

## ATTACHMENT 6

### ORDINANCE NO. 5016

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 4, ZONING DISTRICTS, DIVISION 6, PARKING REGULATIONS, DIVISION 7 GENERAL REGULATIONS, AND DIVISION 18, GAVIOTA COAST PLAN (GAV) OVERLAY TO IMPLEMENT NEW REGULATIONS REGARDING THE LAND USES OF SHORT-TERM RENTALS AND HOMESTAYS AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS, AND REVISIONS.

Case No. 16ORD-00000-00012

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

#### **SECTION 1:**

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add the following new definitions of “Bed and Breakfast,” “Homestay,” “Residential Structure,” “Short-Term Rental,” and “Transient” to Section 35-58 titled “Definitions,” as follows:

**Bed And Breakfast.** A residential structure with one or more bedrooms rented for overnight lodging, where meals may be provided subject to applicable County health regulations.

**Homestay.** A residential structure, including portions thereof, rented for 30 consecutive days or less where the owner or long-term tenant of the property inhabits a legal dwelling on the same lot at the same time as the transient occupant. Additionally, the following terms are defined for the purposes of Section 35-144S (Homestay).

**Hosting Platform.** A marketplace which facilitates the consummation of Homestay agreements through advertising and from which, in whatever format, information is provided about or relating to a residential structure, including portions thereof, for occupancy as a Homestay.

**Long-term Tenant or Owner.** A person who is the owner of the property or who rents the property for 6 months or more.

**Visitor.** A person who enters the property on which a Homestay is located for the purpose of visiting, seeing or communicating with the transient occupant of the Homestay.

**Residential Structure.** A structure containing one or more dwelling units, except for a mixed use building.

**Short-Term Rental.** A structure which is rented for overnight lodging, in whole or in part and with or without the presence onsite of the owner or representative of the owner, for 30 consecutive days or less.

**Transient.** Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive days or less. Any such person so occupying space in any lodging use shall be deemed to be a transient until the period of 30 days has expired unless there is an agreement in writing between the owner or operator and the occupant providing for a longer period of occupancy. A transient is also referred to as a transient occupant.

#### **SECTION 2:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-68.3 Permitted Uses, of Section 35-68 AG-I - Agriculture I, to read as follows:

**Section 35-68.3 Permitted Uses.**

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this Section 35-68.
2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich; or three goats, hogs, or other livestock not specifically enumerated herein, shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept. In no case shall more than three hogs be kept on any such lot.
3. Private kennels, and small animals and poultry raising limited to reasonable family use on a non-commercial basis.
4. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales).
5. Greenhouses, hothouses, other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a Development Plan shall be submitted, processed, and approved as provided in Section 35-174 (Development Plans). For any greenhouse or related development, packing and shipping facility, and shade and hoop structure in the Carpinteria Valley additional regulations of the Carpinteria Agricultural (CA) Overlay District (Section 35-102F) shall apply.
6. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).
7. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot.
8. Home occupations, subject to the provisions of Section 35-121 (General regulations) and accessory to a residential use of the same lot.
9. Homestays, subject to the provisions of Section 35-144S (Homestays).
10. One Attached Accessory Dwelling Unit per legal lot zoned AG-I-5, AG-I-10 or AG-I-20, subject to the provisions of Section 35-142 (Accessory Dwelling Units).
11. Special Care Homes, subject to the provisions of Section 35-143.4.
12. Uses, buildings and structures accessory and customarily incidental to the above uses.

**SECTION 3:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-70.3 Permitted Uses, of Section 35-70 RR - Rural Residential, to read as follows:

**Section 35-70.3 Permitted Uses.**

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this Section 35-70.
2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich, or other livestock not specifically enumerated herein; or three goats, hogs; shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept. In no event shall more than three hogs be kept on any such lot.
3. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales).

4. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).
5. One guest house or artist studio per legal lot, subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot.
6. Homestays, subject to the provisions of the requirements of Section 35-144S (Homestays).
7. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot.
8. Greenhouses, hothouses, or other plant protection structures not exceeding 300 square feet.
9. The keeping of animals and poultry subject to the R-1/E-1 provisions of Section 35-71.12, Subsections 3. through 9., only (Animals).
10. One Attached or Detached Accessory Dwelling Unit per legal lot subject to the provisions of Section 35-142 (Residential Second Units).
11. Special Care Homes, subject to the provisions of Section 35-143.4.
12. Uses, buildings and structures which are customarily incidental to the above uses.

