

**Town of Yountville**  
**Ordinance Number 22-510**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YOUNTVILLE ADDING  
CHAPTER 17.158 OF THE YOUNTVILLE MUNICIPAL CODE REGARDING TWO  
DWELLING RESIDENTIAL DEVELOPMENTS AND URBAN LOT SPLITS**

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**Now, therefore, the Town Council of the Town of Yountville does ordain as follows:**

SECTION 1. CODE AMENDMENT: Chapter 17.158 of Title 17 of the Yountville Municipal Code is hereby added to read as follows:

**CHAPTER 17.158 – TWO DWELLING RESIDENTIAL DEVELOPMENTS AND URBAN LOT SPLITS**

17.158.010 Two dwelling residential developments

17.158.020 Urban lot splits

17.158.030 Cost recovery agreement, deposits, and fees

**17.158.010 Two dwelling residential developments**

The following shall apply to Two Dwelling Residential Developments proposed pursuant to the requirements of Government Code section 65852.21.

*a. Purpose & Applicability*

It is the intent of these regulations to provide opportunities to construct Two Dwelling Residential Developments on parcels zoned Old Town Historic (H) and Single Family Residential (RS).

*b. Land Use, Zoning, & Density*

1. Two Dwelling Residential Developments are a permitted residential use on parcels zoned Old Town Historic (H) and Single Family Residential (RS).
2. Two Dwelling Residential Developments are not subject to the density requirements of the General Plan, this code, or to the maximum density or unit count stipulated in an any master plan and/or precise development plan

applicable to properties zoned Old Town Historic (H) or Single Family Residential (RS).

c. *Definitions*

The definitions below shall apply to this section only.

1. "Accessory Structure" means a structure that is accessory and incidental to a Single-Family Dwelling located on the same lot.
2. "Car Share Vehicle" means a vehicle available for sharing located in a Car Share Vehicle Facility approved by the Town.
3. "Car Share Vehicle Facility" means a facility at a fixed location approved by the Town to permit the storage, pick-up, and drop-off of a Car Share Vehicle.
4. "Dwelling Unit(s)" has the same meaning as defined in Section 17.236.010 of this code.
5. "Existing Structure" means an existing permitted or otherwise legal Single-Family Dwelling or Accessory Structure.
6. "Floor Area" has the same meaning as defined in Section 17.100.020 of this code.
7. "Garage" has the same meaning as defined in Section 17.236.010 of this code.
8. "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.
9. "Lot Coverage" means the percentage of the total lot area that is occupied by buildings or structures that are roofed or otherwise covered or that are unroofed and have a finished floor.
10. "Nonconforming Zoning Condition" means a physical improvement on a property that does not conform with current zoning standards.
11. "Objective Standards" means design, development, and subdivision standards contained within this code.
12. "Single-Family Dwelling" has the same meaning as defined in Section 17.236.010 of this code.

13. "Two Dwelling Unit Permit" means a Town-issued permit required prior to the construction of a Two Dwelling Residential Development.
14. "Two Dwelling Residential Development" means a housing development consisting of no more than two Dwelling Units and created under this section.

d. *Planning Permit & Application Requirements*

1. Two Dwelling Unit Permit Required. A proposal to construct a Two Dwelling Residential Development must obtain a Two Dwelling Unit Permit prior to undertaking construction.
2. Application Submittal Requirements. The submittal requirements for a Two Dwelling Unit Permit application shall be established by separate policy published by the Planning Officer.

e. *Review Procedures, Notice, & Action*

1. Completeness Review. The Planning Officer or designee shall determine whether the application for a Two Dwelling Unit Permit is complete pursuant to the requirements of Government Code section 65943.
2. Objective Standard Consistency. The Planning Officer or designee shall provide an applicant for a Two Dwelling Unit Permit with written documentation identifying any inconsistencies with the Objective Standards applicable to Two Dwelling Residential Developments within 30-days of the application being determined to be complete.
3. Courtesy Notice. A courtesy notice shall be issued to adjacent properties and physically posted in a prominent location visible from the public right-of-way on the property by the Planning and Building Department a minimum of ten (10) days prior to the date of action on a Two Dwelling Unit Permit.
4. Ministerial Action. The Planning Officer or designee shall render a ministerial decision without a public hearing on a Two Dwelling Unit Permit application but not prior to conclusion of the courtesy noticing period. The Planning Officer's action to grant or deny a Two Dwelling Unit Permit is final and not subject to appeal.
5. Conditions of Approval. The Planning Officer may impose conditions of approval to ensure compliance with the Objective Standards and other provisions of this code prior to issuing a building permit.

