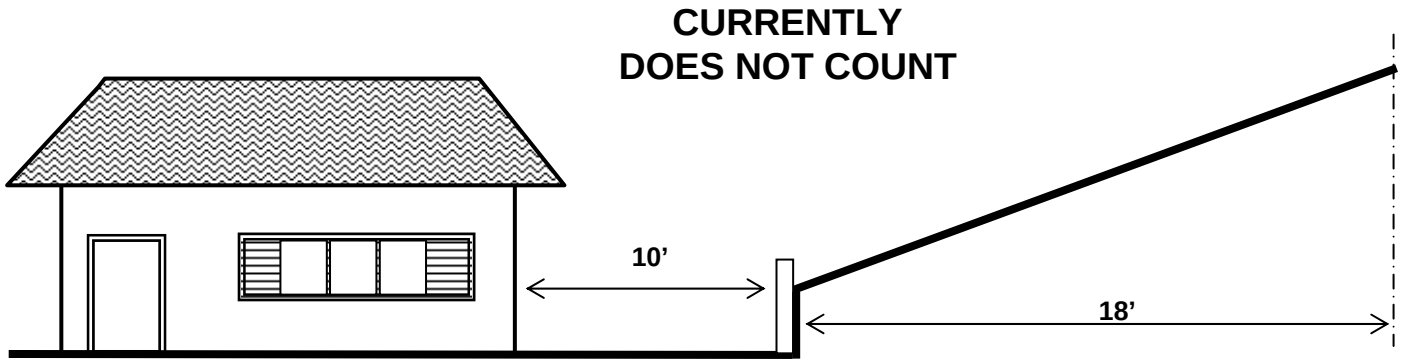
Proposed Front Yard – Towers and Curved Lot Lines



