

**ATTACHMENT 4-1: MONTECITO LAND USE AND DEVELOPMENT CODE ORDINANCE  
AMENDMENT**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING SECTION 35-2, THE MONTECITO LAND USE AND DEVELOPMENT CODE (MLUDC), OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES, DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, AND DIVISION 35.10, GLOSSARY, TO IMPLEMENT NEW REGULATIONS AND DEVELOPMENT STANDARDS REGARDING ACCESSORY DWELLING UNITS (ADUS) AND JUNIOR ACCESSORY DWELLING UNITS (JADUS), AND MINOR ORDINANCE AMENDMENTS TO CORRECT AND CLARIFY EXISTING REGULATIONS.

23ORD-00008

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

**SECTION 1:**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Subsection D, Process, of Section 35.420.040, Exemptions from Planning Permit Requirements, of Chapter 35.420, Development and Land Use Approval Requirements, to read as follows:

**D. Process.** Any determination made by the Director that a use, activity, or structure is exempt from the planning permit requirements of this Development Code in accordance with this Section is final and not subject to appeal.

**SECTION 2:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection D, Application and Processing Requirements, of Section 35.442.015, Accessory Dwelling Units and Junior Accessory Dwelling Units, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

**D. Application and processing requirements.**

- 1. Building Permit and other approvals.** Accessory dwelling units and junior accessory dwelling units shall be allowed with a Building Permit and any other necessary approvals when in compliance with the provisions of this [Section 35.442.015 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#), as applicable.
- 2. Ministerial review and permit processing deadline.** The Building Official shall consider a Building Permit application for an accessory dwelling unit or junior accessory dwelling unit ministerially without discretionary review or hearing within 60 days from the date a complete application is submitted to the Department. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.



(Modifications), provided that the applicant requests a delay and tolls the 60-day processing time period until final action is taken on the Modification.

7. **Nonconforming zoning conditions.** The correction of nonconforming conditions shall not be required as a condition of approval of an accessory dwelling unit or junior accessory dwelling unit. As used in [Section 35.442.015 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#), “nonconforming zoning condition” means a physical improvement on a property that does not conform with the zoning standards of this Development Code.
8. **Variances.** Variances shall not be granted for accessory dwelling units or junior accessory dwelling units.
9. **Residential second units.** For purposes of this [Section 35.442.015 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#), a residential second unit previously permitted in compliance with this Development Code shall be considered the same as an accessory dwelling unit.
10. **Unpermitted existing development.** For purposes of this [Section 35.442.015 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#), improvements to unpermitted existing development to accommodate an accessory dwelling unit or junior accessory dwelling unit shall be considered new development.
11. **Must Yield Provisions.** Where the application of front setbacks stipulate that the standard must be complied with unless it would preclude development of an accessory dwelling unit of up to 800 square feet with side and rear setbacks of at least four feet, this standard must yield when there are no other physical locations to place an accessory dwelling unit on the lot without conflicting with other applicable provisions of this Section, such as height, setbacks, tree protection, grading, environmentally sensitive habitat areas, historic resources, and archaeological resources. A property owner’s preference for a specific location on the lot does not constitute a reason to vary from objective standards. Nothing in this subsection shall be interpreted to apply new standards to an accessory dwelling unit developed in accordance with Subsection E, below that do not already apply. If encroachment into the front setback is required, it shall be the minimum necessary to accommodate the project.

### **SECTION 3:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection E, Application and Processing Requirements, of Section 35.442.015, Accessory Dwelling Units and Junior Accessory Dwelling Units, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

- E. **Accessory dwelling units located within residential zones.** This Subsection E provides standards for certain accessory dwelling units in accordance with Government Code Section 65852.2(e)(1). An accessory dwelling unit that complies with all of the following standards, as applicable, shall be allowed with a Building Permit and any other necessary approvals and shall not be subject to any other standards of this Development Code. An accessory dwelling unit that does not comply with this Subsection E may be allowed in compliance with Subsection F, below.
  1. **General standards.** The following development standards shall apply to all accessory dwelling units allowed in compliance with this Subsection E:
    - a. **Zoning.** The accessory dwelling unit shall be located within one of the following residential zones: For purposes of this Subsection E, a two-family dwelling (i.e., “dwelling, two-family,” as defined

in [Section 35.500.020 \(Definitions of Specialized Terms and Phrases\)](#)), shall be considered a multiple-family dwelling residential use.