#### **SECTION 4:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-71.3 Permitted Uses, of Section 35-71 R-1/E-1 - Single-Family Residential, to read as follows:

##### ***Section 35-71.3 Permitted Uses***

1. One single-family dwelling per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, and subject to the provisions of Section 35-141.
2. One guest house or artist studio, subject to the provisions in Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot.
3. Homestays, subject to the provisions of Section 35-144S (Homestays).
4. Home occupations subject to the provisions of Section 35-121. (General Regulations) and accessory to a residential use of the same lot.
5. Orchards, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.
6. Greenhouses, hothouses, and other plant protection structures subject to all of the following:
  - a. The structure is accessory to either a residential or agricultural use of the same lot.
  - b. The structure shall not exceed a gross floor area of 300 square feet.
  - c. The structure is used only for the propagation and cultivation of plants.
  - d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.

7. The keeping of animals and poultry accessory to the primary residential use located on the same lot and subject to the provisions of Section 35-71.12.
8. Public parks, public playgrounds, and community centers operated by a public agency.
9. One Attached or Detached Accessory Dwelling Unit subject to the provisions of Section 35-142 (Residential Second Units).
10. Special Care Homes, subject to the provisions of Section 35-143.4.
11. Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises.

## **SECTION 5:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-72.3 Permitted Uses, of Section 35-72 R-2 - Two Family Residential, to read as follows:

### ***Section 35-72.3 Permitted Uses***

1. One single family dwelling or one two family dwelling, i.e., duplex, per legal lot.
2. Special Care Homes, subject to the provisions of Section 35-143.4.
3. Homestays, subject to the provisions of Section 35-144S (Homestays).
4. Home occupations subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot.
5. Orchards, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.
6. Greenhouses, hothouses, and other plant protection structures subject to all of the following:
  - a. The structure is accessory to either a residential or agricultural use of the same lot.
  - b. The structure shall not exceed a gross floor area of 300 square feet.
  - c. The structure is used only for the propagation and cultivation of plants.
  - d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.
7. The keeping of animals and poultry accessory to a residential use located on the same lot and subject to the provisions of Section 35-71.12 (R-1/E-1, Animals).
8. Public parks, public playgrounds, and community centers operated by public agencies.
9. Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises.

## **SECTION 6:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-73.3 Permitted

Uses, of Section 35-73 EX-1 One-Family Exclusive Residential, to read as follows:

***Section 35-73.3 Permitted Uses.***

1. One single-family dwelling per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, and subject to the provisions of Section 35-141 (General Regulations). Except as provided herein, trailers in any condition shall not be used for any purpose.
2. One guest house or artist studio, subject to the provisions in Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot.
3. Golf courses and facilities incidental and subordinate to such use (e.g., restaurant, pro shop) but not including commercial driving tees, ranges, putting courses or miniature golf courses.
4. Parks, playgrounds, and community facilities operated by a non-profit homeowners association.
5. Orchards, truck and flower gardens, and the raising of field crops.
6. Greenhouses, hothouses, and other plant protection subject to all of the following:
  - a. The structure is accessory to either a residential or agricultural use of the same lot.
  - b. The structure shall not exceed a gross floor area of 300 square feet.
  - c. The structure is used only for the propagation and cultivation of plants.
  - d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.
7. The keeping of animals and poultry subject to the provisions of Section 35-71.12 and accessory to the primary residential use of the same lot.
8. Homestays, subject to the provisions of Section 35-144S (Homestays).
9. Home occupations subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot.
10. One Attached or Detached Residential Second Unit subject to the provisions of Section 35-142 (Residential Second Units).
11. Special Care Homes, subject to the provisions of Section 35-143.4.
12. Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises.

**SECTION 7:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-74.3 Permitted Uses, of Section 35-74 DR - Design Residential, to read as follows:

***Section 35-74.4 Permitted Uses.***

1. Single family, duplex, triplex, and multi-family dwelling units, including developments commonly known as row houses, town houses, condominiums, cluster, and community apartment projects.

