



CITY OF RIVERBANK
PLANNING COMMISSION HYBRID MEETING
(In-Person: Face Covering Required, and Virtual via ZOOM)
Tuesday, October 19, 2021 AT 6:00 P.M.

PLANNING COMMISSION AGENDA

TUESDAY, OCTOBER 19, 2021 – 6:00 P.M.

(THE AGENDA PACKET IS POSTED AT THE PLANNING DEPARTMENTS OFFICE AND AT WWW.RIVERBANK.ORG)

NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 59453, SUBDIVISION (e) OF THE RALPH M. BROWN ACT (CALIFORNIA GC § 54950, ET SEQ.), THE FEDERAL AMERICANS WITH DISABILITIES ACT AND THE RECENT STANISLAUS COUNTY HEALTH OFFICER'S MANDATORY FACE COVERING ORDER (SEPT.2, 2021). WHILE THIS MEETING WILL BE PHYSICALLY OPEN TO THE PUBLIC, GIVEN THE STATE OF EMERGENCY REGARDING THE THREAT OF COVID-19, MEMBERS OF THE PUBLIC MAY ALSO PARTICIPATE AND COMMENT VIA THE ZOOM VIRTUAL PLATFORM. REFER TO THE LAST PAGE OF THE AGENDA FOR PARTICIPATION INFORMATION.

CALL TO ORDER: Chair: Joan Stewart

ROLL CALL: Chair: Joan Stewart
Vice Chair: Steve Link
Commissioner: John Dinan
Commissioner: Natasha Basso
Commissioner: Mallorie Fenrich
Commissioner: Benjamin Reuben, Alternate

CONFLICT OF INTEREST

Any Planning Commission Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

1. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission Board.

2. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the Planning Commission Board unless otherwise requested by an individual Planning Commission Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the Planning Commission Board.

Item 2.1: Posting of the Agenda. The Agenda for the October 19, 2021 Planning Commission Meeting was posted on the City Community Center bulletin board, City Hall North & South bulletin boards, Post Office, city website, and emailed to the Library on October 6, 2021.

Item 2.2: Approval of the October 19, 2021 Agenda. This provides an opportunity for the Planning Commission or Staff to recommend that an item be placed on the agenda for discussion or to adjust the proposed agenda to allow an item to be taken out of order.

Recommendation: Approval by roll call vote.

1st _____ 2nd _____

3. PLANNING COMMISSION PUBLIC HEARINGS

The public notice for Item 3.1 was published on October 6, 2021 in the Riverbank News.

Item 3.1: **ZONING ORDINANCE AMENDMENT 01-2021** – An Ordinance of the City Council of the City of Riverbank, California, amending Riverbank Municipal Code Sections §153.003, DEFINITIONS and §153.325, ACCESSORY DWELLING UNITS, by repealing these Sections in their entirety and substituting them with new Sections §153.003 and §153.325. The Ordinance amendment is to be consistent with State Law that became effective on January 1, 2020 (Senate Bill 13, Assembly Bill 68, Assembly Bill 881, Assembly Bill 670, and Assembly Bill 687) and November 18, 2020 (Assembly Bill 3182). The proposed Ordinance will add provisions and standards for the development of accessory dwelling units and junior accessory dwelling units pursuant to recommendations from the Planning Commission workshop held on September 21, 2021. Development regulations include but are not limited to size, location, setbacks, off-street parking, utilities and impact fees, and processing and timing. The proposed project is exempt from analysis under the California Environmental Quality Act (CEQA) under the “Common Sense Exemption” that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3).

Recommendation: Approve Resolution 2021-018 to recommend the approval of Ordinance No. 2021-XXX to amend the Riverbank Municipal Code, by repealing Sections §153.003 and §153.325 and substituting new Sections §153.003 and §153.325.

1st _____ 2nd _____

5. PLANNING COMMISSION COMMENTS

None.

6. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Information only – No Action)

Item 6.1: San Joaquin County. Create a new General Plan Designation of Agriculture-Industrial (A/I) and new zoning of Agriculture-Industrial (AI) to address the shortage of truck parking and truck sales locations in the County.

7. STAFF COMMENTS (Information Only – No Action)

Item 7.1: Project updates

8. ADJOURNMENT
Next Regular Planning Commission meeting – November 16, 2021 @ 6:00 pm

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act. Posted this 6th day of October, 2021

/s/ *Gabriel Salazar, Associate Planner, City of Riverbank*

NOTICE REGARDING AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administration Dept. at (209) 863-7122 or the City Clerk at aaguilar@riverbank.org at least (48) hours prior to the meeting to enable the City to make reasonable arrangements. A notification of 48 hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

NOTICE REGARDING NON-ENGLISH SPEAKERS: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Planning Commission shall be in English and anyone wishing to address the Planning Commission is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language. (Exception: When a State statute requires that at a public hearing that includes a substantial number of the population that are not able to speak or understand English, the City should provide interpreters. This determination is left at the discretion of the City.)

GENERAL INFORMATION

MEETING SCHEDULE: The Planning Commission meets on the third Tuesday of each month at 6:00 p.m.

COMMISSION AGENDA & REPORTS: The Planning Commission agenda is posted pursuant to the California Brown Act, which only requires agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when technologically able, on the City's website. Additional documents, that are not privileged, may be provided by the City in its efforts of transparency to keep the public well informed. The agenda packet (agenda plus supporting documents) are posted for public review at the Development Services Department, 6617 Third Street, Riverbank, CA and at www.riverbank.org upon distribution to a majority of the Planning Commission. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.

PUBLIC HEARINGS: In general, a public hearing is an open consideration within a meeting of the Planning Commission Board, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.

City Hall Hours: City Hall is open to the public Monday through Thursday, 7:30 am – 5:30 pm.

QUESTIONS: Contact the Developmental Services Department at (209) 863-7191.

Any documents that are not privileged or part of a Closed Session provided to a majority of the Planning Commission Board after distribution of the agenda packet, regarding any item on this agenda, will be **immediately** made available for public inspection at the City Clerk's Office, 6707 Third Street, Suite A, Riverbank, CA, during normal business hours and **posted on the City's Planning Commission agenda webpage <http://www.riverbank.org/agendacenter>.**



PUBLIC PARTICIPATION PROCEDURES FOR THE PLANNING COMMISSION MEETINGS HELD IN A IN CONFORMANCE WITH THE BROWN ACT AS AMENDED BY SB 361

PUBLIC "LIVE" VIEWING

- Charter Government Channel – 2
- AT&T U-VERSE Government Channel – 99
- YouTube Live <https://www.youtube.com/channel/UCq2x8QchEcknBq7uuJLcZow>
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS

Written Comments via Mail Service: Mail comments to City of Riverbank, Attn. Planning and Building Manager, 6707 Third Street, Suite A, Riverbank, CA 95367. **(Must be received by 4:00 p.m. on the day of the meeting. To ensure receipt call the Manager at (209) 863-7124.)**

Written Comments via Email to cityclerk@riverbank.org:

- Written comments must be received by 4:00 p.m. on the day of the meeting (Indicate Agenda Item # in the ***subject line***.) Comments received will not be read aloud at the meeting, however, will be made part of the record and distributed to the Planning Commission prior to consideration of the matter.
- **Technology is not a 100% proven communication tool; therefore, you are asked to call the Planning and Building Manager at (209) 863-7124 to verify receipt of your comments.**

Join via ZOOM Platform:

- **Learn about using ZOOM** – visit <https://support.zoom.us/hc/en-us/categories/201146643>
- visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.
 - Join by this link: <https://us02web.zoom.us/j/87155148475>
 - Join by accessing website: <https://zoom.us/join>
 - **Webinar ID: 871-5514-8475**
 - Join by telephone: **1 669 900 9128 or 1 346 248 7799, plus Webinar ID**

ORAL COMMENTS VIA ZOOM: The Chair will announce when public comments may be made for the agenda item being considered, at which time you will:

- **Using a computer** – click on the “raise hand” feature in the webinar controls. This will let us know you wish to speak.
 - Once you confirm that you want to be unmuted, your 3 minutes will begin for you to make your comments.
- **Using a Phone** – press ***9** to “raise the hand”.

- Once you confirm that you want to be unmuted, your 3 minutes will begin for you to make your comments.

ORAL COMMENTS IN-PERSON: The Chair will ask the audience if anyone wishes to comment, at that time you may approach the podium.



City of Riverbank

6707 Third Street • Riverbank CA 95367
Office: (209) 863-7128 • FAX: (209) 869-7126

This table is not for publication	
PUBLISH DATE: October 6, 2021	TO LEGAL: September 29, 2021
DEPT.: Planning	Riverbank News

NOTICE OF PUBLIC HEARING **CITY OF RIVERBANK PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Riverbank will conduct a **hybrid** Commission meeting, and hold a public hearing on **Tuesday, October 19, 2021 at 6:00 p.m.** or soon thereafter as practical via the Zoom virtual platform and in-person attendance in the City Council Chambers at 6707 Third Street, Suite B, Riverbank, CA. This meeting will be held in accordance with the Brown Act amendment (AB 361) in regards to teleconference/virtual public meeting requirements, the Governor's "reopening" orders, and the recent California Department of Public Health COVID orders (all of which are subject to change before the meeting date). This public hearing is to consider the following matter:

ZONING ORDINANCE AMENDMENT 01-2021 – An Ordinance Amending Title XV: Land Usage, by Repealing in their Entirety Section 153.003: Definitions, and Section 153.325: Accessory Dwelling Units, and substituting them with new Sections.

