

ORDINANCE _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
ADDING CHAPTER 17.53 TO THE ATHERTON MUNICIPAL CODE**

The City Council of the Town of Atherton does hereby ordain as follows:

SECTION 1: Chapter 17.53 is hereby added to the Atherton Municipal Code as follows:

CHAPTER 17.53

**Regulations and Objective Standards for Urban Lot Splits and Development Projects
Sought Pursuant to Government Code Sections 65852.21 and 66411.7**

17.53.010 - Purpose and Intent.

- (a) The purpose of this chapter is to provide the owner of a parcel that is zoned for single-family residential use, as defined in Chapters 17.32, 17.33 and 17.37, additional options to subdivide their parcel through an urban lot split and develop the parcel for the purpose of creating additional housing within the Town of Atherton.
- (b) This chapter implements Government Code Section 66411.7 and 68852.21 ("SB 9") by establishing the objective criteria applicable to such urban lot splits and development.
- (c) These regulations are established to provide for the orderly subdivision and development of qualified projects while ensuring that the urban lot splits and developments are consistent with the existing development patterns of the Town and do not create any significant impacts with regards to public infrastructure or public safety.
- (d) The City Council of the Town of Atherton adopts this chapter to comply with SB 9 under protest, as it is the Council's position that in enacting these laws, the legislature has improperly usurped local land use authority.

17.53.020 Definitions.

For purposes of this chapter, the following definitions apply:

- (e) "Accessory dwelling unit" or "ADU" means a building or portion of a building designed for use and occupancy by people living independently of the occupants of the main residence building and containing separate kitchen, bath, sleeping, or living facilities.
- (f) "Applicant" means the owner of a parcel, or their representative, applying for an urban lot split or the development of an additional single-family dwelling based on the provisions of this chapter.
- (g) "Dwelling Unit" means a primary dwelling unit, ADU, or JADU.
- (h) "Existing dwelling unit" means a primary dwelling unit or other dwelling unit on a parcel that exists prior to any voluntary demolition or reconstruction or remodel where more than 50% of the exterior wall framing has been removed or altered. Any existing dwelling unit where more than 50% of the exterior wall framing has been removed is considered a new dwelling for purposes of this article.