ATTACHMENT 2
Page 2 of 2

Open Yard – Sloped Lot

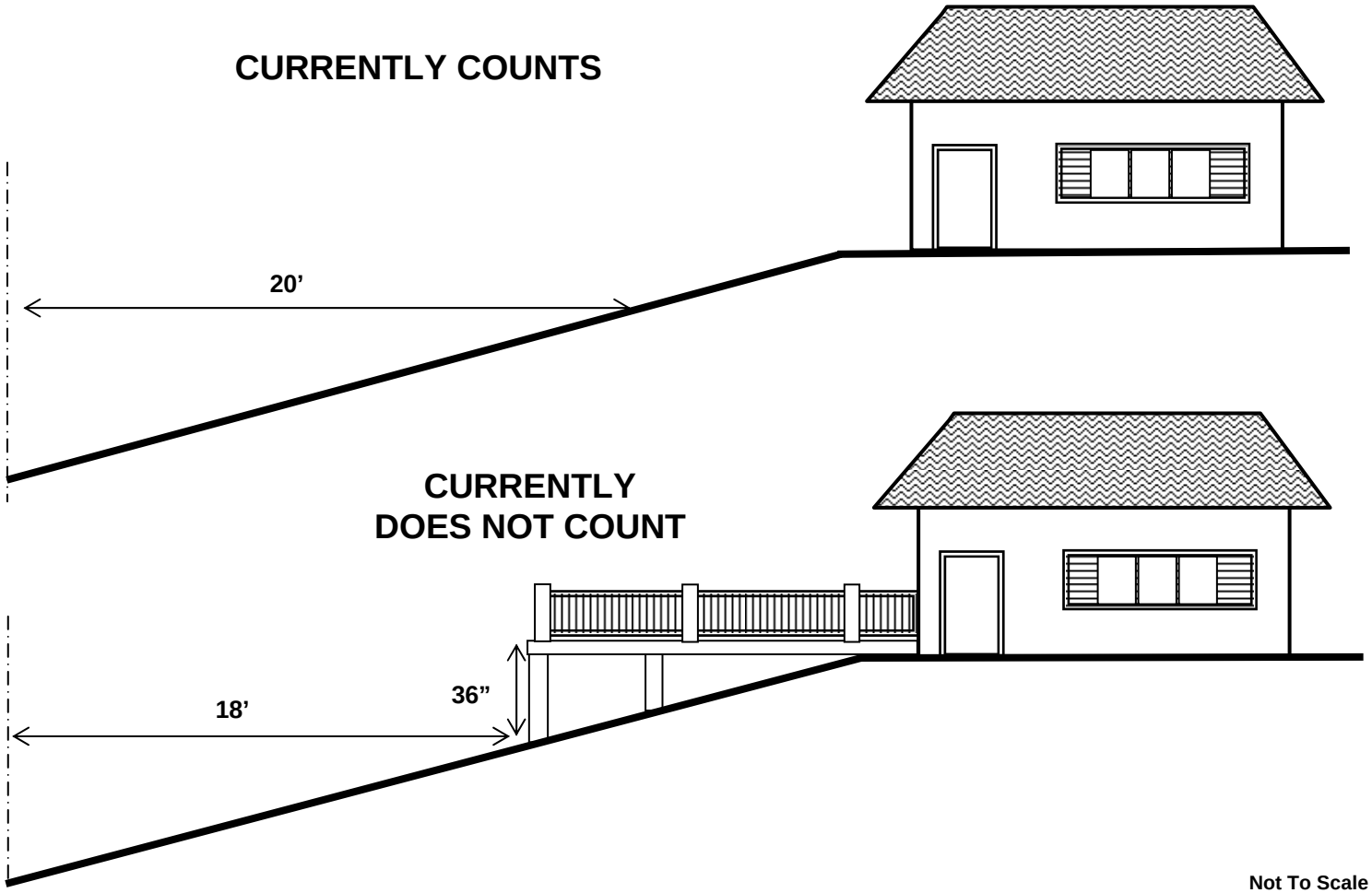




Not To Scale

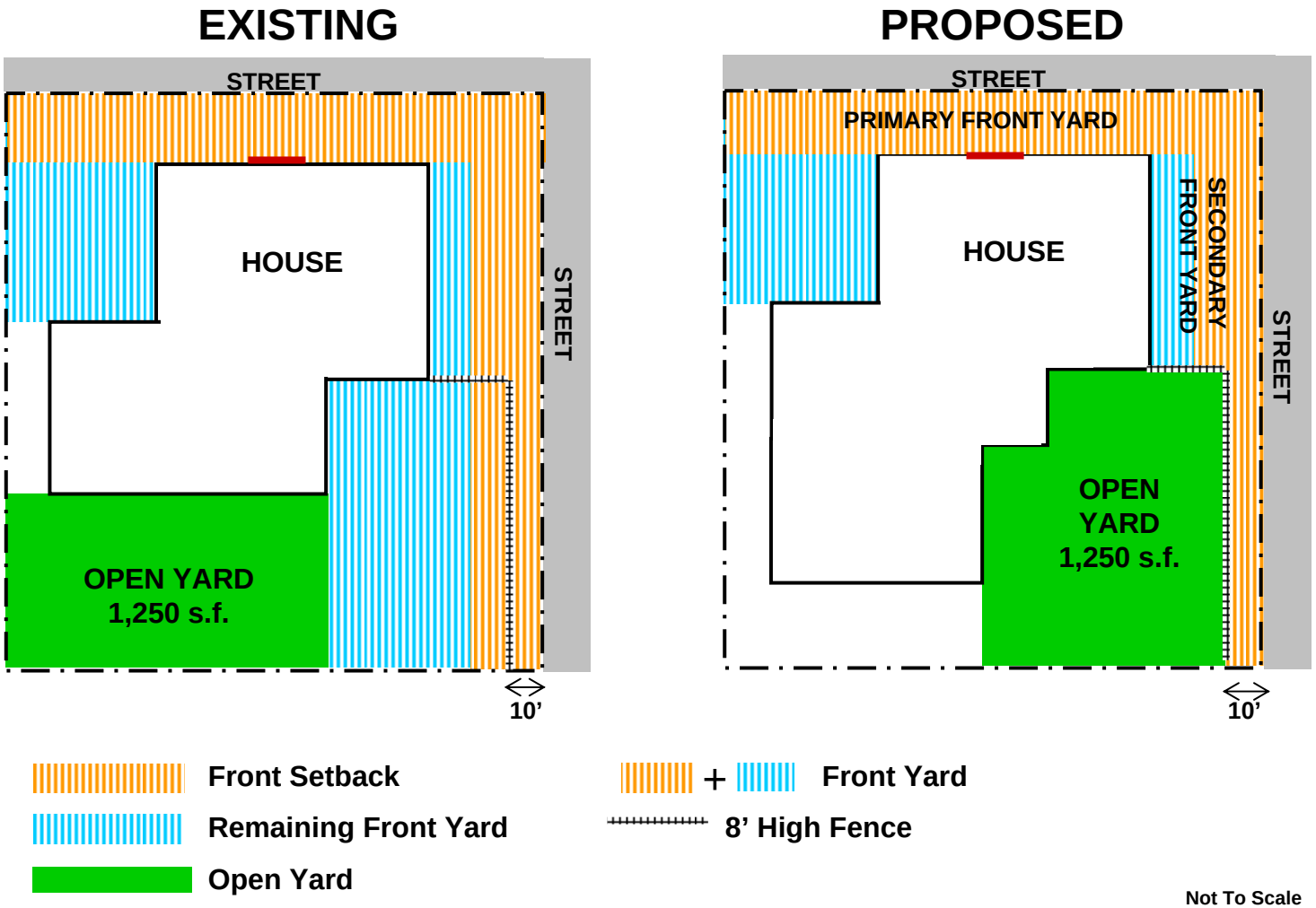
ATTACHMENT 3

Open Yard – Sloped Lot with 36” High Deck



ATTACHMENT 4

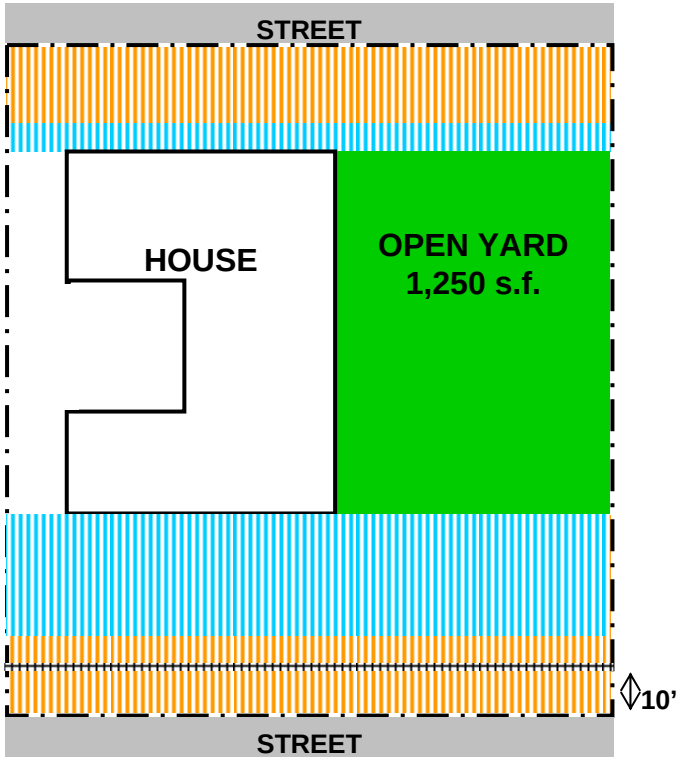
Single Family Zones Open Yard
Multiple Street Frontages - Corner Lot