The Ordinance amendment is to be consistent with State Law that became effective on January 1, 2020 (Senate Bill 13, Assembly Bill 68, Assembly Bill 881, Assembly Bill 670, and Assembly Bill 687) and November 18, 2020 (Assembly Bill 3182). The proposed Ordinance will add provisions and standards for the development of accessory dwelling units and junior accessory dwelling units pursuant to recommendations from the Planning Commission workshop held on September 21, 2021. Development regulations include but are not limited to size, location, setbacks, off-street parking, utilities and impact fees, and processing and timing.

The proposed project is exempt from analysis under the California Environmental Quality Act (CEQA) under the "Common Sense Exemption" that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3).

Planning Commission (Hybrid) Meeting
October 19, 2021 at 6:00 pm
City Hall Council Chambers - 6707 Third St., Suite B - Riverbank, California

REPORT AVAILABILITY: Public materials pertaining to the presentation of the subject matter are made available as part of the agenda packet at <http://www.riverbank.org/AgendaCenter> upon distribution to a majority of the Planning Commission, (72 hours prior to the meeting), and may be viewed at the City Clerk's Office, 6707 Third St., Suite A, Riverbank, during normal business hours.

ALL INTERESTED PERSONS are invited to participate in this public meeting to express views or submit evidence for or against the subject matter being considered. Comments are not accepted via telephone. The following submission of comments are accepted for the record.

Written Comments Prior to the Meeting. Written comments may be delivered in-person to the City of Riverbank, City Clerk's Office, 6707 Third St., Suite A, Riverbank, 95367. Written comments submitted via email to dkenney@riverbank.org or via Mail Delivery Service requires a follow up phone call to (209) 863-7124 for verification of receipt by staff. All written comments must be received by the City Clerk **no later than 4:00 p.m. on the day of the meeting.** Comments received by the deadline will be distributed to the Planning Commission for consideration and will be made part of the official record, but will not be read aloud during the meeting.

Oral Comments Via ZOOM or In-Person During the Meeting. Oral comments may be made at the time the Mayor officially opens the hearing for public comment and in the order as called upon by the Mayor. *Via In-Person:* Public attendees in the Council Chambers may approach the podium upon the Mayor's request to do so. *Via Zoom:* The public participation and comment procedures are provided *on the last page of the agenda* that is posted (72) hours prior to the meeting at <http://www.riverbank.org/AgendaCenter>.

TECHNICAL DIFFICULTIES: In accordance with the amended Brown Act, if there is disruption of the meeting broadcast, or in the ability to take call-in or internet based public comment during the conduct of the meeting, the Planning Commission will recess until the issue is resolved, or may adjourn the remainder of the agenda business to a stated time and place, which allows the current meeting to be continued.

ADA COMPLIANCE: In accordance with ADA, every effort will be made to accommodate any person requiring special assistance to participate in the meeting. Contact the City Clerk at (209) 863-7198 or cityclerk@riverbank.org at least (48) hours prior to the meeting.

Questions regarding the proposed subject matter may be made to Planning and Building Manager Donna Kenney at (209) 7124 or email dkenney@riverbank.org or email the City Clerk. Questions in regards to meeting procedures contact the City Clerk (209) 863-7198 or by call the Administration Dept. at (209) 863-7122 prior to 5:00 p.m. on the day of the meeting.

Published this 6th day of October 2021.

/s/ Gabriel R. Salazar, Associate Planner, City of Riverbank

AFFIDAVIT OF POSTING
I, Gabriel R. Salazar, hereby certify under penalty of perjury under the laws of the State of California that the foregoing public notice was posted on the exterior bulletin board of North City Hall, South City Hall, and at the Community Center, Riverbank, CA. Dated this 6 th of October 2021. /s/Gabriel R. Salazar, Associate Planner, Riverbank, CA

For official use only:

Posted: 10/6/2021	Published: 10/6/2021	Remove: 10/20/2021
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PUBLIC NOTICE

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October 19, 2021 at 6:00 pm
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St., Suite B - Riverbank, California
REPORT AVAILABILITY: Public materials
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City Clerk's Office, 6707 Third St., Suite A,
Riverbank, during normal business
hours.

ALL INTERESTED PERSONS are invited to
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Written comments may be delivered
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special assistance to participate in the
meeting. Contact the City Clerk at (209)
863-7198 or cityclerk@riverbank.org at
least (48) hours prior to the meeting.

AFFIDAVIT OF POSTING

I, Gabriel R. Salazar, hereby certify under
penalty of perjury under the laws of the
State of California that the foregoing
public notice was posted on the exterior
bulletin board of North City Hall, South

City Hall, and at the Community Center,
Riverbank, CA.
Dated this 6th of October 2021.
/s/Gabriel R. Salazar, Associate Planner,
Riverbank, CA
Oct. 6, 2021
RN# 21-075

**CITY OF RIVERBANK
PLANNING COMMISSION**

STAFF REPORT

ITEM NO: 3.1

APPLICATION: **Zoning Ordinance Amendment No. 01-2021.** The project consists of proposed amendments to Title XV, Land Usage, by repealing in their entirety Sections §153.003 DEFINITIONS and Section §153.325 ACCESSORY DWELLING UNITS, and substituting them with new Sections.

CEQA: The proposed project is exempt from analysis under the California Environmental Quality Act (CEQA) under the “Common Sense Exemption” that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3) of the State CEQA Guidelines.

PROJECT PLANNER: Donna M. Kenney, Planning and Building Manager

RECOMMENDATION: Review the provided information, conduct a Public Hearing, and approve Resolution 2021-018 (Attachment 1) to recommend the approval of Ordinance No. 2021-XXX (Exhibit A to Attachment 1) to amend the Riverbank Municipal Code, by repealing Sections §153.003 and §153.325 and substituting new Sections §153.003 and §153.325.

ACROMYMS: CEQA – California Environmental Quality Act
RMC – Riverbank Municipal Code
ADU – Accessory Dwelling Unit
JADU – Junior Accessory Dwelling Unit

I. EXECUTIVE SUMMARY:

The proposed Zoning Ordinance Amendment is a staff-initiated proposal to modify the Riverbank Municipal Code (RMC) to be consistent with new State law related to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). Specifically, the amendments include:

- Repeal Section §153.003, Definitions and Substitute it with a new Section §153.003 to include definitions for Efficiency Kitchens, Junior Accessory Dwelling Unit, Public Space, and Tandem Parking (Attachment 2).

- Repeal Section §153.325, Accessory Dwelling Units and Substitute it with a new Section §153.325 to be consistent with new State law, and include provisions for the creation of Junior Accessory Dwelling Units (Attachment 3).

II. BACKGROUND AND ANALYSIS:

On October 24, 2017, the City Council passed an Ordinance (Ordinance No. 2017-010) amending the RMC to regulate ADUs. These amendments to the City's Municipal Code were enacted to comply with the State legislation in effect at that time, as set forth in Government Code Sections 65852.2 and 65852.2.

In October 2019, the Governor signed into law several bills that, among other things, amended Government Code Sections 65852.2 and 65852.22 to impose additional limits on local authority to regulate ADUs and JADUs. The purpose of these laws was to streamline the approval and permitting process and to encourage the construction of ADUs.

In September 2020, the Governor signed Assembly Bill 3182 (AB 3182) that further clarified the processing time for a jurisdiction to approve of a deemed complete application for an ADU to sixty (60) days and allows the creation of an ADU and a JADU per lot, within the proposed or existing single-family dwelling, if certain conditions are met.

The new Statewide legislation took effect on January 1, 2020 and January 1, 2021, respectively, and nullified the City's current, non-compliant ADU ordinance.

The key components of the proposed Zoning Ordinance Amendment include:

- Clarify where ADUs and JADUs are permitted and to allow the construction of ADUs on lots developed with existing multifamily dwellings per State law.
- Include provisions that allow a single property with an existing or proposed primary dwelling to have an ADU (attached or detached) and a JADU (attached), if certain conditions are met.
- Reorganize the Development Standards to separate standards for ADUs and JADUs.
- Add Development Standards for JADUs including limiting the size to 500 sq. ft., require independent exterior entrance from the primary dwelling, an efficiency kitchen, and require the property to record a deed restriction to prohibit the sale of the JADU separate from the single-family residence.
- Reduce the side and rear yard setback from five (5) feet to four (4) feet for ADUs. Additionally, the Ordinance clarifies that no setback is required for an existing living space or accessory structure in the same location that is converted to an ADU.

- Add a Utilities and Impact Fees Section that includes new State law that a new ADU is not considered a new residential use for the purposes of calculating connection fees or capacity charges for sewer and water. Installation of a separate direct connection between an ADU contained within an existing structure and utility shall not be required. However, ADUs not within an existing structure shall be required to install a new or separate utility connection and be charged a connection fee and/or capacity charge proportional to the burden imposed by the ADU.
- Add provisions that the ADU or JADU may be rented separately from the primary residence but may not be sold or otherwise conveyed separately from the primary residence. No owner occupancy requirement may be imposed for ADUs through January 1, 2025. For JADUs, the property owner must occupy either the single-family residence or the JADU.

III. ENVIRONMENTAL REVIEW:

The proposed Zoning Ordinance Amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061(b)(3) by the “Common Sense Exemption” that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

The proposed amendments do not change the zoning designation on any individual property and does not affect existing land use. The purpose of the amendment is to amend the Municipal Code to be consistent with recent State law as it relates to Accessory Dwelling Units and Junior Accessory Dwelling Units and does not propose any specific development of a project.

