



# CITY OF SANTA BARBARA

## ORDINANCE COMMITTEE AGENDA REPORT

**AGENDA DATE:** October 2, 2007  
**TO:** Ordinance Committee  
**FROM:** Planning Division, Community Development Department  
**SUBJECT:** Proposed Zoning Ordinance Amendments

### RECOMMENDATION:

That the Ordinance Committee review, discuss, and give direction to Staff on the proposed amendments to the Zoning Ordinance.

### DISCUSSION:

On September 11, 2007, the Ordinance Committee held a public hearing and brief discussion on a package of proposed Zoning Ordinance amendments. The primary purpose of the proposed amendments is to clarify and simplify existing regulations. However, changes are proposed to regulations pertaining to open yard, private outdoor living space, setbacks, Conditional Use Permits, allowed uses, temporary seasonal uses, boarding houses, fences, storage, definitions, and parking. The previously proposed amendment to exempt mixed-use projects from the 10% open space regulations for multi-family residential developments has been removed from this package.

The Ordinance Committee continued the discussion of the proposed amendments to October 2, 2007, to allow more time for review. Given the scope of the proposed amendments, Community Development Department Staff and the City Attorney's Office Staff has divided the amendments and will review the first half with the Ordinance Committee on October 2, 2007.

Topics to be discussed include open yards in the single-family and R-2 zones, definitions, setbacks along alleys and private streets, and the addition of churches, convents, monasteries, educational facilities, banks, businesses specializing in sick room supplies, and birth centers as allowed uses in certain non-residential zones thus eliminating the need for some Conditional Use Permits. The Ordinance Committee will also discuss enforcement challenges concerning boarding houses in single-family zones. Additional topics will be discussed at a subsequent meeting of the Ordinance Committee.

---

REVIEWED BY: \_\_\_\_\_ Finance \_\_\_\_\_ Attorney \_\_\_\_\_ Name of Additional Department(s) That Need to Review CAR

---

Agenda Item No. \_\_\_\_\_

The attached draft ordinance contains the proposed changes to the Zoning Ordinance's definitions, the Single Family Zones, and the R-2 Zone. We are trying a new format, and placing Staff's comments regarding each amendment in bubbles, next to the text. This commentary is intended to explain the context and rationale for the proposed amendments. Illustrations will be presented at the meeting of October 2, 2007.

**ATTACHMENT:** Draft Ordinance Amending Title 28 of the Municipal Code

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

**SUBMITTED BY:** Paul Casey, Community Development Director

**APPROVED BY:** City Administrator's Office

**AN ORDINANCE OF THE COUNCIL OF THE  
CITY OF SANTA BARBARA AMENDING TITLE  
28 OF THE SANTA BARBARA MUNICIPAL CODE  
RELATING TO ZONING**

**SECTION 1.** Chapter 28.04 of Title 28 of the Santa Barbara Municipal Code is amended to order the definitions alphabetically and renumber the sections by units of .005 subject to the additions and deletions to Chapter 28.04 contained in Sections 2 and 3 of this Ordinance. In addition, the Clerk is hereby authorized to amend all section references to the definitions in this Chapter 28.04 found elsewhere in this Code to conform to the amended section numbers.

**SECTION 2.** The following sections are added to Chapter 28.04 of Title 28 of the Santa Barbara Municipal Code to read as follows:

**28.04.100 Balcony.**

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

**28.04.135 Building, Main.**

A structure in which the principal use of the lot is conducted.

**28.04.150 Carport.**

An accessory structure with a solid weatherproof roof, permanently open on at least two sides, that 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.

**28.04.230 Deck.**

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.

**28.04.235 Deck, Roof.**

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

**28.04.240 Distance Between Buildings.**

The shortest distance measured from the exterior wall of a building to the nearest exterior wall of another building.

**28.04.250 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 separated from adjacent real property by a lot line. Setbacks do not apply to driveways.

**28.04.320 Frontage, Street.**

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.

**28.04.335 Gazebo.**

A freestanding, open-sided, roofed structure.

**28.04.525 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 enclosed or roofed, but not both.

**28.04.535 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.

**28.04.630 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 that are roughly perpendicular 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.

**28.04.660 Street.**

A public or private way constructed for the purpose of vehicular travel other than an alley or a driveway. 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, 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 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 and longer lengths. A private street may also be referred to as private road, lane, or drive.