2. Parking lots, carports, and garages designed and used for individual units within the district and either adjacent to such units or centrally located to serve a group of units.
3. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-74.4, for use by on-site residents and/or employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Added by Ord. 4067, 08/18/1992)*
4. Golf courses.
5. Public parks, public playgrounds, and community centers.
6. Homestays, subject to the provisions of Section 35-144S (Homestays).
7. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot.
8. The keeping of animals accessory to a residential use located on the same lot and subject to the provisions of Section 35-419.12 (R-1/E-1, Animals).
9. Greenhouses, hothouses, and other plant protection structures subject to all of the following:
  - a. The structure is accessory to either a residential or agricultural use of the same lot.
  - b. The structure shall not exceed a gross floor area of 300 square feet.
  - c. The structure is used only for the propagation and cultivation of plants.
  - d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.
10. Special Care Homes, subject to the provisions of Section 35-143.4.
11. Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises.

## **SECTION 8:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-75.7 Permitted Uses, of Section 35-75 PRD - Planned Residential Development, to read as follows:

### ***Section 35-75.7 Permitted Uses.***

1. Residential units, either attached or detached, including single family dwellings, duplexes, row houses, town houses, apartments, and condominiums.
2. Recreational facilities, including but not limited to tennis courts, swimming pools, playgrounds, and parks for the private use of the residents of the development, provided such facilities are not operated for remuneration.
3. Laundromat, meeting rooms, for use by residents of the development.
4. Where required by the Coastal Land Use Plan, resort visitor-serving facilities.
5. Homestays, subject to the provisions of Section 35-144S (Homestays).
6. Home Occupations, subject to the provisions of Section 35-121 (General Regulations).
7. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-75.7, for use by on-site residents and/or employees of the development, when sited and designed to ensure

compatibility with other permitted uses on the project site and on adjacent parcels.

8. Special Care Homes, subject to the provisions of Section 35-143.4.
9. The keeping of household pets accessory to a residential use of a dwelling located on the lot on which the animal keeping occurs provided that:
  - a. There shall not be more than three dogs permitted on any one lot.
  - b. Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
  - c. The keeping of such animals is not injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Animal Services Division of the County Public Health Department.
  - d. Enclosures for such small animals shall be no closer than 25 feet to any dwelling located on another lot.
  - e. No rooster or peacock shall be kept or raised on the lot.
10. Uses, buildings, and structures accessory and customarily incidental to the above uses.

## **SECTION 9:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-77A.3 Permitted Uses, of Section 35-77A C-1 - Limited Commercial, to read as follows:

### ***Section 35-77A.3 Permitted Uses.***

1. Retail stores, shops or establishments supplying commodities for travelers, as well as residents in the surrounding neighborhood, provided that such enterprises are conducted entirely within an enclosed building, such as bakeries, ice cream shops, grocery and liquor stores, hardware and appliance stores, clothing and shoe stores, sporting goods stores, pet shops, prescription pharmacies, florist shops, automobile accessory stores, garden supply stores and other similar uses, but not including uses which are incompatible with their adjoining residential uses due to noise, glare, odor and hazardous material concerns, such as amusement enterprises, miniature golf courses, automobile and machinery sales or service establishments, music recording studios, pool supply stores or car washes.
2. Service uses conducted entirely indoors such as laundry, laundromats, dry-cleaning sub-stations, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, radio and repair shops, physical fitness studios, and other similar uses.
3. Restaurants and cafes, including outdoor restaurant, cafe or tea room.
4. Financial institutions such as banks, excluding corporate offices, and savings and loan offices and general business offices which would serve the neighborhoods, such as real estate offices and general practitioners' offices, but not including trade or business schools.
5. Retail Plant nurseries.
6. Community non-profit recycling facility.
7. Child Care Facilities.
8. One Single Family Residence, on a lot where there is no commercial use, subject to the regulations set out in Section 35-77A.6, Minimum Lot Size, and Section 35-71 (R-1/E-1).
9. On lots where commercial uses are present, residential uses that are secondary to the primary commercial

use.

10. Any other uses which the Planning Commission determines to be similar in character to those enumerated in this section and not more injurious to health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, or vibration.
11. Overnight visitor-serving accommodations such as bed-and-breakfasts, lodges and hostels.
12. Short-Term Rentals subject to the provisions of Section 35-144T (Short-Term Rentals).
13. Accessory uses, buildings and structures which are customarily incidental to any of the above uses provided:
  - a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments.
  - b. Such operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life and property, or other similar causes.

