

Overview of Changes

What is changing from current practice and the existing zoning ordinances to the *Proposed NZO*?

This document is meant to provide an overview of changes from current practice and the existing zoning ordinances to the Proposed New Zoning Ordinance (NZO). However, this summary is not an exhaustive list of every proposed change in regulations.

HOW TO USE THIS GUIDE

As an overview of the changes from current practice and the existing zoning ordinances to the *Proposed NZO*, the tables in this handout are separated by sections or “Parts” of the NZO and include descriptions of general changes made within each Part. These include:

- **Part 1** - General Provisions;
- **Part 2** - Base Zoning District Standards and Allowed Uses;
- **Part 3** - Overlay Districts;
- **Part 4** - Regulations Applying to Multiple Districts;
- **Part 5** - Administration Permits; and
- **Part 6** - General Terms.

Part 1 – General Provisions

Overview of Changes

The NZO clarifies that the zoning regulations of the Title are specific to the City of Goleta and implement the City’s General Plan, in contrast to the existing zoning ordinances, which still reference the County of Santa Barbara land uses and review authorities.

The structure of the Title is clearly laid out in six independent Parts, which all work together to be internally consistent, in contrast to the selected parts of a previous County code that include the geographical extent of the City but are missing several key provisions and standards. Currently, several key provisions are either in appendices, such as Revisions and Substantial Conformity Determinations, or referenced in some other document, such as Signs.

The NZO includes revisions as to when a project vests under the existing zoning ordinances as compared to when a project must be processed under the NZO. Projects for which an application has not been submitted and deemed complete prior to September 1, 2019 are subject to the regulations of the NZO. Projects for which an application has been deemed complete prior to September 1, 2019 may, at the applicant’s election, be processed under the zoning regulations at the time of the determination of completion or processed under the NZO. This allowance sunsets on December 31, 2021, after which any project that has not received all required land use entitlements shall be subject to the NZO.

An allowance was added to the NZO for the Director to interpret any provision of the NZO when needed and to issue an official written interpretation. All such interpretations are appealable to the PC.

Rules for performing calculations and measurements that are required to implement zoning regulations are consolidated in a single chapter makes them easier to find and helps to ensure consistency. New rules for minimum dimensions of required open space and revised methods for calculating height (intended to be more straightforward) and floor area (intended to be consistent with all floor area standards throughout Title 17) are included in the NZO.

Part 2 – Base Zoning District Standards and Allowed Uses

Overview of Changes

Revisions were made to specify where various types of land uses are allowed and what type or types of permit(s) will be needed. Although the use tables in Part 2 deviate from some of the allowable uses within the existing zoning regulations, the tables are designed to implement the allowable uses that are spelled out in the City’s General Plan Land Use Element, while also taking into account some of the feedback received during the review process.

Large Residential Care Facilities are proposed to be allowed with Major Conditional Use Permit approval in the RS and RP Districts in order to allow more opportunities for this use. **Note:** Staff believes this change would require a companion General Plan Amendment in the Land Use Element.

Small and Large Family Day Care are permitted uses in all zones in order to encourage establishment of the use and is consistent with State law.

Regulations and allowances included for Emergency Shelters; Farmworker Housing; Group Residential; Live/Work Units; Residential Care Facilities; Residential Facility, Assisted Living; Single-Room Occupancy (SRO) Housing; Supportive Housing; and Transitional Housing to implement General Plan Policies and requirements of State law.

Part 2 – Base Zoning District Standards and Allowed Uses

Overview of Changes

The NZO relies on a requirement of open space per dwelling unit (or resident), rather than the current requirement as a percentage of the lot for residential uses. This better reflects the intent of this requirement as an amenity for the residents on site.

The NZO includes an allowance for greater density in the for small-scale units (less than 500 square feet) in order to provide an incentive for these types of units. The NZO adds a requirement for private (restricted) open space in apartments order to improve on-site amenities for tenants in addition to standards that currently only apply to condominiums.

Part 3 – Overlay Districts

Overview of Changes

The overlays are all new in the NZO. These overlays directly relate to and implement policy requirements in the General Plan and to reflect existing adopted specific plans.