- f. *Parcel Eligibility.* A Two Dwelling Residential Development shall be allowed on parcels located in the single-family residential zones listed under subsection B.1. above, except where:
1. The subject parcel meets one or more of the criteria specified in Government Code section 65913.4(a)(6)(B) to (K);
  2. The subject parcel is a property on which the owner has exercised their rights under Government Code Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date of submitting an application for a Two Dwelling Unit Permit; or
  3. The Two Dwelling Residential Development is proposed on a parcel located within a historic district or a property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a Town or county landmark or historic property or district pursuant to a Town or county ordinance.
- g. *Demolition & Alteration of Existing Structures.* A Two Dwelling Residential Development shall not require the demolition or alteration of an existing housing unit(s):
1. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
  2. Subject to any form of rent or price control through a public entity's valid exercise of its police power; or
  3. Occupied by a tenant in the last three years.
- h. *Maximum Number of Units.* A Two Dwelling Residential Development shall include no more than two dwelling units. A Two Dwelling Residential Development may also be combined with one (1) accessory dwelling unit and one (1) junior accessory dwelling unit subject to Chapter 17.156 of this code and applicable provisions of state law.
- i. *Nonconforming Zoning Conditions.* Notwithstanding the provisions of Chapter 17.232 of this code, the construction of a Two Dwelling Residential Development shall not be contingent on the correction of any Nonconforming Zoning Condition.

- j. *Separate Sale or Conveyance.* The dwelling units in a Two Dwelling Residential Development shall not be separately sold or conveyed unless located on parcels created under the provisions of Government Code section 66411.7. However, the dwelling units shall be designed to allow the possibility for separate conveyance.
- k. *Building Code.* All local and state building code provisions applicable to Dwelling Units shall apply to Two Dwelling Residential Developments. A Two Dwelling Residential Development shall meet all local and state building code provisions necessary to accommodate separate conveyance of the Dwelling Units created thereby.
- l. *Easements.* Dwelling Units in a Two Dwelling Residential Development shall not encroach on any easement.
- m. *Effect of Other Ordinances, Policies, & Regulations.* Two Dwelling Residential Developments shall comply with all applicable ordinances, policies, and regulations of the Town including, but not limited to, this code. Accordingly, an applicant for a Two Dwelling Residential Development is not entitled to construct such a development in any form of their choosing, but rather must accept the development configuration meeting all applicable standards. If no form of a Two Dwelling Residential Development can conform to all applicable ordinances, policies, and regulations of the Town including, but not limited to, this code, then a property owner shall be entitled to construct a Two Dwelling Residential Development in the form that most substantially complies with applicable ordinances, policies, and regulations and allows two Dwelling Units of no less than 800 square feet in gross Floor Area each.
- n. *Modification of Provisions.* Where the Town is compelled to modify a provision(s) of this section and/or this code to allow a Two Dwelling Residential Development with two, 800-square foot Dwelling Units, such modifications shall only permit the minimum deviation necessary to create a habitable structure pursuant to local and state building code provisions.
- o. *Minimum Rental Period.* Dwelling Units in a Two Dwelling Residential Development shall not be rented for a period of less than 30-days and, if rented, shall comply with Chapter 8.08 of this code.
- p. *Deed Restriction.* A deed restriction, signed by the property owner(s) of record and the Planning Officer or designee, shall be recorded with the Napa County Recorder's Office, listing the restrictions and limitations applicable to Two Dwelling Residential Developments as identified below. The deed restriction

shall be recorded prior to the final occupancy of the Two Dwelling Residential Development and run with the land, and shall be binding upon any future owners, heirs, or assigns. The deed restriction shall state:

1. The Dwelling Units created thereby shall not be sold separately from the primary dwelling unit unless an Urban Lot Split is approved pursuant to Section 17.158.020 of this code and Government Code Section 66411.7 and all local regulations addressed thereto are met;
  2. The Dwelling Units created thereby shall not be rented for a period of less than 30 consecutive calendar days and, if rented, shall comply with Chapter 8.08 of this code; and
  3. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with any provisions of this section can result in legal action against the property owner, including revocation of any right to maintain the Dwelling Units on the property.
- q. *Development Impact Fees.* Two Dwelling Residential Developments shall be subject to payment of development impact fees.
- r. *Street Address Required.* A street addresses shall be assigned to each Dwelling Unit created by a Two Dwelling Residential Development to assist in emergency response.
- s. *Separate Water and Electrical Services.* Each Dwelling Unit created by a Two Dwelling Residential Development shall have water and electrical meters separate from other units on the parcel.
- t. *Time Limits & Extensions.* A Two Dwelling Unit Permit granted pursuant to this section shall be valid for two years from the date of issuance.
- u. *Preemption.* In the event of an inconsistency between the provisions of this section and Government Code section 65852.21, Government Code Section 65852.21 shall prevail.
- v. *Development Standards*
1. Existing Structure Conversion

The following standards apply to a Two Dwelling Residential Development being created through the conversion of either an existing, permitted Single-

Family Dwelling into two dwelling units or an Accessory Structure creating a second Dwelling Unit on a parcel with a Single-Family Dwelling:

- a. Minimum Unit Size. The minimum gross Floor Area shall be 150 square feet.
- b. Maximum Unit Size.
  - i. Existing Single-Family Dwelling Conversion. The existing Living Area of a primary Single-Family Dwelling can be divided into two separate Dwelling Units of any gross Floor Area.
  - ii. Existing Accessory Structure Conversion. Up to 800 square feet of an existing Accessory Structure can be converted into a Dwelling Unit.
- c. Maximum Floor Area Ratio. The maximum Floor Area ratio shall be no greater than the gross area of the Existing Structure being converted.
- d. Maximum Lot Coverage. Lot Coverage shall not be increased.
- e. Maximum Height. Maximum building height shall be no greater than the height of the Existing Structure being converted.
- f. Setbacks. No setbacks are required for a Two Dwelling Residential Development created within the walls of an existing Single-Family Dwelling or Accessory Structure or within a replacement building constructed in the same location and to the dimensions as the Existing Structure.

## 2. Two Dwelling Residential Developments – Addition to Existing Structure

The following standards apply to Two Dwelling Residential Development being created through an addition to either an existing Single-Family Dwelling or Accessory Structure:

- a. Minimum Unit Size. The minimum gross Floor Area of each Dwelling Unit shall be 800 square feet.
- b. Maximum Unit Size. The maximum gross Floor Area of each Dwelling Unit shall be 800 square feet.

- c. Maximum Floor Area Ratio. The maximum Floor Area ratio shall be that assigned to the zoning district in which the development will be located.
- d. Maximum Lot Coverage. The maximum Lot Coverage shall be no greater than 60%.
- e. Maximum Height. The maximum height of a new addition to accommodate a Two Dwelling Residential Development shall be 16-feet. The height of a Dwelling Unit shall be measured in accordance with the definition of "Building Height" in Section 17.236.010 of this code. Notwithstanding the provisions of Chapter 17.104 of this code, architectural, decorative, and other roof elements (i.e., mechanical equipment, roof vents, chimney etc.) attached to a Dwelling Unit may not exceed this height limit.
- f. Setbacks. The setbacks applicable to an addition to an Existing Structure to accommodate a Two Dwelling Residential Development shall be as follows:
  - i. Front: As assigned to the zoning district in which the development will be located.
  - ii. Side: 4-feet.
  - iii. Rear: 4-feet.
- g. Maximum Setback Coverage. An addition to create a Two Dwelling Residential Development shall not cover more than 30% of the rear yard setback or 25% of the side yard setback established by the zoning district in which the development will be located.
- h. Fire Protection Building Separation Requirement. An addition to create a Two Dwelling Residential Development shall maintain a minimum building separation distance of three (3) feet from any other building(s).