Residential Zones
R-1/E-1 (One-Family Residential)
R-2 (Two-Family Residential)
DR (Design Residential)
PRD (Planned Residential Development)

- b. Parking spaces not required.** Parking spaces, including replacement parking spaces to satisfy the parking requirements for the principal dwelling, shall not be required for an accessory dwelling unit allowed in compliance with this Subsection E.
  - c. Additional standards.** The accessory dwelling unit shall comply with the standards of Subsection H, below.
- 2. One accessory dwelling unit per lot located within a one-family dwelling or accessory structure.** One accessory dwelling unit per lot located entirely (except as noted in 2.c.(1) below) within an existing or proposed one-family dwelling or an existing accessory structure shall be allowed with a Building Permit and any other necessary approvals when in compliance with all of the following development standards:
- a. Exterior access.** The accessory dwelling unit shall have exterior access separate from the one-family dwelling.
  - b. Lot requirements.**

    - ~~(1) — The lot shall contain no more than one accessory dwelling unit.~~
    - ~~(2) — The lot shall contain an existing or proposed one-family dwelling.~~
  - c. Location.** The accessory dwelling unit shall be located entirely within the existing or proposed one-family dwelling or existing accessory structure, except as provided ~~in Subsection E.2.c.(1),~~ below.

    - (1) The accessory dwelling unit may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure and shall be limited to accommodating ingress and egress.
  - d. Setbacks.** The side and rear setbacks shall be sufficient for fire and safety purposes in compliance with the current, adopted edition of the California Fire Code and the California Building Code. The accessory dwelling unit shall also comply with the front setback requirements of the applicable zone-, provided that this standard allow an accessory dwelling unit of up to 800 square feet to be constructed on the lot in compliance with other standards of this Section. All portions of the accessory dwelling unit, including eaves and roof overhangs, shall comply with these requirements.
  - d. Junior accessory dwelling unit.** An accessory dwelling unit that complies with the standards of this Subsection E.2 may be located on the same lot as a junior accessory dwelling unit that complies with the standards of Subsection G, below.
- 3. One detached, new construction accessory dwelling unit per lot with a one-family dwelling.** One detached, new construction accessory dwelling unit per lot with an existing or proposed one-family dwelling shall be allowed with a Building Permit and any other necessary approvals when in compliance with all of the following development standards:
- a. Lot requirements.**

- ~~(1) The lot shall contain no more than one accessory dwelling unit.~~
    - ~~(2) The lot shall contain an existing or proposed one-family dwelling.~~
  - b. Location.** The accessory dwelling unit shall be located within a detached, new construction accessory building that is not ~~connected by any means~~ attached to another accessory structure.
  - c. Maximum floor area.** The floor area of the accessory dwelling unit shall not exceed 800 square feet.
  - d. Maximum height.** The height of the accessory dwelling unit shall not exceed 16 feet as measured in compliance with [Section 35.430.090 \(Height Measurement, Exceptions and Limitations\)](#). ~~Any height increase above 16 feet and up to 19 feet shall only be allowed where necessary for the roof pitch to match that of the primary dwelling.~~ For lots with an existing or proposed one-family dwelling that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155, the height of the accessory dwelling unit shall not exceed a height of 18 feet.
  - e. Setbacks.** The accessory dwelling unit shall have side and rear setbacks of at least four feet and shall comply with the front setback requirements of the applicable zone-, provided that this standard allows an accessory dwelling unit of up to 800 square feet to be constructed on the lot. For interior lots, standard interior lot setbacks applicable to a principal dwelling shall apply provided that this standard allows an accessory dwelling unit of up to 800 square feet to be constructed on the lot with minimum four foot interior setbacks in compliance with other standards of this Section. All portions of the accessory dwelling unit, including eaves and roof overhangs, shall comply with these requirements.
  - f. Junior accessory dwelling unit.** An accessory dwelling unit that complies with the standards of this Subsection E.3 may be located on the same lot as a junior accessory dwelling unit that complies with the standards of Subsection G, below.
- 4. One or more accessory dwelling units per lot located entirely within an existing multiple-family dwelling or accessory structure.** One or more accessory dwelling units located within an existing multiple-family dwelling or existing accessory structure shall be allowed with a Building Permit and any other necessary approvals when in compliance with all of the following development standards:
  - a. Lot requirements.**
    - (1) The lot may contain at least one accessory dwelling unit and shall contain no more accessory dwelling units than 25 percent of the existing multiple-family dwelling units. For example, a lot containing eight multiple-family dwelling units may contain up to two accessory dwelling units.
      - (a) Fractional units.** If the number of allowed accessory dwelling units includes a fraction of a unit, any decimal fraction less than 0.5 shall be rounded down to the nearest whole unit and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole unit.
    - (2) The lot shall contain an existing multiple-family dwelling.
  - b. Location.** Each accessory dwelling unit shall be located ~~within portions of~~ entirely within the existing multiple-family dwelling or accessory structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, ~~passageways~~, attics, basements, or garages.
- 5. Up to two detached accessory dwelling units per lot with an existing multiple-family dwelling.** Up to two detached accessory dwelling units per lot with an existing multiple-family dwelling shall be

allowed with a Building Permit and any other necessary approvals when in compliance with all of the following development standards:

- a. Lot requirements.**
  - (1) The lot shall contain no more than two accessory dwelling units.
  - (2) The lot shall contain an existing multiple-family dwelling.
- b. Location.** Each accessory dwelling unit shall be located entirely within an existing detached accessory structure or a detached, new construction accessory building.
- c. Maximum height.** The height of each accessory dwelling unit shall not exceed 16 feet as measured in compliance with [Section 35.430.090 \(Height Measurement, Exceptions and Limitations\)](#). For lots with an existing or proposed multiple-family dwelling that is multi-story or within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155, the height of the accessory dwelling unit shall not exceed a height of 18 feet.
- d. Setbacks.** The accessory dwelling unit(s) shall have side and rear setbacks of at least four feet and shall comply with the front setback requirements of the applicable zone-, provided that this standard allow up to two accessory dwelling units of up to 800 square feet to be constructed on the lot. For interior lots, standard interior lot setbacks applicable to a principal dwelling shall apply provided that this standard allows an accessory dwelling unit(s) of up to 800 square feet to be constructed on the lot with minimum four foot interior setbacks in compliance with other standards of this Section. All portions of the accessory dwelling unit(s), including eaves and roof overhangs, shall comply with these requirements.

**SECTION 4:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection F, Application and Processing Requirements, of Section 35.442.015, Accessory Dwelling Units and Junior Accessory Dwelling Units, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

- F. Accessory dwelling units located within zones that allow one-family or multiple-family residential use.** This Subsection F provides standards for accessory dwelling units that do not comply with Subsection E above. An accessory dwelling unit that complies with all of the following standards, as applicable, shall be allowed with a Building Permit and any other necessary approvals.
  - 1. General standards.** The following development standards shall apply to all accessory dwelling units allowed in compliance with this Subsection F:
    - a. Zoning.** The accessory dwelling unit shall be located within one of the following zones that allow one-family or multiple-family dwelling residential use. For purposes of this Subsection F, a two-family dwelling (i.e., “dwelling, two-family,” as defined in [Section 35.500.020 \(Definition of Specialized Terms and Phrases\)](#)), shall be considered a multiple-family dwelling residential use.

Zones that Allow One-Family Residential Use	Zones that Allow Multiple-Family Residential Use	Zones that Allow One-Family and Multiple-Family Residential Use
R-1/E-1 (One-Family Residential)	CN (Neighborhood Commercial) CV (Resort/Visitor Serving Commercial)	R-2 (Two-Family Residential) DR (Design Residential)

		PRD (Planned Residential Development)
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- b. Lot requirements.**
  - (1) The lot shall contain no more than one accessory dwelling unit.
  - (2) The lot shall contain an existing or proposed one-family dwelling or multiple-family dwelling.
- ~~e. **Additional standards.** The accessory dwelling unit shall comply with the standards of Subsection H, below.~~
- 2. Appearance and style.** The exterior appearance and architectural style of an accessory dwelling unit shall comply with the following:
  - a. Conversion.** Any exterior alterations to an existing building that result from the conversion of all or a portion of an existing building to an accessory dwelling unit shall be limited to minor alterations such as the addition of doors and windows.
  - b. New construction.**
    - (1) The design of an accessory dwelling unit that will be attached to an existing building shall reflect the exterior appearance and architectural style of the existing building to which it is attached and use the same or comparable exterior materials, roof covering, colors, and design for trim, windows, roof pitch, and other exterior physical features.
    - (2) Exterior lighting shall comply with all of the following standards:
      - (a) All exterior lighting shall be hooded and fully shielded (~~i.e., full cutoff~~).
      - (b) Each exterior lighting fixture shall not exceed 800 lumens if located within the Rural Area and 1,600 lumens if located within the Urban Area.
      - (c) Each exterior lighting fixture shall not exceed 3,000 Kelvin.
      - (d) Landscape and pathway lighting fixtures shall not exceed four feet in height.
      - (e) Security lighting shall be controlled by a motion sensor switch or timer between dusk and dawn.
    - (3) Proposed landscaping shall be comparable to existing landscaping on the lot in terms of plant species and density of planting.
- 3. Environmentally sensitive habitat areas.** The development of an accessory dwelling unit shall comply with the objective requirements of [Section 35.428.040 \(Environmentally Sensitive Habitat \(ESH\) Overlay Zone\)](#), provided that these standards allow an accessory dwelling unit of at least 800 square feet ~~and 16 feet in height~~ with four-foot side and rear setbacks ~~and front setbacks equivalent to those applicable to the primary residence~~ to be constructed on the lot in compliance with all other applicable standards of this [Section 35.442.015 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#).
- 4. Grading.** Grading ~~directly~~ associated with an accessory dwelling unit, inclusive of any grading required to establish access, shall be limited to 250 cubic yards and the accessory dwelling unit shall be located on existing slopes of 20 percent or less under the footprint of the accessory dwelling unit, provided that this standard permits an accessory dwelling unit of at least up to 800 square feet ~~and 16 feet in height~~ with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this [Section 35.442.015 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#).