### **SECTION 10:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-78.3 Permitted Uses, of Section 35-75 C-2 - Retail Commercial, to read as follows:

#### ***Section 35-78.3 Permitted Uses.***

1. Amusement enterprises if conducted wholly within a completely enclosed building, such as video arcades and pool halls.
2. Automobile service station, provided no gasoline is stored above ground.
3. New and used automobile and machinery sales, leases and rentals.
4. Automobile and machinery repair and service if conducted wholly within a completely enclosed building or within an area enclosed by a solid wall, hedge, or fence not less than six feet in height approved as to design by the Director, but not including automobile or machinery wrecking establishments or junk yards.
5. Retail stores, shops, or establishments supplying commodities for residents of the community, provided such enterprises are conducted within a completely enclosed building, such as bakeries, ice cream shops, grocery, and liquor stores, furniture, hardware, and appliance stores, department stores, sporting goods stores, pet shops, florist shops, automobile accessory stores, and the like.
6. Repair and service uses such as laundry and dry cleaning establishments, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, copy shops, radio and TV repair shops, etc.
7. Restaurants, bars, cocktail lounges, and microbreweries that are secondary and accessory to a restaurant, bar, or lounge.
8. Financial institutions such as banks and savings and loan offices, professional, administrative and general business offices.
9. Business, professional, and trade schools.
10. Hotels and motels.
11. Automobile parking lot.
12. Golf course, miniature or practice range.
13. Nursery.



14. Outdoor restaurant, cafe, or tea room.
15. Music recording studio.
16. Indoor theater.
17. Community non-profit recycling facility.
18. Residential uses existing at the time of adoption of this Article shall be considered permitted uses rather than legal nonconforming uses.
19. Any other light commercial use which the Planning Commission finds is of similar character to those enumerated in this section and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, danger to life or property, or other similar causes.
20. Short-Term Rentals subject to the provisions of Section 35-144T (Short-Term Rentals).
21. Spas or health clubs.
22. Non-Residential Child Care Center, pursuant to Section 35-143.3.
23. Accessory uses, buildings, and structures, which are customarily incidental to any of the above uses provided:
  - a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments, and provided further that there shall be not more than five persons engaged in any such manufacture, processing, or treatment of products.
  - b. Such operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life or property, or other similar causes.

## **SECTION 11:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-80 Permitted Uses, of Section 35-80 CH - Highway Commercial, to read as follows:

### ***Section 35-80.3 Permitted Uses.***

1. Motels and hotels.
2. Restaurants.
3. Automobile service stations and garages, but not including junk yards or the storage or wrecking of used cars or machinery. *(Amended by Ord. 4067, 08/18/1992)*
4. Dwellings occupied by the owner or his employees, and their families, where such persons manage or operate the principal use of the property, including persons acting as caretakers or night watchmen, whose work makes it essential that they reside on the property.
5. Bus terminals and train stations.
6. Such agricultural uses as are permitted on any abutting parcel zoned in an agriculture or residential district.
7. Mini-mart/convenience stores of less than 3000 square feet of floor area. *(Added by Ord. 4067, 08/18/1992)*
8. Any other use which the Planning Commission determines to be a commercial establishment operated primarily for the purpose of serving the essential needs of travelers on highways.
9. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-80.4., for use by on-site employees of the development, when sited and designed to ensure compatibility with

other permitted uses on the project site and on adjacent parcels. *(Added by Ord. 4067, 08/18/1992)*

10. Accessory uses, buildings, or structures customarily incidental to the above uses.
11. Short-Term Rentals subject to the provisions of Section 35-144T (Short-Term Rentals).

## **SECTION 12:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-81 titled Permitted Uses, of Section 35-81 C-V - Resort/Visitor Serving Commercial, to read as follows:

### ***Section 35-81.5 Permitted Uses.***

1. Resort, guest ranch, hotel, motel, country club, convention and conference center.
2. Light commercial uses (i.e., barber and beauty shops, gift shops, restaurants, etc.) normally associated with the needs of visitors, provided such commercial activities are so designed and limited as to be incidental and directly oriented to the needs of visitors and do not substantially change the character of the resort/visitor-serving facility.
3. Recreational facilities, including but not limited to piers, boat docks, golf courses, parks, playgrounds, riding and hiking trails, tennis courts, swimming pools, beach clubs.
4. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-81.5, for use by on-site employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels.
5. Accessory uses, buildings, and structures which are customarily incidental to the above uses.
6. Short-Term Rentals subject to the provisions of Section 35-144T (Short-Term Rentals).