IV. GENERAL PLAN CONSISTENCY:

The proposed Zoning Code Amendments comply with the following General Plan Policies:

Policy LAND-2.4 The City will encourage re-use of vacant or underutilized land in the Infill Opportunity Area through policies that seek to encourage more intense infill development.

Policy LAND-3.3 The City will encourage “compact development,” which places origination and destination points closer together (residence, stores, schools, places of work, etc.), allowing for alternatives to vehicular travel.

Policy LAND-5.2 Infill development will be given priority to remaining capacity for water supply and delivery, wastewater treatment and conveyance, stormwater collection and conveyance, and

other services and infrastructure currently in place. Development impact fees shall reflect the existing capacity to serve infill development areas. Any urban development of new growth areas shall plan and finance necessary infrastructure and service expansion to serve those areas.

V. PUBLIC NOTICE:

The Planning Commission public notice was published in the Riverbank News on October 6, 2021 and posted at City Hall North, South, Post Office, Community Center and website on October 6, 2021. At the time of the writing of this Staff Report (October 14, 2021), the City has not received any written public comment. Written comments received by the City after this date shall be supplied to the Commission on the day of the meeting.

VI. ATTACHMENTS:

Attachment 1 – Planning Commission Resolution 2021-018

Exhibit A to Attachment 1 – Draft City Council Ordinance No. 2020-XXX

Attachment 2 – Mark-up of Section §153.003, Definitions

Attachment 3 – Mark-up of Section §153.325, Accessory Dwelling Units

Respectfully Submitted By:

Donna M. Kenney
Planning and Building Manager

**City of Riverbank
Planning Commission
Resolution No. 2021-018**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK
RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AN ORDINANCE
AMENDING TITLE XV: LAND USAGE, SECTION §153.003: DEFINITIONS AND
SECTION §153.325: ACCESSORY DWELLING UNITS.**

WHEREAS, effective January 1, 2020, Assembly Bill 671, Senate Bill 13, Assembly Bill 68, Assembly Bill 881, and Assembly Bill 587 amended Sections 65583, 65852.2, 65852.22 and 65852.26 of the Government Code, adding Sections 17980.12 and 50504.5 to the Health and Safety Code, and Assembly Bill 670 added Section 4751 to the Civil Code, and effective January 1, 2021, Assembly Bill 3182 amended Section 65852.2 of the Government Code and Section 4740 of the Civil Code and added Section 4741 of the Civil Code, changing the requirements for local governments related to accessory dwelling units and junior accessory dwelling units; and

WHEREAS, State law provides that a local agency may adopt an ordinance that provides ministerial approval of accessory dwelling units in any zone that allows residential use, and junior accessory dwelling units in any zone that allows single-family residences, subject to applicable development standards; and

WHEREAS, the proposed amendments to the Riverbank Municipal Code implement the requirements of State law and add local policies that are within the scope of the State law; and

WHEREAS, on October 6, 2021, notice of the Planning Commission public hearing was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City; and

WHEREAS, the Planning Commission held a public hearing on October 19, 2021, to consider the proposed amendments to the Riverbank Municipal Code ("RMC") Sections §153.003 and §153.325; and

WHEREAS, the proposed amendment complies with the General Plan in that "the City will encourage re-use of vacant or underutilized land in the Infill Opportunity Area through policies that seek to encourage more intense infill development (Policy LAND-2.4)", "the City will encourage "compact development," which places origination and destination points closer together (residence, stores, schools, places of work, etc.), allowing for alternatives to vehicular travel (Policy LAND-3.3)", and "Infill development will be given priority to remaining capacity for water supply and delivery, wastewater treatment and conveyance, stormwater collection and conveyance, and other services and infrastructure currently in place. Development impact fees shall reflect the existing capacity to serve infill development areas. Any urban development of new growth areas

shall plan and finance necessary infrastructure and service expansion to serve those areas (Policy LAND-5.2)”; and

WHEREAS, the amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061(b)(3) by the “Common Sense Exemption” that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, The Riverbank Planning Commission made the following findings:

1. The proposed Zoning Ordinance Amendments are consistent with the City’s General Plan Land Use and Housing Elements, as enumerated in the General Plan Consistency section of the Staff Report.
2. The proposed Zoning Ordinance Amendments further the public interest, convenience, and general welfare of the City. The amendments would ensure consistency of the Riverbank Municipal Code with the General Plan and State law, and update zoning standards that are relevant to the current development trends and local and regional housing needs.

NOW THEREFORE, BE IT RESOLVED the City of Riverbank Planning Commission forwards its recommendation to the City Council to adopt draft Ordinance No. 2021-XXX (Exhibit A).

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 19th of October 2021, motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote ____ - ____:

AYES: Commissioners:

NOES:

ABSENT:

ABSTAIN:

Attest:

Approved:

Donna M. Kenney,
Planning and Building Manager

Joan Stewart, Chairperson
Planning Commission

**THE CITY COUNCIL
OF THE CITY OF RIVERBANK
ORDINANCE NO. 2020-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA,
AMENDING RIVERBANK MUNICIPAL CODE: SECTIONS §153.003, DEFINITIONS AND
§153.325, ACCESSORY DWELLING UNITS, BY REPEALING THESE SECTIONS IN THEIR
ENTIRETY AND SUBSTITUTING THEM WITH NEW SECTIONS §153.003 AND §153.325**

WHEREAS, the Planning Commission held a public hearing on October 19, 2021, to consider an amendment to the City of Riverbank Municipal Sign Code; and

WHEREAS, on October 6, 2021, notice of the Planning Commission public hearing was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City; and

WHEREAS, effective January 1, 2020, Assembly Bill 671, Senate Bill 13, Assembly Bill 68, Assembly Bill 881, and Assembly Bill 587 amended Sections 65583, 65852.2, 65852.22 and 65852.26 of the Government Code, adding Sections 17980.12 and 50504.5 to the Health and Safety Code, and Assembly Bill 670 added Section 4751 to the Civil Code, and effective January 1, 2021, Assembly Bill 3182 amended Section 65852.2 of the Government Code and Section 4740 of the Civil Code and added Section 4741 of the Civil Code, changing the requirements for local governments related to accessory dwelling units and junior accessory dwelling units; and

WHEREAS, State law provides that a local agency may adopt an ordinance that provides ministerial approval of accessory dwelling units in any zone that allows residential use, and junior accessory dwelling units in any zone that allows one-family residence, subject to applicable development standards; and

WHEREAS, the proposed amendments to the Riverbank Municipal Code implement the requirements of State law and add local policies that are within the scope of the State law; and

WHEREAS, the proposed amendment complies with the General Plan in that “the City will encourage re-use of vacant or underutilized land in the Infill Opportunity Area through policies that seek to encourage more intense infill development (Policy LAND-2.4)”, “the City will encourage “compact development,” which places origination and destination points closer together (residence, stores, schools, places of work, etc.), allowing for alternatives to vehicular travel (Policy LAND-3.3)”, and “Infill development will be given priority to remaining capacity for water supply and delivery, wastewater treatment and conveyance, stormwater collection and conveyance, and other services and infrastructure currently in place. Development impact fees shall reflect the existing capacity to serve infill development areas. Any urban development of new growth areas shall plan and finance necessary infrastructure and service expansion to serve those areas (Policy LAND-5.2)”; and

WHEREAS, the amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061(b)(3) by the “Common Sense Exemption” that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, The Riverbank Planning Commission made the following finding:

1. The proposed Zoning Ordinance Amendment is consistent with the City’s General Plan Land Use and Housing Elements, as enumerated in the General Plan Consistency section of the Staff Report.
2. The proposed Zoning Ordinance Amendment further the public interest, convenience, and general welfare of the City. The amendments would ensure consistency of the Riverbank Municipal Code with the General Plan and State law, and update zoning standards that are relevant to the current development trends and local and regional housing needs.

NOW, THEREFORE THE CITY OF RIVERBANK CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Chapter 153, Zoning, Section §153.003, Definitions shall be repealed in its entirety and substituted with a new Chapter 153, Zoning, Section §153.003, Definitions, which shall read as follows:

§ 153.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All words used in the present tense shall include the future tense; all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise.

ACCESSORY. A building, part of a building or structure or use which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot. Where an accessory building has a wall or a portion of a wall not less than four feet in length in common with a main building, such accessory building shall be considered a part of the main building.

ALLEY. Any public thoroughfare, not exceeding 30 feet in width, for the use of pedestrians and/or vehicles which affords only a secondary means of access to abutting property.

APARTMENT. A room or suite of two or more rooms which is designed for, intended for, and/or occupied by one family doing its own cooking therein.

BOARDING HOUSE. A dwelling other than a hotel or a residential care home, wherein lodging and meals are provided for compensation for more than five but not more than ten persons other than the immediate members of the proprietor's family.

BUILDING. (Includes the word **STRUCTURE**.) Any structure having a roof supported by columns and/or walls and intended for the shelter, housing and/or enclosure of any persons, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or any other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then such portion shall be deemed to be a separate building.

BUILDING, ACCESSORY. A subordinate building, the use of which is incidental to that of a main building on the same lot. Signs and fences are not to be considered as accessory buildings. Where an accessory building does not have a common wall of at least four feet in length with the main building on the same lot, it shall be considered detached.

BUILDING, MAIN. A building in which is conducted the principal use of the lot upon which it is situated. In any R district, any dwelling shall be deemed to be a main building upon the lot upon which the same is situated.

BUILDING HEIGHT. The vertical distance measured from the average level of the highest and lowest point of that building site covered by the building to the ridge or peak of the roof.

BUILDING LINE. A line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard and extending across the full width of the lot.

