



City of Riverbank
Planning Commission Meeting
City Hall North • Council Chambers
6707 Third Street • Suite B • Riverbank • CA 95367

Agenda
Tuesday, September 19, 2017 – 6:00 P.M.

CALL TO ORDER: Chair: McKinney

ROLL CALL: Chair: McKinney
Vice Chair: King
Commissioner: Stewart
Commissioner: Tabacco
Commissioner: Vacant

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 to 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 Commissioner Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 2.1: Posting of the Agenda. The Agenda for the September 19, 2017 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 September 15, 2017.

Item 2.2: Approval of the 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.

Item 2.3: Approval of the Minutes of the August 15, 2017 Planning Commission Meeting, having been read by the individual Commissioners and stands approved as submitted.

Recommendation: It is recommended that Planning Commission approve the Consent Calendar by roll call vote.

3. PUBLIC HEARINGS PRESENTATIONS

Item 3.1: **General Plan Amendment No. 2017-01.** This item was continued from the regular Planning Commission meeting of July 18, 2017. The project consists of a General Plan Amendment to the City's Land Use Element to allow for Specific Plan Land Use

Designations to be established and designated on the General Plan Map, in accordance with specific process and criteria. Reso # 2017-016.

Recommendation: Approval by roll call vote.

Item 3.2: **Zoning Ordinance Amendment No. 2017-01.** The project consists of amendments to Title XV: Land Usage, Chapter 153 Single-Family Residential District (R-1), Duplex Residential District (R-2), and Multiple Family Residential District (R-3) to add and revise language regulating accessory dwelling units pursuant to State law, to add farmworker, transitional and supportive housing to residential districts to be consistent with State law and the Housing Element of the General Plan, and to regulate private skate ramps in residential neighborhoods. Reso # 2017-017.

Recommendation: Approval by roll call vote.

4. PLANNING COMMISSION COMMENTS

None.

5. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Information Only – No Action)

None.

6. STAFF COMMENTS (Information Only – No Action)

None.

7. ADJOURNMENT – The next regular Planning Commission meeting – October 17, 2017 @ 6:00 p.m.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the Planning Commission Board will be available for public inspection at the address where the meeting is taking place as indicated on the agenda, at the same time that the public records are distributed or made available to the Planning Commission Board.

AFFIDAVIT OF POSTING

I, Janet Smallen, do hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted 72 hours to the meeting in accordance to the Brown Act.

*Posted this 14th day of September, 2017
Janet Smallen, Sr. CDS*

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 Development Services Department at (209) 863-7128 or jsmallen@riverbank.org. Notification 72-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.

GENERAL INFORMATION: The Riverbank Planning Commission meets on the third Tuesday of each month at 6:00 p.m.

COMMISSION AGENDAS: The Planning Commission agenda is posted pursuant to the California Brown Act, which only requires these 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 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.

Televised/Video of Meetings: Charter – Channel 2; AT&T Uverse – Channel 99
Visit www.riverbank.org to connect to meeting videos. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)

City Hall Hours: City Hall is open Monday – Thursday: 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays. **QUESTIONS:** Contact the Developmental Services Department at (209) 863-7128.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the Planning Commission Board will be available for public inspection at the address where the meeting is taking place as indicated on the agenda, at the same time that the public records are distributed or made available to the Planning Commission Board.



City of Riverbank
Planning Commission Meeting
6707 Third Street • Riverbank • CA 95367

MINUTES

Tuesday, August 15, 2017

The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Development Services Department at (209) 863-7128. Unfortunately this meeting had technical difficulties and had no recorded volume.

CALL TO ORDER/ROLL CALL:

Present: Chair McKinney, Vice Chair King, Commissioner Stewart, Commissioner Tabacco

Absent: Commissioner: None

CONFLICT OF INTEREST: Any Planning Commissioner and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PUBLIC COMMENTS (No action to 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. 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.

None

2. CONSENT CALENDAR

All items on the Consent Calendar are to be acted upon by a single action of the Planning Commission unless otherwise requested by an individual Planning Commissioner for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 2.1: Posting of the August 15, 2017, Planning Commission Meeting.

ACTION: *By motion moved/second (Stewart / Tabacco / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: McKinney, King, Stewart, and Tabacco

Nays: None

Absent: None

Abstained: None

Item 2.2: The Agenda for the August 15, 2017, Planning Commission Meeting.

ACTION: *By motion moved/second (Stewart / Tabacco / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: McKinney, King, Stewart, and Tabacco

Nays: None

Absent: None

Abstained: None

Item 2.3: The Minutes of the July 18, 2017 Planning Commission Meeting.

ACTION: By motion moved/second (Stewart / Tabacco / passed 4-0) was approved with amendment to Public Hearing Item 3.1 with the removal of the word (another); motion carried by unanimous roll call vote.

Ayes: Planning Commissioners: McKinney, King, Stewart, and Tabacco

Nays: None

Absent: None

Abstained: None

Item 2.4: Approval of Extension of Tentative Subdivision Map 02-2015 for Dennis Monterosso / California Estates. Request to extend the Tentative Map for five (5) months, Reso # 2017-015.

ACTION: By motion moved/second (Stewart / Tabacco / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.

Ayes: Planning Commissioners: McKinney, King, Stewart, and Tabacco

Nays: None

Absent: None

Abstained: None

3. WORKSHOP ITEMS

Item 3.1: Land Use 101

- John B. Anderson with JB Anderson Land Use Planning, presented item 3.1 along with PowerPoint.
- Mr. Anderson asked if all Planning Commission had a copy of the Planning Commission handbook and if not should notify staff to provide one to them.
- Mr. Anderson also stated that in the future he will present future workshops on site plan reviews, parcel maps etc.
- During the PowerPoint presentation Commissioners asked Mr. Anderson questions.

Item 3.2: General Plan Amendment - Specific Plan

- John B. Anderson with JB Anderson Land Use Planning, presented item 3.2 along with PowerPoint.
- Planning Commissioners asked Mr. Anderson questions throughout the presentation and discussed item with Mr. Anderson.
- Annabel Gammon that was in the audience stated that she is concerned with them changing the General Plan to a Specific Plan.
- Evelyn Halbert also in the audience spoke that she also is not in favor of the changes that could happen to the General Plan.

4. PLANNING COMMISSION COMMENTS (Informational Only – No Action)

None

5. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Informational Only – No Action)

None

6. STAFF COMMENTS (Information Only – No Action)

Item 6.1: Planning Commission recruitment – Donna gave an update to the Planning Commissioners.

Item 6.2: Cannabis Regulations - Donna gave an update to the Planning Commissioners of what might be coming for their review pertaining to this new Ordinance.

7. UP-COMING MEETING AGENDA ITEMS (Information Only – No Action)

None at this time.

8. ADJOURNMENT – There being no further business, the meeting was adjourned.

ATTEST:

APPROVED:

Donna M. Kenney
Recording Secretary

Anthony McKinney, Chair
Planning Commission



City of Riverbank

6707 Third Street • Riverbank, CA 95367-2396
Phone: (209) 869-7128 • Fax: (209) 869-7126

NOTICE OF CONTINUANCE

AFFIDAVIT OF POSTING NOTICE OF CONTINUANCE:

Item 3.1: General Plan Amendment No. 2017-01. The project consists of a General Plan Amendment to the City's Land Use Element to allow for Specific Plan Land Use Designations to be established and designated on the General Plan Map, in accordance with specific process and criteria.

POLICY FOR PUBLIC NOTICE POSTING REQUIREMENTS

I, JANET SMALLEN, SR. COMMUNITY DEVELOPMENT SPECIALIST, declare as follows:

That I am the Sr. Community Development Specialist of the City of Riverbank. That at a regular meeting of the City Planning Commission of the City of Riverbank held July 18, 2017, said Public Hearing Item was continued to the September 19, 2017 Planning Commission Meeting.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 31st day of July 2017.

/s/ Janet Smallen,
Sr. Community Development Specialist
City of Riverbank

For official use only:

Posted: 7/31/17	Publish: n/a	Remove: 9/20/17
-----------------	--------------	-----------------



City of Riverbank Development Services Department

Planning Division ≈ Building Division ≈ Neighborhood Improvement Division

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

PUBLISH DATE: September 6, 2017

LEGAL DEPT: PLANNING

CITY OF RIVERBANK **NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Riverbank Planning Commission will conduct a public hearing to consider the projects, described below at 6:00 p.m. on Tuesday September 19, 2017, in Council Chambers 6707 Third Street, Riverbank, California.

General Plan Amendment No. 2017-01. This item was continued from the regular Planning Commission meeting of July 18, 2017. The project consists of a General Plan Amendment to the City's Land Use Element to allow for Specific Plan Land Use Designations to be established and designated on the General Plan Map, in accordance with specific process and criteria.

Zoning Ordinance Amendment No. 2017-01. The project consists of amendments to Title XV: Land Usage, Chapter 153 Single-Family Residential District (R-1), Duplex Residential District (R-2), and Multiple Family Residential District (R-3) to add and revise language regulating accessory dwelling units pursuant to State law, to add farmworker, transitional and supportive housing to residential districts to be consistent with State law and the Housing Element of the General Plan, and to regulate private skate ramps in residential neighborhoods.

The City of Riverbank will hold a Public Hearing as follows:

Planning Commission Meeting
September 19, 2017 at 6:00 pm
City Hall Council Chambers - 6707 Third Street - Riverbank, California

ALL INTERESTED PARTIES are invited to attend the public hearing on **September 19, 2017** at the time and place specified above to express opinions or submit evidence for or against the subject matter being considered. Written comments via e-mail to dkenney@riverbank.org by postal service, or hand delivered to **6707 Third Street, Suite A, Riverbank, California, 95367**, will be accepted by the Development Services Department up to 5:00 p.m. on said date. All written comments received by said time will be distributed to the Planning Commission for consideration. Oral comments will be received by the Planning Commission prior to the close of the Public Hearing on the subject matter being considered. The Planning Commission will receive all testimony prior to taking action. Testimony cannot be given over the telephone. If you challenge the City's action on these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City at, or prior to, the public hearing.