### 3. Two Dwelling Residential Developments – New Detached Dwelling

The following standards apply to a Two Dwelling Residential Development being created through the construction of a new detached dwelling on a parcel developed with an existing, permitted Single-Family Dwelling:

- a. Minimum Unit Size. The minimum gross Floor Area of a Dwelling Unit shall be 800 square feet.
- b. Maximum Unit Size. The maximum gross Floor Area of a Dwelling Unit shall be 800 square feet.
- c. Maximum Floor Area Ratio. The maximum Floor Area ratio shall be that assigned to the zoning district in which the development will be located.
- d. Maximum Lot Coverage. The maximum Lot Coverage shall be no greater than 60%.
- e. Maximum Height. The maximum height of a new detached structure shall be 16-feet.
- f. Minimum Setbacks: The minimum setbacks for a new detached structure shall be as follows:
  - i. Front: As assigned to the zoning district in which the development will be located.
  - ii. Side: 4-feet.
  - iii. Rear: 4-feet.
- g. Maximum Setback Coverage. A new detached Dwelling Unit proposed in a Two Dwelling Residential Development shall not cover more than 30% of the rear yard setback or 25% of the side yard setback established by the zoning district in which the development will be located.
- h. Fire Protection Building Separation. A new detached Dwelling Unit shall maintain a minimum building separation distance of three (3) feet from any other building(s) on the subject parcel.

#### 4. Two Dwelling Residential Developments – New Two Family Dwelling

The following standards apply to the creation of a Two Dwelling Residential Development through the construction of a new structure containing two dwellings or two separate Dwelling Units on an undeveloped parcel:

- a. Minimum Unit Size. The minimum gross Floor Area of each Dwelling Unit shall be 800 square feet.

- b. Maximum Unit Size. The maximum gross Floor Area of each Dwelling Unit shall be 800 square feet.
  - c. Maximum Floor Area Ratio. The maximum Floor Area ratio shall be that assigned to the zoning district in which the development will be located.
  - d. Maximum Lot Coverage. The maximum Lot Coverage shall be no greater than 60%.
  - e. Maximum Height. The maximum height of a Two Dwelling Residential Development shall be 16-feet.
  - f. Minimum Setbacks: The minimum setbacks for a new detached structure shall be as follows:
    - i. Front: As assigned to the zoning district in which the development will be located.
    - ii. Side: 4-feet.
    - iii. Rear: 4-feet.
  - g. Maximum Setback Coverage. A Two Dwelling Residential Development shall not cover more than 30% of the rear yard setback or 25% of the side yard setback established by the zoning district in which the development will be located.
  - h. Fire Protection Building Separation. A new detached Dwelling Unit shall maintain a minimum building separation distance of three (3) feet from any other building(s) on the subject parcel.
- w. *Required Parking.* The following parking requirements shall apply to all Two Dwelling Residential Developments:
- 1. One (1) off-street parking space shall be required for each Dwelling Unit, except where:
    - a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in Public Resources Code section 21155, subdivision (b), or a major transit stop, as defined in Public Resources Code section 21064.3.

- b. When there is a Car Share Vehicle Facility located within one block of the subject property.
- 2. On-site parking, when required, shall be provided in a Garage, with each parking stall having a minimum dimension of 10-feet wide by 20-feet deep.
- 3. Off-street parking shall comply with applicable standards in this code.
- x. *Architecture*. New Two Dwelling Residential Developments shall have matching architectural elements, including:
  - 1. Paint color;
  - 2. Siding material and style;
  - 3. Roof pitch, material, and color; and
  - 4. Doors, windows, and trim.
- y. *Denial if Impacts*. The following requirement shall apply to all applications for new Two Dwelling Residential Developments.
  - 1. The application for a Two Dwelling Residential Development may be denied if the Planning and or Public Works Director makes written findings, based on a preponderance of evidence, that the proposed project would have a specific, adverse impact on public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. For purposes of this section, "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was determined to be complete, as specified in Government Code section 65589.5(d)(2).

#### **17.158.020 Urban lot splits**

The following shall apply to Urban Lot Splits proposed pursuant to the requirements of Government Code section 66411.7.

- A. *Purpose & Applicability*. It is the intent of these regulations to support Urban Lot Splits to accommodate the construction of Two Dwelling Residential Developments on parcels zoned Old Town Historic (H) and Single Family Residential (RS).

## *B. Land Use, Zoning, & Density*

1. Land Use. Parcels created by an Urban Lot Split shall only be developed with and used for Two Dwelling Residential Developments and accessory residential purposes pursuant to the standards and requirements of Section 17.158.010 of this code.
2. Zoning. Urban Lot Splits shall only be permitted for parcels zoned Old Town Historic (H) and Single Family Residential (RS).
3. Density. Urban Lot Splits are not subject to the density requirements of the General Plan or this code or to the maximum density or unit count stipulated in an any master plan and/or precise development plan applicable to properties zoned Old Town Historic (H) and Single Family Residential (RS).

