

ORDINANCE NO. 2025-04

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SANTA MARIA, CALIFORNIA,
AMENDING TITLE 12, "ZONING," CHAPTER 12-56 "ACCESSORY
DWELLING UNITS" OF THE CITY OF SANTA MARIA MUNICIPAL CODE**

WHEREAS, State law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that amended Government Code Sections 65852.2 and 65852.22 to impose new limits on local authority to regulate Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs); and

WHEREAS, SB 477, which became law in March of 2024, reorganized various provisions relating to the creation and regulation of ADUs and JADUs, which resulted in a renumbering of State ADU and JADU regulations; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs in order to reflect the renumbering and to comply with current California law; and

WHEREAS, as provided by California Government Code Section 66499.41(g), the City desires to opt out of permitting ADUs or JADUs on parcels created through the exercise of the authority contained within Government Code Section 66499.41, known as the Starter Home Revitalization Act of 2021; and

WHEREAS, on June 4, 2025 and September 3, 2025, the Planning Commission conducted noticed public hearings and voted to recommend that the City Council adopt the ADU/JADU ordinance; and

WHEREAS, on October 21, 2025, the City Council conducted a noticed public hearing.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the City Council of the City of Santa Maria, State of California, as follows:

SECTION 1. Title 12, Chapter 12-56 of the Santa Maria Municipal Code is hereby amended as follows:

“CHAPTER 12-56 ACCESSORY DWELLING UNITS

Section 12-56.01. Purpose.

The purpose of this Chapter is to allow and regulate Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in compliance with California Government Code Sections ~~65852.266314~~ et seq. and ~~65852.2266333~~ et seq. The intent is to encourage the orderly development of ADUs and JADUs that contribute needed housing.

Section 12-56.02. Effect of Conforming.

An ADU or JADU that conforms to the standards in this section will not be:

1. Deemed to be inconsistent with the City’s General Plan land use designation and zone district for the lot on which the ADU or JADU is located.
2. Deemed to exceed the allowable dwelling unit density for the lot on which the ADU or JADU is located.
3. Considered in the application of any City ordinance, policy, or program to limit residential growth.
4. Required to correct a Nonconforming Zoning Condition, as defined below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

Section 12-56.03. Definitions.

1. **Accessory Dwelling Unit (ADU).** An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family or multi-family dwelling is or will be situated. An Accessory Dwelling Unit also includes the following:
 - a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
2. **Accessory Structure.** A structure that is accessory and incidental to a dwelling located on the same lot.
3. **Efficiency Kitchen.** A kitchen that includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.

4. **Existing Structure.** For the purposes of defining an allowable space that can be converted to an accessory dwelling unit, within the proposed space of an existing structure means within the four walls and roofline of any existing structure that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

5. **Junior Accessory Dwelling Unit (JADU).** A residential unit that:
 - a. Is no more than 500-square-feet in size;
 - b. Is contained entirely within a single-family residence or attached garage;
 - c. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family dwelling. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family dwelling in addition to an exterior entrance that is separate from the main entrance to the primary dwelling; and
 - d. Includes an efficiency kitchen as defined herein.

6. **Living Area.** The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

7. **Multi-Family Dwelling.** Any structure designed for human habitation that has been divided into two or more legally created independent living quarters.

8. **Nonconforming Zoning Condition.** A physical improvement on a property that does not conform with current zoning standards.

9. **Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

10. **Public Transit.** A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

Section 12-56.04. Approval Requirements.

1. **Approval of ADUs and JADUs in conformance with Government Code Section ~~65852.2(e)(1)~~66323.** The Community Development Director shall ministerially approve an application for an ADU or JADU that complies with each of the general requirements in Section 12-56.04(a) with a building permit for any of the following:

a. Converted on a single-family dwelling lot.