## **SECTION 13:**

DIVISION 6, Parking Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-109 Required Number of Spaces: Miscellaneous Non-Residential, to read as follows:

### **Section 35-109. Required Number of Spaces: Miscellaneous Non-Residential.**

1. **Churches, school auditoriums, college auditoriums, theaters, general auditoriums, stadiums, mortuaries, lodges, halls, and other places of general assembly:**
  - a. **With fixed seats:** One space per four fixed seats.
  - b. **Without fixed seats:** One space per 30 square feet of auditorium floor space.
2. **Places of amusement without fixed seats such as dancehalls, skating rinks, etc.:** One space per 300 square feet of assembly area
3. **Schools:**
  - a. **Day school or Nursery school:** One space for each two employees and one space for each 10 students.
  - b. **Elementary and Junior High:** 1.5 spaces for each teaching station.
  - c. **High School:** Six spaces for each teaching station.

- d. **Colleges; art, craft, music or dancing schools; business, professional, or trade school:** One space for each three employees and one space for each five students.
- 4. **Library, museum, art gallery, or similar use:** One space for each two employees.
- 5. **Short-Term Rentals:** One space per bedroom.

#### **SECTION 14:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-120 titled Guest House, Artist Studio, or Pool House/Cabaña, to read as follows:

#### **Section 35-120. Guest House, Artist Studio, or Pool House/Cabaña.**

1. Accessory structures used as guest houses, artist studios, or cabañas shall conform to criteria set forth in this section and as defined by ordinance.
2. No guest house shall be located on a lot containing less than one gross acre.
3. There shall not be more than one guest house or artist studio on any lot. There shall be not more than one cabaña on any lot.
4. The floor area of such guest house, artist studio, or pool house/cabana shall not exceed 800 square feet; however, such structures may be attached to another accessory structure so that the total area of the combined structures exceeds 800 square feet, provided no interior access exists between the guest house, artist studio, or cabaña and the other accessory structure.
5. No guest house, artist studio, or cabañas shall exceed a height of 16 feet or contain more than one story. A loft shall be counted as a story. A guest house, artist studio, or cabaña may be located above or below another accessory structure.
6. There shall be no kitchen or cooking facilities within a guest house, artist studio, or cabaña. However, a wet bar may be provided, limited to the following features:
  - a. A counter area with a maximum length of seven feet.
  - b. The counter area may include a bar sink and an under counter refrigerator.
  - c. The counter area may include an overhead cupboard area not to exceed seven feet in length.
  - d. The counter area shall be located against a wall or, if removed from the wall, it shall not create a space more than four feet in depth. The seven foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.
  - e. No cooking facilities shall be included in the wet bar area.
7. Guest houses and cabañas may contain bathrooms as defined by ordinance. An artist studio may contain a restroom, however bathing facilities are not permitted.
8. Guest houses, artist studios, or cabañas shall conform to all of the setback regulations set forth in the applicable zone district for dwellings.
9. A guest house shall be used on a temporary basis only by the occupants of the main dwelling or their non-paying guests or servants and is not intended to be rented or let out, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. Temporary is defined as occupying the premises for no more than 120 days in any 12 month period.
10. Artist studios and cabañas shall not be used as temporary sleeping quarters, guest houses, or as a dwelling unit.
11. Guest houses, artist studios, or cabañas shall not be permitted to be used as Homestays or Short-Term

Rentals.