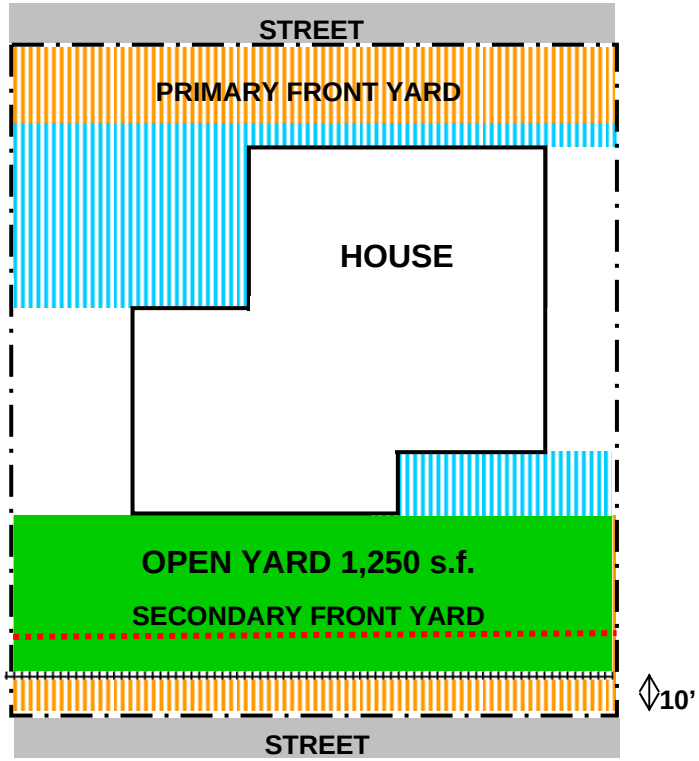
ATTACHMENT 5
Page 1 of 3

Single Family Zones Open Yard
Multiple Street Frontages – Through Lot

EXISTING



PROPOSED



Front Setback

Remaining Front Yard

Open Yard

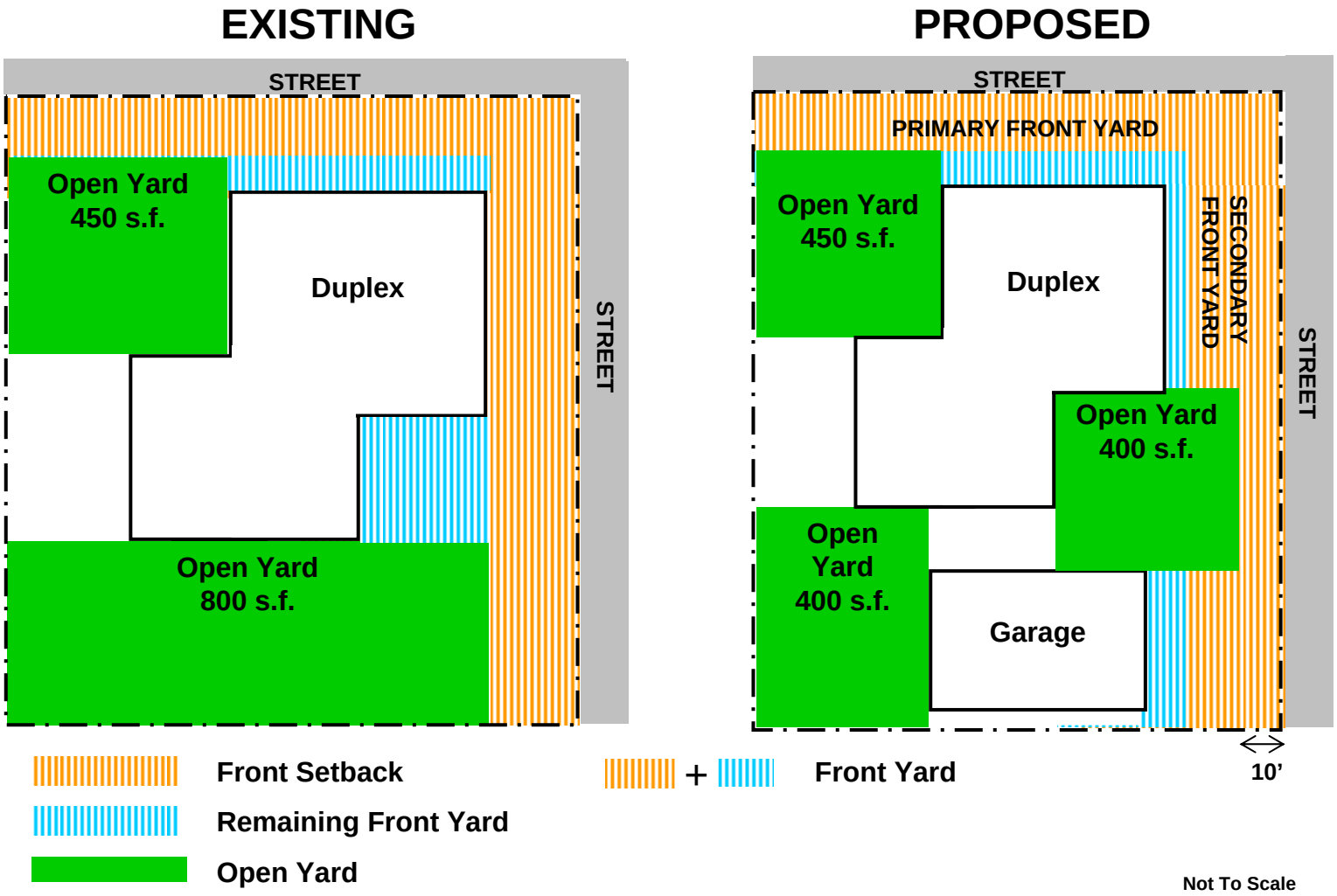
Front Yard + Front Yard

8' High Fence

Not To Scale

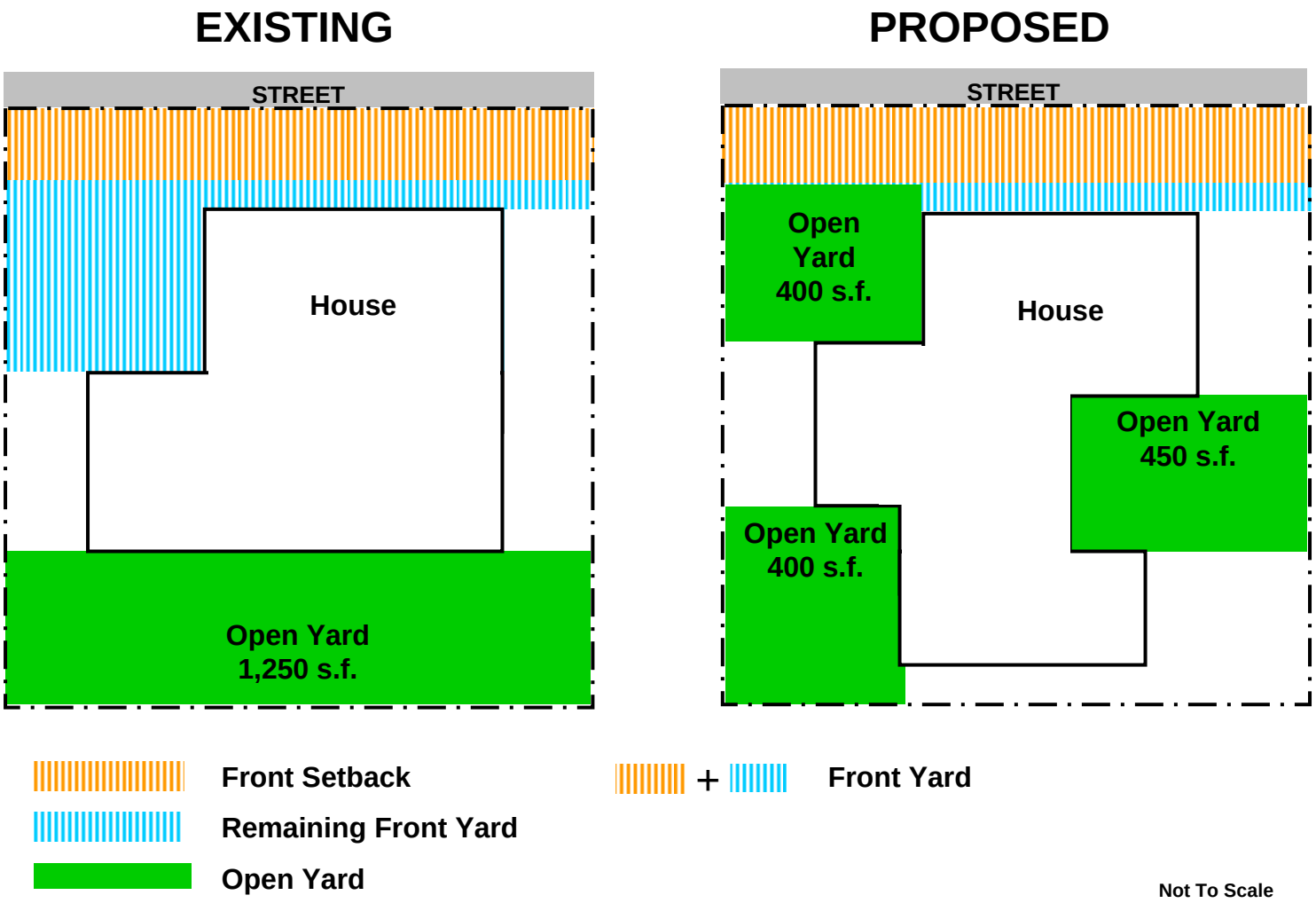
ATTACHMENT 5
Page 2 of 3