- i. One ADU on a lot with a proposed or existing single-family dwelling on it, where the ADU:
 1. Is either:
 - a. Within the space of a proposed single-family dwelling; or
 - b. Within the space of an existing single-family dwelling; or
 - c. Within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
 2. Has exterior access that is independent of that for the proposed or existing single-family dwelling; and
 3. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
- ii. One JADU within the space of an existing or proposed single-family dwelling or attached garage in compliance with the requirements of Government Code Section ~~65852.2266333~~.

 1. When a garage is converted to a JADU, onsite replacement parking shall be provided in conformance with Chapter 12-32. Covered parking is not required.

b. Limited detached on a single-family dwelling lot. One detached, new construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under Section 12-56.04.1.a above), if the detached ADU satisfies the following limitations:

- i. The side and rear setbacks are at least four feet.
- ii. The floor area is a maximum of 800-square-feet.
- iii. The height does not exceed the applicable height limit in subsection 12-56.05(A)(2), below.

c. Converted on multi-family dwelling lot.

- i. Multiple ADUs within portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings.

- ii. At least one converted ADU is allowed within an existing multi-family dwelling, and up to 25 percent of the existing multi-family dwelling units may each have a converted ADU under this subsection.

d. **Limited detached on multi-family dwelling lot.** On a lot with an existing multi-family dwelling, not more than eight detached ADUs. No more than two detached ADUs on a lot that has an existing or proposed multi-family dwelling. However, in this instance the number of ADUs allowable shall not exceed the number of existing units on the lot. On a lot with a proposed multi-family dwelling, not more than two detached ADUs. In both instances, each detached ADU shall meet satisfies the following requirements/limitations:

- i. The side and rear yard setbacks are at least four feet. If the existing multi-family dwelling has a rear or side yard setback of less than four feet, the City will not require any modification to the existing multi-family dwelling as a condition of approving the ADU.
- ii. The height does not exceed the applicable height limit in subsection 12-56.05.(A)(2), below.

2. **Approval of ADUs not in conformance with Government Code Section 65852.2(e)(1)66323.** Except as allowed under subsection 12-56.04.1 above, one attached or one detached ADU shall be allowed for each lot with a single-family dwelling or in connection with a proposed single-family dwelling for a vacant lot. No ADU may be constructed or legalized without obtaining a building permit in compliance with the development standards contained in Section 12-56.05, below.

Section 12-56.05. Development Standards for ADUs and JADUs.

A. The following requirements apply to all ADUs and JADUs that are approved under Sections 12-56.04.1 and 12-56.04.2, above:

1. **Zoning.** ADUs may be permitted on lots in a residential or mixed-use zoning district with an existing legal single-family or multi-family dwelling, or in connection with a proposed single-family or multi-family dwelling for a vacant lot. JADUs are only permitted on lots that are zoned for single-family residential (R-1 & RSL-1) with an existing or proposed single-family dwelling.

2. **Height.**

- a. A detached ADU created on a lot with an existing or proposed single-family dwelling unit may not exceed 18-feet in height. The ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit. A detached ADU created on a single-family lot that also contains a permitted JADU may not exceed 16-feet in height.
- b. A detached ADU created on a lot that has an existing or proposed multi-family dwelling unit may not exceed 16-feet in height. The height limit may

be increased to 18-feet in height if the existing or proposed multi-family dwelling unit has more than one story above grade or is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. The ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