**5. Height limit.**

**a. Conversion.** An accessory dwelling unit located entirely within an existing one-family dwelling, multiple-family dwelling, or accessory structure shall not be subject to a height limit.

**b. New construction.**

**(1) Attached accessory dwelling units.** The height of an attached accessory dwelling unit that is proposed to be located above another floor or on grade where there is no floor above shall be limited to 25 feet and two stories and shall not exceed the maximum allowable height limit for the principal dwelling in the applicable zone.

**(2) Detached accessory dwelling units.**

**(a) One-story accessory dwelling units.** The height of a detached, one-story accessory dwelling unit shall not exceed a vertical distance of 16 feet as measured in compliance with [Section 35.430.090 \(Height Measurement, Exceptions and Limitations\)](#). For lots with an existing or proposed one-family dwelling that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155, the height of the accessory dwelling unit shall not exceed a height of 18 feet. If located above or below the floor of another accessory structure, the combined height shall not exceed a vertical distance of 25 feet.

**(b) Two-story accessory dwelling units.** The height of a detached, two-story accessory dwelling unit shall not exceed a vertical distance of 25 feet as measured in compliance with [Section 35.430.090 \(Height Measurement, Exceptions and Limitations\)](#).

**6. Historic resources.** An accessory dwelling unit shall not be located within, attached to, or located on the same lot as a structure listed in, or determined to be eligible for listing in the California Register of Historical Resources or the National Register of Historic Places, or a structure designated, or determined to be eligible for designation as a County Historic Landmark or County Place of Historic Merit unless the proposed accessory dwelling unit follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior, National Park Service, 2017) or the Secretary of the Interior’s Standards for Rehabilitation (36 CFR Part 67, 1990) and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer, 1995), as may be amended. If a detached accessory dwelling unit is proposed to be located on the same lot as a historic or potentially historic structure described above, the applicant shall submit a written assessment from a Department-approved historian confirming that the proposed accessory dwelling unit shall be in conformance with this requirement.

**7. Archaeological resources and tribal cultural resources.** A new construction attached or detached accessory dwelling shall be located at least 50 feet from the site boundaries of any archaeological resources or tribal cultural resources, unless a written assessment or a California Native American tribe recommends a greater buffer distance. Applicants shall submit a written assessment of any (1) archaeological resources that may qualify as “historical resources” as defined in CEQA Guidelines Section 15064.5(a), or (2) sites, features, cultural landscapes, sacred places, objects, or resources that may qualify as “tribal cultural resources” as defined in Public Resources Code Section 21074 that are located within 100 feet of the proposed accessory dwelling unit. The written assessment shall be prepared by a Department-approved archaeologist or other qualified professional and shall define the characteristics and site boundaries of the archaeological resources or tribal cultural resources.

~~**8. Kitchen.** The accessory dwelling unit shall provide complete independent living facilities for one or more persons, including permanent provisions for eating and cooking.~~