Meeting facilities are accessible to persons with disabilities. Any person requiring special assistance to participate in the meeting should notify the Administration Dept. at (209) 863-7122 or cityclerk@riverbank.org at least seventy-two (72) hours prior to the meeting. For questions regarding the public hearing matter contact Donna M. Kenney, Planning & Building Manager, at (209) 863-7124; dkenney@riverbank.org.

Any public record materials pertaining to the presentation of the subject matter being considered will be made available for review at the Development Services Counter at 6717 Third Street, Riverbank, and (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).

**PUBLIC NOTICE
CITY OF RIVERBANK
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Riverbank Planning Commission will conduct a public hearing to consider the projects, described below at 6:00 p.m. on Tuesday September 19, 2017, in Council Chambers 6707 Third Street, Riverbank, California.

General Plan Amendment No. 2017-01. This item was continued from the regular Planning Commission meeting of July 18, 2017. The project consists of a General Plan Amendment to the City's Land Use Element to allow for Specific Plan Land Use Designations to be established and designated on the General Plan Map, in accordance with specific process and criteria.

Zoning Ordinance Amendment No. 2017-01. The project consists of amendments to Title XV: Land Usage, Chapter 153 Single-Family Residential District (R-1), Duplex Residential District (R-2), and Multiple Family Residential District (R-3) to add and revise language regulating accessory dwelling units pursuant to State law, to add farmworker, transitional and supportive housing to residential districts to be consistent with State law and the Housing Element of the General Plan, and to regulate private skate ramps in residential neighborhoods.

The City of Riverbank will hold a Public Hearing as follows:

Planning Commission Meeting

September 19, 2017 at 6:00 pm

City Hall Council Chambers - 6707 Third Street - Riverbank, California

ALL INTERESTED PARTIES are invited to attend the public hearing on September 19, 2017 at the time and place specified above to express opinions or submit evidence for or against the subject matter being considered. Written comments via e-mail to dkenney@riverbank.org by postal service, or hand delivered to 6707 Third Street, Suite A, Riverbank, California, 95367, will be accepted by the Development Services Department up to 5:00 p.m. on said date. All written comments received by said time will be distributed to the Planning Commission for consideration. Oral comments will be received by the Planning Commission prior to the close of the Public Hearing on the subject matter being considered. The Planning Commission will receive all testimony prior to taking action. Testimony cannot be given over the telephone. If you challenge the City's action on these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City at, or prior to, the public hearing. Meeting facilities are accessible to persons with disabilities. Any person requiring special assistance to participate in the meeting should notify the Administration Dept. at (209) 863-7122 or cityclerk@riverbank.org at least seventy-two (72) hours prior to the meeting. For questions regarding the public hearing matter contact Donna M. Kenney, Planning & Building Manager, at (209) 863-7124; dkenney@riverbank.org.

Any public record materials pertaining to the presentation of the subject matter being considered will be made available for review at the Development Services Counter at 6717 Third Street, Riverbank, and (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).

September 6, 2017

RN #17-087

**CITY OF RIVERBANK
PLANNING COMMISSION
STAFF REPORT**

ITEM NO:	3.1	September 19, 2017
APPLICATION:	General Plan Amendment No. 2017-1. The project consists of a General Plan Amendment to the City's Land Use Element to allow for the creation of a Specific Plan Land Use Designations for specific properties, in accordance with defined process and criteria.	
LOCATION/APN:	Applicable to new Specific Plan properties only	
ENVIRONMENTAL DETERMINATION:	The project will have minimal impact upon the environment and meets all applicable criteria to qualify as exempt from further review as required by the California Environmental Quality Act (CEQA) Section 15061(b)(3), under the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment.	
PROJECT PLANNER:	John B. Anderson, Contract Planner	
RECOMMENDATION:	Planning Staff recommends the Planning Commission pass a Resolution recommending that the City Council approve the proposed General Plan Amendment based on the analysis and GPA Findings presented below.	
ACRONYMS:	LDR – Low Density Residential DU – Dwelling Unit CEQA – California Environmental Quality Act RMC – Riverbank Municipal Code	
ATTACHMENTS:	1. Proposed General Plan Amendment – Exhibit A 2. Planning Commission Resolution No. 2017-14 3. City of Riverbank General Plan Diagram	

I. EXECUTIVE SUMMARY

The proposed project includes a General Plan Amendment to the Land Use Element to allow for the creation of a Specific Plan Land Use Designation. The proposed amendment would allow for select areas to be designated as Specific Plan, in accordance with certain findings. Areas in which a Specific Plan land use designation is considered shall comply with a specific process and be consistent with a list of criteria. The proposed General Plan Amendment to the Land Use Element is attached to this Staff Report as Attachment 1.

II. BACKGROUND

Traditionally, each individual parcel has a specific General Plan Land Use Designation, such as Low Density Residential, or Community Commercial, or Light Industrial, etc. The proposed General Plan Amendment allows for the establishment of a Specific Plan Land Use Designation to cover a specific area based on defined criteria. The Specific Plan General Plan Designated Area, which could be applied to more than one (1) parcel and must follow the criteria below:

1. To facilitate the comprehensive planning of large strategic areas utilizing progressive planning techniques to ensure high quality development and integrate development with the provision of infrastructure.
2. Be located in strategic locations that will be impacted by land use decisions not totally within the control of the City of Riverbank.
3. Include a mix of land uses in the area is desirable, and the City desires to maintain the flexibility to adjust to changing market conditions.
4. Establish effective land use controls to preserve the integrity of existing adjacent development while enabling property owners to adjust to changing market conditions.

A copy of the City's General Plan Land Use Map is attached (Attachment 3). The purpose of the Specific Plan Land Use Designation is to allow for flexibility and modifications to the orientation of land uses of a Specific Plan area overtime.

III. ANALYSIS

Specific Plan Land Use Designation will only be considered in defined areas and shall comply with the following process/criteria:

1. The City shall adopt a Specific Plan covering a defined area, as defined by Sections 65450-65457 of the California Government Code and include content as specified by the CA Gov't Code;
2. Preparation of multiple Specific Plans for an area may be allowed under certain circumstances;
3. Consideration of a Specific Plan shall be consistent with the City's Annexation Strategies, as discussed in the Implementation Section of the General Plan.
4. Submittal of the Specific Plan shall include a matrix of anticipated land uses within the defined specific plan area, which in turn will be used in the Specific Plan Designation to establish max building intensities and densities;
5. The Specific Plan Land Use Designation must follow the boundaries of the adopted Specific Plan area;
6. Prior General Plan Land Use Designations will be abandoned in favor of Specific Plan Land Use Designation; and

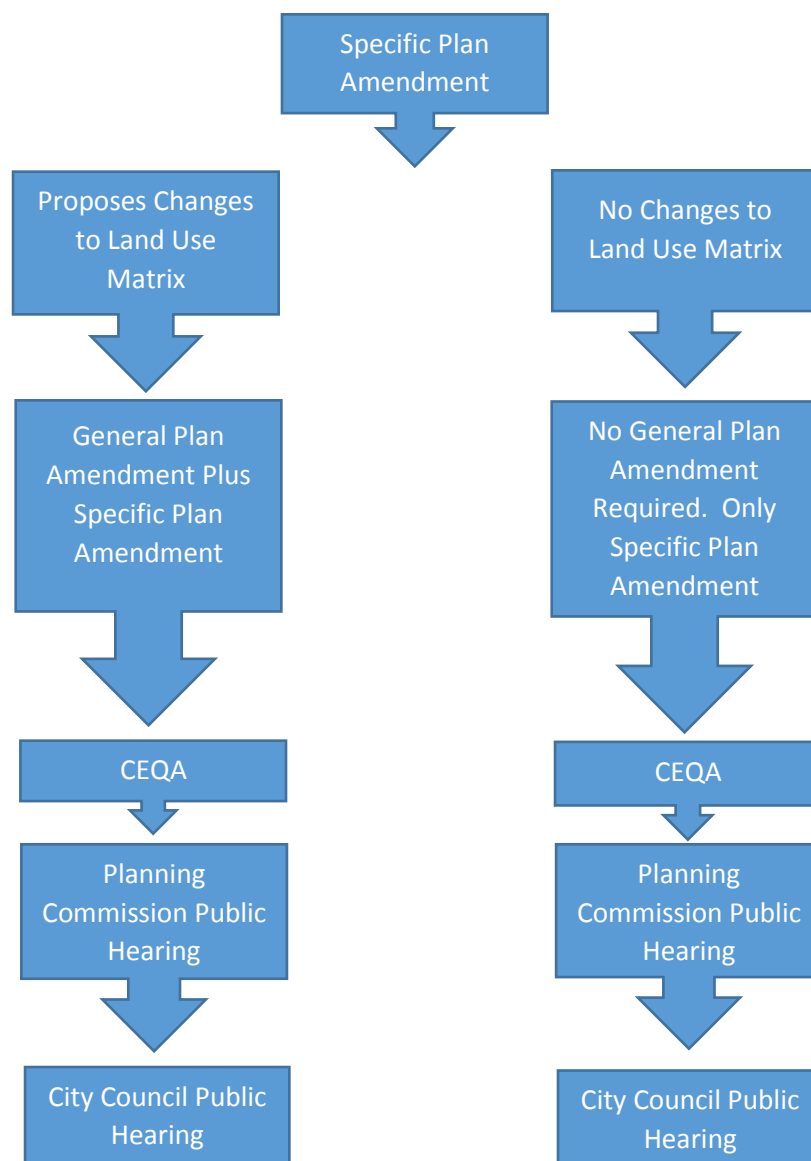
The Specific Plan Land Use Designation is a tool that allows a future applicant to designate a specific plan area as "Specific Plan". Only proposals that meet the above reasons/criteria will be considered for the Specific Plan Land Use Designation. The Specific Plan Land Use Designation will only affect new specific plan areas. In other words, properties within an approved Specific Plan (i.e. Downtown Specific Plan, Crossroads and Riverbank Industrial Complex) will remain unchanged.