- c. An ADU that is attached to the primary dwelling may not exceed 25-feet in height or the height limitation imposed by the underlying zone district that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection may not exceed two stories.
 - d. For purposes of this section, height is the vertical distance between the existing legal grade and the uppermost point of the roof of the structure directly above that legal grade.
3. **Minimum Size.** The minimum floor area of an ADU is 150-square-feet for a standard unit. An “efficiency unit” ADU, in accordance with California Health and Safety Code Section 17958.1, may be a minimum of 150-square-feet.
4. **Owner Occupancy.** For all JADUs, either the primary dwelling unit or the newly created JADU shall be owner-occupied as a primary dwelling unit and permanent residence by the property owner(s). Owner-occupancy shall not be required if the owner is another government agency, land trust, or housing organization.
- a. If the Zoning Administrator determines that neither of the units is occupied by the property owner, the approval of the JADU shall terminate immediately and the unit shall not be rented, leased, or occupied as a separate dwelling.
 - b. For the purposes of this Chapter, the property owner is the majority owner of the property as shown in the most recent Santa Barbara County assessor’s roll. If there is more than one property owner on record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share interest in the property may be deemed the majority property owner.
 - c. **Covenant Agreement.** A covenant agreement is required prior to the issuance of a building permit. The covenant agreement shall state that:
 - i. The JADU shall not be sold separately.
 - ii. The JADU is restricted to the approved size;
 - iii. The property owner is required to reside in the primary dwelling unit or the JADU;
 - iv. The use of the JADU shall be in effect only so long as the property is in compliance with the provisions of this Chapter;

- v. The above declarations are binding upon any successor in ownership of the property, lack of compliance shall be cause for code enforcement;
 - vi. The covenant agreement shall terminate upon removal of the JADU;
 - vii. The covenant agreement shall be recorded with the County Recorder of the County of Santa Barbara at the expense of the property owner.
5. **No separate conveyance.** Except as provided in Government Code Section 66340 et seq. ~~65852.26~~, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family dwelling lot) or from the lot and all of the dwellings (in the case of a multi-family dwelling lot). All restrictive covenants, and other contractual agreements with the City apply to the property. No JADU may be sold or otherwise conveyed separately from the single family residence.
6. **Rental of Unit.** Rental of the ADU or JADU is allowed for not less than 30-days.
7. **Building Codes.** Local building code requirements apply to ADUs and JADUs, as appropriate.
8. **Passageway.** No passageway shall be required in conjunction with the construction of an ADU.
9. **Fire Sprinklers.** Fire sprinklers are required in an ADU or JADU if sprinklers are required in the primary residence. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the primary dwelling.
10. **Utility Meters.** ADUs and JADUs shall not be considered new residential uses for the purpose of calculating utility connection fees or capacity charges, including water and sewer service. ADUs and JADUs contained within an existing residence or an existing accessory structure are not required to install new or separate utility connections or pay a related connection fee or capacity charge. For new attached and detached ADUs, the connection fee and/or capacity charge must be proportionate to the burden of the unit on the water or sewer system based on either its square feet or the number of its drainage fixture unit (DFU) values, as defined by the Plumbing Code.
11. **Development Impact Fees.**
- a. No development impact fees are required for an ADU that is less than 750-square-feet in floor area. For purposes of this subsection, "impact fee" means a "fee" under the Mitigation Fee Act (Government Code Section 66000(b)) and a fee under the Quimby Act (Government Code Section

66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

- b. Any development impact fee that is required for an ADU that is 750-square-feet or larger in floor area must be charged proportionately in relation to the square footage of the primary dwelling unit. "Development impact fee" here does not include any connection fee or capacity charge for water or sewer service. The amount of the required fee shall be determined by adopted fee Resolutions and ordinances and applicable law in effect when paid.

B. The following requirements apply to all ADUs and JADUs that are approved under Section 12-56.04.2, above:

1. Maximum Size.

- a. The maximum size of an ADU is as follows:
 - i. 850-square-feet for a studio or one-bedroom ADU.
 - ii. 1,000-square-feet for an ADU with two or more bedrooms.
- b. An attached ADU that is created on a lot with an existing or proposed primary dwelling is further limited to 50 percent of the floor area of the existing or proposed primary dwelling.
- c. Application of other development standards in this Section, such as lot coverage (as applicable), might further limit the size of the ADU, but no application of the percent-based size limit above or of a front setback, lot coverage limit, or open space requirement (as applicable) may require the ADU to be less than 800 square feet.

2. Lot Coverage. No ADU may exceed 10 percent of the total lot area of the subject lot, subject to subsection B.1.c above.