- 98. Location.** The accessory dwelling unit shall comply with the following:
- a. Conversion.** The accessory dwelling unit shall be located entirely within an existing one-family dwelling, multiple-family dwelling, or accessory structure.
  - b. Attached accessory dwelling unit.** An attached accessory dwelling unit shall be located entirely or partially within an addition to a one-family dwelling, multiple-family dwelling, or an attached accessory structure.
  - c. Detached accessory dwelling unit.** A detached accessory dwelling unit shall be located entirely or partially within a proposed detached accessory structure or an addition to an existing detached accessory structure.
  - d. Development envelope.** If a development envelope has been recorded through a subdivision and the record demonstrates that the development envelope was established for the protection of public health and safety, then the accessory dwelling unit shall be located within the development envelope.
  - e. Location on lot.** A detached accessory dwelling unit shall comply with the following standards, provided that these standards allow an accessory dwelling unit of ~~at least up to~~ up to 800 square feet ~~and 16 feet in height~~ with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this [Section 35.442.015 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#):
    - (1) Lots .5 acres or larger but less than two acres.** For lots that are .5 acres or larger but less than two acres, a detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other zoning provisions such as setback requirements would prohibit compliance with this requirement.
    - (2) Lots two acres or larger but less than 20 acres.** For lots that are two acres or larger but not larger than 20 acres, a detached accessory dwelling unit shall not be located closer to any property line than the lesser of 100 feet or the distance from the principal dwelling to that property line unless other zoning provisions such as setback requirements, or the location of existing development on the lot including agricultural operations, would prohibit compliance with this requirement.
    - (3) Lots larger than 20 acres.** For lots that are larger than 20 acres, the location of a detached accessory dwelling unit is not restricted provided the location complies with zoning requirements such as applicable setback requirements or development envelopes.
- 109. Maximum floor area.** The floor area of the accessory dwelling unit shall not exceed the following standards, provided that these standards allow an accessory dwelling unit of ~~up to at least~~ up to 800 square feet ~~and 16 feet in height~~ with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this [Section 35.442.015 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#):
- a. Conversion.** The floor area of an accessory dwelling unit located entirely within an existing structure shall not exceed 1,200 square feet ~~be restricted~~.
  - b. New construction.**
    - (1) Lots of 15,000 net square feet or less.** 850 square feet for an accessory dwelling unit that provides one bedroom or less and 1,000 square feet for an accessory dwelling unit that provides two or more bedrooms.
    - (2) Lots greater than 15,000 net square feet.** 1,200 square feet.

- (3) **Attached accessory dwelling units.** In addition to the floor area limits of Subsections F.9.b.(1) and (2), above, the floor area of an attached accessory dwelling unit shall not exceed 50 percent of the floor area of the principal dwelling that exists at the time of application for the accessory dwelling unit.

**410. Parking.**

- a. **Replacement parking spaces not required.** Replacement parking spaces to satisfy the parking requirements of the principal dwelling shall not be required for an accessory dwelling unit allowed in compliance with this Subsection F.
- b. **New construction.** A new construction detached accessory dwelling unit shall comply with the following parking requirements:
- (1) Except as provided in Subsection F.~~410~~.b.(2), below, one parking space per accessory dwelling unit shall be required for a new construction detached accessory dwelling unit. The space may be provided in any of the following configurations:
- (a) Tandem parking on a driveway or in a location outside of the required setback areas.
- (b) On a driveway located within the front, side, or rear setback area.
- (2) A parking space shall not be required for a new construction detached accessory dwelling unit that complies with any of the following criteria:
- (a) The accessory dwelling unit is located within one-half mile walking distance of public transit (e.g., a bus stop).
- (b) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (c) On-street parking permits are required, but not offered to the occupant of the accessory dwelling unit.
- (d) A car share vehicle is located within one block of the accessory dwelling unit.

~~12. **Sale restriction.** The accessory dwelling unit shall not be sold or otherwise conveyed separate from the one family dwelling.~~

**431. Setbacks.** The setbacks for an accessory dwelling unit shall not exceed the following standards, provided that these standards permit an accessory dwelling unit of ~~at least up to~~ 800 square feet ~~and 16 feet in height~~ with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this [Section 35.442.015 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#):

- a. **Conversion.** No setbacks shall be required for an existing living area or accessory structure converted to an accessory dwelling unit or a portion thereof. For purposes of this Subsection F.~~431~~, “living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- b. **New construction.**
- (1) Except as provided in Subsections F.~~431~~.b.(2), below, the accessory dwelling unit shall comply with the front, side, and rear setback requirements that apply to ~~the principal dwelling~~ accessory structures, provided that the accessory dwelling unit has side and rear setbacks of at least four feet. For interior lots, standard interior lot setbacks applicable to a principal dwelling shall apply provided that this standard allow an accessory dwelling unit(s) of up to 800 square feet to be constructed on the lot with minimum four foot interior setbacks

in compliance with other standards of this Section. All portions of the accessory dwelling unit, including eaves and roof overhangs, shall meet these requirements.

- (2) No setbacks shall be required for a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit.

**1412. Tree protection.** A new construction attached or detached accessory dwelling unit shall comply with the following standards, provided that these standards allow an accessory dwelling unit of ~~at least up to~~ up to 800 square feet ~~and 16 feet in height~~ with four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this [Section 35.442.015 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#):

- a. All development associated with the accessory dwelling unit shall avoid the removal of or damage to all protected trees. For the purposes of this Subsection F.12, protected trees are defined as (1) mature and/or (2) roosting/nesting trees that do not pose a threat to public health and safety. Non-native, invasive species are not protected if they are not roosting/nesting trees. Trees that are removed or damaged in order to accommodate an accessory dwelling unit up to 800 square feet shall be ~~relocated or~~ replaced onsite at a ratio of at least 5:1 with 15-gallon plantings or equivalent.
- b. No grading, paving, or other site disturbance shall occur within the area six feet outside of the dripline of the tree(s), unless the conclusion of a report submitted by the applicant and prepared by a licensed arborist states that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s).