Adoption of a new Specific Plan that includes the Specific Plan Land Use Designation will include an amendment to the General Plan Map to include the Specific Plan Land Use Designation and Amendment to the City's General Plan Land Use Element to include a the Specific Plan project description and land use matrix. The land use matrix details specific development projections and land use assumptions within the defined plan area. For example, the land use matrix may include a mixture of Low, Medium and High Density Residential. Details will be included in the land use matrix, including acres, estimated number of dwelling units, population (based on persons per household) and intensity (dwelling units per acre).

Future amendments to an adopted Specific Plan may occur and the application is reviewed by Planning Commission and City Council. A General Plan Amendment would be necessary if changes to the land use matrix are proposed. For example, if the proposed Specific Plan amendment includes additional residential acreage and less commercial acreage.

No General Plan Amendment is necessary if the defined area land use matrix is not modified. Below is a Specific Plan amendment flowchart that shows the process in which a Specific Plan amendment is adopted with and without changes to the land use matrix.

Specific Plan Amendment Flowchart



General Plan Amendment Findings

Per the City's 2005-2025 General Plan Implementation Section, the following questions must be answered when the Planning Commission and City Council are considering a proposed General Plan Amendment:

Is the proposed amendment in the public interest?

The proposed project provides additional criteria and justification for the establishment of a Specific Plan and Specific Plan Land Use Designation that ensures that newly created Specific Plans will provide a mix of land uses, located in strategic locations, have adequate infrastructure and have effective land use controls to preserve adjacent development(s).

Is the proposed amendment consistent and compatible with the goals and the vast majority of the policies of the General Plan?

The proposed General Plan Amendment is consistent with the Goals and Policies' of the General Plan, including the Implementation Section and Annexation Strategies. The proposed amendment is consistent with the following General Plan Goals and Policies:

Policy LAND-1.1: The City will only allow annexation of land that is: 1) adjacent to existing, developed portions of the City, or 2) adjacent to lands with available urban services and located within an area designated in the General Plan for urban development.

Goal LAND-2: Balanced and Diverse Uses of Land

Policy LAND-2.1: Approved specific plans shall include a variety of land uses, including a variety of housing types, mixed geographic proximity, in proportions and locations illustrated by the General Plan Land Use Diagram.

Policy LAND-2.2: Approved specific plans containing a sufficient number of dwelling units to support neighborhood-serving commercial and other non-civic, non-residential uses shall include such uses, which should be located in neighborhood centers when feasible.

Have the potential effects of the proposed amendment been evaluated and determined not to be detrimental to the public health, safety, or welfare?

The proposed General Plan Amendment provides a mechanism to establish a Specific Plan Land Use Designation on the General Plan Land Use Map and will not directly result in development. Future projects that intent to designate an area or areas as “Specific Plan” will be required to review the potential environmental effects of the proposed amendment in accordance with the California Environmental Quality Act (CEQA) Guidelines.

Has the proposed amendment been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act?

As discussed above, the proposed General Plan Amendment does not directly result in the development of a project but provides the mechanism in which a Specific Plan Land Use Designation can be created. Any future projects will be required to adhere to the requirements of the California Government Code and the CEQA.

California Native American tribes Consultation (Senate Bill 18)

In accordance with Senate Bill 18 (SB18), the City requested the Local Government Tribal Consultation List from the Native American Heritage Commission (“the Commission”) on May 9, 2017. A list from the Commission was received on May 24, 2017.

The City mailed project referrals/consultation requests to five (5) California Native American tribes on May 30, 2017. No comment and/or consultation was received during the ninety (90) consultation timeframe. The project referral was mailed to the following California Native American tribes:

- California Valley Miwok Tribe
- North Valley Yokuts Tribe
- Southern Sierra Miwuk Nation
- Tule River Indian Tribe
- Tuolumne Band of Me-Wuk Indians

IV. ENVIRONMENTAL DETERMINATION

The project will have minimal impact upon the environment and meets all applicable criteria to qualify as exempt from further review as required by the California Environmental Quality Act (CEQA) Section 15061(b)(3), under the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment.

V. FISCAL IMPACT

Staff time and resources have been utilized for the processing of this General Plan Amendment.

VI. PUBLIC NOTICE

The Planning Commission hearing notice was published in the *Riverbank News* on July 5, 2017 and September 6, 2017 and posted at City Hall North and South on July 5, 2017 and September 14, 2017 at which time Planning Commission conducted the Public Hearing and continued the Public Hearing to the September 19, 2017 meeting for this item. On August 15, 2017, the Planning Commission conducted a Public Workshop to discuss the proposed Specific Plan Land Use Designation concept in greater detail. At the time of writing this Staff Report (September 8, 2017), the City has not received any public comment. Written comments received by the City shall be supplied to the Commission at the day of the meeting and read into the public record.

VII. RECOMMENDATION

Planning Staff recommends approval of the proposed Resolution based on the analysis and findings presented above.

Respectfully Submitted By:

John B. Anderson
John B. Anderson
Contract Planner

Attachment 1: Proposed General Plan Amendment – Exhibit A



Specific Plan Land Use Designations

Specific Plan Land Use Designations may be established and designated in the General Plan Map, in accordance with the following reasons:

1. To facilitate comprehensive planning of large strategic areas utilizing progressive planning techniques to ensure high quality development and integrate development with the provision of infrastructure;
2. Be located in strategic locations that will be impacted by land use decisions not totally within the control of the City of Riverbank;
3. Include a mix of land uses in the area is desirable, and the City desires to maintain the flexibility to adjust to changing market conditions; and
4. Establish effective land use controls to preserve the integrity of existing adjacent development while enabling the property owners to adjust to changing market conditions.

Areas in which a Specific Plan Land Use Designation is considered shall comply with the following process/criteria:

1. The City shall adopt a specific plan covering a defined area, as defined by Sections 65450-65457 of the California Government Code and include content as specified by the Gov't Code and Riverbank General Plan (Page IMP-12). This shall address the entire Specific Plan Area (SPA) except as noted in (2) below;
2. Preparation of multiple specific plans for an area may be allowed when the City finds that this would be in the public interest due to: ownership pattern, size of the SPA, timing of development, and/or other similar factors;
3. Consideration of a specific plan shall be consistent with the City's Annexation Strategies, as discussed in the Implementation Section of the General Plan;
4. Submittal of the specific plan shall include a matrix of anticipated land uses within the defined specific plan area, which in turn will be used in the Specific Plan Designation to establish max building intensities and densities;
5. The Specific Plan Land Use Designation must follow the boundaries of the adopted Specific Plan Area;
6. Prior General Plan Designations will be abandoned in favor of the Specific Plan Land Use Designation; and

Attachment 2: Planning Commission Resolution No. 2017-14

**CITY OF RIVERBANK
RESOLUTION NO. 2017-14**

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF RIVERBANK, CALIFORNIA, APPROVING
THE GENERAL PLAN AMENDMENT TO AMEND THE
LAND USE ELEMENT TO INCLUDE A SPECIFIC PLAN
DESIGNATION**

WHEREAS, Government Code Section 65353 requires the Planning Commission hold at least one noticed, public hearing on any proposed General Plan Amendment; and

WHEREAS, the Government Code further requires that a General Plan Amendment be made only "in the public good"; and

WHEREAS, the Government Code further requires that the City Council receive input from the Planning Commission on any proposed General Plan Amendment; and

WHEREAS, notice/referral of the proposed General Plan Amendment was mailed to five (5) Native American tribes on May 30, 2017, pursuant to Senate Bill 18; and

WHEREAS, notice of the public hearing on the General Plan Amendment was published in the *Riverbank News*, a newspaper of general circulation on July 5, 2017 and September 6, 2017; and

WHEREAS, the Planning Commission conducted a Public Hearing on July 18, 2017 and continued the Public Hearing to the September 19, 2017 meeting; and

WHEREAS, the Planning Commission conducted a Public Workshop on August 15, 2017 to discuss the proposed Specific Plan Land Use Designation concept in greater detail; and

WHEREAS, the Planning Commission has reviewed the General Plan Amendment and conducted a public hearing on September 19, 2017; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT BASED THE FOLLOWING FINDINGS:

1. General Plan Amendment Findings. That pursuant to California Government Code sections 65358 and the Riverbank General Plan, the Planning Commission finds as follows:
 - a. The General Plan Amendments are in the public interest because the General Plan Amendment will allow the City Council to designate certain areas as Specific Plan, in accordance with certain findings.
 - b. The General Plan Amendment is consistent and compatible with the goals and the vast majority of the policies of the General Plan, including the City's Annexation Strategies.
 - c. The proposed General Plan Amendment provides a mechanism to establish Specific Plan Land Use Designation in the General Plan Land Use Map and will not directly result in development. Future projects that intend to designate an area or areas as "Specific Plan" will be required to review the potential environmental effects, including public health, safety or welfare of the proposed amendment in accordance with the California Environmental Quality Act.
 - d. That the proposed amendment has been processed in accordance with the California Government Code and the California Environmental Quality Act.
2. That, based on the findings set forth in this Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearings on this matter before the Planning Commission, the Planning Commission hereby recommends approval of the General Plan Amendment as included in Exhibit A.
3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.
4. The City finds that the project will have a minimal impact upon the environment and meets all applicable criteria to qualify as exempt from further review as required by the California Environmental Quality Act Section 15061(b)(3), under the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the Nineteenth day of September, 2017; motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Donna M. Kenney
Planning and Building Manager

Anthony McKinney
Planning Commission Chair

Attachments:

Exhibit A – General Plan Amendment Exhibit

Exhibit A: General Plan Amendment Exhibit



Specific Plan Land Use Designations

Specific Plan Land Use Designations may be established and designated in the General Plan Map, in accordance with the following reasons:

1. To facilitate comprehensive planning of large strategic areas utilizing progressive planning techniques to ensure high quality development and integrate development with the provision of infrastructure;
2. They are located in strategic locations that will be impacted by land use decisions not totally within the control of the City of Riverbank;
3. A mix of land uses in the area is desirable, and the City desires to maintain the flexibility to adjust to changing market conditions; and
4. Effective land use controls are needed to preserve the integrity of existing adjacent development while enabling the property owners to adjust to changing market conditions.