Part 4 – Regulations Applying to Multiple Districts

Topic	Overview of Changes
<p>General Site Regulations</p>	<p>The NZO includes review procedures that make it easier for Planning staff to quickly process very small projects as well as other revised regulations to capture the type of reviews prescribed by specific policies within the General Plan.</p>
	<p>The NZO addresses very specific types of development that have the potential to negatively impact the surrounding neighborhood if left undefined, unregulated, and absent City review of a permit application. Such development includes issues such as accessory structures: projections into setbacks: fences walls, and hedges: grading and grubbing; outdoor storage; screening of equipment; and vision clearance requirements. These changes seek to remedy issues that were raised as part of review previous drafts of the NZO and where the current zoning and General Plan are otherwise silent on the topic.</p>
	<p>The NZO provides more limitations for height exceptions to ensure projections are proportional to the structure.</p>
	<p>Standards applicable to fences, walls, and hedges are revised to limit certain fence materials and clarify the applicability of the standards to hedges.</p>
<p>Density Bonus and Other Incentives; Inclusionary Housing</p>	<p>Standards for outdoor storage, including screening, are included to limit the potential for negative visual impacts.</p>
	<p>The NZO includes an Inclusionary Housing Chapter to reinforce General Plan policy prioritizing development of income-restricted units on site.</p>
	<p>Procedures included to determine under what circumstances inclusionary units do not need to be built on site.</p>

Part 4 – Regulations Applying to Multiple Districts	
Topic	Overview of Changes
	<p>Requirements clarifying inclusionary units must contain, on average, the same number of bedrooms, bathrooms, and square footage as the non-inclusionary units proposed. The units must be compatible with market-rate units proposed with regard to appearance, materials, and exterior design.</p> <p>Limitation of two years, with one additional time extension of up to two years, for the time a developer may delay construction of inclusionary housing units. Note: Staff recommends eliminating the allowance for a time extension.</p> <p>Additional clarification was added regarding income categories and fractional units for inclusionary housing.</p>
Demolition and Relocation	NZO establishes limits to the scope of development that is considered “demolition” as opposed to just renovation, as well as the appropriate permits required for differing project types that include varying aspects of demolition.
Environmentally Sensitive Habitat Areas	<p>ESHA-specific Chapter added. Includes standards for various ESHA, requirements for Initial Site Assessment Screenings and Biological Studies, and specific mitigation, restoration and monitoring requirements.</p> <p>NZO includes detailed application requirements, specifically as they relate to when a Biological Study is required. Trigger for Biological Study is expanded to include development beyond the actual ESHA. This reflects the reality that new development outside of, but near ESHA could still have negative impacts on the ESHA.</p> <p>Allowance to reduce SPA buffer based on proposed language provided by the Environmental Defense Center (EDC). Note: City staff believes that the language proposed by the PC and EDC is inconsistent with General Plan policy CE 2.2 and would require a General Plan Amendment.</p> <p>Includes new buffer standards for Lagoons and Savanna/Woodlands. Note: City staff believes these additions would require General Plan Amendments.</p> <p>The NZO includes new provisions for grading and grubbing within the City, even if not associated with a larger project, which would likely trigger different levels of review depending on its proximity to any protected resource (e.g., ESHA, Cultural, Historic, etc.).</p>
Floodplain Management	Regulations added to ensure consistency with General Plan Safety Element polices SE 6.4-SE 6.6.
Lighting	<p>New requirements for lighting plans for non-single unit dwellings are included.</p> <p>Additional changes made to bring many of the development standards into conformance with General Plan polices, including VH 4.12 (Lighting).</p> <p>Specific language added to address Light Trespass by using Dark Sky Society standards.</p>

Part 4 – Regulations Applying to Multiple Districts	
Topic	Overview of Changes
	Temporary exemptions from lighting standards are included to provide an allowance for lighting that may not be envisioned in the NZO but is otherwise non-objectionable on a short-term basis.
Nonconforming Uses and Structures	Remove the limited exception for nonconforming industrial uses that is currently in the City’s zoning ordinances because this exception allows for minor changes to certain nonconforming uses that otherwise would not be allowed within the General Plan (i.e., Oil & Gas Facilities).
	The NZO includes a provision that development approved with a Development Plan shall not be considered nonconforming.
Oil and Gas Facilities	Eliminates allowance for most oil and gas facilities. This is based on General Plan policy LU 10.1. The only oil and gas use that would be permitted would be pipelines (and associated storage). No drilling or processing facilities would be allowed.
Parking and Loading	Residential parking reductions for senior housing and income-restricted units to reflect expected parking demand for these uses.
	Revise the guest parking requirement for Multi-Unit Development to require one guest space for every three units.
	For new uses or development in Old Town, allow parking credits equal to the number of required parking spaces unmet by the previous development or use.
	Bicycle parking requirements supportive of General Plan policy TE-1 and the City’s Bicycle and Pedestrian Master Plan are included. Additionally, one charging electrical outlet would also be required for every ten bicycle parking spaces.
	In parking facilities containing 20 or more spaces serving residential, office, and lodging uses, at least ten percent of the parking spaces must be EV charging stations.
	Standards for parking lot shading and landscaping are included to address heat island effect, to provide aesthetic benefits, and to support solar installations in parking lots.
	Revisions to parking standards for trailers and recreational vehicle parking to specifically address extensive comment and concern from the public and PC. The revised standards are more flexible than existing standards that require screening
Performance Standards	New Chapter included to address, among other items, General Plan Noise Element policies while excluding some regulations better covered by nuisance provisions of the Goleta Municipal Code.
Signs	Revisions to existing sign standards to specifically address PC, DRB, and Public comments, as well as ensure conformity with Visual and Historic Resources Element policies of the General Plan.
	NZO includes a detailed listing of exempt signage types to provide clarity to users and provides clear limits as to when the exemption applies.