3. Setbacks. ADUs subject to this subsection must observe the following setback requirements:

- a. Side setback: Four feet
- b. Rear setback: Four feet
- c. Front Setback: The ADU shall be constructed in accordance with the setback of the underlying zone district, subject to Section B.1.c above.
- d. No setback is required for an ADU subject to this subsection if the ADU is constructed in the same location and to the same dimensions as an existing structure.

4. Building Separation. The minimum separation between the primary dwelling unit and a detached ADU must be at least five feet for new construction.

5. Parking.

- a. Parking for ADUs shall be provided at a rate of one parking space per ADU or per bedroom, whichever is less. These spaces shall be provided in conformance with Section 12-32.12, except that tandem parking is allowed for ADUs as stated in Government Code section ~~65852-22~~66314 unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon the specific site or regional topographical or fire and life safety conditions.
- b. Parking requirements for an ADU are in addition to the required parking for the primary dwelling unit.
- c. Parking is not required in any of the following instances:
 - i. The ADU is located within ½ mile walking distance of public transit.
 - ii. The ADU is located within an architecturally and historically significant district;
 - iii. The ADU is part of the proposed or existing primary residence or an accessory structure;
 - iv. When on-street parking permits are required but not offered to the occupant of the ADU;
 - v. When a car share vehicle is located within one block of the ADU.

6. Objective Design Standards.

- a. The materials and colors of the exterior walls, roof, windows, and doors must match the appearance of those of the primary dwelling. Samples of existing and proposed colors, materials, roofing, and features must be provided as part of a complete ADU application.
- b. The roof pitch must match that of the dominant roof pitch of the primary dwelling. The dominant roof pitch is the pitch shared by the largest portion of the roof. Roof pitch and roof materials for a newly constructed ADU may be different from that of the primary dwelling on the lot only if accommodating installation of solar energy systems at the same time as construction of the ADU.
- c. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight. Samples of proposed vegetative screening and planting locations must be provided as part of a complete ADU application. Exceptions to this design standard apply only to conversion of legally permitted structures that do not include installation of new exterior windows facing an adjacent property line or when only clerestory windows are used and do not provide views into neighboring lots.

- d. Two-story detached ADUs shall limit the major access to stairs, decks, entry doors, and windows to the interior of the lot or an alley and comply with all development standards. Only one (1) curb cut shall be permitted per parcel and no additional driveways or access points shall be created to accommodate the ADU or main dwelling unit.
 - e. Exterior lighting shall be directed downward, fully shielded, and full cutoff or as otherwise required by the building or fire code.
 - f. Private Open Space. The main dwelling unit and the additional dwelling unit shall each be provided with a minimum of fifteen (15) feet by fifteen (15) feet of usable private open yard area, subject to subsection B.1.c above.
7. **Historical Protections.** An ADU that is on real property that is listed in the California Register of Historic Resources may not alter the exterior of any structure that is designated as a historic resource or, if the entire lot is designated as a historic resource, it may not alter the exterior of any structure on the lot.

Section 12-56.06. Permit process and timing.

- 1. ADUs and JADUs shall be permitted ministerially, without discretionary review or a hearing. The Community Development Director shall issue a building permit to establish an ADU and/or JADU in compliance with this Chapter if all applicable requirements in this Chapter are met, as appropriate.
- 2. The City must approve or deny an application to create an ADU or JADU within 60-days from the date that the City receives a completed application. If the City has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
 - a. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or
 - b. If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU shall be considered without discretionary review or hearing. Final building permit inspection for the single-family dwelling shall be approved prior to final building permit inspection approval for the ADU or JADU.
- 3. If the City denies an application to create an ADU or JADU, the City must provide the applicant with comments that include a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection (2) above.

