

Zoning Standards to be Considered in the NZO Effort
(Working List)

A. Examples of Standards to be Addressed in NZO

The list under 2 - 7 is neither all inclusive nor definitive as the public process will define the changes that will be made to the standards. The letters and numbers in parentheses indicate General Plan policies relevant to that topic.

1. Restructure Title 28 and:

- a. maintain a pyramid zoning structure;
- b. make it more current, consistent, clear, and easier to understand;
- c. simplify the organization of the chapters;
- d. have policy alignment with historic interpretations;
- e. reduce redundancy;
- f. reconsider the zone classifications, reducing the number where possible, without increasing allowed densities;
- g. consider a format where all of the relevant standards that apply to the zone classification, use, or project type are in the same place (currently not user friendly with regulations in various locations in the code);
- h. consider tables or some other manner in which to reflect what review applies (e.g. ABR, HLC, SHO, PC);
- i. consider graphics in the document, or a guidelines document with photos and graphics, and interpretations. Consider what other communities are doing in this regard; and
- j. keep in mind that the NZO will be processed concurrently with the Local Coastal Plan (LCP) Update. As the LCP Update proceeds, we need to ensure that the NZO is consistent.

2. Update Definitions and:

- a. improve and update with user-friendly terms;
- b. consider graphics to assist in the interpretation of definitions;
- c. consider updating or creating definitions of the types of residential units (e.g. duplex, additional unit, accessory units - NPO related);
- d. remove standards from definitions wherever possible;
- e. consider whether definitions specific to a section or chapter should remain in the section or whether all definitions should be provided in the main definitions section;
- f. improve definition of mixed use (2 or more uses in building vs. 2 or more uses on a site); clearly define what makes up a mixed use building;
- g. update with new definitions for “modern” uses, relying on Webster’s where we can or in line with what other Cities use;
- h. clarify that setbacks are measured from the right of way and not just the property line;
- i. update the definition of “front yard” (e.g. to *first* wall of the *first* main building);
- j. define demolition and alteration for development and zoning purposes; and
- k. check for consistency in how we define things (e.g. definition of floor area in Zoning Ordinance and building code. Check that they don’t contradict each other.

3. Assess Administration of the Code and:

- a. provide staff or other administrative flexibility (perhaps similar to the minor exception for the fence/hedge height ordinance). Findings may be necessary to ensure the intent is met (see d. below). Research and consider other tools that could be used for flexibility between allowed standards and modifications;
- b. clearly define projects, process, and, any findings needed for Staff to make administrative decisions;
- c. clarify decision making protocols – ministerial, administrative adjustments/waivers, SHO, PC, Council, City Attorney;
- d. add the intent of regulations, to make it easier to determine whether a proposal meets the intent;
- e. consider flexibility to expedite and assist affordable housing projects (H16.4 and H16.6 - see Attachment 1 to the Request for Proposal for General Plan Policies and Implementation Actions);
- f. consider expansion of SHO review (e.g., Tentative Subdivision Maps of 1-4 lots with public street waivers, all residential condo conversions or at least more than 4 unit limit); and
- g. consider increasing the types of projects that are ministerial and don't need discretionary review.

4. Update Zoning Standards to:

- a. simplify where appropriate;
- b. consider combining similar zone designations where appropriate (e.g. C-1, C-L, C-P);
- c. consider reducing the number of single family zone classifications;
- d. review corner lot standards to reduce the number of front yard modifications;
- e. update encroachment allowances in setbacks and yard, including open yard;
- f. evaluate yards and setbacks and consider:
 - i. Changing setbacks in single family zones where 1975 downzone resulted in nonconforming setbacks. This could also be handled as an amendment to the nonconforming ordinance or an amendment in single family zones that allows for nonconforming additions that build to the pre-1975 setback (like we did in the R-2 zone, SBMC §28.18.065), or variable setbacks.
 - ii. Consider averaging setbacks in single family zones like in the County.
 - iii. Consider allowing bigger covered or uncovered steps or landings within interior setbacks and front setbacks.
 - iv. Consider allowing miscellaneous items in the required setback for existing development, as long as there are no visibility or safety issues (e.g. trash cans and enclosures, mailboxes, sign directories, light poles planters, entry gate keypads, public utility equipment, pool equipment, others?).
 - v. Clarify what is allowed in the “front yard” vs. “front setback” (e.g. pool equipment, trellis, fountains, trash etc.).
 - vi. Consider changes to the 1,250 s.f. open yard standards for single family zones (maybe all lots, maybe constrained lots only, or maybe just for properties with nonconforming open yard). Consider flexibility for these single family zoned properties, since the only people it affects are the residents.
 - vii. Consider allowing decks taller than 10 or 36 inches to count as open yard area.
 - viii. Allow flexibility in open yard standards to allow improvements to parking.