BUSINESS or COMMERCE. The purchase, sale or other transaction involving the handling or disposition (other than as included in the term **INDUSTRY** as defined herein) of any article, substance or commodity for profit or livelihood, including office buildings, offices, shops for the sale of personal services, garages, outdoor advertising signs, automobile parts, automobile courts and recreational and amusement enterprises conducted for profit, but not including junk yards.

CARNIVAL. A traveling or itinerant commercial amusement enterprise consisting of sideshows, vaudeville, games, merry-go-rounds or other mechanical amusement devices temporarily located within the city. A **CARNIVAL** shall not be construed to include or mean a festival or amusement.

CIRCUS. A traveling or itinerant commercial amusement enterprise utilizing an enclosure of any kind, but usually circular or rectangular, partially surrounded by seats, used for exhibition or horsemanship, acrobatic performances, acts of clowns, feats of animal training or the like, temporarily located in the city.

CLUB. An association of persons for some common, nonprofit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

COMMUNICATIONS EQUIPMENT BUILDING. A building housing electrical and mechanical equipment necessary for the conduct of a public utility communications business, with or without personnel.

COMMUNITY DEVELOPMENT DIRECTOR. The Community Development Director of the City of Riverbank.

DAY CARE CENTER. Day care center means a dwelling or building or structure in which persons not of the immediate family are provided with care for compensation for a portion of the day not exceeding 12 hours in any 24-hour period. A day care shall not include 24-hour care and shelter.

DWELLING. A building or portion of a building designed for residential purposes, including one-family, two-family and multiple family dwelling but not including hotels, motels, boarding houses and lodging houses.

DWELLING GROUP. A group of two or more or detached or semi-detached single-family, two-family or multiple dwellings occupying a parcel of land in one ownership.

DWELLING, MULTIPLE. A building or portion thereof used or designed as a residence for three or more families living independently of each other, and doing their own cooking in the building.

DWELLING, SINGLE-FAMILY RESIDENCE. A residential building containing one dwelling unit on one lot. All rooms within the single-family attached dwelling shall be interconnected. Single-family dwelling shall include a dwelling that is constructed for the purposes of providing supportive and transitional housing.

DWELLING, TWO FAMILY (DUPLEX). A detached building designed for and/or occupied exclusively for two families living independently of each other, but under one roof.

DWELLING UNIT. One or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.

DWELLING UNIT, ACCESSORY. An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following: (A) an efficiency unit; and (B) a manufactured home.

DWELLING UNIT, JUNIOR ACCESSORY. A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

E-CIGARETTE. Any electronic or battery-operated device, the use of which may resemble smoking, that can be used to deliver an inhaled dose of vapors, including nicotine or other substances, this includes but is not limited to an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vapor cigarette or any other product name or descriptor.

EFFICIENCY UNIT. Has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

EMERGENCY SHELTERS. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

EMPLOYEE HOUSING. Defined the same as Labor Camp per CA Health and Safety Act 17021.5 and 17021.6.

FAMILY. One or more persons occupying a dwelling unit and living as a single housekeeping unit, and distinguished from a group occupying a boarding house, lodging house, motel or hotel.

FAMILY DAY CARE CENTER. A day care center which also serves as the residence of the licensee.

FLOOR AREA. The sum of the gross horizontal areas of several floors of the building, excluding areas used for accessory garage purposes, and such basement and cellar areas as are devoted exclusively to uses accessory to the operations of the building. All horizontal dimensions shall be taken from the exterior faces of walls including walls or other enclosures or enclosed porches. Whenever the term is used in this title as a basis of requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, **FLOOR AREA** applies not only to the ground floor area but also to any additional stories or basement of the structure.

FLOOR AREA RATIO. The ratio of gross building floor area to total lot area expressed as such. Example: two square feet of gross floor area for each three square feet of total lot area would result in a floor area ratio of .66:1.

(Ord. 87-11, passed 7-27-87)

GARAGE. An accessory building or an accessory portion of the main building, enclosed on all sides, and with a clear vertical opening not to exceed nine feet and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

(Ord. 88-14, passed 11-28-88)

GARAGE, PARKING. A building used for the parking of more than three automobiles or trucks, whether free, for compensation, or as an accommodation.

GARAGE, PUBLIC. A building other than a private garage, enclosed on all sides and used for the care, repair or equipping of automobiles, or where such vehicles are kept for hire, sale or equipping.

GARAGE SALES, YARD SALES, MOVING SALE, PATIO SALES and SIMILAR USES. The retail sale of used or secondhand goods or merchandise in connection with a lawfully existing dwelling unit on property within any zoning district provided that:

(1) No such sale shall be conducted upon the same premises for more than three consecutive days nor on more than two separate occasions within any one calendar year.

(2) No such sale shall result in the use of more than two unlighted signs not exceeding three square feet each in area. The signs to be displayed only during such times as the sale is actually being conducted.

GUEST HOUSE. Living quarters within an accessory building for temporary use by guests of the occupants of the premises. The quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

HOME OCCUPATION. Any occupation conducted primarily within a dwelling unit and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof and in connection with which there is no display nor stock in trade or commodities sold except those which are produced on the premises. The home occupation must meet the requirements of §153.265 through §153.267 of this chapter.

HOOCAH LOUNGE. Any facility, building, structure or location, whether fixed or mobile, where customers share a pipe commonly, but not always, made of glass, used for vaporizing and smoking tobacco, flavored tobacco, shisha, dried fruits, or other substances in which vapor or smoke is passed through a water basin before inhalation. Hookah lounge includes, but is not limited to the use of a communal hookah, waterpipe, shisha, narghile, or other such smoking device.

HOSPITAL, MENTAL. An institution licensed by the state to care for or treat persons having mental or nervous disorders.

HOTEL. Any building or portion thereof, containing six or more guest rooms used, designed or intended to be used by paying guests. A motel shall be considered a hotel.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted in the home and kept for company or pleasure and not for profit, such as dogs, cats and canaries, but not including a sufficient number of dogs or cats to constitute a kennel. Household pets may also include not more than a total of 12 chinchillas, hamsters, white mice or similar animals in combination.

JUNK YARD. The use of more than 200 square feet of the area of any parcel, lot, or contiguous lots or parcels for the storage or keeping of junk, including but not limited to scrap materials,

surplus material, secondhand material or for the dismantling or wrecking of automobiles or other vehicles or machinery.

KENNEL. A place where four or more dogs or cats (or any combination of four or more dogs and cats) of four months of age or older are kept.

KITCHEN. Any room or space used, intended or designed to be used for cooking or for the preparation of food for one family.

LABOR CAMP. Any living quarters, dwelling, boarding house, tent, bunk house, camper, mobile home or other housing accommodation, maintained for five or more persons employed in connection with any agricultural work.

LOT. (Includes the word "plot.") Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this title, having not less than the minimum area required by this title for a building site in the district in which such lot is situated, and having its principal frontage on a street.

LOT, AREA. The total horizontal area included within the lot lines.

LOT, CORNER. A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

LOT, DEPTH. The average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

LOT, FRONTAGE. That portion of a lot abutting a public street.

LOT LINES. The lines bounding a lot.

LOT, WIDTH. The distance between the side lines of a lot measured at the building setback line.

MOBILE HOME. A vehicle designed and equipped for human habitation as defined by the Cal. Health & Safety Code § 18008.

MOBILE HOME PARK. A lot or parcel of land which is used exclusively for the parking thereon of ten or more mobile homes for a rental charge or for rent or lease of mobile homes, and for appurtenant facilities for the exclusive use of the occupants such as laundry, rest rooms, recreation and storage facilities, and mobile home, dwelling or office facility for the owner or manager.

MOTEL. Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed for temporary use by tourists or transients, with garage attached or parking space conveniently located to each unit, including auto parks, motor lodges, and tourist courts.

NONCONFORMING USE. A building or land occupied by a use that does not conform to the regulations for the district in which it is situated.

OUTDOOR ADVERTISING SIGN. Any card, cloth, paper, metal, painted glass, wooden, plaster, stone or other sign of any kind or character whatsoever placed for advertising purposes on the ground or on any tree, wall, bush, post, fence, building, structure or thing whatsoever.

OUTDOOR ADVERTISING STRUCTURE. Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including outdoor advertising statuary.

(Ord. 87-11, passed 7-27-87)

PARKING SPACE. An accessible and usable space on a building site of at least nine feet by 19 feet with access for the parking of automobiles. The length of the space may be reduced by two feet if landscaped planters of sufficient width are used as curb stops.

(Ord. 90-01, passed 1-22-90)

PLANNING COMMISSION. The City Planning Commission of the City of Riverbank.

PUBLIC TRANSIT. Means 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.

RECREATION VEHICLE. Either of the following:

(1) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(a) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including but not limited to wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(b) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(c) It is built on a single chassis.

(d) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(2) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(a) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(b) It is built on a single chassis.

(c) It may only be transported upon the public highways with a permit.

(Cal. Health & Safety Code § 18010)

RESIDENTIAL CARE HOME. A home operated as a boarding home and in which nursing, dietary and other personal services are furnished to convalescent, invalid or aged persons in return for compensation; but in which are performed no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals and in which no persons are kept or served who normally would be admissible to a mental hospital.

ROOMING HOUSE. A dwelling, building or structure occupied by five or more persons who have agreed to pay a specific rent for a specific space as distinguished from guests subject to innkeeper's liability.

SAWMILL. Any structure or land used for the manufacture or remanufacturing of lumber or lumber products by the use of power equipment.

SERVICE STATION. A structure or area which is provided for the servicing, washing and fueling of motor vehicles, including minor repairs, and the storage and sale of merchandise and supplies, incidental thereto, provided, however, that the washing of automobiles shall be permitted only when no chain conveyor, blower or steam cleaning device is involved.