Part 4 – Regulations Applying to Multiple Districts

Topic	Overview of Changes
	<p>Types of prohibited signs are clarified to better reflect issues that Goleta is facing in Commercial and Residential zone districts and add stringent limits on electronic changeable copy on its duration, light intensity, and only allowing them in non-residential zones with approval of a Major Conditional Use Permit.</p> <p>Standards for specific sign types, regardless of district location, are included to ensure sign type consistency between districts.</p> <p>Added discussion on requiring shared signage for flag lots.</p> <p>New limit of overall signage on a site.</p> <p>Refined review procedures intended to simplify permit procedures while maintaining a similar process to what the City does currently.</p>
<p>Standards for Specific Uses and Activities</p>	<p>Standards that drill down into the details of specific types of Uses that require very specific development standards to ensure impacts are minimized. Many of these use standards are new with the NZO.</p> <p>Consolidation of stand-alone City ordinances that regulate specific uses (i.e., Accessory Dwelling Units, Cannabis).</p>
<p>Telecommunications Facilities</p>	<p>These facilities are largely regulated by the federal government. Important changes in the NZO include:</p> <ul style="list-style-type: none"> • Acknowledgement that certain facilities proposed to be located on City-owned facilities or property are exempt from the requirement to obtain a Zoning Permit pursuant to recently adopted laws. • Facilities that are subject to this Chapter have their permit process and requirements clarified as to the applicability of being exempt or requiring a Zoning Clearance, LUP/CDP, or a Conditional Use Permit. • All applications for development associated with new or existing telecommunication facilities that are subject to the NZO shall provide color photo-simulations that visually depict each of the applicable development standards of this Section.

Part 5 – Administration Permits

Process Descriptions	Overview of Changes
<p>Review Authorities</p>	<p>Clarification of the roles and responsibilities of each level of Review Authority.</p> <p>A table clarifies roles and the appeal paths more clearly for the various types of ministerial permits and discretionary reviews.</p>

Part 5 – Administration Permits	
Process Descriptions	Overview of Changes
Actions and Permits	A separate Chapter lists out and references the associated Chapter for each type of action taken by the City as part of the discretionary review of a project and/or the ministerial approval of a specific type of zoning permit. This distinction is aimed at making it easier for the public and developers to understand and navigate to the appropriate part of the NZO for details on what type of review and approval they will need for a proposed project. Note: The discretionary review and action taken by a Review Authority occur at a public hearing, while an approval of a zoning permit yields a physical “permit” that can be printed, held, reproduced, archived, etc.
Common Procedures	The Common Procedures Chapter is new with the NZO. The intent of this Chapter is to consolidate procedures to provide clarity to the public and ensure consistent case processing across various development types.
	Changes were made to the noticing requirements so noticing is the same for the Inland and Coastal portions of the City. Notice is required to be mailed to all property owners and tenants within 500 feet of the exterior boundary of the subject parcel. When this results in a large number of mailed notices (greater than 1,000), the option to place a display ad in the newspaper instead of providing mailed notice has been eliminated. Note: City staff identified this item for Council consideration.
	Additional public notice requirements include: Notice for public hearings must be provided by electronic notice, story poles are required for all development over 20 feet in height except single-unit dwellings, press releases are required for projects with 10,000 square feet or more of structural development, on-site notice must meet certain size requirements, and Spanish translation must be provided for all email and print notices. On-site posted notice must include information on how to obtain details in Spanish. Note: City staff identified the size requirements for on-site notice for Council consideration.
	A separate section includes common findings applicable to and required for all City approvals.
	Revisions made to the appeal processes more precise in an effort to ensure that the aggrieved party clearly identifies the specific grounds on which their appeal is based. This clarification will help staff and the appeal review authority focus in on the actual specific issue being appealed.
Zoning Clearance (ZC)	The Zoning Clearance (ZC) permit type is new to the City. The ZC functions to fill the void in the existing City zoning ordinances for development that falls between that which is not exempt, but also does not trigger the need for a Land Use Permit (LUP) or Coastal Development Permit (CDP).