## *C. Definitions*

The definitions below shall apply to this section only.

1. "Dwelling Unit(s)" has the same meaning as defined in Section 17.236.010 of this code.
2. "Nonconforming Zoning Condition" means a physical improvement on a property that does not conform with current zoning standards.
3. "Parcel Map" has the same meaning as defined in Section 16.08.010 of this code.
4. "Tentative Map" has the same meaning as defined in Section 16.08.010 of this code.
5. "Two Dwelling Residential Development" has the same meaning as defined in Section 17.158.010 of this code.
6. "Urban Lot Split" means a subdivision involving the division of an existing parcel into no more than two parcels and created under this section.

## *D. Parcel Map & Application Requirements*

1. Parcel Map Required. An Urban Lot Split shall require the submittal of an application for a Parcel Map prepared in accordance with the provisions of the Subdivision Map Act (Government Code section 66410 et seq.) and Title 16 of this code.

2. Application Submittal Requirements. The submittal requirements for a Parcel Map to permit an Urban Lot Split shall be established by separate policy published by the Public Works Director and/or the Planning Officer.

*E. Review Procedures, Notice, Action, Time Limit & Extension*

1. Completeness Review. The Public Works Director or the Planning Officer or their designees shall determine whether the Parcel Map application for an Urban Lot Split is complete pursuant to the requirements of Government Code section 65943.
2. Objective Standard Consistency. The Public Works Director and/or the Planning Officer or their designees shall provide an applicant for an Urban Lot Split with written documentation identifying any inconsistencies with the Objective Standards applicable to the Urban Lot Split within 30-days of the application being determined to be complete.
3. Courtesy Notice. A courtesy notice shall be issued to adjacent properties and physically posted in a prominent location visible from the public right-of-way on the property by the Planning and Building Department a minimum of ten (10) days prior to the date of action on an Urban Lot Split.
4. Ministerial Action. The Planning Officer or designee shall render a ministerial decision without a public hearing on a Parcel Map application for an Urban Lot Split but not prior to conclusion of the courtesy noticing period. The Planning Officer's action to approve or deny a Parcel Map for an Urban Lot Split is final and not subject to appeal.
5. Building Permit Issuance. A building permit for development on an Urban Lot Split shall not be issued until after the Parcel Map is recorded with the County Recorder's Office.
6. Denial if Impacts. The application for an Urban Lot Split may be denied if the Public Works Director and/or the Planning Officer makes written findings, based on a preponderance of evidence, that the proposed project would have a specific, adverse impact upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. For purposes of this section, "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the

date the application was deemed complete, as specified in Government Code Section 65589.5(d)(2).

7. Time Limit & Extension. A Tentative Map approved pursuant to this section that is not recorded with the County recorded as a Parcel Map within 24-months of the date of approval shall expire and become void, except where an extension of time is requested by the subdivider. A maximum extension of 12 months may be approved by the Public Works Director and/or the Planning Officer or their designees.

F. *Parcel Eligibility.* An Urban Lot Split shall be allowed on parcels located in the zones listed under subsection A. above, except where:

1. The subject parcel meets one or more of the criteria specified in Government Code Section 65913.4(a)(6)(B) through (K);
2. The subject parcel is a property on which the owner has exercised their rights under Government Code Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date of submitting an application for a Parcel Map to create an urban land division.
3. The parcel is located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a Town or county landmark or historic property or district pursuant to a Town or county ordinance.
4. The subject parcel was established through prior exercise of an Urban Lot Split pursuant to Government Code section 66411.7 and/or this section.
5. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an Urban Lot Split as provided for in Government Code Section 66411.7

G. *Demolition & Alteration of Existing Structures*

An Urban Lot Split shall not require the demolition or alteration of the following types of housing:

1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; or
2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; or
3. Housing that has been occupied by a tenant in the last three years.

H. *Subdivision Regulations.* An Urban Lot Split shall be subject to all objective subdivision standards in this code.

I. *Development Standards.* An Urban Lot Split shall be subject to all objective development standards in this code.

J. *Minimum Parcel Size.* An Urban Lot Split shall result in two parcels of a minimum gross area of 60% and 40% of the area of the original parcel being subdivided. However, in no instance shall a resulting parcel be less than 1,200 square feet in gross area.