SHALL. Is mandatory and not directory.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. A basement shall not be considered a story when computing the height of a building.

STREET. A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority for a thoroughfare, not less than 30 feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground but not including fences or walls used as fences not more than six feet in height or free-standing signs.

STRUCTURAL ALTERATIONS. Any changes in the supporting member of a building, such as bearing walls, columns, beams or girders.

SUPPORTIVE HOUSING. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

TANDEM PARKING. Means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

TARGET POPULATION. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Development Disabilities Services Act (Division 4.5 (commencing with Section 4500 of the Cal. Welfare and Institutions Code)) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

TRANSITIONAL HOUSING. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

TRUCK TERMINAL. The storage of one or more commercial trucks which have a body exceeding 12 feet in length in rear of the cab, or the storage of more than one truck of any type. A truck shall not be normally construed as a means of transportation in lieu of an automobile and not normally an accessory use to a dwelling.

USE. The purpose for which land or a building is designed, arranged, or intended or for which it is or may be occupied or maintained.

USE, ACCESSORY. A use incidental and secondary to the principal use of a lot or building located on the same lot as the accessory use.

USED CAR. Any automobile, pickup truck of no more than a one-ton load rating or any van of no more than a one ton load rating.

VAPOR BAR. Any facility building, structure of location, whether fixed or mobile, where customers utilize a heating element that vaporizes liquid solution that releases nicotine or flavored vapor, including the use of e-cigarettes.

VETERINARY HOSPITAL. An establishment for the care and treatment of animals, including household pets, livestock and commercial poultry, all facilities to be within a completely enclosed building except for exercising runs and parking of automobiles.

WRECKING YARD. The use of more than 200 square feet of the area of and lot for the storage of immobile vehicles or the dismantling or wrecking of automobiles or other vehicles or machinery.

YARD. An open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward except as otherwise provided in this title.

YARD, FRONT. A yard extending across the front of the lot and lying between the front line and a line parallel thereto, and having a distance between such parallel lines equal to the required front yard depth as prescribed in each district.

YARD, SIDE. An area extending from the front lot line to the rear lot line, and lying parallel thereto, within the lot and having a distance between such parallel lines equal to the side yard width as prescribed in each district.

YARD, REAR. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the buildings as prescribed for the district.

(Ord. 87-11, passed 7-27-87)

(`67 Code, § 10-1-3) (Am. Ord. 2015-002, passed 2-24-15; Am. Ord. 2015-009, passed 4-14-15; Am. Ord. 2017-010, passed 10-24-17)

SECTION 2: Chapter 153, Zoning, Section §153.325, Accessory Dwelling Units shall be repealed in its entirety and substituted with a new Chapter 153, Zoning, Section §153.325, Accessory Dwelling Units, which shall read as follows:

ACCESSORY DWELLING UNITS

§ 153.325 APPLICATION

This section provides standards by which the city shall evaluate and ministerially approve an application for the siting and construction of an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) on a lot with an existing or proposed dwelling located in areas zoned to allow single-family or multifamily residential uses in compliance with California Government Code Sections 65852.2 and 65852.22, as may be amended.

§ 153.326 PERMITTED LOCATIONS AND TYPES

- (A) ADUs are permitted in all zone districts allowing single-family or multifamily residential uses on lots developed with existing or proposed dwellings.
- (B) An ADU may be established in the following methods:
 - (1) Attached to, or located within, an existing or proposed primary dwelling.

- (2) A new detached structure, or located within or attached to an accessory structure, including detached garages or similar structures.
- (3) Conversion of existing attached or detached accessory structures, including garages, storage areas, or similar structures.
- (4) Reconstruction of an existing structure or living area that is proposed to be converted to an ADU, or a portion thereof, in the same location and to the same dimensions and setbacks as the existing structure.
- (C) One ADU and one JADU may be established per lot with a proposed or existing single-family if all of the following apply:
 - (1) The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - (2) The space has exterior access from the proposed or existing single-family dwelling.
 - (3) The side and rear setbacks are sufficient for fire and safety.
- (D) One JADU may be established within the space of an existing or proposed single-family residence, on a lot that is zoned to allow single-family residential uses.
- (E) A JADU may be established within the space of the primary dwelling in combination with the construction of one detached, new construction ADU not exceeding one thousand two hundred (1,200) square feet and a height of sixteen (16) feet with four-foot (4') side and rear yard setbacks.
- (F) ADUs shall be permitted on lots developed with existing multifamily dwellings subject to the following provisions:
 - (1) A minimum of one ADU may be constructed, or up to twenty-five percent (25%) of the existing unit count, within non-livable space, including, but not limited to, storage rooms, passageways, attics, basements, or closets.
 - (2) The construction of two detached ADUs, subject to a maximum height of sixteen (16) feet, and four-foot (4') side and rear setbacks. In this case, only two detached ADUs are permitted on lots developed with existing multifamily dwellings.

§ 153.327 DEVELOPMENT STANDARDS

- (A) ADUs shall comply with the following development standards:
 - (1) ADU Type, Location & Size:
 - (a) Attached Unit. An ADU attached to an existing primary dwelling shall not exceed fifty percent (50%) of the total existing or proposed living area of the primary dwelling.

- (b) Detached Unit. An ADU structurally independent and detached from the existing or proposed primary dwelling shall not exceed one thousand two hundred (1,200) square feet.
- (c) ADUs shall have independent exterior access from the primary dwelling. No passageway to the primary dwelling shall be required.
- (d) ADUs shall not be required to provide fire sprinklers if they were not required for the primary residence.

(2) JADU Location, Size, and Standards.

- (a) A JADU shall be constructed entirely within an existing or proposed primary dwelling and shall not exceed five hundred (500) square feet.
- (b) JADUs shall have an independent exterior entrance from the primary dwelling but may also include shared access between two units.
- (c) A JADU, at a minimum, shall include an efficiency kitchen as defined in Section 153.003.
- (d) The property owner shall reside in either the principal dwelling unit or the junior accessory dwelling unit.
- (e) Prior to the issuance of a building permit for the JADU, the property owner shall file with the city a deed restriction for recordation with the County Recorder, which shall run with the land and include provisions listed in Government Code Section 65852.22 and state the following:

The property contains an approved accessory dwelling unit pursuant to Chapter 153 of the Riverbank Municipal Code and is subject to the restrictions and regulations set forth in that chapter. These restrictions and regulations generally address development regulations, owner occupancy, and lease requirements, limitations on the size of the accessory dwelling unit and parking requirements. Current restrictions and regulations may be obtained from the city of Riverbank planning division. These restrictions and regulations shall be binding upon any successor in ownership of the property.

(3) Setbacks.

- (a) Have minimum interior side and rear setbacks of four (4) feet and street side setback of ten (10) feet.
 - (b) No setback shall be required for an existing living area or accessory structure in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an ADU, and a setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
 - (c) Setback from Structures. Setback from other structures on the parcel shall be consistent with the city-adopted building code.
- (4) Height. Not to exceed one story or sixteen (16) feet in height, except that an ADU may be constructed above a garage to a maximum height of thirty-five (35) feet.

- (5) Location on Parcel. An ADU shall be located within the side or rear yard of the parcel. An ADU shall not be located within the front yard setback.
- (B) Compatibility. The ADU should be designed and constructed to be compatible with the existing house as to height, style, materials, and colors.
- (C) Access. Doorway access shall be provided either to the side or the rear of the ADU. Direct doorway access to the front yard is prohibited.
- (D) Off-Street Parking.
- (1) At least one additional off-street parking space shall be provided for the ADU or per bedroom, whichever is less, unless otherwise exempt under Section 153.207(E).
- (2) The parking spaces required for the ADU can be in tandem to the required off-street parking of the main dwelling unit, may be uncovered, and can be located within the front yard setback as long as all other yard requirements are met.
- (3) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
- (E) Off-Street Parking Exemption. Off-street parking shall not be imposed in any of the following instances:
- (1) The ADU is located within one-half mile walking distance of public transit.
- (2) The ADU is located within an architecturally and historically significant historic district.
- (3) The ADU is part of the existing primary residence or an existing accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the ADU.
- (5) When there is a car share vehicle located within one block of the ADU.
- (F) Mobile Homes or Manufactured Housing. Mobile homes or manufactured housing on permanent foundations shall be permitted as an ADU, only if they are installed on permanent foundations, the mobile home complies with the 1974 National Manufactured Housing Construction and Safety Act, and is ten (10) years or newer. Recreational vehicles, including but not limited to motor homes, travel trailers, tent trailers, fifth wheel trailers, and house boats do not qualify as an ADU as defined in this Section.
- (G) Density. An accessory dwelling or junior accessory dwelling unit is not considered to increase the density of the lot upon which it is located and is a residential use that is consistent with the existing general plan and zoning designation for the lot.
- (H) Zoning and Building Requirements. The ADU shall comply with other zoning and building requirements generally applicable to residential construction in the applicable zone where the property is located.

(A) Utility Service. Adequate roadways, public utilities and services shall be available to serve the ADU. ADUs shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for sewer and water. Installation of a separate direct connection between an ADU contained within an existing structure and the utility shall not be required. ADUs not within an existing structure shall be required to install a new or separate utility connection and be charged a connection fee and/or capacity charge. These charges shall be proportionate to the burden imposed by the ADU on the water or sewer system based on either its size or number of plumbing fixtures as determined by the city.

(B) Impact Fees. Impact fees charged for the construction of ADUs shall be consistent with Government Code Section 65852.2(f).