12. A Notice to Property Owner shall be recorded by the property owner prior to issuance of a Coastal Development Permit for any guest house, artist studio or cabaña that specifies, at a minimum, the allowable uses of the structure.
13. **Cabaña.** A cabaña may be approved as an accessory structure provided that its use is accessory to a sports court or swimming pool, or is located on a lot located directly adjacent to the sea.
  - a. **Definition of swimming pool.** For the purposes of this Subsection 12 (Cabaña), swimming pool is defined as any open structure containing a body of water, whether above or below the ground, having a minimum length, width and depth of 45 feet, eight feet and 42 inches, respectively, and which shall be designed for and used or intended to be used for swimming by individuals. The following shall be excluded from this definition:
    - 1) Hot tubs, spas, including swim spas, and similar facilities.
    - 2) Ornamental ponds or water features, developed as landscape design features where swimming is not intended and does not occur.
    - 3) Portable, inflatable, and wading pools.
  - b. **Restrictions on use.** The cabaña may be maintained and used as a cabaña provided that the sports court or swimming pool that the cabaña is accessory to is also maintained and used on the lot. If the sports court or swimming pool to which the cabaña is accessory to is abandoned or removed, then the use of the cabaña shall cease and the cabaña shall either be removed or lawfully converted to an allowed accessory structure within 90 days following the abandonment or removal of the sports court or swimming pool.
  - c. **Sequence of construction.** A cabaña may be approved in conjunction with a proposed pool or sports court provided that construction of the proposed pool or sports court is completed before or simultaneously with completion of the cabaña.
14. A home occupation permit shall be required for all artist studios.
15. If an Attached or a Detached Residential Second Unit exists or has current approval on a parcel, a guest house or artist studio may not also be approved (see also Section 35-142.6.i).
16. Additional requirements, identified in Division 15 (Montecito Community Plan Overlay District), exist for parcels identified with the MON overlay zone.
17. Commercial sales or transactions shall not occur either within an artist studio or on the lot containing the artist studio unless allowed pursuant to an issued Coastal Development Permit for a home occupation.

**SECTION 15:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add new Section 35-144S Homestays, to read as follows:

**Section 35-144S. Homestays**

- A. **Purpose and intent.** The purpose and intent of this Section is to establish standards that will regulate the use of dwellings as Homestays in order to ensure that Homestays are compatible with and do not adversely impact surrounding properties.
- B. **Permit requirement.** Homestays may only be located in residential zones in compliance with the permit requirement identified in Division 4 (Zoning Districts). The required permit shall be obtained and all

conditions of the permit shall be satisfied prior to the commencement of a Homestay. Regardless of the number of properties a property owner owns, in no case shall a property owner possess more than one homestay permit at any given time.

- C. **Permitted structures.** Homestays shall only be allowed in up to 3 bedrooms of a legal dwelling unit subject to the restrictions of this Section.
- D. **Development standards.** Homestays shall comply with all of the following standards in addition to any other applicable standards of this Article.
1. **Owner or long-term tenant must reside on the property.** The owner or long-term tenant of the property shall inhabit a legal dwelling on the same lot at the same time as the transient occupant of the Homestay.
  2. **Compliance with fire, building, and health codes.** Any dwelling used as a Homestay shall comply with the California Fire Code, California Building Code, California Health and Safety Code, the National Fire Protection Association standards and/or regulations, and other relevant laws and codes regarding carbon monoxide detectors, smoke detectors, emergency egress window, handrails, and fire extinguishers, to the satisfaction of the Director.
  3. **Prohibited structures.** Homestays shall not be allowed in:
    - a. Any dwelling subject to agreements, conditions, or covenants entered into with the County restricting their use including, but not limited to, affordable housing units, agricultural employee housing, and farmworker housing.
    - b. Any structure that is only permitted to be occupied on a temporary basis including, but not limited to, cabañas and guest houses.
    - c. Any structure or space that may not be legally used for dwelling or overnight accommodations including, but not limited to, agricultural accessory structures, tents, trailers, vehicles, and yurts.
  4. **Signs.** No signs shall be permitted to be located on or off the lot that contains the Homestay that indicates the presence of the Homestay.
  5. **Limitation on occupancy.** The maximum occupancy shall be no more than two persons per bedroom, excluding minor children.
  6. **Parking.** All parking shall be provided on the lot on which the Homestay is located in compliance with Division 6 (Parking Regulations) of this Article.
  7. **Limitation on the number of visitors.** The maximum number of visitors shall not exceed two times the number of transient occupants of the Homestay that are allowed on the lot.
  8. **Noise.** The volume of sound generated by the Homestay shall not exceed 65 dB or existing ambient levels, whichever is greater, at any point beyond the property boundary, except that between the hours of 10 p.m. and 8 a.m., the volume of sound generated by the Homestay shall not exceed 45 dB or existing ambient levels, whichever is greater, at any point beyond the property boundary.
  9. **Internet listing.** All current internet hosting platforms for Homestays and all listing identification numbers shall be provided to the County.
  10. **Proof of ownership or long-term tenancy.** The owner or long-term tenant of the property being rented for a Homestay shall provide proof of ownership or long-term tenancy with the Homestay application. In addition, the owner must sign any permit application that the long-term tenant submits.