R-2 Zone Open Yard – Corner Lot



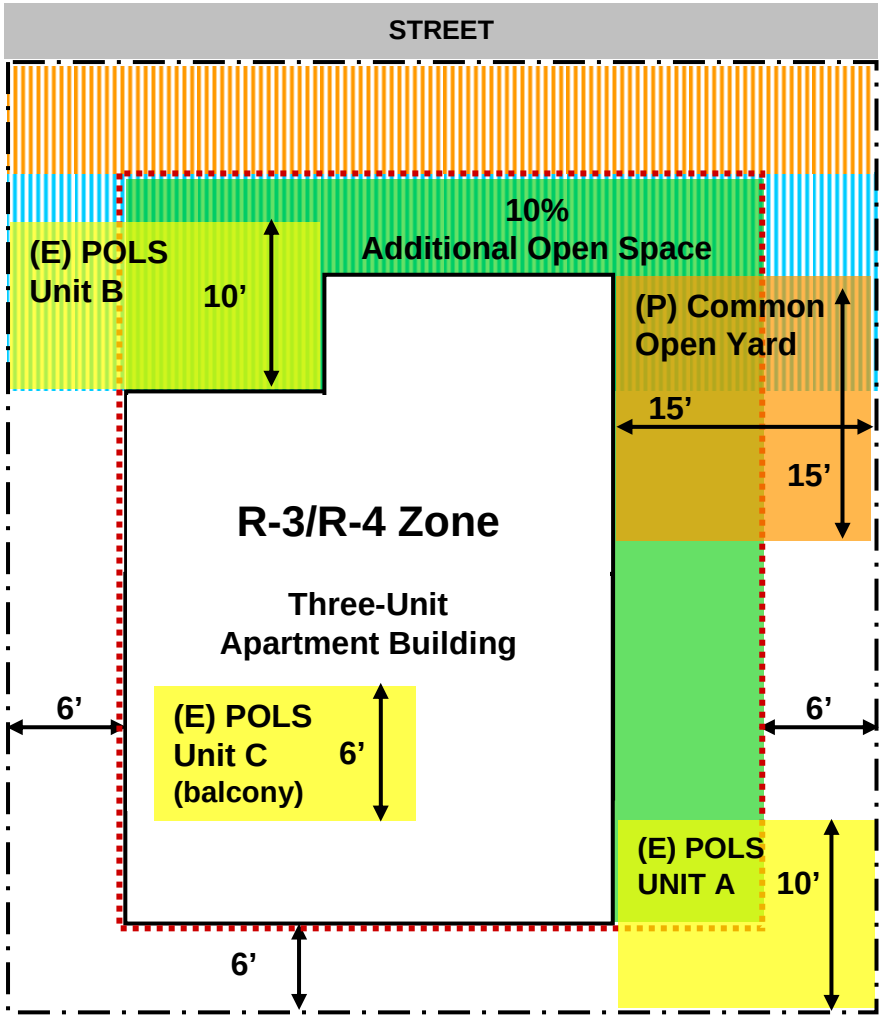
ATTACHMENT 5
Page 3 of 3

Single Family Zones Open Yard – Less than 6,000 s.f. and 20% Slope



ATTACHMENT 6

Proposed 15'x15' Common Open Yard



Front Yard

"Remaining" Front Yard

Setbacks

NEW! Common Open Yard

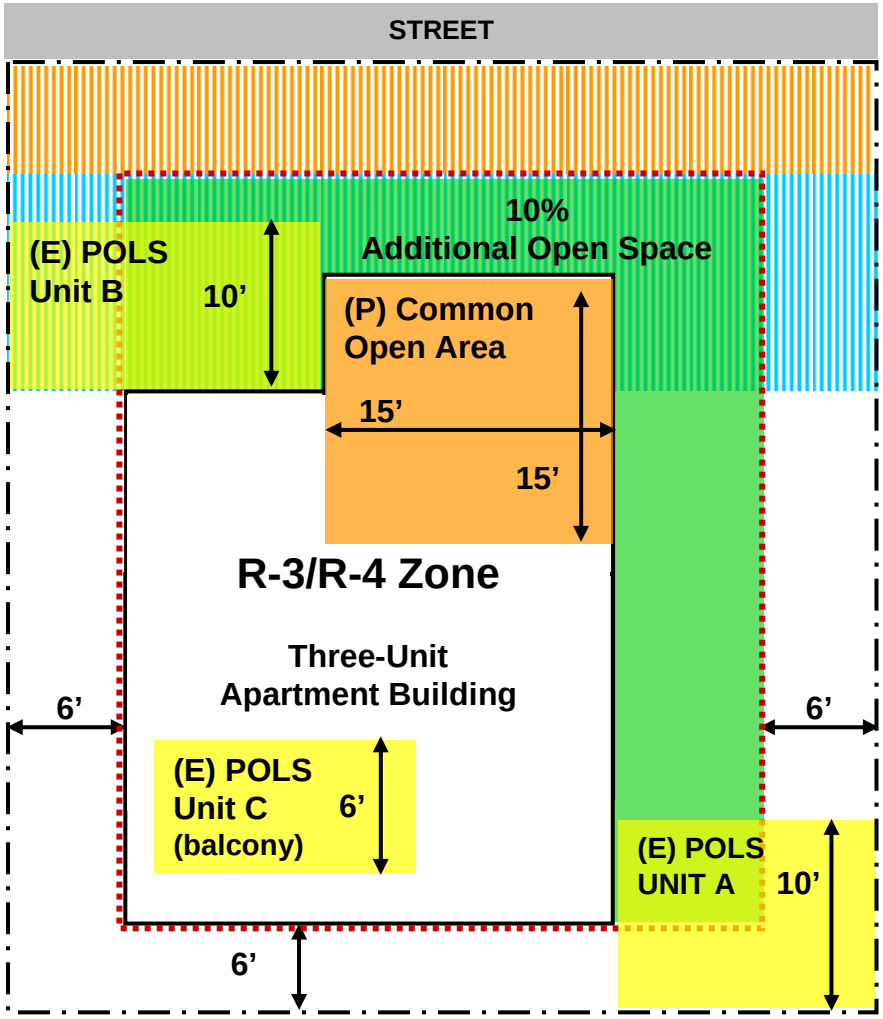
Private Outdoor Living Space (POLS)