Part 5 – Administration Permits	
Process Descriptions	Overview of Changes
	<p>The ZC is a non-appealable permit that serves two functions.</p> <ol style="list-style-type: none"> a. First, this is the approval action for simple, small development projects that do not warrant either noticing or an opportunity for an appeal, as provided for with an LUP. Currently, there is no type of administrative permit that requires a City approval but does not allow for a local appeal. The ZC could therefore become a tool to allow City staff to review new development or a new Use to ensure consistency with the Zoning Ordinance while also allowing for a simpler process than exists now. b. Second, the ZC will act as the follow-on permit whenever there is a discretionary action (DP, CUP, etc.). Currently, this is handled through a unique type of LUP that is non-appealable. This process is moved to the ZC to make the non-noticed, non-appealable follow-on permit process clear and to distinguish its function from the LUP to avoid confusion.
Temporary Use Permits (TUPs)	<p>The NZO creates a separate permit path for Temporary Uses. Current practice is to process Temporary Uses with an LUP. However, LUPs are designed to run with the land and are therefore an awkward fit for Temporary Uses.</p>
	<p>The new TUP will allow the Director to approve limited special circumstance uses, events, or structures for limited periods of time and condition them appropriately to minimize any potential short-term negative effects.</p>
	<p>Findings revised to reflect that nature of Temporary Uses as not necessarily fitting with the allowed uses and intent of the underlying zoning district. Furthermore, an additional required finding for certain temporary development within the Coastal Zone was added in order to comply with the Coastal Act.</p>
	<p>For Temporary Uses, the common procedures still apply, meaning that Temporary Uses do not get a guaranteed fast-tracked review that other permits are not afforded.</p>
Design Review (DRB)	<p>The NZO proposes significant changes to the Design Review process to respond to the comments from the DRB and the general public.</p>
	<p>The NZO discusses two distinct roles that the DRB will have, one is as the Review Authority with decision-making authority, while the other acts as a recommendation body for larger projects that are under the review authority of the Planning Commission or the City Council.</p>
	<p>Responding to the DRB’s desire to have more time to review larger projects, the NZO reverts their review to the three levels of Design Review (Conceptual, Preliminary, and Final), with the possibility of having “Revised” approvals as well.</p>
	<p>The NZO recognizes the review and action of the DRB as a truly discretionary action; and, therefore subject to CEQA. As such, staff would process the appropriate CEQA document (all of which are envisioned to fall into a Categorical Exemption), as part of their action if they are the Review Authority.</p>

Part 5 – Administration Permits

Process Descriptions	Overview of Changes
Development Plans (DP)	The NZO eliminates the Director as a Review Authority for any form of DP in order to require a public hearing for all DPs before either the ZA or the PC, since these are typically larger projects with more potential for significant impacts as well as more detailed environmental review under CEQA.
	Residential projects up to four units are now do not need a DP.
Coastal Development Permit (CDP)	The following minor changes or clarifications to the existing Coastal Zoning Ordinance were made: <ul style="list-style-type: none"> • Temporary Events were moved to the Temporary Use Chapter; • Addition of a required Coastal Act finding for development occurring seaward of the bluff-top; and • Moving a few sections of this Chapter to the Common Procedures Chapter
Modifications (MODs)	Revisions made to make this Chapter consistent with General Plan policies and standards. This includes a requirement from the General Plan that Modifications to structure height and lot coverage be made by resolution. Consequently, these modifications may only be granted by the Planning Commission or City Council.
	The allowed modification from the height standard is now capped at between 20-30% of the district height standard.
Reasonable Accommodations for Persons with Disabilities	Minor revisions to this Chapter to make a formal required finding for approval of a reasonable accommodation for persons with disabilities.

Part 6 – General Terms

Summary of Changes
The total number of defined terms has increased in order to add additional clarity to previous and newly added regulations. Compared to the existing zoning ordinances, the number has likely more than quadrupled.
Revisions were made to some definitions, others were restructured, and still some others were grouped together to make them easier to find (e.g., cannabis, signs, lot types, etc.).
An updated definition of common open space provides some clarity as to the scope of what areas may count towards an open space requirement.
Every use allowed in the NZO now has a definition to ensure clarity as to which use classification each potential use in the City fits in to.