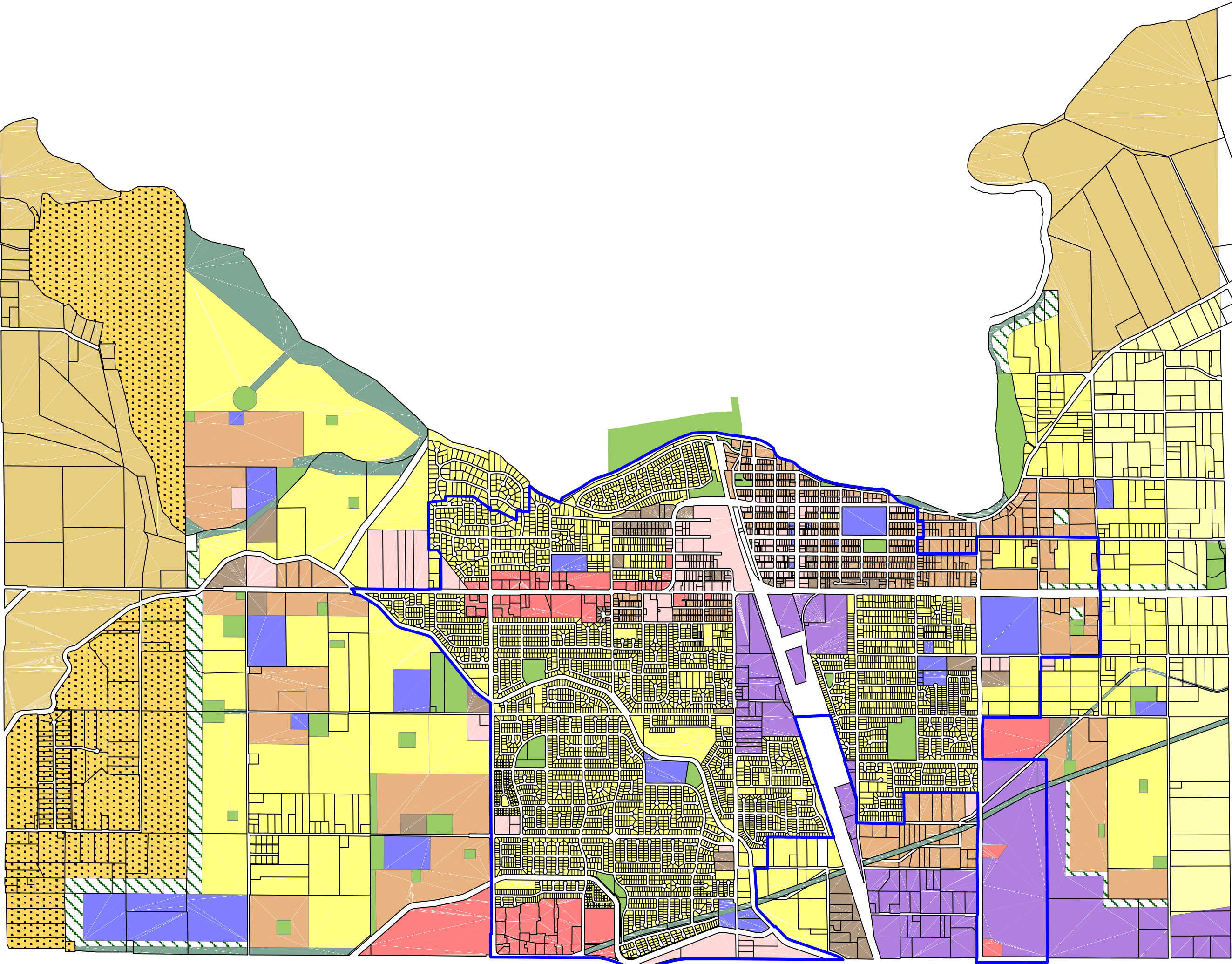
Areas in which a Specific Plan Land Use Designation is considered shall comply with the following process/criteria:

1. The City shall adopt a specific plan, as defined by Sections 65450-65457 of the California Government Code and include content as specified by the Gov't Code and Riverbank General Plan (Page IMP-12). This shall address the entire Specific Plan Area (SPA) except as noted in (2) below;
2. Preparation of multiple specific plans for an area may be allowed when the City finds that this would be in the public interest due to: ownership pattern, size of the SPA, timing of development, and/or other similar factors;
3. Consideration of a specific plan shall be consistent with the City's Annexation Strategies, as discussed in the Implementation Section of the General Plan;
4. Submittal of the specific plan shall include a matrix of anticipated land uses within the defined specific plan area;
5. The Specific Plan Land Use Designation must follow the boundaries of the Specific Plan Area;
6. Prior General Plan Designations will be abandoned in favor of the Specific Plan Land Use Designation; and
7. Once a Specific Plan is adopted, discretionary approvals (such as subdivision maps, rezoning, or design review) may be granted by the City.

Attachment 3: City of Riverbank General Plan Diagram



City of Riverbank
GENERAL PLAN



- AG Resource Conservation (AG)
- Buffer/Greenway/Open Space (B/G/OS)
- Civic (C)
- Community Commercial (C/C)
- Higher Density Residential - 16+ Units (HDR)
- Industrial/Buisness Park (I/BP)
- Lower Density Residential - 0-8 Units (LDR)
- Medium Density Residential - 8-16 Units (MDR)
- Mixed Use (MU)
- Multi-Use Recreational/Resource (MUR/R)
- Parks
- Reserve (R)
- Clustered Rural Residential - 0.2 or less units per acre (RR)
- Reserve (R)
- City Limits

**CITY OF RIVERBANK
PLANNING COMMISSION**

STAFF REPORT

ITEM NO: 3.2

APPLICATION: **Zoning Ordinance Amendment No. 2017-01.** The project consists of amendments to Title XV: Land Usage, Chapter 153 Second Dwelling Units, Definitions, Single-Family Residential District (R-1), Duplex Residential District (R-2), Multiple Family Residential District (R-3), and Off-Street Parking Requirements.

CEQA: The proposed accessory dwelling unit amendment is exempt from environmental review pursuant to Statutory Exemptions, Section 15282, subsection (h) “second units” of the CEQA Guidelines. In addition, amendments made to ensure consistency with the Housing Element and the General Plan and to regulate skate ramps in residential districts are not projects within the meaning of Section 15378 of the State CEQA Guidelines.

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

RECOMMENDATION: That Planning Commission approves Resolution 2017-017 (Attachment 1) recommending to the City Council the approval of Ordinance No. 2017-XXX (Exhibit A) to add, delete, and revise language regulating accessory dwelling units pursuant to State law, to ensure consistency between the Zoning Code and the Housing Element and General Plan, and to regulate private skate ramps in residential districts.

ACROMYMS: CEQA – California Environmental Quality Act

I. EXECUTIVE SUMMARY:

In 2016, California Legislature passed new laws including AB 2299 and SB 1069 (Attachment 2) intended to increase the number of Accessory Dwelling Units (“ADUs”) by simplifying the approval process, reducing costs associated with their creation, and creating new standards and regulations which modify the City’s ability to regulate

Accessory Dwelling Units. ADUs help diversify the City's housing stock and help provide housing that is affordable. ADUs offer lower cost housing for family members, students, the elderly, in-home health care providers, the disabled, and others within existing neighborhoods.

Since the City has not had a comprehensive Zoning Code update since 1967, staff took this opportunity to address typos, clarifications, Housing Element and General Plan consistency, and state mandates within these particular code sections, including the addition of regulations for personal skate ramps in the R-1 zoning district.

II. BACKGROUND AND ANALYSIS:

The original purpose of this Project was to amend the City of Riverbank Zoning Code to meet a recent State mandate concerning accessory dwelling units. Although much of Section §153.325 Second Dwelling Units complied with State law, new requirements for processing time, lot area, setbacks, utility connections, protections for historical structures, and parking requirements, among others, and the removal of a conditional use permit requirement caused this section to need to be updated. In reviewing the Housing Element as part of the Accessory Dwelling Units update, staff determined multiple other zoning code sections needed to be updated to ensure consistency between the Housing Element and the Zoning Code. Those identified sections are Definitions, Single Family Residential R-1, Duplex Residential R-2, Multiple Family Residential R-3, and Off-Site Parking (Attachments 3 and 4) and concern Employee, Transitional, and Supportive Housing.

While updating the above sections of the Zoning Code, staff has included regulations for personal skate ramps in the R-1 zoning district. A code enforcement case involving privacy, noise, and lighting concerns has drug on for months, hindered by a lack of specific regulations to address those concerns. Staff research into other cities' regulations provides the basis of this addition to the code. The Planning Commission can recommend to the Council if this is something the city wants to include in the update or not.

In addition to the Accessory Dwelling Unit, Housing Element Consistency, and personal skate ramp regulations included in this Project, staff has taken the opportunity to correct typos, fix outdated department titles, clarify language, and add information from the City's Public Works Standards and Specifications to make it easier for our citizens to locate said information. For example, since the City does not require citizens to apply for a permit to install a three (3) foot fence in their front setback, they would have no way of knowing that fences need to remain a minimum of three (3) feet from all side of a fire hydrant unless they review the Standards and Specifications. Likewise, residents pay to have plans drawn up for a second garage and driveway not knowing the new driveway must be located a minimum of twenty (20) feet from the original driveway and five (5) feet from a side property line. Having this information in the Zoning Code could save them money on plans if they can see a second driveway and garage would not be approved.

Housing Element and General Plan:

The draft Ordinance is consistent with the General Plan and each of its elements and all components therein because the proposed ordinance is consistent with the goals and policies of the Housing Element of the Riverbank General Plan:

GOAL 2: ENCOURAGE AND ASSIST IN THE DEVELOPMENT OF ADEQUATE HOUSING TO MEET THE NEEDS OF EXTREMELY LOW-, LOW-, AND VERY LOW-INCOME HOUSEHOLDS.

Housing Element Policy HE 2.1: Implement a proactive approach to encourage and gain support for multifamily developments.

Program 2.1c: Encourage developers to include second dwelling units in new subdivisions as well as a variety of higher use options.