10% Additional Open Space

NOT TO SCALE

ATTACHMENT 7
Page 1 of 2

Proposed 15'x15' Common Open Yard



Front Yard

"Remaining" Front Yard

Setbacks

NEW! Common Open Area

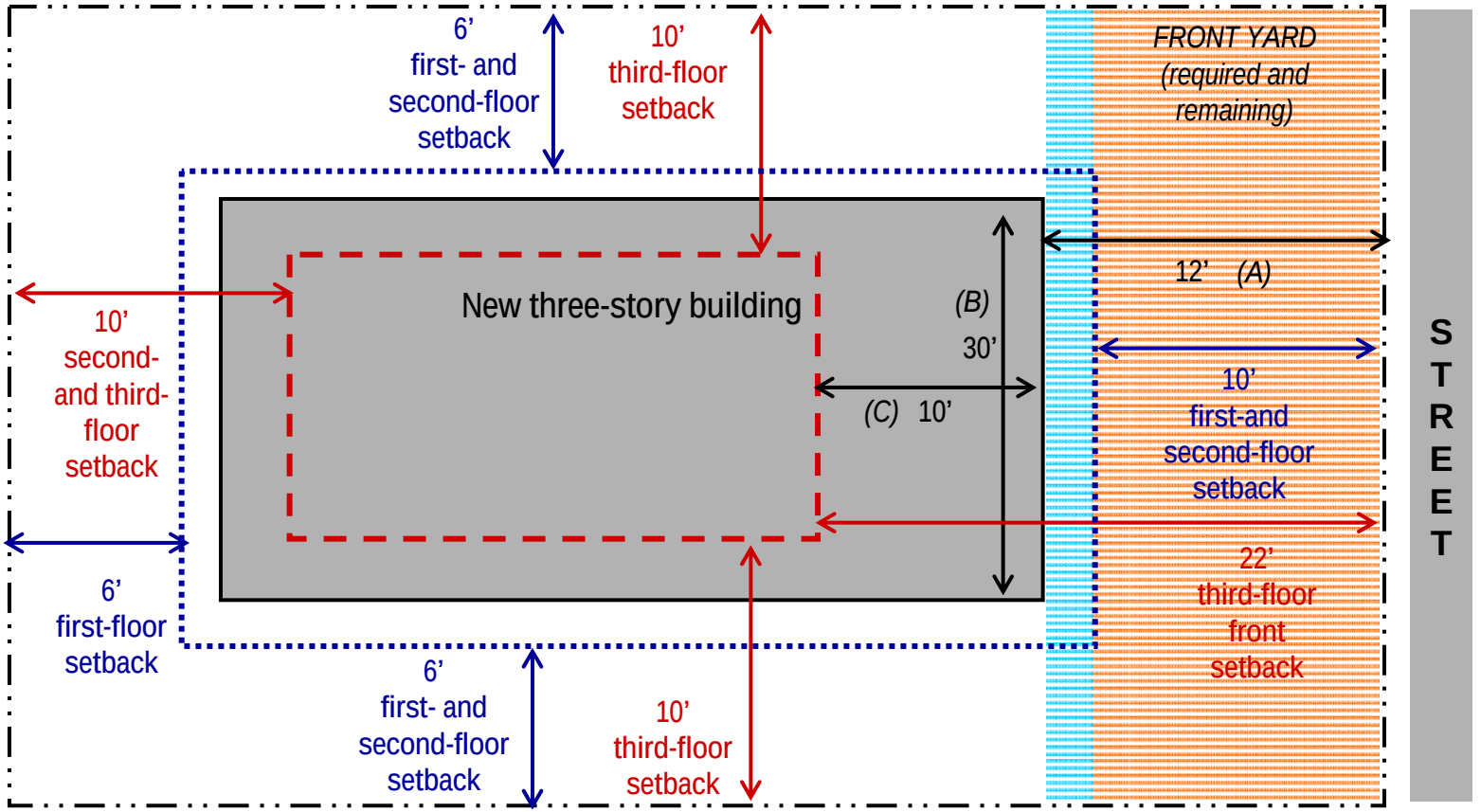
Private Outdoor Living Space (POLS)

10% Additional Open Space

NOT TO SCALE

ATTACHMENT 7
Page 2 of 2

R-3/R-4/R-O/C-O
(E) Third Floor Setback Requirements



If the third floor is ½ the floor area of the ground floor:

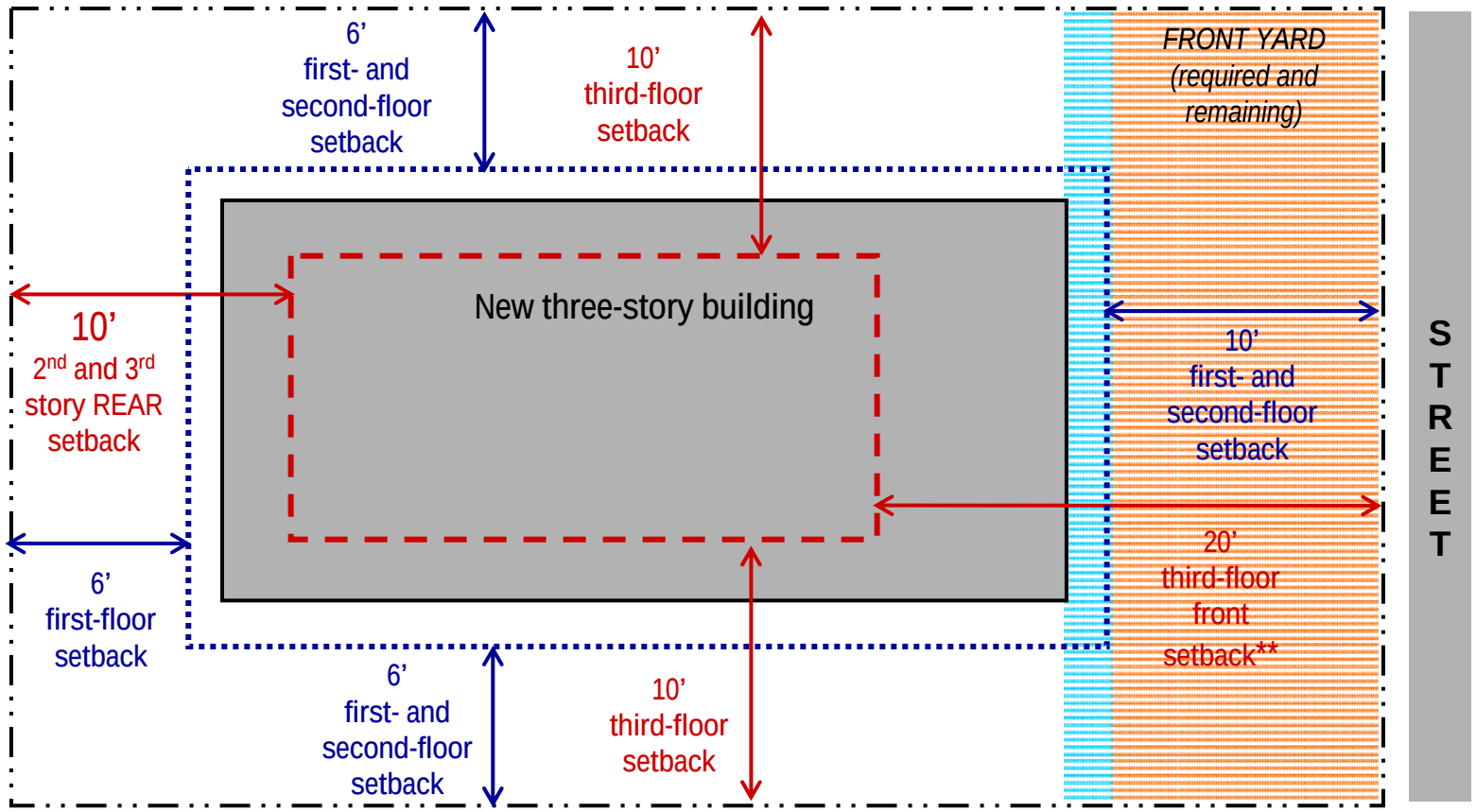
(A) The Front Yard (12')

(B) The ground floor building dimension perpendicular to the FRONT YARD (30') 1/3 = 10'

(C) The THIRD FLOOR ONLY must be setback from the FRONT YARD (the first wall of the building) by an additional 10'.