§ 153.329 OWNER OCCUPANCY

(A) Owner Occupancy. If the owner occupies the primary residential unit, the owner may rent the ADU to one party. If the owner occupies the ADU, the owner may rent the primary residential unit to one party. The owner may rent both the primary residential unit and the ADU together to one party who may not further sublease any unit(s) or portion(s) thereof. The owner shall be a signatory to any lease for the rented unit, for which the city may reasonably require a copy of to verify compliance with this chapter and shall be the applicant for any permit issued under this chapter. Owner occupancy for the primary dwelling or the ADU is not required for ADUs approved between January 2020 and January 2025. The rental of the ADU shall be longer than 30 days.

(B) Ownership. The ADU shall not be sold or held under a different legal ownership than the primary residence; nor shall the lot containing the ADU be subdivided.

§ 153.330 PROCESS AND TIMING

(A) Approval process. An ADU or JADU is considered and approved ministerially, without discretionary review or hearing, if it meets the minimum standards in this chapter.

(B) Timing. The city must act on an application to create an ADU or JADU within sixty (60) days from the date that the city receives a completed application, unless either:

(1) The applicant requests a delay in which case the sixty (60) day time period is tolled for the period of the requested delay; or

(2) In the case of a JADU and the application to create a JADU is submitted with a permit application to create a new single-family dwelling on a lot, the city may delay acting on the permit application for the JADU until the city acts on the permit application to create a new single-family dwelling, but the application to create a JADU will still be considered ministerially without discretionary review or a hearing.

§ SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this chapter, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section,

subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 3. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4: This Ordinance shall become effective thirty (30) days from and after its final passage December 14, 2021, provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on December 14, 2021. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the 14th day of December, 2021; motioned by Councilmember _____, seconded by Councilmember _____; moved said ordinance by a City Council _____ vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney

New Text is shown in underline; deleted text is shown by ~~strikethrough~~

§ 153.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All words used in the present tense shall include the future tense; all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise.

ACCESSORY. A building, part of a building or structure or use which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot. Where an accessory building has a wall or a portion of a wall not less than four feet in length in common with a main building, such accessory building shall be considered a part of the main building.

ALLEY. Any public thoroughfare, not exceeding 30 feet in width, for the use of pedestrians and/or vehicles which affords only a secondary means of access to abutting property.

APARTMENT. A room or suite of two or more rooms which is designed for, intended for, and/or occupied by one family doing its own cooking therein.

BOARDING HOUSE. A dwelling other than a hotel or a residential care home, wherein lodging and meals are provided for compensation for more than five but not more than ten persons other than the immediate members of the proprietor's family.

BUILDING. (Includes the word **STRUCTURE**.) Any structure having a roof supported by columns and/or walls and intended for the shelter, housing and/or enclosure of any persons, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or any other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then such portion shall be deemed to be a separate building.

BUILDING, ACCESSORY. A subordinate building, the use of which is incidental to that of a main building on the same lot. Signs and fences are not to be considered as accessory buildings. Where an accessory building does not have a common wall of at least four feet in length with the main building on the same lot, it shall be considered detached.

BUILDING, MAIN. A building in which is conducted the principal use of the lot upon which it is situated. In any R district, any dwelling shall be deemed to be a main building upon the lot upon which the same is situated.

BUILDING HEIGHT. The vertical distance measured from the average level of the highest and lowest point of that building site covered by the building to the ridge or peak of the roof.

BUILDING LINE. A line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard and extending across the full width of the lot.

BUSINESS or COMMERCE. The purchase, sale or other transaction involving the handling or disposition (other than as included in the term **INDUSTRY** as defined herein) of any article,

substance or commodity for profit or livelihood, including office buildings, offices, shops for the sale of personal services, garages, outdoor advertising signs, automobile parts, automobile courts and recreational and amusement enterprises conducted for profit, but not including junk yards.

CARNIVAL. A traveling or itinerant commercial amusement enterprise consisting of sideshows, vaudeville, games, merry-go-rounds or other mechanical amusement devices temporarily located within the city. A ***CARNIVAL*** shall not be construed to include or mean a festival or amusement.

CIRCUS. A traveling or itinerant commercial amusement enterprise utilizing an enclosure of any kind, but usually circular or rectangular, partially surrounded by seats, used for exhibition or horsemanship, acrobatic performances, acts of clowns, feats of animal training or the like, temporarily located in the city.

CLUB. An association of persons for some common, nonprofit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

COMMUNICATIONS EQUIPMENT BUILDING. A building housing electrical and mechanical equipment necessary for the conduct of a public utility communications business, with or without personnel.

COMMUNITY DEVELOPMENT DIRECTOR. The Community Development Director of the City of Riverbank.

DAY CARE CENTER. Day care center means a dwelling or building or structure in which persons not of the immediate family are provided with care for compensation for a portion of the day not exceeding 12 hours in any 24 hour period. A day care shall not include 24 hour care and shelter.

DWELLING. A building or portion of a building designed for residential purposes, including one-family, two-family and multiple family dwelling but not including hotels, motels, boarding houses and lodging houses.

DWELLING GROUP. A group of two or more or detached or semi-detached single-family, two-family or multiple dwellings occupying a parcel of land in one ownership.

DWELLING, MULTIPLE. A building or portion thereof used or designed as a residence for three or more families living independently of each other, and doing their own cooking in the building.

DWELLING, SINGLE-FAMILY RESIDENCE. A residential building containing one dwelling unit on one lot. All rooms within the single-family attached dwelling shall be interconnected. Single-family dwelling shall include a dwelling that is constructed for the purposes of providing supportive and transitional housing.

DWELLING, TWO FAMILY (DUPLEX). A detached building designed for and/or occupied exclusively for two families living independently of each other, but under one roof.

DWELLING UNIT. One or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.

DWELLING UNIT, ACCESSORY. An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following: (A) an efficiency unit; and (B) a manufactured home.

DWELLING UNIT, JUNIOR ACCESSORY. A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

E-CIGARETTE. Any electronic or battery operated device, the use of which may resemble smoking, that can be used to deliver an inhaled dose of vapors, including nicotine or other substances, this includes but is not limited to an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vapor cigarette or any other product name or descriptor.

EFFICIENCY UNIT. Has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

EMERGENCY SHELTERS. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

EMPLOYEE HOUSING. Defined the same as Labor Camp per CA Health and Safety Act 17021.5 and 17021.6.

FAMILY. One or more persons occupying a dwelling unit and living as a single housekeeping unit, and distinguished from a group occupying a boarding house, lodging house, motel or hotel.

FAMILY DAY CARE CENTER. A day care center which also serves as the residence of the licensee.

FLOOR AREA. The sum of the gross horizontal areas of several floors of the building, excluding areas used for accessory garage purposes, and such basement and cellar areas as are devoted exclusively to uses accessory to the operations of the building. All horizontal dimensions shall be taken from the exterior faces of walls including walls or other enclosures or enclosed porches. Whenever the term is used in this title as a basis of requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, ***FLOOR AREA*** applies not only to the ground floor area but also to any additional stories or basement of the structure.

FLOOR AREA RATIO. The ratio of gross building floor area to total lot area expressed as such. Example: two square feet of gross floor area for each three square feet of total lot area would result in a floor area ratio of .66:1.

(Ord. 87-11, passed 7-27-87)

GARAGE. An accessory building or an accessory portion of the main building, enclosed on all sides, and with a clear vertical opening not to exceed nine feet and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

(Ord. 88-14, passed 11-28-88)

GARAGE, PARKING. A building used for the parking of more than three automobiles or trucks, whether free, for compensation, or as an accommodation.

GARAGE, PUBLIC. A building other than a private garage, enclosed on all sides and used for the care, repair or equipping of automobiles, or where such vehicles are kept for hire, sale or equipping.

GARAGE SALES, YARD SALES, MOVING SALE, PATIO SALES and SIMILAR USES. The retail sale of used or secondhand goods or merchandise in connection with a lawfully existing dwelling unit on property within any zoning district provided that:

(1) No such sale shall be conducted upon the same premises for more than three consecutive days nor on more than two separate occasions within any one calendar year.

(2) No such sale shall result in the use of more than two unlighted signs not exceeding three square feet each in area. The signs to be displayed only during such times as the sale is actually being conducted.

GUEST HOUSE. Living quarters within an accessory building for temporary use by guests of the occupants of the premises. The quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

HOME OCCUPATION. Any occupation conducted primarily within a dwelling unit and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof and in connection with which there is no display nor stock in trade or commodities sold except those which are produced on the premises. The home occupation must meet the requirements of §§ 153.265 through 153.267 of this chapter.

HOOKAH LOUNGE. Any facility, building, structure or location, whether fixed or mobile, where customers share a pipe commonly, but not always, made of glass, used for vaporizing and smoking tobacco, flavored tobacco, shisha, dried fruits, or other substances in which vapor or smoke is passed through a water basin before inhalation. Hookah lounge includes, but is not limited to the use of a communal hookah, waterpipe, shisha, narghile, or other such smoking device.

HOSPITAL, MENTAL. An institution licensed by the state to care for or treat persons having mental or nervous disorders.

HOTEL. Any building or portion thereof, containing six or more guest rooms used, designed or intended to be used by paying guests. A motel shall be considered a hotel.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted in the home and kept for company or pleasure and not for profit, such as dogs, cats and canaries, but not including a sufficient number of dogs or cats to constitute a kennel. Household pets may also include not more than a total of 12 chinchillas, hamsters, white mice or similar animals in combination.