By adopting the attached Ordinance, the City encourages homeowners and developers by permitting such units without requiring additional lot area, allowing up to 50% lot coverage, reducing parking standards, modifying setback requirements for ADUs when converting garages or constructing atop garages, reducing review time, removing the requirement for a conditional use permit, and removing the requirement for fire sprinklers if the primary unit does not require them. The City permits such units by right in R-1, R-2 and R-3 Zoning Districts according to the requirements of State law.

Program 2.1g: The City will update the uses permitted in the R-1 and R-2 zones to include Transitional and Supportive Housing as a permitted use.

By adopting the attached Ordinance, the City adds (P) Employee Housing (no more than six (6) workers per unit and no more than twelve (12) units or thirty-six (36) beds), Farmworker Housing, Transitional Housing and Supportive Housing to Section §153.031 and adds (P) Transitional and Supportive Housing to Section §153.046 of the Riverbank Municipal Code.

Program 2.1h: The City shall amend its zoning ordinance to comply with Health and Safety Act Sections 17021.5 and 17021.6 and permit Employee Housing and Farmworker Housing in the R-1 zoning district. The amendment shall include the following:

- *Amend Definitions (Section 153.003) to include Employee Housing;*
- *Amend the Single Family Residential District R-1 zone to include Employee Housing for no more than 6 workers as a permitted use (Section 153.031); and*
- *Amend the Single Family Residential District R-1 zone to include Employee Housing with no more than 12 units or 36 beds as a permitted use (Section 153.031).*

By adopting the attached Ordinance, the City adds the definition of Employee Housing to Section §153.003 and (P) Employee Housing (no more than six (6)

workers per unit and no more than twelve (12) units or thirty-six (36) beds), Farmworker Housing, Transitional Housing and Supportive Housing to Section §153.031 of the Riverbank Municipal Code.

GOAL 3: REDUCE OR REMOVE GOVERNMENT CONSTRAINTS

Housing Element Policy HE 3.1: Promote efficient and creative alternatives to help reduce government constraints.

Program 3.1d: As parking requirements are a common constraint throughout the State of California, the City shall review and amend the zoning code to reduce the City's parking standards (inclusive of guest parking) for multifamily uses in the R-2 and R-3 zones as follows:

- *Zero (0) to one (1) bedroom: one (1) onsite parking space;*
- *Two (2) to three (3) bedrooms: one and a half (1½) onsite parking spaces; and*
- *Four (4) or more bedrooms: two and one half (2½) onsite parking spaces.*

By adopting the attached Ordinance, the City reduces the residential parking standards in the R-2 and R-3 zoning districts to match those above.

III. ENVIRONMENTAL REVIEW:

The proposed accessory dwelling unit amendment to the City of Riverbank Municipal Code is exempt from environmental review pursuant to Statutory Exemptions, Section 15282, subsection (h) "second units" of the CEQA Guidelines. In addition, amendments made to ensure consistency with the Housing Element and to regulate skate ramps in the R-1 zoning district are not projects within the meaning of Section 15378 of the State CEQA Guidelines because they have no potential for resulting in a physical change in the environment, directly or ultimately. Therefore, the amendments are exempt from CEQA.

IV. PUBLIC NOTICE:

The Planning Commission hearing notice was published in the Riverbank News on September 6, 2017 and posted at City Hall North, South, Post Office, Community Center and website on September 6, 2017. At the time of writing this Staff Report (September 14, 2017), the City has not received any written public comment. Written comments received by the City shall be supplied to the Commission on the day of the meeting.

V. RECOMMENDATION:

Recommend the City Council approve the draft Ordinance based upon the General Plan consistency findings contained in the attached Resolution.

VI. ATTACHMENTS:

Attachment 1 – Planning Commission Resolution 2017-017
Exhibit A - Draft City Council Ordinance No. 2017-XXX
Attachment 2 – AB No. 2299 and SB No. 1069
Attachment 3 - Draft City Council Ordinance No. 2017-XXX redlined version
Attachment 4 - Summary of Changes

Respectfully Submitted By:

Donna M. Kenney
Donna M. Kenney
Planning and Building Manager

Attachment 1: Planning Commission Resolution No. 2017-017

**City of Riverbank
Planning Commission
Resolution No. 2017-017**

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, CHAPTER 153: ZONING, SECTION 153.325 THROUGH SECTION 153.326 SECOND DWELLING UNITS; SECTION 153.003 DEFINITIONS; SECTION 153.030 THROUGH SECTION 153.033 SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE; SECTION 153.045 THROUGH SECTION 153.048 DUPLEX RESIDENTIAL DISTRICT R-2 ZONE; SECTION 153.060 THROUGH SECTION 153.064 MULTIPLE FAMILY RESIDENTIAL DISTRICT R-3 ZONE; AND SECTION 153.184 OFF-STREET PARKING REQUIREMENTS BY REPEALING THESE SECTIONS IN THEIR ENTIRETY AND SUBSTITUTE THEM WITH NEW SECTIONS SECTION 153.325 THROUGH SECTION 153.326 ACCESSORY DWELLING UNITS; SECTION 153.003 DEFINITIONS; SECTION 153.030 THROUGH SECTION 153.033 SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE; SECTION 153.045 THROUGH SECTION 153.048 DUPLEX RESIDENTIAL DISTRICT R-2 ZONE; SECTION 153.060 THROUGH SECTION 153.064 MULTIPLE FAMILY RESIDENTIAL DISTRICT R-3 ZONE; AND SECTION 153.184 OFF-SITE PARKING REQUIREMENTS TO THE RIVERBANK MUNICIPAL CODE OF ORDINANCES.

WHEREAS, the availability of housing is a substantial concern for all individuals in communities throughout the State of California; and

WHEREAS, in 2016, California Legislature passed new laws including AB2299 and SB 1069 intended to increase the number of accessory dwelling units by simplifying the approval process, reducing costs associated with their creation, and creates new standards and regulations modifying the City's ability to regulate Accessory Dwelling Units; and

WHEREAS, ADUs provide the City with an opportunity to increase the amount of affordable rental housing in the community while providing homeowners with a chance to supplement mortgage payments, thus making their own housing affordable; and

WHEREAS, the City of Riverbank has not had a comprehensive Zoning Code update since 1967 so staff took this opportunity to address typos, clarifications, general plan and housing element consistency, and state mandates within these particular code sections, including the addition of regulations for personal skate ramps in the R-1 zoning district; and

WHEREAS, on September 6, 2017, 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 September 19, 2017, to consider the proposed amendments to the City of Riverbank Municipal Code; and

WHEREAS, the proposed Zoning Code amendments comply with the legislative amendments made in 2016 to State Law Sections 65582.1, 65583.1, 65589.4, 65852.150, 65852.2, and 66412.2 which establish standards for the development of accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhood; and

WHEREAS, the proposed accessory dwelling unit amendments to the City of Riverbank Municipal Code are exempt from environmental review pursuant to Section 15282, subsection (h) "second units" of the CEQA Guidelines. In addition, amendments made to ensure consistency with the Housing Element of the General Plan and to regulate skate ramps in residential districts are not projects within the meaning of Section 15378 of the State CEQA Guidelines because they have no potential for resulting in a physical change in the environment, directly or ultimately; and

WHEREAS, The Riverbank Planning Commission made the following finding:

1. The proposed amendments are consistent with the goals, policies, programs, and uses of the Housing Element and of the General Plan; and

WHEREAS, the proposed project is consistent with the following aspects of the Housing Element:

1. *Policy HE 2.1*: The City will implement a proactive approach to encourage and gain support for multi-family developments.
2. *Policy HE 3.1*: Promote efficient and creative alternatives to help reduce government constraints.

NOW THEREFORE, BE IT RESOLVED the City of Riverbank Planning Commission forwards its recommendation to the City Council to adopt draft Ordinance No. 2017-XXX (Exhibit A).

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 19th of September 2017, by the following vote ____ - ____:

AYES: Commissioners:

NOES:

ABSENT:

ABSTAIN:

Attest:

Approved:

Donna M. Kenney,
Planning and Building Manager

Anthony McKinney, Chairperson
Planning Commission

Exhibit A: Draft City Council Ordinance No. 2017-XXX

EXHIBIT A

THE CITY COUNCIL OF THE CITY OF RIVERBANK ORDINANCE NO. 2017-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING TITLE XV: LAND USAGE, CHAPTER 153: ZONING, SECTION 153.325 THROUGH SECTION 153.326 SECOND DWELLING UNITS; SECTION 153.003 DEFINITIONS; SECTION 153.030 THROUGH SECTION 153.033 SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE; SECTION 153.045 THROUGH SECTION 153.048 DUPLEX RESIDENTIAL DISTRICT R-2 ZONE; SECTION 153.060 THROUGH SECTION 153.064 MULTIPLE FAMILY RESIDENTIAL DISTRICT R-3 ZONE; AND SECTION 153.184 OFF-STREET PARKING REQUIREMENTS BY REPEALING THESE SECTIONS IN THEIR ENTIRETY AND SUBSTITUTE THEM WITH NEW SECTIONS SECTION 153.325 THROUGH SECTION 153.326 ACCESSORY DWELLING UNITS; SECTION 153.003 DEFINITIONS; SECTION 153.030 THROUGH SECTION 153.033 SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE; SECTION 153.045 THROUGH SECTION 153.048 DUPLEX RESIDENTIAL DISTRICT R-2 ZONE; SECTION 153.060 THROUGH SECTION 153.064 MULTIPLE FAMILY RESIDENTIAL DISTRICT R-3 ZONE; AND SECTION 153.184 OFF-SITE PARKING REQUIREMENTS TO THE RIVERBANK MUNICIPAL CODE OF ORDINANCES.