NOT TO SCALE

R-3/R-4/R-O/C-O
(P) Third Floor Setback Requirement

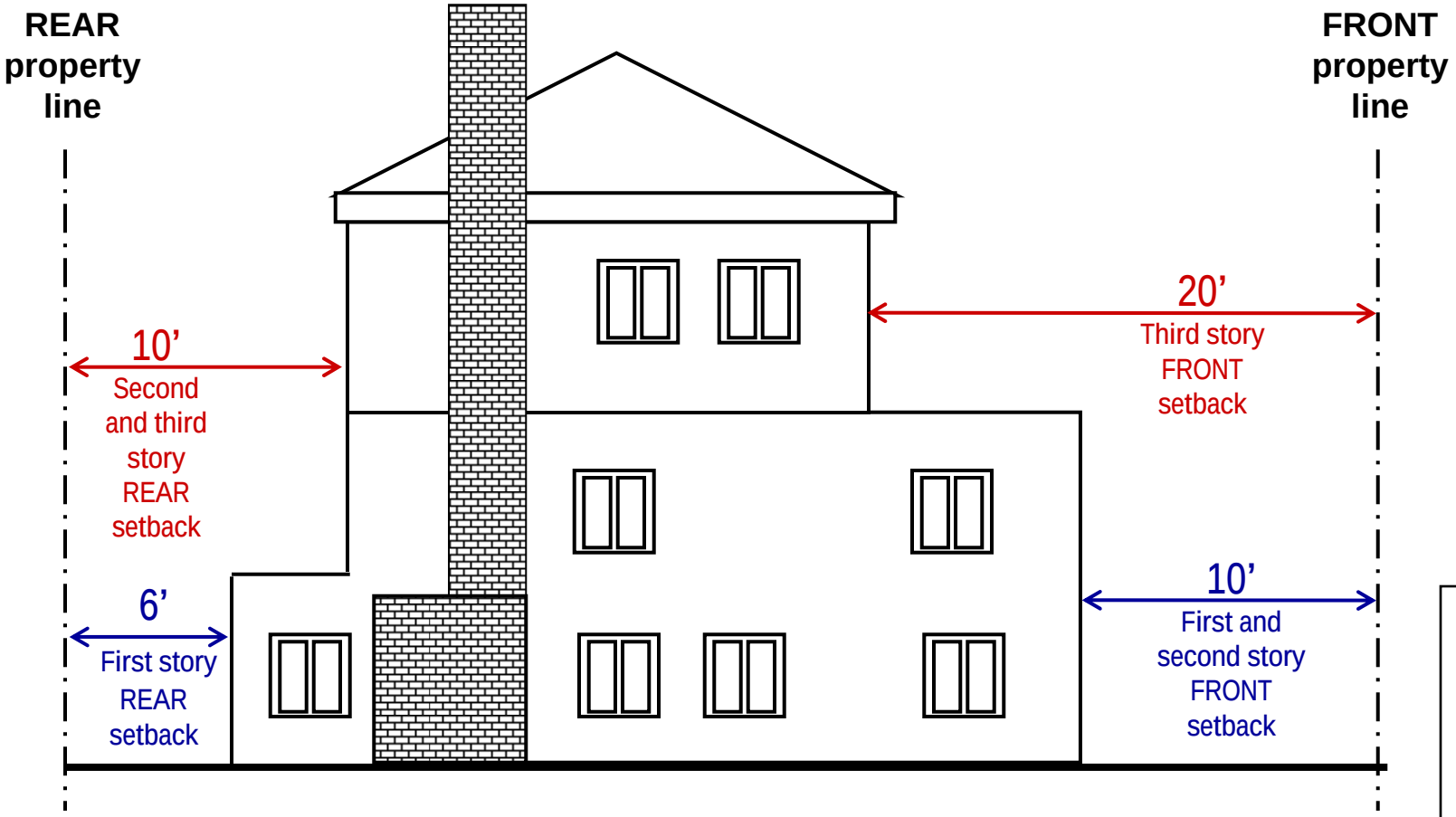


NOT TO SCALE

**If the third floor is ½ the floor area of the ground floor then the 20' front setback only applies to the third floor. Otherwise the entire building must be setback 15' from front property line.