**28.04.695 Trellis.**

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

**28.04.715 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.

**28.04.720 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.

**28.04.725 Yard, Remaining Front.**

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

**28.04.730 Yard, Secondary Front.**

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

**SECTION 3. The following sections are deleted from Chapter 28.04 of Title 28 of the Santa Barbara Municipal Code:**

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

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

**~~28.04.170 Dwelling Unit.~~**

~~—A residential unit.~~

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

~~—The first interior lot to the rear of a reversed corner lot, whether or not separated by an alley.~~

**~~28.04.360 Lot, 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.~~

**~~28.04.430.5 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.

**~~28.04.451 Project.~~**

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

**~~28.04.465 Real Estate Development.~~**

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

**~~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.~~

**~~28.04.486 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.~~

**~~28.04.530 Tourist Court.~~**

~~—See definition of "Hotel" Section 28.04.290.~~

**~~28.04.560 Recreational 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.~~

**~~28.04.580 Yard, 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.~~

**~~28.04.590 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.~~

**SECTION 4. The following sections of Chapter 28.04 of Title 28 of the Santa Barbara Municipal Code are amended to read as follows:**

**28.04.020 Agent.**

Any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities who represent or act for or on behalf of an applicant in selling or offering to sell any dwelling unit.

**28.04.030 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. 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.~~

**28.04.125 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 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.~~

#### **28.04.225 Court.**

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

#### **28.04.255 Dwelling 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. A dwelling unit may also be referred to as a residential unit in this Code.~~

#### **28.04.290 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 the in Chapter 3.4 of Division 2 of 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.~~the 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.~~

### **28.04.310 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.

### **28.04.330 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~~ Architectural Board of Review.

### **28.04.440 Lot Line, Front.**

The ~~property~~ line or lines dividing a lot from a street. The line or lines that divide a lot from an alley or 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.~~

#### **28.04.670 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.

#### **28.04.710 Yard, Front.**

A yard extending across the full width of the lot between the front lot line and the ~~nearest~~ front wall of any main building on the lot. If the front wall of such main building is located within the required front setback, the front yard shall extend to the same depth as the required front setback. ~~This~~ The front yard shall be measured by extending perpendicular lines from each point of the front lot line to the nearest front wall of any main building on the lot. Where there is no wall of any building on the lot which no front wall of a main building intercepts said perpendicular lines, said the front yard will terminate at a point determined by extending a line parallel to the front lot line from the outermost corner of the front wall of the main building to the nearest interior lot lines. If the end of the front wall is rounded, the outermost corner of the front wall shall be determined by drawing the smallest square or rectangle that will enclose the round element. The corner of the resulting square or rectangle that is closest to the interior lot line shall be deemed the outermost corner of the front wall for purposes of this definition. The front wall of any main building is the wall on the side of the main building that is closest to the front lot line which forms the longest parallel or nearly parallel line to the front lot line. The front yard includes the required front setback and may include the remaining front yard.

**SECTION 5. Section 28.15.060 of Chapter 28.15 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:**

**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 the following buildings, structures, and parking on the lot:

<u>1. A-1 Zone (All buildings, structures, and parking):</u>	<u>35 feet</u>
<u>2. A-2 Zone (All buildings, structures, and parking):</u>	<u>30 feet</u>
<u>3. E-1 Zone (All buildings, structures, and parking):</u>	<u>30 feet</u>
<u>4. E-2 Zone (All buildings, structures, and parking):</u>	<u>25 feet</u>
<u>5. E-3 Zone (All buildings, structures, and parking):</u>	<u>20 feet</u>
<u>6. R-1 Zone</u>	
<u>    a. First story of any building or structure</u>	<u>15 feet</u>
<u>    b. Second story of any building or structure</u>	<u>15 feet</u>
<u>    c. Third story of any building or structure</u>	<u>20 feet</u>
<u>    d. Uncovered parking that does not back out onto the street</u>	<u>15 feet</u>
<u>    e. Garages and carports with openings that do not face the street</u>	<u>15 feet</u>
<u>    f. Garages and carports with opening that face the street or</u>	
<u>        uncovered parking that backs out onto the street</u>	<u>20 feet</u>

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.

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 the lot:

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

~~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.~~

C. Open Yard. An open yard shall be provided on all lots within these zones that observes the following general rules regarding dimension, location, and configuration, except as modified by any applicable 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 in perpendicular dimensions.