JUNK YARD. The use of more than 200 square feet of the area of any parcel, lot, or contiguous lots or parcels for the storage or keeping of junk, including but not limited to scrap

materials, surplus material, secondhand material or for the dismantling or wrecking of automobiles or other vehicles or machinery.

KENNEL. A place where four or more dogs or cats (or any combination of four or more dogs and cats) of four months of age or older are kept.

KITCHEN. Any room or space used, intended or designed to be used for cooking or for the preparation of food for one family.

LABOR CAMP. Any living quarters, dwelling, boarding house, tent, bunk house, camper, mobile home or other housing accommodation, maintained for five or more persons employed in connection with any agricultural work.

LOT. (Includes the word “plot.”) Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this title, having not less than the minimum area required by this title for a building site in the district in which such lot is situated, and having its principal frontage on a street.

LOT, AREA. The total horizontal area included within the lot lines.

LOT, CORNER. A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

LOT, DEPTH. The average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

LOT, FRONTAGE. That portion of a lot abutting a public street.

LOT LINES. The lines bounding a lot.

LOT, WIDTH. The distance between the side lines of a lot measured at the building setback line.

MOBILE HOME. A vehicle designed and equipped for human habitation as defined by the Cal. Health & Safety Code § 18008.

MOBILE HOME PARK. A lot or parcel of land which is used exclusively for the parking thereon of ten or more mobile homes for a rental charge or for rent or lease of mobile homes, and for appurtenant facilities for the exclusive use of the occupants such as laundry, rest rooms, recreation and storage facilities, and mobile home, dwelling or office facility for the owner or manager.

MOTEL. Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed for temporary use by tourists or transients, with garage attached or parking space conveniently located to each unit, including auto parks, motor lodges, and tourist courts.

NONCONFORMING USE. A building or land occupied by a use that does not conform to the regulations for the district in which it is situated.

OUTDOOR ADVERTISING SIGN. Any card, cloth, paper, metal, painted glass, wooden, plaster, stone or other sign of any kind or character whatsoever placed for advertising purposes on the ground or on any tree, wall, bush, post, fence, building, structure or thing whatsoever.

OUTDOOR ADVERTISING STRUCTURE. Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including outdoor advertising statuary.

(Ord. 87-11, passed 7-27-87)

PARKING SPACE. An accessible and usable space on a building site of at least nine feet by 19 feet with access for the parking of automobiles. The length of the space may be reduced by two feet if landscaped planters of sufficient width are used as curb stops.

(Ord. 90-01, passed 1-22-90)

PLANNING COMMISSION. The City Planning Commission of the City of Riverbank.

PUBLIC TRANSIT. Means 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.

RECREATION VEHICLE. Either of the following:

(1) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(a) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including but not limited to wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(b) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(c) It is built on a single chassis.

(d) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(2) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(a) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(b) It is built on a single chassis.

(c) It may only be transported upon the public highways with a permit.

(Cal. Health & Safety Code § 18010)

RESIDENTIAL CARE HOME. A home operated as a boarding home and in which nursing, dietary and other personal services are furnished to convalescent, invalid or aged persons in return for compensation; but in which are performed no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals and in which no persons are kept or served who normally would be admissible to a mental hospital.

ROOMING HOUSE. A dwelling, building or structure occupied by five or more persons who have agreed to pay a specific rent for a specific space as distinguished from guests subject to innkeeper's liability.

SAWMILL. Any structure or land used for the manufacture or remanufacturing of lumber or lumber products by the use of power equipment.

SERVICE STATION. A structure or area which is provided for the servicing, washing and fueling of motor vehicles, including minor repairs, and the storage and sale of merchandise and supplies, incidental thereto, provided, however, that the washing of automobiles shall be permitted only when no chain conveyor, blower or steam cleaning device is involved.

SHALL. Is mandatory and not directory.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. A basement shall not be considered a story when computing the height of a building.

STREET. A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority for a thoroughfare, not less than 30 feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground but not including fences or walls used as fences not more than six feet in height or free-standing signs.

STRUCTURAL ALTERATIONS. Any changes in the supporting member of a building, such as bearing walls, columns, beams or girders.

SUPPORTIVE HOUSING. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

TANDEM PARKING. Means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

TARGET POPULATION. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Development Disabilities Services Act (Division 4.5 (commencing with Section 4500 of the Cal. Welfare and Institutions Code)) and may include, among other populations, adults, emancipated minors, families with

children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

TRANSITIONAL HOUSING. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

TRUCK TERMINAL. The storage of one or more commercial trucks which have a body exceeding 12 feet in length in rear of the cab, or the storage of more than one truck of any type. A truck shall not be normally construed as a means of transportation in lieu of an automobile and not normally an accessory use to a dwelling.

USE. The purpose for which land or a building is designed, arranged, or intended or for which it is or may be occupied or maintained.

USE, ACCESSORY. A use incidental and secondary to the principal use of a lot or building located on the same lot as the accessory use.

USED CAR. Any automobile, pickup truck of no more than a one ton load rating or any van of no more than a one ton load rating.

VAPOR BAR. Any facility building, structure of location, whether fixed or mobile, where customers utilize a heating element that vaporizes liquid solution that releases nicotine or flavored vapor, including the use of e-cigarettes.

VETERINARY HOSPITAL. An establishment for the care and treatment of animals, including household pets, livestock and commercial poultry, all facilities to be within a completely enclosed building except for exercising runs and parking of automobiles.

WRECKING YARD. The use of more than 200 square feet of the area of and lot for the storage of immobile vehicles or the dismantling or wrecking of automobiles or other vehicles or machinery.

YARD. An open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward except as otherwise provided in this title.

YARD, FRONT. A yard extending across the front of the lot and lying between the front line and a line parallel thereto, and having a distance between such parallel lines equal to the required front yard depth as prescribed in each district.

YARD, SIDE. An area extending from the front lot line to the rear lot line, and lying parallel thereto, within the lot and having a distance between such parallel lines equal to the side yard width as prescribed in each district.

YARD, REAR. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the buildings as prescribed for the district.

(Ord. 87-11, passed 7-27-87)

('67 Code, § 10-1-3) (Am. Ord. 2015-002, passed 2-24-15; Am. Ord. 2015-009, passed 4-14-15; Am. Ord. 2017-010, passed 10-24-17)

New Text is shown in underline; deleted text is shown by ~~strikethrough~~

ACCESSORY DWELLING UNITS

~~§ 153.325 GENERAL PROVISIONS; CONDITIONS.~~

~~—(A) *Location.* Accessory dwelling units may be permitted in any residential zone where it is demonstrated through site plan review compliance the established criteria for accessory dwelling units is met. Division (B) of this section shall be submitted by the applicant and reviewed by the Development Services Department. The Community Development Director shall approve the accessory dwelling unit site plan review where the established criteria are met within 120 days of application date.~~

~~—(B) *Criteria.* The accessory dwelling unit may be established upon meeting the following criteria and approval of an accessory dwelling unit site plan application:~~

~~—(1) To submit an accessory dwelling unit site plan application, the existing single family residential unit shall be owner occupied at time of submittal.~~

~~—(2) The accessory dwelling unit is not intended for sale and may be rented.~~

~~—(3) The accessory dwelling unit shall be in compliance with applicable building, fire and other health and safety codes. Fire sprinklers shall not be required for an accessory dwelling unit if sprinklers are not required for the primary unit.~~

~~—(4) The accessory dwelling unit shall be in compliance with underlying zoning requirements and regulations, except as may be provided in this chapter. Accessory dwelling units do not count towards density requirements.~~

~~—(5) The accessory dwelling unit can be attached to the existing dwelling, located within the living area of the existing dwelling, or detached from the existing dwelling. The total living area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet. Any increase in the floor area of an attached accessory dwelling unit shall not exceed 50% of the existing living area or 1,200 square feet, whichever is less. No passageway shall be required between the primary and the detached units.~~

~~—(6) Water and sewer services must be adequate to serve the accessory dwelling unit. New detached accessory dwelling units and the expansion of existing homes to accommodate a new accessory dwelling unit shall require a new and/or separate utility connection, and may be subject to a connection fee and capacity charge.~~

~~—(7) The accessory dwelling unit shall not exceed two stories or 35 feet.~~

~~—(8) An accessory dwelling unit may be permitted on residential lots where there exists a single family residential unit and there shall be no more than one accessory dwelling unit per lot. An accessory unit shall not be constructed without a primary residential unit (i.e. on a vacant lot).~~

~~—(9) Off street parking requirement for the accessory dwelling unit shall not exceed one parking space per unit if an efficiency or per bedroom.~~