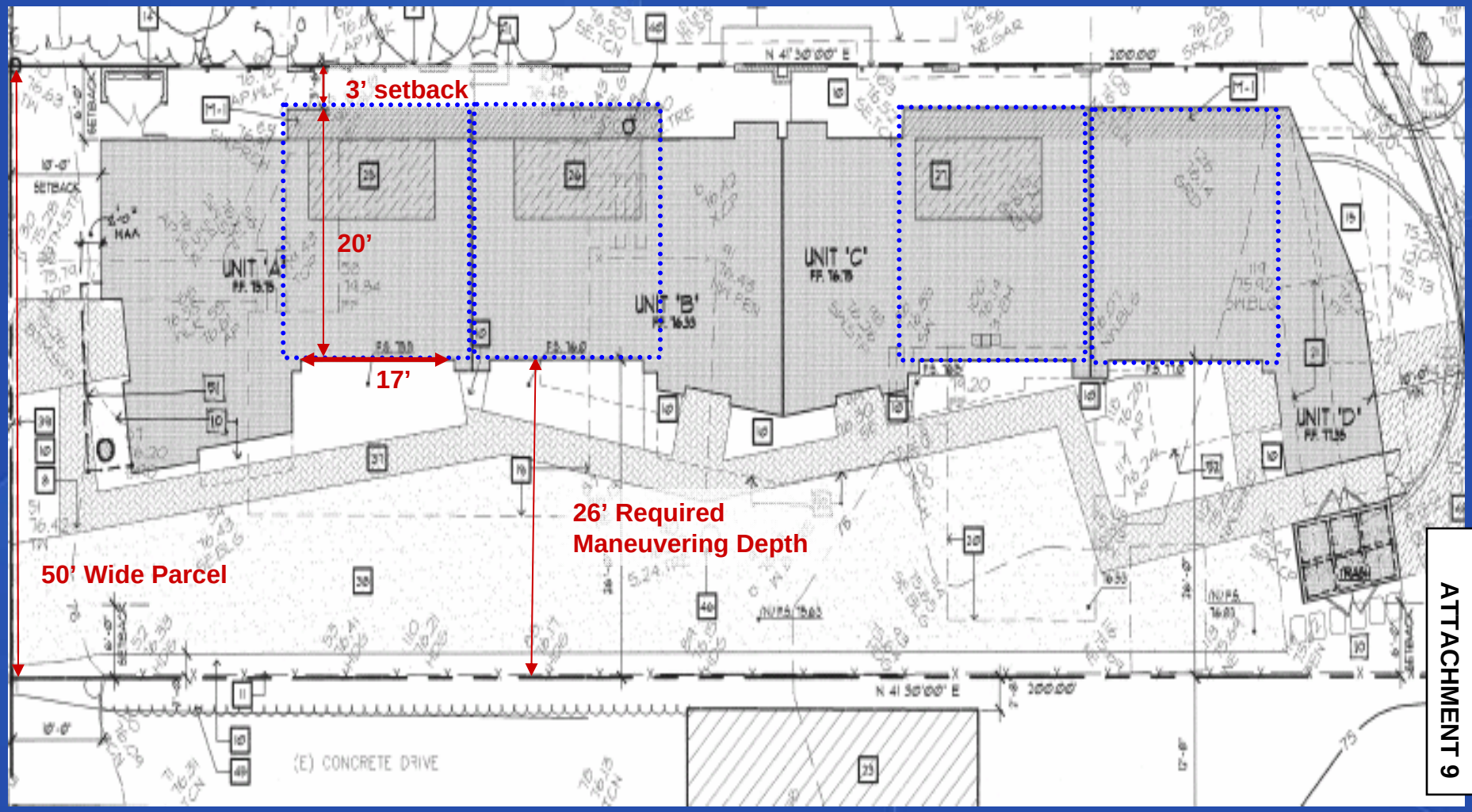
ATTACHMENT 8
Page 2 of 3

R-3/R-4/R-O/C-O
(P) Third Story Setbacks



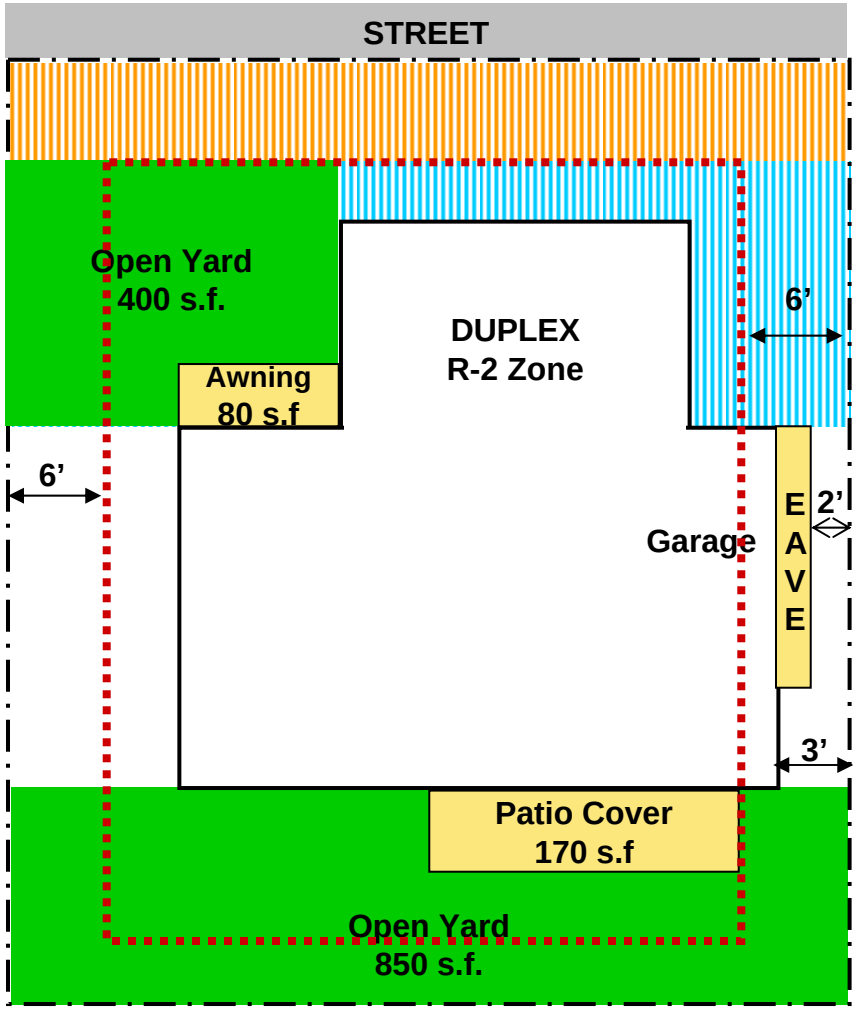
NOT TO SCALE

Sample R-3 Zoned Parcel – Four Unit Condominium



ATTACHMENT 9

Existing Allowed Yard Encroachments



Front Yard

"Remaining" Front Yard

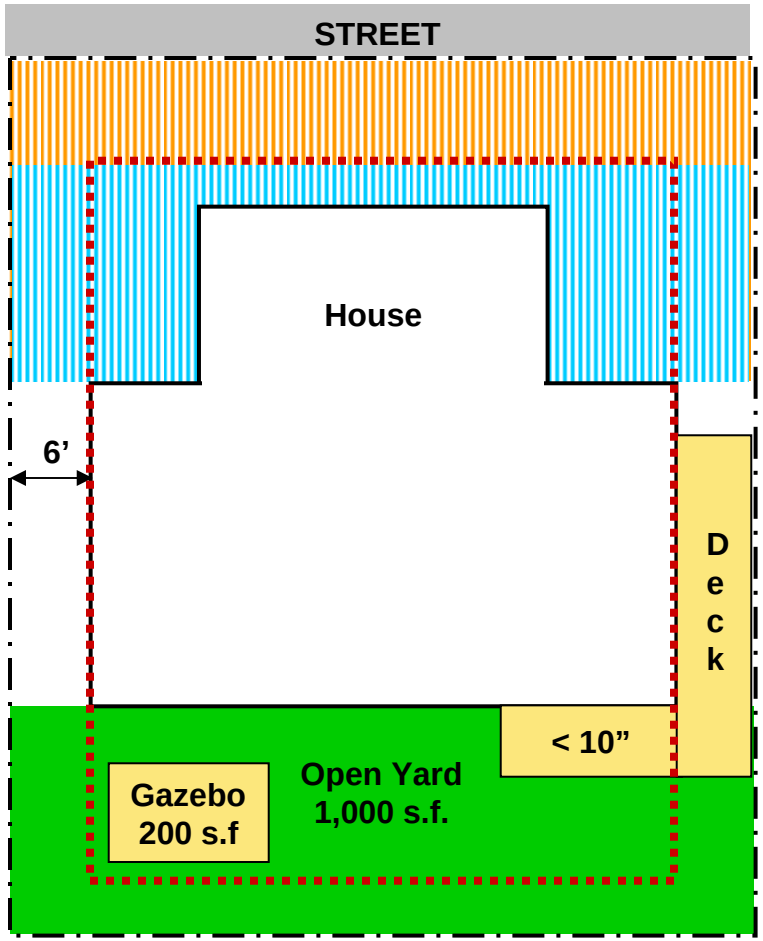
Open Yard

Setbacks

NOT TO SCALE

ATTACHMENT 10
Page 1 of 2

Existing Allowed Yard Encroachments



Front Yard

"Remaining" Front Yard

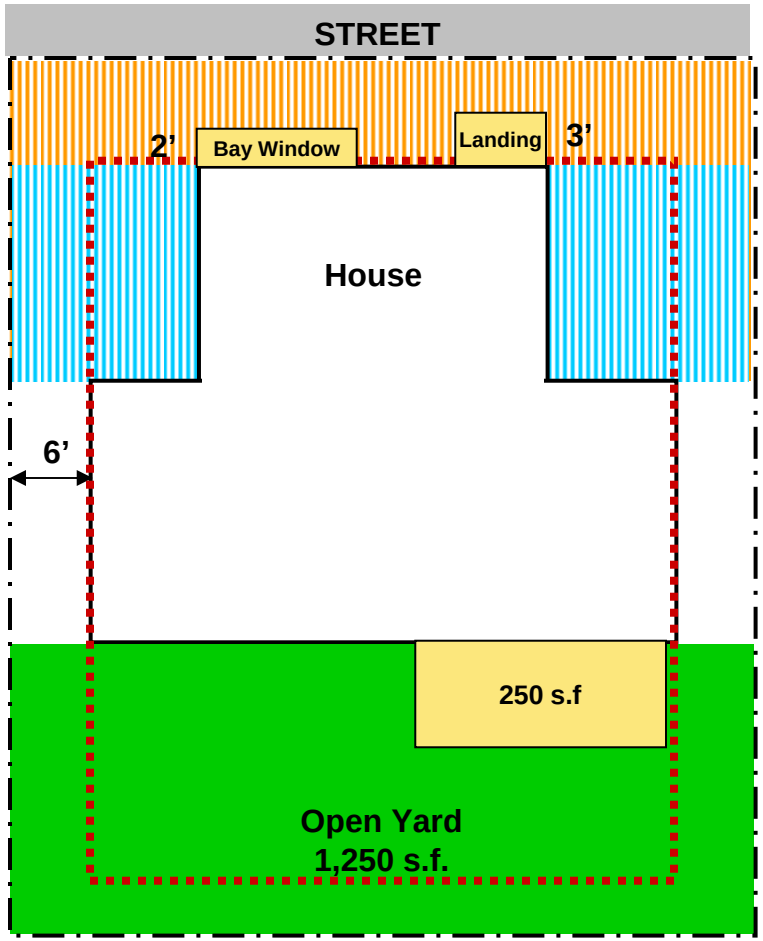
Open Yard

Setbacks

NOT TO SCALE

ATTACHMENT 10
Page 2 of 2