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 paragraphs a & b above and 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 average height of the improvement above grade is greater than 36 inches. Average height shall be calculated by measuring the height at each corner of the deck or similar improvement, adding the heights together, and dividing the sum by the number of corner measurements. The height of round portions of decks or other improvements shall be measured on the edge of the improvement at every 45 degrees of arc.

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 open yard shall contain at least one flat area (which may be provided on a deck or patio) that observes the following dimensions and configurations:

(1) Minimum Size: 160 square feet of area.

(2) Minimum dimensions: At least 10 feet long and 10 feet wide in perpendicular dimensions.

(3) 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 7,500 square feet of Lot Area. On lots with less than 7,500 square feet of net lot area and an average slope of less than 20 percent, the following exceptions to the dimension and location requirements 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 in perpendicular dimensions.

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

**SECTION 6. Section 28.15.065 of Chapter 28.15 of Title 28 of the Santa Barbara Municipal Code is hereby amended to read as follows:**

**28.15.065 Reduction 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 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 reduced by not more than~~ setback required by Section 28.15.060 shall be reduced by 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 or interior ~~yard~~ setback, providing said single-family dwelling complied with the ~~yard~~ setbacks required by ordinance at the time of construction.

**SECTION 7. Section 28.18.060 of Chapter 28.18 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:**

**28.18.060 Setback and Open Yard Requirements.**

The following setback and open yard 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 the following buildings, structures, and parking on the lot:

- |  |                |
|--|----------------|
| <u>1. First story of any building or structure</u>                             | <u>15 feet</u> |
| <u>2. Second or higher story of any building or structure</u>                  | <u>20 feet</u> |
| <u>3. Uncovered parking that does not back out onto the street</u>             | <u>15 feet</u> |
| <u>4. Garages and carports with openings that do not face the street</u>       | <u>15 feet</u> |
| <u>5. Garages and carports with openings that face the street or uncovered</u> |                |



parking that backs out onto the street

20 feet

~~— 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 Setback. An interior setback of not less than the indicated distance shall be provided between the interior lot line and the following buildings, structures, and parking on the lot:

1. Buildings and structures other than covered parking 6 feet

2. Covered or uncovered parking 3 feet

~~— 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 and Private Outdoor Living Space.

1. General Rule. An open yard shall be provided on all lots within this zone that observes the following general rules regarding dimension, location, and configuration, except as modified by any applicable additional requirements or exceptions specified within this subsection C:

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 in perpendicular dimensions.

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 this § 28.18.060.C 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 average height of the improvement above grade is greater than 36 inches. Average height shall be calculated by measuring the height at each corner of the deck or similar improvement, adding the heights together, and dividing the sum by the number of corner measurements. The height of round portions of decks or other improvements shall be measured on the edge of the improvement at every 45 degrees of arc.

**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. 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 paragraph 28.18.060.C.1.

b. Private Outdoor Living Space. In addition to the common open yard, lots developed with four or more dwelling units shall provide private outdoor living space for each dwelling unit of the following size based on the number of bedrooms in the dwelling unit:

- |            |                        |                         |
|------------|------------------------|-------------------------|
| <u>(1)</u> | <u>Studio Unit</u>     | <u>100 square feet</u>  |
| <u>(2)</u> | <u>1 Bedroom Unit</u>  | <u>120 square feet</u>  |
| <u>(3)</u> | <u>2 Bedroom Unit</u>  | <u>140 square feet</u>  |
| <u>(4)</u> | <u>3+ Bedroom Unit</u> | <u>160 square feet.</u> |

The minimum dimensions of the private outdoor living space shall be at least 10 feet long and 10 feet wide in perpendicular dimensions and the private outdoor living space shall observe the location and configuration requirements of paragraph 28.21.081.a.(3) & (4).

~~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. Open Yard and Private Outdoor Living Space 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: 600 square feet of area
- (2) Minimum dimensions: The open yard may be provided in one or two areas each of not less than 300 square feet; however, each area of open yard shall be at least 10 feet long and 10 feet wide in perpendicular dimensions.
- (3) Location and configuration: The common open yard shall observe the location and configuration requirements specified in paragraph 28.18.060.C.1.d.

b. Private Outdoor Living Space. In addition to the 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 the following size 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 in perpendicular dimensions. 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.

~~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.~~

~~— For the purposes of this Section, the term “private outdoor living space” shall be as defined in subsection (a)(3) of SBMC Section 28.21.081.~~

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 paragraph 28.18.060.C.1 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.