**11. Nuisance Response Plan.**

- a. Call response availability.
  - 1) The owner or long-term tenant shall submit their name, address, and telephone number and/or a local contact who will respond to calls regarding the Homestay.
  - 2) The owner or long-term tenant and/or local contact shall be available by telephone on a 24-hour basis to respond to calls regarding the Homestay.
  - 3) Failure to respond to calls in a timely and appropriate manner may result in revocation of the permit issued to allow the use of a Homestay.
  - 4) For purposes of this Subsection 11, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.
- b. **Local contact.** The owner or long-term tenant is required to immediately notify the County with any changes to their or the local contact's information.

**E. Renewal of permit.**

1. A Coastal Development Permit issued for a Homestay shall only be valid for one year commencing upon the effective date of the Coastal Development Permit, except as provided in subsection 3 below.
2. The owner or long-term tenant shall obtain a Land Use Permit in conformance with Section 35-178 (Land Use Permits) on an annual basis for renewal and as directed below.
  - a. The Land Use Permit application for the initial renewal and any subsequent renewal shall be submitted no later than 30 days prior to the expiration of the initial Coastal Development Permit or previous Land Use Permit, as applicable.
3. If the approval of a Land Use Permit for the renewal of a Coastal Development Permit for a Homestay has been appealed, then the validity of the Coastal Development Permit shall be extended until processing of the appeal(s) has been completed.

**F. Revocation.**

1. A Coastal Development Permit or Land Use Permit to allow a dwelling to be used as a Homestay may be revoked in compliance with Section 35-169.8 (Revocation) or Section 35-178.7 (Revocation).
2. In addition to the basis for revocation in Sections 35-169.8 (Revocation) and 35-178.7 (Revocation), a permit may also be revoked if the applicant, after receiving a Coastal Development Permit or Land Use Permit for a Homestay and/or any renewal:
  - a. makes alterations to the property that compromise the original permit approval (e.g., removal of required parking, conversion of space);
  - b. is determined to have submitted false or misleading information to the Department, including, but not limited to, information submitted as part of the permit application;
  - c. fails to comply with the permit conditions; or
  - d. fails to obtain or comply with any other required County, state or local permit.

**SECTION 16:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of

Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add new Section 35-144T Short-Term Rentals, to read as follows:

### **Section 35-144T Short-Term Rentals**

#### **A. Purpose and applicability.**

1. **Purpose.** The purpose of this Section is to establish standards that will regulate the use of structures as Short-Term Rentals in order to ensure that Short-Term Rentals are compatible with and do not adversely impact surrounding properties.
2. **Applicability.**
  - a. **Short-Term Rentals existing as of effective date of this ordinance (16ORD-00000-00012).** Short-Term Rentals shall only be permitted in the C1, C2, CH, and C-V zoning districts in compliance with Division 4 (Zoning Districts).
    - (1) **Short-Term Rentals that may be permitted.**
      - (a) For Short-Term Rentals that may be permitted in compliance with Division 4 (Zoning Districts), to continue operating the owner or long term tenant must apply for and be issued a permit that allows the continued use of a structure as a Short-Term Rental within 90 days following the certification of this ordinance (16ORD-00000-00012) by the California Coastal Commission or within 333 days after the date the Board of Supervisors adopted this ordinance (16ORD-00000-00012), which ever is later.
      - (b) If the required permit is not issued within the timeframe provided in (a) above, then use of the structure as a Short-Term Rental shall cease. If the use of a structure as a Short-Term Rental does not cease, then this use shall be considered a violation of this Development Code and subject to enforcement in compliance with Chapter 35-185 (Enforcement, Legal Procedures, and Penalties).
    - (2) **Short-Term Rentals that may not be permitted.** The use of a structure as a Short-Term Rental in zones where Short-Term Rentals may not be permitted in compliance with Division 4 (Zoning Districts) shall cease no later than 90 days following the certification of this ordinance (16ORD-00000-00012) by the California Coastal Commission or within 333 days after the date the Board of Supervisors adopted this ordinance (16ORD-00000-00012), whichever is later. If the use of a structure as a Short-Term Rental does not cease within this period, then this use shall be considered a violation of this Article and subject to enforcement in compliance with Chapter 35-185 (Enforcement, Legal Procedures, and Penalties).
3. **Permit requirement.** Short-Term Rentals may only be located in certain commercial and special purpose zones in compliance with the permit requirement identified in Division 4 (Zoning Districts). The required permit shall be obtained and all conditions of the permit shall be satisfied prior to the commencement of a Short-Term Rental.