**SECTION 5:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection G, Application and Processing Requirements, of Section 35.442.015, Accessory Dwelling Units and Junior Accessory Dwelling Units, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

**G. Junior accessory dwelling units.** One junior accessory dwelling unit per lot located within an existing or proposed one-family dwelling shall be allowed with a Building Permit and other necessary approvals when in compliance with all of the following development standards:

**1. General standards.**

- a. **Zoning.** The junior accessory dwelling unit shall be located within one of the following one-family zones or zones that allow one-family dwelling residential use:

One-Family Residential Zones	Zones that Allow One-Family Residential Use
R-1/E-1 (One-Family Residential)	R-2 (Two-Family Residential) DR (Design Residential) PRD (Planned Residential Development)

- b. **Lot requirements.**

- (1) The lot shall contain no more than one junior accessory dwelling unit.
- (2) The lot shall contain an existing or proposed one-family dwelling.

- c. **Additional standards.** The junior accessory dwelling unit shall comply with the standards of Subsection H, below.

2. **Declaration of Restrictions.** Prior to the issuance of a Building Permit for a junior accessory dwelling unit, the owner shall record a Declaration of Restrictions, which shall run with the land, in compliance with [Section 35.472.050 \(Recordable Documents\)](#). The owner shall record the Declaration of Restrictions with the County of Santa Barbara Clerk-Recorder and file the Declaration of Restrictions with the Department. The Declaration of Restrictions shall include both of the following:
  - a. A prohibition on the sale of the junior accessory dwelling unit separate from the one-family dwelling, including a statement that the deed restriction shall be enforced against future purchasers; and
  - b. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with the standards of this Subsection G.
3. **Efficiency kitchen.** The junior accessory dwelling unit shall have an efficiency kitchen that includes the following:
  - a. A cooking facility with appliances, including at least a two-burner stove, sink, and freestanding refrigerator; and
  - b. Food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit and not less than four feet in length.
4. **Exterior access.** The junior accessory dwelling unit shall have separate exterior access from the one-family dwelling.
5. **Location.** The junior accessory dwelling unit shall be located entirely within an existing or proposed one-family dwelling or attached garage. The junior accessory dwelling unit shall not be located within any other attached or detached accessory structure.
6. **Maximum floor area.** The floor area of the junior accessory dwelling unit shall not exceed 500 square feet.
7. **Owner-occupancy.** Except as provided below in Subsection G.7.a, owner-occupancy shall be required for the junior accessory dwelling unit or the one-family dwelling in which the junior accessory dwelling unit is located.
  - a. Owner-occupancy shall not be required if the owner of the junior accessory dwelling unit is a governmental agency, land trust, or housing organization.
8. **Parking.**
  - a. **New parking spaces.** No new parking spaces shall be required for a junior accessory dwelling unit allowed in compliance with this Subsection G.
  - b. **Replacement parking.** Replacement parking spaces to satisfy the parking requirements of the principal dwelling shall be required for a junior accessory dwelling unit located within an attached garage in compliance with [Section 35.436.050 \(Required Number of Spaces: Residential Uses\)](#) and [Section 35.436.070 \(Standards for All Zones and Uses\)](#).
- ~~9. **Sale restriction.** The junior accessory dwelling unit shall not be sold or otherwise conveyed separate from the one-family dwelling.~~
- ~~109.~~ **Sanitation facilities.** The junior accessory dwelling unit shall include separate sanitation facilities or share sanitation facilities with the one-family dwelling. If shared, interior access to the main living area of the principal dwelling shall be required.
- ~~110.~~ **Setbacks.** The side and rear setbacks shall be sufficient for fire and safety purposes in compliance with the current, adopted edition of the California Fire Code and the California Building Code. The junior

accessory dwelling unit shall comply with the front setback requirements of the applicable zone. All portions of the junior accessory dwelling unit, including eaves and roof overhangs, shall meet these requirements.