- ix. Simplify the R-3/R-4 open space requirement. This item confuses people the most on ministerial permits.
- x. Consider variable building setbacks for 100% commercial buildings Downtown, similar to AUD (AUD only covered mixed use and residential not when 100% commercial) (LG12.3).
- xi. Consider changes to the standards for commercial and residential setbacks i.e., allowed encroachments, changes to non-conforming openings etc. Evaluate the need for commercial setbacks in various zones.
- g. clarify section on additional dwelling units regarding FAR limitations (how to calculate) open yard, limit on garage and accessory space etc. relative to the Neighborhood Preservation Ordinance;
- h. consider location and configuration of accessory buildings
 - i. Consider eliminating separation requirements, and let the building code dictate any required separation.
 - ii. Evaluate accessory building and garage size maximums. Consider a combined total floor area limitation for garages and accessory space. (R-3 zones do not have garage size limitations).
 - iii. Consider changing when accessory building area is allowed in the front yard (through and corner lots, etc)
- i. update the definition of building separation requirements, SBMC 28.87.062.D.;
- j. clarify confusing standards when there is more than one zoning designation on a lot (e.g. dual zoning, like R-2/C-P, R-2/R-O;
- k. consider expanding the modifications allowed for compliance with the Solar Access Ordinance (e.g., very narrow lots that can't move structure further out on northern property line, and consideration for sloped lots where shadow cast is actually the same or less than a flat lot, etc.);
 - i. clarify where base elevation points are measured from in the Solar Ordinance;
- l. clarify what exactly can occur on a vacant lot when there is no main building or use established (SBMC 8.16.070 and SBMC 28.97.001);
- m. address historic construction that may not have been recorded on building permits but was part of original subdivision tract (e.g. retaining walls). There is a disconnect between what building required in the past and what planning wants now; and
- n. address requirement for trash enclosures relative to setbacks.

5. Update Allowed Uses and:

- a. modernize allowed uses and language;
 - i. Live work and home occupation uses in residential zones to reflect current trends/realities while considering impacts to residential areas (LG.10, LG10.1)
 - ii. Establish criteria for Artists' live-work space in the OC or C-M Zones. (LG10.2)
 - iii. Consider allowing Corner Stores/Small Neighborhood Centers in residential zones (LG4.4). Consider allowing them without parking as they are neighborhood serving.
 - iv. Consider adding the following uses into appropriate zones
 - 1. "Green" Economic Development (LG7.1.c)
 - 2. Community gardens (LG11.4)
 - 3. Uses under the Sustainable Neighborhood Planning (LG15.1)
 - 4. Eco-tourism (EF7)
 - 5. Electric Charging Stations (ER8)

- b. consider simplifying commercial uses into basic categories such as retail, office, light industrial;
- c. consider granting authority to staff to determine similar uses that fit into basic categories;
- d. consider ways to preserve and encourage the long-term integrity of industrial and light manufacturing uses including possibly narrowing the range of commercial uses in C-M and M-1 zones while not precluding priority housing in the C-M zone. (LG8.1), (LG8.2) (EF15 and 16);
- e. consider amending the Conditional Use Permit findings for public facilities and institutional uses in residential areas (LG15.3) to minimize impacts;
- f. create consistency with any LCP updates to the OC zone to allow “visitor serving uses,” and wineries, and include more clarification on changes to nonconforming uses in OC zone. *(Only if LCP update and amendments are considering this);*
- g. consider creating requirements for storage containers (PODS) in residential zones. If they don’t need a building permit, can we regulate them?
- h. consider creating requirements for storage containers in commercial zones. Specify that it is considered square footage if enclosed, even if it does not require a Building Permit;
- i. consider auto repair in C-P with a Performance Standard Permit (PSP) or Conditional Use Permit if work is all done within an enclosed building; and
- j. revise the CUP Ordinance to:
 - i. Consider allowing some uses that currently require a CUP to be permitted without a CUP (either as an allowed use in an appropriate zone, or with a PSP)
 - ii. Simplify CUP for day use facilities for kids, youth and seniors. (LG9.2),
 - iii. Relocate secondary dwelling units from the CUP section.
 - iv. Look at critical public infrastructure – such as Cater wells, reservoirs, etc, and consider a new zone classification to allow uses or consider changing the development process from Conditional Use Permits at the Planning Commission to Performance Standard Permits at the Staff Hearing Officer (currently additions of 500 square feet or less are allowed to an existing Public Works facility in all residential zones and 500 to 1,000 square feet are allowed in R3/R-4 and PR zones for treatment and distribution facilities).
- k. Look at change of use triggers from a building code vs. the Zoning Ordinance.