K. *Minimum Number of Dwelling Units Required.* A minimum of two Dwelling Units shall be proposed on each parcel created through an Urban Lot Split.

L. *Maximum Number of Dwelling Units Permitted.* A maximum of two Dwelling Units shall be permitted on each parcel created by an Urban Lot Split. The units may consist of a Single-Family Dwelling paired with an accessory dwelling unit, a Single-Family Dwelling combined with a junior accessory dwelling unit, two detached dwellings, or a single structure divided into two dwelling units and located on a single parcel as regulated under Section 17.158.010 of this code.

M. *Owner Occupancy Required.*

1. The owner of a parcel being subdivided pursuant to Government Code 66411.7 shall occupy one of the housing units existing or constructed on one of the parcels created by the Urban Lot Split as their principal residence for a minimum of three years from the date of approval of the Urban Lot Split.
2. The owner shall sign an affidavit stating their intent to occupy one of the housing units existing or constructed in the development as their principal residence for a minimum of three years from the date of approval of an Urban Lot Split.

- N. *Minimum Rental Period.* Any Dwelling Unit located on a parcel created via an Urban Lot Split that is offered for rent shall not be rented for a period of less than 30-days and, if rented, shall comply with Chapter 8.08 of this code.
- O. *Nonconforming Zoning Conditions.* The approval of an Urban Lot Split shall not be contingent on the correction of any existing Nonconforming Zoning Condition.
- P. *Separate Sale or Conveyance.* The Dwelling Units on parcels created through an Urban Lot Split may be separately sold or conveyed. Accordingly, the Dwelling Units proposed on such parcels shall be designed to allow separate conveyance.
- Q. *Building Code.* All local and state building code provisions applicable to Dwelling Units shall apply to Two Dwelling Residential Developments. A Two Dwelling Residential Development shall meet all state and local building code provisions necessary to accommodate separate conveyance of the subject dwelling units.
- R. *Effect of Other Ordinances, Policies, & Regulations.* Urban lot Splits shall comply with all applicable ordinances, policies, and regulations of the Town including, but not limited to, this code. Accordingly, an applicant for an Urban Lot Split is not entitled to lot configuration in any form of their choosing, but rather must accept the configuration meeting all such standards. If no configuration of an Urban Lot Split can conform to all applicable ordinances, policies, and regulations of the Town including, but not limited to, this code, then a property owner shall be entitled to an Urban Lot Split in the form that most substantially complies with applicable ordinances, policies, and regulations.
- S. *Access to Public Right-of-Way.* All parcels created through an Urban Lot Split shall have access to, provide access to, or adjoin the public right-of-way. If needed, such access shall be delineated, defined, and recorded as an irrevocable easement to guarantee access crossing another parcel subject to the Urban Lot Split.
- T. *Easements Required.* Easements shall be required to ensure the provision of public services and facilities to support a Two Dwelling Residential Development constructed on the parcels created through an Urban Lot Split and where such services and facilities are necessary to support existing development.
- U. *Two Dwelling Residential Development.* Parcels created through an Urban Lot Split shall only be available for development with a Two Dwelling Residential Development subject to the requirements of Section 17.158.010 of this code.

V. *Preemption.* In the event of an inconsistency between the provisions of this section and Government Code section 66411.7, Government Code Section 66411.7 shall prevail.

### **17.158.030 Cost recovery agreement, deposits, and fees**

Applications for a Two Dwelling Unit Permit and/or an Urban Lot Split shall be accompanied by an executed cost recovery agreement and deposits and fees required for such permits.

SECTION 2. CEQA. This Ordinance is statutorily exempt from the requirements of the CEQA pursuant to Government Code sections 65852.21(j) and 66411.7(n);

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

SECTION 4. EFFECTIVE DATE: This Ordinance shall take effect 30 days after final adoption.

SECTION 5. CERTIFICATION: The Town Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Within 15 days from the date of passage of this ordinance, the Town Clerk shall post a copy of the ordinance in accordance with California Government Code in at least three public places in the Town.

INTRODUCED by the Town Council at a regular meeting held on the 19th day of July, 2022.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the \_\_\_ day of \_\_\_\_\_ 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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John F. Dunbar, Mayor

ATTEST:

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Eddy Gomez, Town Clerk

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Gary B. Bell  
Town Attorney