- 1211. Accessory dwelling unit.** A junior accessory dwelling unit that complies with the standards of this Subsection G may be located on the same lot as an accessory dwelling unit that complies with the standards of Subsection E.2 or E.3, above

## **SECTION 6:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection H, Application and Processing Requirements, of Section 35.442.015, Accessory Dwelling Units and Junior Accessory Dwelling Units, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

- H. Additional standards that apply to all accessory dwelling units and junior accessory dwelling units.** The following development standards shall apply to all accessory dwelling units and junior accessory dwelling units in addition to the development standards contained in Subsection E (Accessory dwelling units and junior accessory dwelling units located within residential or mixed-use zones), Subsection F (Accessory dwelling units located within zones that allow one-family or multiple-family uses), or Subsection G (Junior accessory dwelling units), as applicable.
- 1. Minimum floor area.** At a minimum, the floor area of an accessory dwelling unit or junior accessory dwelling unit shall be sufficient to allow for an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1207.4 or successor statute.
  - 2. Passageway not required.** A passageway, defined for the purposes of this section as a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit, shall not be required in conjunction with the construction of an accessory dwelling unit or junior accessory dwelling unit.
  - 3. Building Separation.** No building separation between accessory dwelling unit(s) and other structures shall be required as long as all the structures meet minimum Building Code safety standards and allow for separate access.
  - 4. Kitchen.** Except as provided in Subsection 35.420.015.G.3 above, an accessory dwelling unit shall provide complete independent living facilities for one or more persons, including permanent provisions for eating and cooking inclusive of the following.
    - a. A cooking facility with appliances, including at least a range, sink, and freestanding refrigerator; and
    - b. Food preparation counter and storage cabinets that are of reasonable size in relation to the size of the accessory dwelling unit and not less than four feet in length.
- 35. Rental restrictions.**
- a. An accessory dwelling unit or junior accessory dwelling unit may be used for rentals provided that the length of any rental is longer than 30 consecutive days.
  - b. The use of an accessory dwelling unit or junior accessory dwelling unit as a Farmstay, Homestay, or Short-Term Rental shall be prohibited in all zones.

- 6. Sale restriction.** Except as provided in Government Code Section 65852.26, an accessory dwelling unit or junior accessory dwelling unit shall not be sold or otherwise conveyed separate from principal dwelling(s).

## **SECTION 7:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection B, Development Standards, of Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

### **B. Development standards.**

- 1. Sequence of construction.** Except in agricultural zones, accessory structures shall not be constructed on a lot until construction of the principal structure has begun or the principal use has been established and commenced, and an accessory structure shall not be used unless the principal structure on a lot is also being used or the principal use has been established and commenced.
- 2. Standards for attached structures.** An accessory structure attached to the principal structure shall comply with the use, setback, and height requirements applicable to the principal structure.
- 3. Height restrictions.** Accessory structures shall conform to the following height limits:
  - a. Accessory structures.** Except as provided below, the height limit for accessory structures is 16 feet unless located in the rear setback, in which case the height limit is 12 feet.
    - (1) Barns and stables.** Barns and stables shall comply with the height limit of the applicable zone unless located in the rear setback, in which case the height limit is 12 feet.
    - (2) Fences and walls.** See [Section 35.430.070 \(Fences and Walls\)](#) for height limits for fences and walls.
    - (3) Guesthouses, artist studios and cabañas.** See [Section 35.442.120 \(Guesthouses, Artist Studios, and Cabañas\)](#) for height limits for guesthouses, artist studios and cabañas.
    - (4) May be located above or below another accessory structure in areas where the H-MON overlay does not apply, provided the height of the combined accessory structure does not exceed 25 feet.**
  - b. Telecommunication facilities.** See [Chapter 35.444 \(Telecommunications Facilities\)](#) height limits and exception for commercial and noncommercial telecommunication facilities.
- 4. Setback requirements.** Detached Accessory structures, including swimming pools, spas, and appurtenant equipment, shall comply with the front and side setback requirements of the applicable zone unless otherwise specifically allowed in compliance with this Development Code.
  - a. Location in rear setback.**
    - (1) Other accessory structures.** Except as provided in Subsection B.4.a.(1), above, ~~an~~ detached accessory structure, other than guesthouses, artist studios and cabañas ([Section 35.442.120](#)) may be located in the required rear setback provided that:
      - (a) It is not attached to the principal structure.
      - (b) It is not located closer than 10 feet to the principal structure.
      - (c) The cumulative footprint of all accessory structures, including accessory dwelling units, that encroach into the setback does not exceed 30 percent of the required rear

setback.