Proposed Yard Encroachments



Front Yard

"Remaining" Front Yard

Open Yard

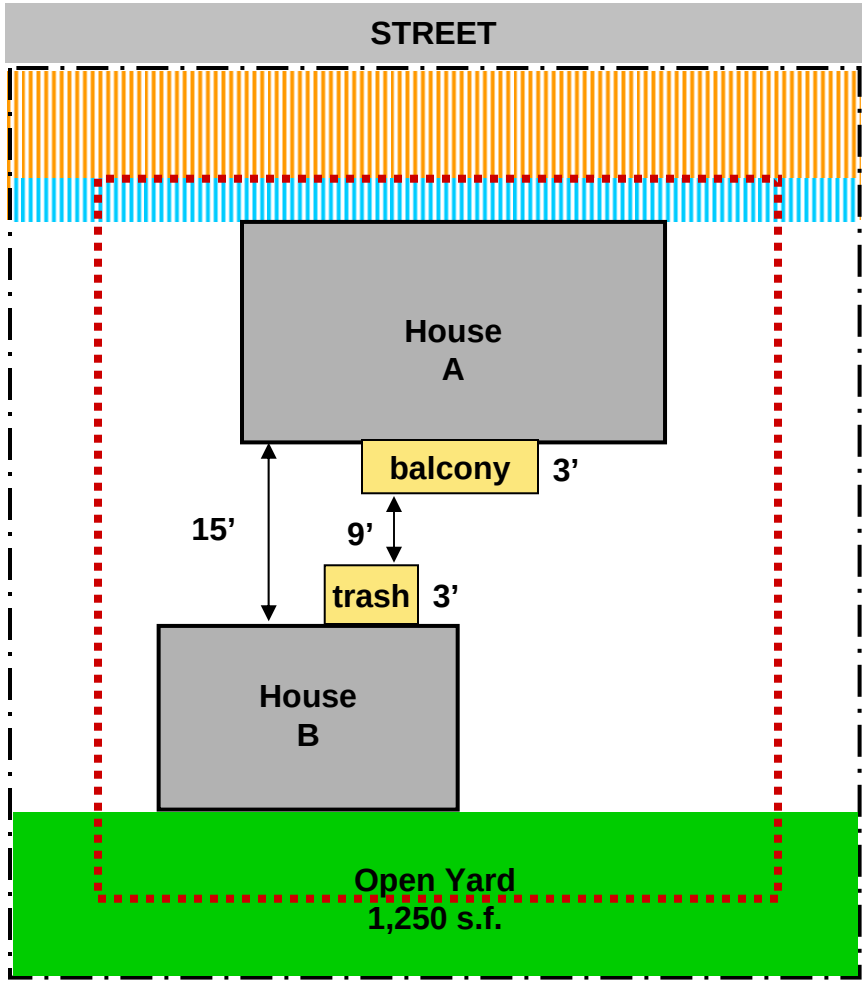
Setbacks

- Bay window
  - 2' encroachment
- Landing
  - 3' encroachment
- Attached patio cover
  - in open yard

NOT TO SCALE

ATTACHMENT 11

Encroachments in Required Distance Between Buildings



Front Yard

"Remaining" Front Yard

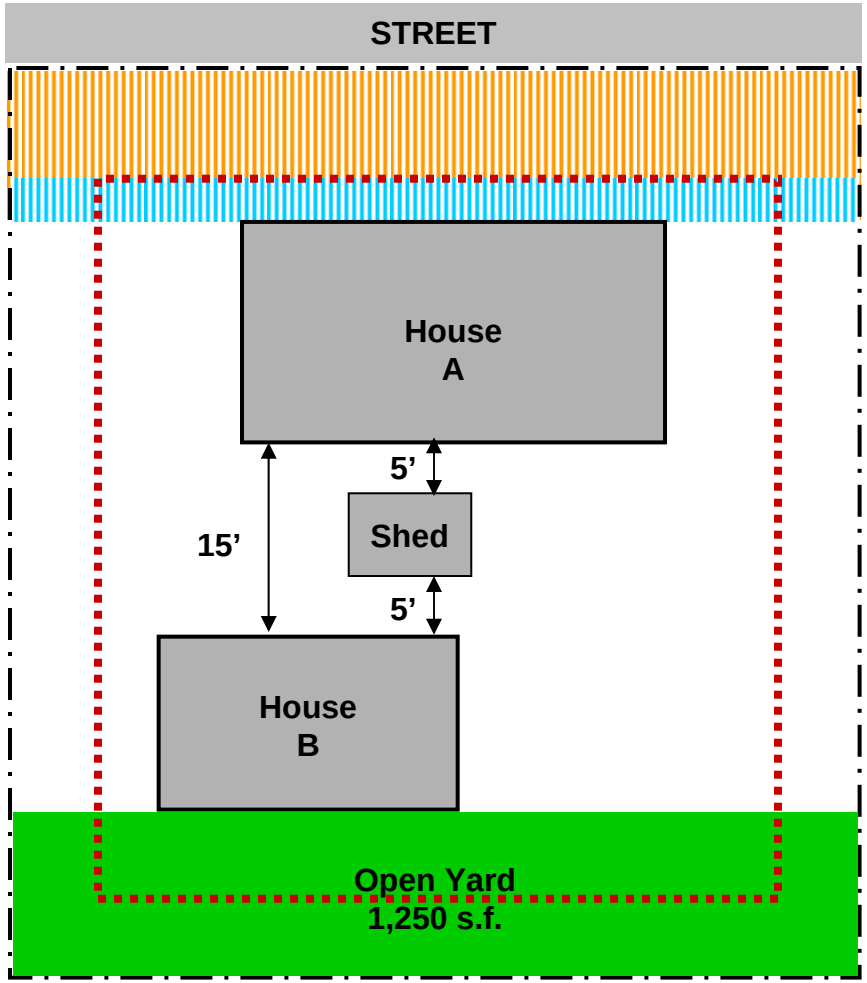
Open Yard

Setbacks

NOT TO SCALE

ATTACHMENT 12
Page 1 of 2

Encroachments in Required Distance Between Buildings



Front Yard

"Remaining" Front Yard

Open Yard

Setbacks

NOT TO SCALE

ATTACHMENT 12
Page 2 of 2