WHEREAS, in 2016, the California Legislature passed new laws including AB 2299 and SB 1069 intended to increase the number of Accessory Dwelling Units (“ADUs”) by simplifying the approval process, reducing costs associated with their creation, and creating new standards and regulations which modify the City’s ability to regulate Accessory Dwelling Units; and

WHEREAS, ADUs provide the City with an opportunity to increase the amount of affordable rental housing in the community while providing homeowners with a chance to supplement mortgage payments, thus making their own housing affordable; and

WHEREAS, the City of Riverbank has not had a comprehensive Zoning Code update since 1967 so staff took this opportunity to address typos, clarifications, general plan and housing element consistency, and state mandates within these particular code sections, including the addition of regulations for personal skate board ramps in residential districts; and

WHEREAS, the City of Riverbank Planning Commission held a duly noticed public hearing on Tuesday, September 19, 2017 to consider the Project, and provided their recommendations to the City Council; and

WHEREAS, the City Council of the City of Riverbank held a duly noticed public hearing on Tuesday, October 10, 2017 to consider the introduction of the Ordinance for first reading; and

WHEREAS, the proposed Zoning Code amendments comply with the legislative amendments made in 2016 to State Law Sections 65582.1, 65583.1, 65589.4, 65852.150, 65852.2, and 66412.2 which establish standards for the development of accessory dwelling units; and

WHEREAS, the City Council of the City of Riverbank has determined the proposed amendments to the Zoning Code are consistent with the goals, policies, and standards of the City of Riverbank General Plan and Housing Element and mandates of the State of California.

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

SECTION 1: Title XV: Land Usage, Chapter 153: Zoning, Section 153.325 through Section 153.326 Second Dwelling Units; Section 153.003 Definitions; Section 153.030 through Section 153.033 Single-Family Residential District R-1 Zone; Section 153.045 through Section 153.048 Duplex Residential District R-2 Zone; Section 153.060 through Section 153.064 Multiple Family Residential District R-3 Zone; and Section 153.184 Off-Street Parking Requirements, of the Riverbank Municipal Code shall be repealed in its entirety and replaced with a new Title XV: Land Usage, Chapter 153: Zoning, Section 153.325 through Section 153.326 Accessory Dwelling Units; Section 153.003 Definitions; Section 153.030 through Section 153.033 Single-Family Residential District R-1 Zone; Section 153.045 through Section 153.048 Duplex Residential District R-2 Zone; Section 153.060 through Section 153.064 Multiple Family Residential District R-3 Zone; and Section 153.184 Off-Street Parking Requirements, which shall read as follows:

Title XV: Land Usage, Chapter 153: Zoning

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 one hundred twenty (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 one thousand two hundred (1,200) square feet. Any increase in the floor area of an attached accessory dwelling unit shall not exceed fifty percent (50%) of the existing living area or one thousand two hundred (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 (2) stories or thirty-five (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 (1) 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 (5) 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 fifty percent (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 (1) 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 (1) 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)

Statutory reference:

Second residential units, see Cal. Gov't Code § 65852.2

GENERAL PROVISIONS

§ 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 (4) 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 thirty (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 (2) or more rooms which is designed for, intended for, and/or occupied by one (1) 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 (5) but not more than ten (10) 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.

(1) **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 (4) feet in length with the main building on the same lot, it shall be considered detached.

(2) **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 twelve (12) hours in any twenty-four (24) hour period. A day care shall not include twenty-four (24) hour care and shelter.

DWELLING. A building or portion of a building designed for residential purposes, including one- (1) family, two- (2) family and multiple family dwelling but not including hotels, motels, boarding houses and lodging houses.

DWELLING GROUP. A group of two (2) or more or detached or semi- detached single-family, two- (2) family or multiple dwellings occupying a parcel of land in one (1) ownership.

DWELLING, MULTIPLE. A building or portion thereof used or designed as a residence for three (3) 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 (1) dwelling unit on one (1) 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 (2) families living independently of each other, but under one (1) roof.

DWELLING UNIT. One (1) or more rooms in a dwelling designed for occupancy by one (1) family for living or sleeping purposes, and having only one (1) kitchen.

DWELLING UNIT, ACCESSORY. An attached or detached residential dwelling unit which provides complete independent living facilities for one (1) 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.

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.

EMERGENCY SHELTERS. Housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) 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 (1) 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 (2) square feet of gross floor area for each three (3) 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 (9) 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 (3) 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 (3) consecutive days nor on more than two (2) separate occasions within any one (1) calendar year.

(2) No such sale shall result in the use of more than two (2) unlighted signs not exceeding three (3) 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.

HOKKAH 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 (6) 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 twelve (12) chinchillas, hamsters, white mice or similar animals in combination.

JUNK YARD. The use of more than two hundred (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 (4) or more dogs or cats (or any combination of four (4) or more dogs and cats) of four (4) 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 (1) family.

LABOR CAMP. Any living quarters, dwelling, boarding house, tent, bunk house, camper, mobile home or other housing accommodation, maintained for five (5) 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 (2) or more streets, or bounded on two (2) 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 (10) 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 (9) feet by nineteen (19) feet with access for the parking of automobiles. The length of the space may be reduced by two (2) 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.

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 three hundred twenty (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 four hundred (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 four hundred (400) square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed twelve (12) feet in width or forty (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 (5) 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 thirty (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 (6) 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.

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 (6) months from the beginning of the assistance.

TRUCK TERMINAL. The storage of one or more commercial trucks which have a body exceeding twelve (12) feet in length in rear of the cab, or the storage of more than one (1) 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 (1) ton load rating or any van of no more than a one (1) 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 two hundred (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)

SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE

§ 153.030 REGULATIONS.

The following regulations shall apply in all R-1 Districts and shall be subject to the provisions of §§ 153.180 through 153.185 and §153.325 of this chapter.

(`67 Code, § 10-3-1)

§ 153.031 USES PERMITTED.

(A) One (1) single-family dwelling or one (1) manufactured home provided that the manufactured home meets the following restrictions:

(1) Manufactured homes may be installed only if no more than ten (10) years has elapsed between the date of manufacture and the date of application for a permit to install the manufactured home.

(2) Manufactured homes must be on a foundation system approved by Resolution No. 81-45 of the City Council.

(3) All manufactured homes shall be subject to review and approval by the Community Development Director with respect to orientation on the lot, siding material, roofing materials and roof overhang to ensure, to the greatest extent feasible, compatibility with surrounding structures. A pictorial representation of the proposed manufactured home shall be submitted with the application.

(4) No other dwelling units (i.e. single family, duplex, multiple family, apartments or dwelling groups) shall be allowed on the same lot.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2002-001, passed 1-28-02)

(B) Accessory buildings are normally incidental to a single-family dwelling provided that such buildings are constructed concurrent with, or subsequent to the construction of

the single-family dwelling. **NORMALLY INCIDENTAL** shall be deemed to mean that, in addition to a garage (either attached or detached), the maximum size of the accessory building shall be determined by maximum lot coverage.

(1) A detached accessory building, other than a covered patio as defined herein, may occupy not more than fifty percent (50%) of a required rear yard, subject to the following requirements within an "R" district:

(a) No detached accessory building shall be closer than six (6) feet to the main building, exclusive of roof covering;

(b) No detached accessory building shall be allowed within the required yard areas, exclusive of roof covering;

(c) Seven and one-half (7½) feet shall be the maximum height for a "shed" located at the setback line. A shed height may be increased one and one-half (1½) feet for every one (1) foot back from the setback line to a maximum height of fifteen (15) feet;

(d) A detached gazebo shall not be located closer than six (6) feet to the main building exclusive of roof covering; shall not exceed a maximum height of fifteen (15) feet.

(Ord. 88-14, passed 11-28-88; Am. Ord. 2004-001, passed 6-14-04)

(C) Family day care centers limited to six (6) paying guests.

(D) Family day care centers for seven (7) to twelve (12) paying guests when the following criteria are met:

(1) At least one (1) off-street parking space shall be provided for each employee.

(2) There are no other day care centers for more than six (6) paying guests within three hundred (300) feet of the exterior boundaries of the subject site.

(3) In addition to the required employee parking, there shall be provided at least two (2) off-street parking spaces for loading and unloading of guests. These spaces shall be so located that vehicles head in and head out without using the public street for maneuvering, loading or unloading.

(E) Home occupations as defined in § 153.003 and regulated in §§ 153.265 through 153.267 of this chapter.

(F) Public parks and public buildings.

(G) Temporary real estate office and sign (not to exceed one hundred (100) square feet in area) may be located on any new subdivision for a period of not more than two (2) years from the date of recording of the map of the subdivision upon which the office and sign are located. This time limit shall automatically be extended under the conditions in § 153.285 (A)(1)(g) of this chapter.

(H) Temporary construction buildings to house tools and equipment or containing supervisory office in connection with construction projects during active construction on the same property.

(I) Residential care homes in which no more than six (6) persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

(J) Signs as allowed in §§ 153.280 through 153.285.

(K) Garage sales, as defined in § 153.003.

(L) Temporary uses such as a circus, carnival, fair or festival provided that they meet the following requirements:

(1) The use shall be temporary in nature and shall not last more than four (4) days.

(2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least thirty (30) days prior to the scheduled beginning of the event.

(3) A business license shall be obtained as required by § 110.18 of the city code.

(4) Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local nonprofit organizations.

(M) Temporary mobile home for ill or aged family members as regulated by § 153.219 of the city code.

(N) Accessory dwelling unit meeting § 153.325.

(O) One (1) duplex on a corner lot, provided that the front door and garage of each unit faces a different street and that garages are recessed five (5) feet from living quarters subject to an architectural and site plan review application approved by the Community Development Director.

(P) Employee Housing (no more than six (6) workers per unit and no more than twelve (12) units or thirty-six (36) beds), Farmworker Housing, Transitional Housing, Supportive Housing.

(`67 Code, § 10-3-2) (Ord. 87-11, passed 7-27-87; Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2008-008, passed 9-8-08)

§ 153.032 USES PERMITTED WITH A USE PERMIT.

(A) Churches and other religious institutions (excluding open-air or tent).

(B) Schools, public utility, quasi-public buildings.

(C) Public or private automobile parking lots when adjacent to a C or M district or to a PD district when used for commercial or industrial purposes.

(D) Mobile home park which meets the “Mobile Home Park Standards” as adopted by Resolution No. 88-83 of the City Council.

(E) Family day care centers for seven (7) to twelve (12) paying guests when the requirements of § 153.031(D) of this chapter are not met.