6. Update Nonconforming Uses and Buildings to:

- a. avoid increasing the number of nonconforming properties and reduce the number of nonconforming situations (e.g. as a result of 1975 downzone and parking) as also discussed in 4.f.i above;
- b. revise standards so frequently requested modifications are now allowed by the standards where appropriate;
- c. consider allowing more changes in setbacks (e.g., allow new doors and windows in the front setback; allow change in location of windows and doors in setbacks) by right, or with administrative approval;
- d. provide incentives or standards for reconstruction or rehabilitation of existing rental apartments at nonconforming General Plan densities and zoning standards. (H13.3);
- e. consider allowing demo/rebuild of nonconforming structures in the setback without a modification if decreasing the nonconformance (e.g., encroaches less into the setback);
- f. consider allowing nonconforming garages to expand to meet minimum dimensions in the required interior setback if not increasing the number of parking spaces provided, or if making the parking requirement more conforming;

- g. look at habitable vs. nonhabitable change of uses in the setback (e.g., garage to habitable space);
- h. consider clearly stating that if a nonconforming building was demolished without a permit, then it cannot be rebuilt in its former nonconforming location. Also, state that a nonconforming building permitted to be demolished has to be reconstructed or Building Permit issued within a certain timeframe to maintain its legal nonconforming status;
- i. consider separate sections for different nonconforming types (open yard, solar, story, height, use, and parking);
- j. clarify that a lot with nonconforming mixed-use in a residential zone can add residential floor area as long as the residential density conforms to the current standard;
- k. consider changing the standards so that a modification is not necessary when making a conforming second story addition, or any conforming addition (which was the original intent); and
- l. consider allowing minor increases in height in the setback (like changing the orientation of the roof, or slight increases in pitch, or allowing a parapet, etc.).

7. Update Parking Standards and:

- a. look at ways to simplify the commercial parking standards and other standards (e.g., either 1 space per 250 square feet or 1 space per 500 square feet) as much as possible;
- b. evaluate the CP Zone 1/200, to determine whether the parking standard should be maintained at 1/200 or made consistent with other commercial zones, given 1/200 is supposed to avoid affecting the surrounding lower density residential;
- c. avoid creating nonconformancies with this update, reducing nonconformancies when possible, and consider changing how we handle nonconforming parking situations;
- d. simplify the parking standard for restaurants (1 space/3 seats, or 1/100 s.f. for fast food, outdoor seating). Consider standardizing for all restaurants to have the same parking requirement;
- e. fix odd differences in residential parking. For example: make parking requirements consistent (e.g. condominiums requiring covered parking, where condo conversions do not; parking requirements for multi-family units that are detached versus attached; and condo conversions currently do not refer you to parking ordinance that allows reduced parking for affordable and senior units);
- f. clarify standards for covered and uncovered parking in C-2 zone;
- g. make the zoning parking standards, zoning design standards for parking lots, and City of Santa Barbara Standards for Parking Design consistent;
- h. consider appropriate trigger for upgrades to non-conforming parking lots. Specifically landscaping and bike parking. Consider removing or revising the 50% rule (i.e. if an addition of 50% or greater is proposed, nonconforming parking must be brought up to current standards, including design standards);
- i. consider allowing parking in driveways in front of garages for properties that contain single family residences. If we allow this, consider limitations on driveway and turnaround widths to minimum needed;
- j. consider allowing a parallel guest parking space cut in along the curb in front of hillside homes;
- k. consider increasing or eliminating garage size maximums, while continuing to include garage size as part of Neighborhood Preservation Ordinance FAR;
- l. explore reducing the minimum dimensions for parking spaces;

- m. consider streamlining the conversion of carports to enclosed parking; and
- n. clarify the Parking Zone of Benefit Maps so they are easier to read.

B. The Following Are Not Included In Scope Of NZO Effort

1. Form Based Codes
2. Vacation Rentals
3. Storm Water Management Program Changes
4. Changes to Residential Density in Single Family, Multi-Family and Commercial Zones or Average Unit Density Ordinance, SBMC Chapter 28.20
5. Growth Management Ordinance Amendments, SBMC Chapter 28.85
6. Condominium Conversion Ordinance Amendments, SBMC Chapter 28.88 (H13.1 and H13.2)
7. Open space standards (LG5.2)
8. Mission Creek and Creek Setbacks, SBMC §28.87.250
9. Inclusionary Housing Ordinance, SBMC Chapter 28.43, 2004 (H11.3)
10. Design Overlays (LG12.1)
11. Floor Area Ratios (LG12.2.b.)
12. Transfer of Existing Development Rights Ordinance, SMBC Chapter 28.95, 1992 (LG2.4)
13. Illegal Dwelling Units (H20.5)
14. Renewable Energy Technology Standards (ER6.5)
15. Solar energy systems standards (ER6.6)
16. CUP for cellular antennas
17. The Sign Ordinance, Chapter 22.70
18. Mobilehome and Permanent RV Park Conversion Regulations, SBMC Chapter 28.78
19. HWMF Hazardous Waste Management Facility Overlay Zone, SBMC §28.75
20. Adult Entertainment Facilities , SBMC Chapter 28.81
21. Neighborhood Preservation Ordinance, SBMC Chapter 22.69
22. Medical Cannabis Dispensaries, SBMC Chapter 28.80
23. Building Heights, SBMC §28.15.050
24. Street Widening Setback Lines, SBMC Chapter 28.82
25. Secondary Dwelling Units standards, SBMC 28.94.030.Z., (H15)
26. Outdoor Lighting Ordinance, Chapter 22.75
27. View Dispute Resolution Process, Chapter 22.76