- (d) It does not exceed a height of 12 feet.
  - (e) If located on a corner lot backing on a key lot, the accessory structure shall be set back from the rear property line by a distance equal to the side setback requirement applicable to the key lot.
  - (f) A swimming pool, spa, and appurtenant equipment shall not be located closer than five feet to any property line.
  - (g) An accessory structure may otherwise be located adjacent to the rear property line provided that all other provisions (e.g., building code or fire code requirements for separation between structures) are complied with.
- b. Corner lot setbacks.** Accessory structures located on a corner lot having a width of less than 100 feet shall not be located closer to the front line of the lot than the principal structure on that lot.
- c. Swimming pools and spas in setback area.** Swimming pools, spas, and appurtenant equipment shall not be located:
- (1) **Lots other than interior lots.** In the required front or side setback areas and, if located within the rear setback, shall not be located closer than five feet to any property line.
  - (2) **Interior lots.** Closer than 10 feet to any property line.
- 5. Kitchen or cooking facilities/amenities prohibited.** Accessory structures, including artist studios, cabañas and guesthouses, shall not contain kitchen or cooking facilities unless the accessory structure is specifically permitted as a dwelling (e.g., accessory dwelling units and junior accessory dwelling units). Artist studios, cabañas and guesthouses are not dwellings.
- 6. Gross floor area and footprint limitations.**
- a. All accessory structures.** ~~Detached a~~ Accessory structures, including accessory structures containing one or more accessory uses, shall not exceed a building footprint area of 800 square feet, as measured to the interior surface of exterior perimeter walls, posts, columns, or other supports.
- (1) This 800-square-foot building footprint limitation shall not apply to accessory dwelling units ~~and junior accessory dwelling units~~ allowed in compliance with [Section 35.442.015 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#), barns, and stables; however, an accessory structure ~~shall not~~ may only be attached to another accessory dwelling unit, ~~junior accessory dwelling unit~~, barn, or stable if the total footprint area of the combined structure ~~exceeds~~ is 800 square feet or less. This shall not be construed in any way to limit the size of an accessory dwelling unit stacked above or below another accessory structure when constructed in compliance with Section 35.442.015.
  - (2) For the purposes of this Subsection B.6.a, “footprint” refers to how the building sits on the ground. The building footprint includes the following:
    - (a) Any cantilevered portions of the structure as viewed perpendicularly from above.
    - (b) Any fully enclosed, partially enclosed, or unenclosed portions of the accessory structure located beneath a solid roof or other permanent covering.
    - (c) The area of any portions of roof eaves that extend more than three feet from the exterior wall of the building.

(d) The footprint for structures that are fully or partially below grade shall be limited to only that portion of the structure with exposed walls.

...

### **SECTION 8:**

DIVISION 35.10, Glossary, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to change the definitions of “Accessory dwelling unit” to read as follows:

**Accessory Dwelling Unit.** An attached or a detached residential dwelling unit that is located on the same lot as a one-family or multiple-family dwelling to which the accessory dwelling unit is accessory and (1) provides complete independent living facilities for one or more persons including permanent provisions for cooking, eating, living, sanitation, and sleeping, and (2) provides interior access between all habitable rooms. An accessory dwelling unit may also include an efficiency unit, as defined in Section 17958.1 of Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

1. **Attached Accessory Dwelling Unit.** An accessory dwelling unit that shares at least five feet of common wall with, or is stacked above or below, the principal dwelling or an attached accessory structure.
2. **Detached Accessory Dwelling Unit.** An accessory dwelling unit that is detached from the principal dwelling and is located on the same lot as the principal dwelling. A detached accessory dwelling unit may be attached to a detached accessory structure.

### **SECTION 9:**

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

### **SECTION 10:**

Except as amended by this ordinance, Divisions 35.2, 35.4, and 35.10 of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

### **SECTION 11:**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

### **SECTION 12:**

If legislation is enacted that amends Government Code sections 65852.2 or 65852.22 or other provisions regarding Accessory Dwelling Units or Junior Accessory Dwelling Units which would supersede or preempt any section or subsection of this ordinance then, that the Board of Supervisors deems that section



or subsection null and void and this ordinance shall remain in effect without said section or subsection and continue to apply to all Accessory Dwelling Units and Junior Accessory Dwelling Units.

**SECTION 13:**

For applicants that have received an issued Building Permit for a proposed accessory dwelling unit or junior accessory dwelling unit on or before the effective date of this ordinance, the Building Permit shall remain valid, provided that the proposed accessory dwelling unit or junior accessory dwelling unit receives final building inspection approval by one year following the effective date of this ordinance.

**SECTION 14:**

This ordinance shall take effect and be in force 30 days from the latter of: (i) the date the Board adopts the ordinance, or (ii) pursuant to Government Code Section 68582.2(h), upon either the date that: (a) the California Department of Housing and Community Development (HCD) finds that the ordinance complies with State law, or (b) the Board of Supervisors adopts a resolution addressing HCD's findings; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the Board voting for and against the same in 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 \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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DAS WILLIAMS, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ADUs, SC Rezone, and Minor Ordinance Amendments  
Case No. 23ORD-00007, -08, -09, 23RZN-00003  
Board of Supervisors  
Hearing Date: November 7, 2023  
Attachment 4: MLUDC Amendment with Changes Shown  
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ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

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

APPROVED AS TO FORM:

RACHEL VAN MULLEN

COUNTY COUNSEL

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