Section 12-56.07. Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

1. The City will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
2. As required by State law, the City may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020~~18~~, if denial is based on either of the following grounds:
 - a. The ADU or JADU violates building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, applicable building standards, or
 - b. The ADU or JADU does not comply with the State ADU or JADU law (Government Code Section ~~65852.266314~~ et seq., ~~65852.2266333~~ et seq.) or this ~~section~~Chapter.
 - c. Exceptions:
 - i. Notwithstanding subsection 2 above, the City may deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2020~~18~~, if the City makes a finding that correcting a violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code. Protect the health and safety of the public or of occupants of the structure.
 - ii. Subsection 2 above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code Section 17920.3.”

Section 12-56.08. ADUs and JADUs prohibited on parcels created under the Starter Home Revitalization Act.

As provided for by State of California Government Code Section 66499.41(g), the City of Santa Maria chooses not to permit an ADU or a JADU on parcels created through the exercise of the authority contained within Government Code Section 66499.41, known as the Starter Home Revitalization Act of 2021.

SECTION 2. Under California Public Resources Code Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code, which sets forth California’s ADU and JADU law. Additionally, per California Government Code Section 66499.41(i), the adoption of an ordinance to implement the provisions of California Government Code Section 66499.41 shall not be considered a project under Division 13 (commencing with Section 21000) of the Public

Resources Code. Therefore, the Ordinance is statutorily exempt from CEQA.

SECTION 3. If any part or provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the chapter, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

SECTION 4. The Chief Deputy City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the Chief Deputy City Clerk shall consult with the City Manager and City Attorney concerning any changes deemed necessary.

SECTION 5. This Ordinance shall be in full force and effect thirty (30) days after its passage. Within fifteen days following its passage, the City Clerk shall cause this Ordinance to be published in a newspaper of general circulation in accordance with State Law; or when deemed necessary due to the length or complexity of the Ordinance, cause a summary of the Ordinance to be prepared and published at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted. If a summary is published at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted, then within 15 days after adoption of the Ordinance the City Clerk shall publish a summary of the Ordinance with the names of those City Council Members voting for and against the Ordinance and shall post a certified copy of the full text of such adopted Ordinance along with the names of those City Council Members voting for and against the Ordinance.

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INTRODUCED at a regular meeting of the City Council held on the 21st day of October 2025, and **PASSED AND ADOPTED** at a regular meeting held on the 4th day of November 2025, by the following roll call vote:

AYES: Councilmembers Soto, Aguilera-Hernandez, Flores, Mayor Pro Tem Escobedo, and Mayor Patino.

NOES: None.

ABSENT: None.

ABSTAINED: None.



Mayor

ATTEST:



Chief Deputy City Clerk



APPROVED AS TO FORM:



City Attorney

APPROVED AS TO CONTENT:



Department Director



City Manager

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF SANTA MARIA)

I, **Donna G. Schwartz**, Chief Deputy City Clerk of the City of Santa Maria, **hereby certify** that the foregoing Ordinance, being **Ordinance No. 2025-04** which was duly and regularly introduced by the City Council of the City of Santa Maria at a regular meeting of said Council held on the **21th day of October 2025**, on motion by Councilmember Aguilera-Hernandez, seconded by Mayor Pro Tem Escobedo, and carried on the following vote:

AYES: Councilmembers Aguilera-Hernandez, Flores, Soto, Mayor Pro Tem Escobedo, and Mayor Patino

NOES: None

ABSENT: None

ABSTAINED: None

and which was adopted by the City Council of Santa Maria at a regular meeting of said Council held on the **4th day of November 2025**, on motion by Mayor Pro Tem Escobedo, seconded by Councilmember Flores and carried on the following vote:


AYES: Councilmembers Aguilera-Hernandez, Flores, Soto, Mayor Pro Tem Escobedo, and Mayor Patino

NOES: None

ABSENT: None

ABSTAINED: None

I further certify that said **Ordinance No. 2025-04** was duly published in accordance with the law and order of said City Council in the SANTA MARIA TIMES, a newspaper printed and published in said City on the **30th day of October 2025**, and **13th day of November, 2025**.



Chief Deputy City Clerk
City of Santa Maria