(F) *Half-Pipes and similar structures.*

(1) Every proposed half-pipe or similar structure shall be of a scale and design and constructed of materials which will minimize noise, vibration, and other nuisance factors commonly associated with half-pipe usage. Portions of the half-pipe may be located below ground, but in no case shall any portion of the half-pipe exceed six (6) feet in height above ground level excluding hand rails. Hours of operation shall be from 8:00 a.m. to 8:00 p.m. Lighting is prohibited.

(2) Walls, fences, hedges, trees or other screen plantings shall be installed sufficient to ensure harmony with adjacent properties and to conceal any unsightly development. No commercial or advertised use of the half-pipe shall be permitted and no donations or contributions shall be solicited or received for use or attendance at half-pipe activities.

(3) The proposed half-pipe shall comply with all pertinent sections of the Uniform Building Code and all zoning requirements, including side and rear yard setbacks, minimum of six (6) feet from other structures, lot coverage, and size regulations for accessory structures.

(4) For purposes of this section, “half-pipe” means a smooth-surfaced outdoor structure shaped like a trough and used in gravity extreme sports such as skateboarding, freestyle BMX, or inline skating.

(‘67 Code, § 10-3-3) (Ord. 92-06, passed 7-13-92; Am. Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2008-008, passed 9-8-08)

§ 153.033 BUILDING REQUIREMENTS.

(A) *Height limit.*

(1) For dwellings and other main buildings, including accessory dwelling units – thirty-five (35) feet.

(2) For accessory buildings:

(a) Sheds: A subordinate structure or building used primarily for storage purposes, of a height no greater than fifteen (15) feet and the total square footage of which does not exceed one hundred and twenty (120) square feet. Sheds that exceed one hundred and twenty (120) square feet shall require a building permit;

(b) Gazebos fifteen (15) feet: An accessory building consisting of a detached, covered, free-standing, open-air structure not exceeding three hundred (300) square feet.

(B) No fence (excluding wire fences and non-solid fences which do not limit visibility as determined by the Planning Director) shall be constructed in excess of eight (8) feet in height within any side or rear yard, except fences within the side or rear yard which enclose electrical substations which may be constructed to the heights required by law.

(1) *Architectural accent fences.* Small architectural accent fences within the required ten (10) foot front yard setback, are allowed to be constructed no higher than three (3) feet out to the back of the sidewalk. They shall be constructed and maintained so to be harmonious with the neighborhood. In no case may a utility meter be enclosed. Fences shall remain a minimum of three (3) feet from all sides of a fire hydrant.

(2) *Front yard courtyards.* Courtyard is defined as an uncovered area partly or wholly enclosed by buildings or walls and used primarily for supplying access, light, and air to the dwelling. Walls shall not enclose more than two (2) sides of the courtyard. Courtyard walls shall be no higher than four (4) feet six (6) inches. Front yard courtyard fences shall be constructed of material and colors consistent and complementary to the design of the main structure. Courtyards shall be determined by the Community Development Director and it is recognized that not all dwelling types will have a courtyard. Courtyard fences shall be located no closer than thirteen (13) feet behind the front property line.

(3) *Solid fences, walls, hedges and retaining walls.* Solid fences, walls, hedges and retaining walls not more than seven (7) feet in height may occupy any required yard or other space, except that fences, walls, hedges and retaining walls shall be no higher than three (3) feet when located in the required front yard setback area, in the required setback areas along the side street of a corner lot and along the rear or side lot line of a reversed corner lot where it abuts the front yard of the adjoining key lot. Walls and retaining walls over four (4) feet in height require engineering and a permit.

(4) *Corner lots.* Within the front or street side yard of a corner lot in any district there shall be no solid fence, wall or hedge height greater than three (3) feet nor any obstruction other than a post, building column or tree not more than two (2) feet in diameter, between the height of three (3) feet six (6) inches and ten (10) feet above the top of the curb, or if no curb exists, above maximum street grade.

(5) *Transparent fences.* Notwithstanding any other regulation herein, fences with ninety percent (90%) transparency no higher than four (4) feet may occupy the required front setback area along the side street of a corner lot and along the rear or side lot line or a reverse corner lot where it abuts the front yard of the adjoining key lot. Vision through the fence shall remain totally unobstructed at all times.

(6) *Fence height.* The height of a fence shall be measured from the higher property elevation.

(7) *Sight distance triangle - Obstructions.* No obstruction to view in excess of three (3) feet in height shall be placed in any corner or reverse corner lot within a triangular area formed by the extension of the lot line to a point of intersection and a line connecting them at a distance of thirty (30) feet to said intersection. Except for natural land formations, a sight distance triangle for a driveway with a distance of ten (10) feet from back of sidewalk towards the dwelling and ten (10) feet along the sidewalk in either direction shall be maintained free of obstructions in excess of three (3) feet in height.

(8) *Fence permits.* A fence permit, issued by the Community Development Department shall be obtained prior to the erection of any fence over six (6) feet in height within the city.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2004-001, passed 6-14-04)

(C) *Yards and open spaces required.*

(1) Front yard and side yard of a corner lot - not less than ten feet (10) from the planned right-of-way line provided that no vehicle opening of any building is closer than twenty (20) feet to the property line or planned right-of-way line toward which the opening faces. Corner lot driveways shall not be located on the half of the lot frontage nearest the radius return, or closer than twenty (20) feet to said radius return.

(2) Side or rear yard when lot abuts an arterial - ten (10) feet.

(3) Side or rear yard, interior lots all other cases - five (5) feet.

(4) Detached accessory buildings - six (6) feet from any other buildings.

(5) A detached accessory building other than a covered patio as defined herein, may not occupy more than fifty percent (50%) of a required rear yard, subject to the following requirements:

(a) Within an "R" District, no detached accessory building shall be closer than six (6) feet to the main building, exclusive of roof covering.

(Ord. 90-01, passed 1-22-90; Am. Ord. 2004-001, passed 6-14-04)

(D) *Lot coverage.* No more than fifty percent (50%) of the lot may be covered by buildings.

(E) *Off-street parking.* As required in § 153.184 of this chapter.

(F) *Minimum building size.*

(1) Single-family dwellings and mobile homes – nine hundred (900) square feet.

(2) All other uses - no minimum size.

(G) *Building site area and density required*

(1) Maximum permissible density is eight (8) dwelling units per net acre.

- (2) Minimum area - six thousand (6,000) square feet.
- (3) Minimum width, interior lot – fifty-five (55) feet.
- (4) Minimum width, corner lot – sixty-five (65) feet.
- (5) Minimum depth – one hundred (100) feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision-making body. Plot plans of lots for which less than the minimum depth is requested, may be required to ensure that the lot is usable for residential purposes.

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

(H) *Open space requirements.* All multiple residential uses of two (2) or more dwelling units on one (1) lot shall provide a fenced playground (or other open space in the case of an adult-only facility) of at least fifty (50) square feet per unit with a minimum area of three hundred (300) square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth ratio not exceeding one to two (1:2). Except in very large complexes (more than fifty (50) units) this required open space shall be in one (1) location.

- (1) Allowed uses include playgrounds, walking and biking paths/trails, picnic areas, and community flower and vegetable gardens.
- (2) Open space can be managed by a third party using land trusts or conservation easements.

(Ord. 2004-001, passed 6-14-04)

(67 Code, § 10-3-4)

(I) *Landscape Areas.* No more than fifty percent (50%) of a residential front yard shall be paved and no more than fifty percent (50%) of a rear yard shall be paved. An interior side yard may be paved if a minimum of one (1) foot is left unpaved along the side property line.

(J) *Driveways.* The minimum distance between approaches serving the same parcel of land shall be twenty (20) feet. The minimum setback of a driveway to a side property line is five (5) feet and from a dwelling unit three (3) feet.

DUPLEX RESIDENTIAL DISTRICT R-2 ZONE

§ 153.045 REGULATIONS.

The following regulations shall apply in the R-2 districts and shall be subject to the provisions of §§ 153.180 through 153.185 of this chapter.

(`67 Code, § 10-4-1)

§ 153.046 USES PERMITTED.

(A) A single-family dwelling or one (1) duplex, or two (2) dwelling units, except that on parcels with no direct frontage on a city maintained street, only one (1) single-family dwelling is permitted.

(B) In lieu of all the residential uses listed in division (A) above, one (1) manufactured home per lot provided that the manufactured home meets the following restrictions:

(1) Manufactured homes may be installed only if no more than ten (10) years has elapsed between the date of manufacture and the date of application for a permit to install the manufactured home.

(2) Manufactured homes must be on a foundation system approved by Resolution No. 81-45 of the City Council.

(3) All manufactured homes shall be subject to review and approval by the Community Development Director with respect to siding material, roofing materials and roof overhang to ensure, to the greatest extent feasible, compatibility with surrounding structures. A pictorial representation of the proposed manufactured home shall be submitted with the application.

(4) No other dwelling units (such as, single-family or duplex) shall be allowed on the same lot.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2002-001, passed 1-28-02)

(C) Accessory buildings normally incidental to dwellings provided that such buildings are constructed concurrent with, or subsequent to the construction of the dwellings. **NORMALLY INCIDENTAL** shall be deemed to mean that, in addition to a garage(s) (either attached or detached) as required by this title, the size of the accessory building does not exceed twenty percent (20%) of the living area of the dwellings.

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

(D) Family day care centers limited to six (6) paying guests.

(E) Family day care centers for seven (7) to twelve (12) paying guests when the following criteria are met:

(1) At least one (1) off-street parking space shall be provided for each employee.

(2) There are no other day care centers for more than six (6) paying guests within three hundred (300) feet of the exterior boundaries of the subject site.

(3) In addition to the required employee parking, there shall be provided at least two (2) off-street parking spaces for loading and unloading of guests. These spaces

shall be located so that vehicles head in and head out without using the public street for maneuvering, loading, or unloading.

(F) Home occupations as defined in § 153.003 and regulated in §§ 153.265 through 153.267.

(G) Public parks and public buildings.