### **SECTION 17.**

DIVISION 18, Gaviota Coast Plan (Gav) Overlay, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-420 titled Definitions to add the following new definitions of “Bed and Breakfast,” “Homestay,” “Short-Term Rental,” and “Transient” to read as follows:

**Bed And Breakfast.** As defined in Section 35-58 (Definitions).

**Homestay.** As defined in Section 35-58 (Definitions).

**Short-Term Rental.** As defined in Section 35-58 (Definitions).

**Transient.** As defined in Section 35-58 (Definitions).



## **SECTION 18.**

DIVISION 18, Gaviota Coast Plan (Gav) Overlay, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Services section of Table 18-2 Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area, of Section 35-430 Allowable Development and Planning Permit Requirements to read as follows:

<b>Table 18-2</b>  <b>Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area</b>	P	Permitted use, Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Major Conditional Use Permit required					
	ZC	Allowed use, Zoning Clearance required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>						<b>Specific Use Regulations</b>
	<b>AG-II</b>	<b>M-CD(3)</b>	<b>REC</b>	<b>RES</b>	<b>RR</b>	<b>TC</b>	

### **SERVICES**

Charitable or philanthropic organization	—	—	CUP	—	CUP	—	
Large family day care home	P	—	P	P	P	—	35-143
Small family day care home	E	E	E	E	E	—	35-143
Child care center, Non-residential	MCUP	—	—	—	MCUP	—	
Child care center, Residential	MCUP	—	—	—	MCUP	—	
Lodging - Short-term rental	—	—	—	—	—	—	
Medical services - Animal hospital	CUP	—	—	—	—	—	
Office - Accessory	P	P	—	—	—	—	
Repair service - Equipment, large appliances, etc. - Indoor	—	CUP	—	—	—	—	
Repair service - Equipment, large appliances, etc. - Outdoor	—	CUP	—	—	—	—	

<b>Table 18-2 - Continued</b>  <b>Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area</b>	P	Permitted use, Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Major Conditional Use Permit required					
	ZC	Allowed use, Zoning Clearance required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>						<b>Specific Use Regulations</b>
	<b>AG-II</b>	<b>M-CD(3)</b>	<b>REC</b>	<b>RES</b>	<b>RR</b>	<b>TC</b>	

### **RESIDENTIAL USES**

Agricultural employee housing, 4 or fewer employees	P	—	—	—	—	—	35-460.C
Agricultural employee housing, 5 or more employees	CUP	—	—	—	—	—	35-460.C
Artist studio	P	—	—	MCUP	P	—	35-120
Caretaker/manager dwelling	—	CUP (6)	MCUP	—	—	—	
Dwelling, one-family (7)	P	—	—	P	P	—	
Farmworker dwelling unit (7)	P	—	—	P	P	CUP (8)	
Farmworker housing complex	CUP	P	—	CUP	CUP	CUP	
Guesthouse	P	—	—	P	P	—	35-120
Home occupation	P	—	—	P	P	—	35-121
Incentive dwelling unit	P	—	—	—	—	—	35-470
Lodging - Homestay	—	—	—	—	P	—	35-144S
Pool house/cabaña	P	—	—	P	P	—	35-120
Residential accessory use or structure	P	—	MCUP	P	P	—	35-119
Residential second unit - attached or detached	—	—	—	—	P	—	35-142
Special care home, 7 or more clients	MCUP	—	—	MCUP	MCUP	—	35-143

**SECTION 19.**

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

**SECTION 20.**

Except as amended by this Ordinance, Division 2, Definitions, Division 4, Zoning Districts, Division 6, Parking Regulations, and Division 7 General Regulations, Division 18, Gaviota Coast Plan (GAV) Overlay, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

**SECTION 21.**

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


PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this the 3<sup>rd</sup> day of October, 2017, by the following vote:

AYES: Supervisor Williams, Supervisor Wolf, and Supervisor Hartmann

NOES: Supervisor Adam, and Supervisor Lavagnino

ABSTAIN: None

ABSENT: None

  
\_\_\_\_\_  
JOAN HARTMANN, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

By   
\_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

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