- ~~— (a) Off-street parking may be enclosed, covered or uncovered.~~
- ~~— (b) No setback shall be required to convert (not expand) an existing garage.~~
- ~~— (c) Setbacks of no more than five feet from the rear and side lot lines shall be required for accessory dwelling units constructed above a garage. This requirement shall be in addition to the off-street parking spaces required for the existing zone district.~~
- ~~— (10) The accessory dwelling unit shall be clearly subordinate to the principle single-family dwelling unit on the lot.~~
- ~~— (11) Addresses for accessory dwelling units shall be shown prominently on the frontage of the unit. Frontage should be located facing a street or an alleyway and/or have a well-defined entry area.~~
- ~~— (12) An accessory dwelling unit site plan application shall include the following:~~
 - ~~— (a) Elevation plan of the existing and proposed unit(s) on the project property;~~
 - ~~— (b) A vicinity map showing all existing structures on adjacent properties;~~
 - ~~— (c) Lot coverage not to exceed 50%;~~
 - ~~— (d) Vehicular and pedestrian access to the accessory dwelling unit and the relationship with the existing single-family dwelling;~~
 - ~~— (e) The accessory dwelling unit shall be of the same color, materials, and architectural design as the existing and shall avoid impacts to historical properties;~~
 - ~~— (f) Payment of a site plan approval fee as established by City Council resolution;~~
 - ~~— (g) Common open space and/private open space; and~~
 - ~~— (h) Drought tolerant landscape plans.~~
- ~~— (C) Definitions. As used in this section, the following terms mean:~~
 - ~~— (1) **LIVING AREA.** The interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.~~
 - ~~— (2) **LOCAL AGENCY.** A city, county, or city and county, whether general law or chartered.~~
 - ~~— (3) For purposes of this section, **NEIGHBORHOOD** has the same meaning as set forth in Cal. Gov't Code § 65589.5.~~
 - ~~— (4) **ACCESSORY DWELLING UNIT.** An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. For purposes of this section, a single-family home or accessory structure shall be considered “existing” if a final certificate of occupancy was issued prior to January 1, 2017. An accessory dwelling unit also includes the following:~~
 - ~~— (a) An efficiency unit, as defined in Cal. Health and Safety Code § 17958.1.~~

~~— (b) A manufactured home, as defined in Cal. Health and Safety Code § 18007.~~

~~— (c) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.~~

~~(‘67 Code, § 10-21-01) (Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2017-010, passed 10-24-17)~~

Statutory reference:

~~—Second residential units, see Cal. Gov’t Code § 65852.2~~

§ 153.325 APPLICATION

This section provides standards by which the city shall evaluate and ministerially approve an application for the siting and construction of an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) on a lot with an existing or proposed dwelling located in areas zoned to allow single-family or multifamily residential uses in compliance with California Government Code Sections 65852.2 and 65852.22, as may be amended.

§ 153.326 PERMITTED LOCATIONS AND TYPES

(A) ADUs are permitted in all zone districts allowing single-family or multifamily residential uses on lots developed with existing or proposed dwellings.

(B) An ADU may be established in the following methods:

(1) Attached to, or located within, an existing or proposed primary dwelling.

(2) A new detached structure, or located within or attached to an accessory structure, including detached garages or similar structures.

(3) Conversion of existing attached or detached accessory structures, including garages, storage areas, or similar structures.

(4) Reconstruction of an existing structure or living area that is proposed to be converted to an ADU, or a portion thereof, in the same location and to the same dimensions and setbacks as the existing structure.

(C) One ADU and one JADU may be established per lot with a proposed or existing single-family if all of the following apply:

(1) The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(2) The space has exterior access from the proposed or existing single-family dwelling.

(3) The side and rear setbacks are sufficient for fire and safety.

(D) One JADU may be established within the space of an existing or proposed single-family residence, on a lot that is zoned to allow single-family residential uses.

(E) A JADU may be established within the space of the primary dwelling in combination with the construction of one detached, new construction ADU not exceeding one thousand two hundred (1,200) square feet and a height of sixteen (16) feet with four-foot (4') side and rear yard setbacks.

(F) ADUs shall be permitted on lots developed with existing multifamily dwellings subject to the following provisions:

(1) A minimum of one ADU may be constructed, or up to twenty-five percent (25%) of the existing unit count, within non-livable space, including, but not limited to, storage rooms, passageways, attics, basements, or closets.

(2) The construction of two detached ADUs, subject to a maximum height of sixteen (16) feet, and four-foot (4') side and rear setbacks. In this case, only two detached ADUs are permitted on lots developed with existing multifamily dwellings.

§ 153.327 DEVELOPMENT STANDARDS

(A) ADUs shall comply with the following development standards:

(1) ADU Type, Location & Size:

(a) Attached Unit. An ADU attached to an existing primary dwelling shall not exceed fifty percent (50%) of the total existing or proposed living area of the primary dwelling.

(b) Detached Unit. An ADU structurally independent and detached from the existing or proposed primary dwelling shall not exceed one thousand two hundred (1,200) square feet.

(c) ADUs shall have independent exterior access from the primary dwelling. No passageway to the primary dwelling shall be required.

(d) ADUs shall not be required to provide fire sprinklers if they were not required for the primary residence.

(2) JADU Location, Size, and Standards.

(a) A JADU shall be constructed entirely within an existing or proposed primary dwelling and shall not exceed five hundred (500) square feet.

(b) JADUs shall have an independent exterior entrance from the primary dwelling but may also include shared access between two units.

(c) A JADU, at a minimum, shall include an efficiency kitchen as defined in Section 153.003.

(d) The property owner shall reside in either the principal dwelling unit or the junior accessory dwelling unit.

(e) Prior to the issuance of a building permit for the JADU, the property owner shall file with the city a deed restriction for recordation with the County Recorder, which shall run with the land and include provisions listed in Government Code Section 65852.22 and state the following:

The property contains an approved accessory dwelling unit pursuant to Chapter 153 of the Riverbank Municipal Code and is subject to the restrictions and regulations set forth in that chapter. These restrictions and regulations generally address development regulations, owner occupancy, and lease requirements, limitations on the size of the accessory dwelling unit and parking requirements. Current restrictions and regulations may be obtained from the city of Riverbank planning division. These restrictions and regulations shall be binding upon any successor in ownership of the property.

(3) Setbacks.

(a) Have minimum interior side and rear setbacks of four (4) feet and street side setback of ten (10) feet.

(b) No setback shall be required for an existing living area or accessory structure in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an ADU, and a setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(c) Setback from Structures. Setback from other structures on the parcel shall be consistent with the city-adopted building code.

(4) Height. Not to exceed one story or sixteen (16) feet in height, except that an ADU may be constructed above a garage to a maximum height of thirty-five (35) feet.

(5) Location on Parcel. An ADU shall be located within the side or rear yard of the parcel. An ADU shall not be located within the front yard setback.

(B) Compatibility. The ADU should be designed and constructed to be compatible with the existing house as to height, style, materials, and colors.

(C) Access. Doorway access shall be provided either to the side or the rear of the ADU. Direct doorway access to the front yard is prohibited.

(D) Off-Street Parking.

(1) At least one additional off-street parking space shall be provided for the ADU or per bedroom, whichever is less, unless otherwise exempt under Section 153.207(E).

(2) The parking spaces required for the ADU can be in tandem to the required off-street parking of the main dwelling unit, may be uncovered, and can be located within the front yard setback as long as all other yard requirements are met.

(3) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

(E) Off-Street Parking Exemption. Off-street parking shall not be imposed in any of the following instances:

(1) The ADU is located within one-half mile walking distance of public transit.

(2) The ADU is located within an architecturally and historically significant historic district.

(3) The ADU is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the ADU.

(5) When there is a car share vehicle located within one block of the ADU.

(F) Mobile Homes or Manufactured Housing. Mobile homes or manufactured housing on permanent foundations shall be permitted as an ADU, only if they are installed on permanent foundations, the mobile home or manufactured housing complies with the 1974 National Manufactured Housing Construction and Safety Act and is ten (10) years or newer. Recreational vehicles, including but not limited to motor homes, travel trailers, tent trailers, fifth wheel trailers, and house boats do not qualify as an ADU as defined in this Section.

(G) Density. An accessory dwelling or junior accessory dwelling unit is not considered to increase the density of the lot upon which it is located and is a residential use that is consistent with the existing general plan and zoning designation for the lot.

(H) Zoning and Building Requirements. The ADU shall comply with other zoning and building requirements generally applicable to residential construction in the applicable zone where the property is located.

§ 153.328 UTILITIES AND IMPACT FEES

(A) Utility Service. Adequate roadways, public utilities and services shall be available to serve the ADU. ADUs shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for sewer and water. Installation of a separate direct connection between an ADU contained within an existing structure and the utility shall not be required. ADUs not within an existing structure shall be required to install a new or separate utility connection and be charged a connection fee and/or capacity charge. These charges shall be proportionate to the burden imposed by the ADU on the water or sewer system based on either its size or number of plumbing fixtures as determined by the city.

(B) Impact Fees. Impact fees charged for the construction of ADUs shall be consistent with Government Code Section 65852.2(f).

§ 153.329 OWNER OCCUPANCY

(A) Owner Occupancy. If the owner occupies the primary residential unit, the owner may rent the ADU to one party. If the owner occupies the ADU, the owner may rent the primary residential unit to one party. The owner may rent both the primary residential unit and the ADU together to one party who may not further sublease any unit(s) or portion(s) thereof. The owner shall be a signatory to any lease for the rented unit, for which the city may reasonably require a copy of to verify compliance with this chapter and shall be the applicant for any permit issued under this chapter. Owner occupancy for the primary dwelling or the ADU is not required for ADUs approved between January 2020 and January 2025. The rental of the ADU shall be longer than 30 days.

(B) Ownership. The ADU shall not be sold or held under a different legal ownership than the primary residence; nor shall the lot containing the ADU be subdivided.

§ 153.330 PROCESS AND TIMING

(A) Approval process. An ADU or JADU is considered and approved ministerially, without discretionary review or hearing, if it meets the minimum standards in this chapter.

(B) Timing. The city must act on an application to create an ADU or JADU within sixty (60) days from the date that the city receives a completed application, unless either:

(1) The applicant requests a delay in which case the sixty (60) day time period is tolled for the period of the requested delay; or

(2) In the case of a JADU and the application to create a JADU is submitted with a permit application to create a new single-family dwelling on a lot, the city may delay acting on the permit application for the JADU until the city acts on the permit application to create a new single-family dwelling, but the application to create a JADU will still be considered ministerially without discretionary review or a hearing.