(H) Temporary real estate office and sign (not to exceed 100 square feet in area) may be located on any new subdivision for a period of not more than two (2) years from the date of recording of the map of the subdivision upon which the office and sign are located. This time limit shall automatically be extended under the conditions described in § 153.285(A)(1)(g).

(I) Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property.

(J) Residential care homes in which less than seven (7) persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

(K) Signs as allowed in §§ 153.280 through 153.285.

(L) Temporary uses such as a circus, carnival, fair or festival, provided that they meet the following requirements:

(1) The use shall be temporary in nature and shall not last more than four (4) days.

(2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least thirty (30) days prior to the scheduled beginning of the event.

(3) A business license shall be obtained as required by § 110.18 of the city code.

(4) Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local nonprofit organizations.

(M) Temporary mobile home for ill or aged family members as required by § 153.219.

(N) Garage sales as defined in § 153.003.

(O) Accessory dwelling unit meeting § 153.325.

(P) Transitional and Supportive Housing.

(Ord. 87-11, passed 7-27-87) (`67 Code, § 10-4-2)

§ 153.047 USES PERMITTED WITH A USE PERMIT.

- (A) Churches and other religious institutions (excluding open-air or tent).
- (B) Schools, public utilities, and quasi-public buildings.
- (C) Public or private automobile parking lots when adjacent to any C or M district or to any PD district which is used for commercial or industrial purposes.
- (D) Mobile home parks which meet the "Mobile Home Park Standards" as adopted by resolution of the City Council.
- (E) Family day care centers for seven (7) to twelve (12) paying guests when the requirements of § 153.046 (E) are not met.
- (F) Duplex parcels with no direct frontage on a city maintained street.
- (G) Accessory buildings that do not meet the requirements of § 153.046 (C).

(`67 Code, § 10-4-3) (Ord. 92-06, passed 7-13-92; Am. Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03)

§ 153.048 BUILDING REQUIREMENTS.

(A) *Height limit.*

(1) For dwellings and other main buildings, including accessory dwelling units – thirty-five (35) feet.

(2) For accessory buildings - 15 feet.

(3) No fence (excluding wire fences and nonsolid fences which do not limit visibility as determined by the Community Development Director) shall be constructed in excess of eight (8) feet in height within any side or rear yard, except fences within the side or rear yard which encloses electrical substations, which may be constructed to the height required by law.

(4) No fence, hedge or screen planting (excluding wire fences and nonsolid fences which do not limit visibility as determined by the Community Development Director) shall be constructed or permitted to grow in excess of three (3) feet in height within any front yard or side yard of a corner lot.

(B) *Building site area required.*

(1) Minimum area – six thousand (6,000) square feet.

(2) Minimum width, interior lot – fifty-five (55) feet.

(3) Minimum width, corner lot – sixty-five (65) feet.

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

(4) Minimum depth – one hundred (100) feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision making body. Plot plans of lots for which less than the minimum depth is requested may be required to ensure that the lot is usable for residential purposes.

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

(C) *Yards and open spaces required.*

(1) Front yard and side yard of a corner lot - not less than fifteen (15) feet from the planned right-of-way line, provided that no vehicle opening of any building is closer than twenty (20) feet to the property line or planned right-of-way line toward which the opening faces.

(2) Side or rear yard when lot abuts an arterial – ten (10) feet.

(3) Side or rear yard, interior lots, all other cases – five (5) feet.

(4) Detached accessory buildings – ten (10) feet from any other buildings.

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

(D) *Lot coverage.* No more than fifty percent (50%) of the lot may be covered by buildings.

(E) *Off-street parking.* As required in § 153.184.

(F) *Minimum building size.*

(1) Single-family dwellings and mobile homes – nine hundred (900) square feet.

(2) All other uses - No minimum size.

(G) *Density.* Maximum permissible density of twelve (12) dwelling units per net acre.

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

(H) *Open space requirements.* All multiple residential uses of two (2) or more dwelling units on one (1) lot shall provide a fenced playground (or other open space in the case of an adult-only facility) of at least fifty (50) square feet per unit with a minimum area of three hundred (300) square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth ratio not exceeding one to two (1:2). Except in very large complexes (more than 50 units) this required open space shall be in one (1) location.

(Ord. 89-22, passed 1-8-90) (`67 Code, § 10-4-4)

MULTIPLE FAMILY RESIDENTIAL DISTRICT R-3 ZONE

§ 153.060 REGULATIONS.

The following regulations shall apply in all R-3 districts and shall be subject to the provisions of §§ 153.180 through 153.185 of this chapter.

(`67 Code, § 10-5-1)

§ 153.061 USES PERMITTED.

(A) Single-family, duplex and multiple family dwellings, apartment houses, dwelling groups, except that on parcels with no direct frontage on a city maintained street, only one (1) single-family dwelling is permitted.

(B) In lieu of all the residential uses listed in division (A) above, one (1) manufactured home per lot provided that the manufactured home meets the following restrictions:

(1) Manufactured homes may be installed only if no more than ten (10) years has elapsed between the date of manufacture and the date of application for a permit to install the manufactured home.

(2) Manufactured homes must be on a foundation system approved by resolution of the City Council.

(3) All manufactured homes shall be subject to review and approval by the Community Development Director with respect to lot orientation, siding material, roofing materials and roof overhang to ensure, to the greatest extent feasible, compatibility with surrounding structures. A pictorial representation of the proposed manufactured home shall be submitted with the application.

(4) No other dwelling units (such as, single-family, duplex, multiple family, apartments or dwelling groups) shall be allowed on the same lot.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2002-001, passed 1-28-02)

(C) Accessory buildings normally incidental to permitted uses provided that such buildings are constructed concurrent with, or subsequent to the construction of the permitted use. **NORMALLY INCIDENTAL** shall be deemed to mean that, in addition to a garage(s) (either attached or detached) as required by this chapter, the size of the accessory building does not exceed twenty percent (20%) of the area of the main building.

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

(D) Family day care centers limited to six (6) paying guests.

(E) Family day care centers for seven (7) to twelve (12) paying guests when the following criteria are met:

(1) At least one (1) off-street parking space shall be provided for each employee.

(2) There are no other day care centers for more than six (6) paying guests within three hundred (300) feet of the exterior boundaries of the subject site.

(3) In addition to the required employee parking, there shall be provided at least two (2) off-street parking spaces for loading and unloading of guests. These spaces shall be located so that vehicles head in and head out without using the public street for maneuvering, loading, or unloading.

(F) Home occupations as defined in § 153.003 and regulated in §§ 153.265 through 153.267.

(G) Public parks and public buildings.

(H) Temporary real estate office and sign (not to exceed 100 square feet in area) may be located on any new subdivision for a period of not more than two (2) years from the date of recording of the map of the subdivision upon which the office and sign are located. This time limit shall automatically be extended under the conditions described in § 153.285 (A)(1)(g).

(I) Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property.

(J) Residential care homes in which less than seven (7) persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

(K) Signs as allowed in §§ 153.280 through 153.285.

(L) Temporary uses such as a circus, carnival, fair or festival, provided that they meet the following requirements:

(1) The use shall be temporary in nature and shall not last more than four (4) days.

(2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least thirty (30) days prior to the scheduled beginning of the event.

(3) A business license shall be obtained as required by § 110.18 of the city code.

(4) Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local nonprofit organizations.

(M) Temporary mobile home for ill or aged family members as required by § 153.219 of the city code.

(N) Garage sales as defined in § 153.003.

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

- (O) Accessory dwelling unit meeting § 153.325.
- (P) Emergency shelters as defined in § 153.003.
- (Q) Transitional housing as defined in § 153.003.
- (R) Supportive housing as defined in § 153.003.

(`67 Code, § 10-5-2) (Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2015-002, passed 2-24-15)

§ 153.062 USES PERMITTED WITH A USE PERMIT.

- (A) Churches and other religious institutions (excluding open-air or tent).
- (B) Schools, public utilities and quasi-public buildings.
- (C) Public or private automobile parking lots when adjacent to any C or M district or to any PD district which is used for commercial or industrial purposes.
- (D) Hotels, rooming or boarding houses.
- (E) Professional offices.
- (F) Labor camp.
- (G) Institutions for treatment of alcoholics.
- (H) Mobile home parks which meet the "Mobile Home Park Standards" as adopted by resolution of the City Council.
- (I) Family day care centers for seven (7) to twelve (12) paying guests when the requirements of § 153.061 (E) are not met.
- (J) Duplex and multiple family dwellings, apartment houses and dwelling groups on parcels with no direct frontage on a city maintained street.
- (K) Accessory buildings that do not meet the requirements of § 153.061 (C).
- (L) Residential care homes for more than seven (7) persons.

(`67 Code, § 10-5-3) (Ord. 92-06, passed 7-13-92; Am. Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03)

§ 153.063 BUILDING REQUIREMENTS.

- (A) *Height limit.*
 - (1) For dwellings and other main buildings three (3) stories but in no case to exceed forty-five (45) feet.
 - (2) For accessory buildings – fifteen (15) feet.

(3) No fence (excluding wire fences and nonsolid fences which do not limit visibility as determined by the Community Development Director) shall be constructed in excess of eight (8) feet in height within any side or rear yard, except fences within the side or rear yard which encloses electrical substations, which may be constructed to the height required by law.

(4) No fence, hedge or screen planting (excluding wire fences and nonsolid fences which do not limit visibility as determined by the Community Development Director) shall be constructed or permitted to grow in excess of three (3) feet in height within any front yard or side yard of a corner lot.

(B) *Building site area required.*

(1) Minimum area:

(a) For one (1) and two (2) family dwellings or non-dwelling main buildings – six thousand (6,000) square feet.

(b) For each unit in excess of two (2) dwelling units – two thousand (2,000) square feet, not to exceed twenty (20) units per net acre.

(2) Minimum width, interior lot – fifty-five (55) feet.

(3) Minimum width, corner lot – sixty-five (65) feet.

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

(4) Minimum depth – one hundred (100) feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision making body. Plot plans of lots for which less than the minimum depth is requested may be required to ensure that the lot is usable for residential purposes.

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

(C) *Yards and open spaces required - single-family dwellings, duplexes and triplexes:*

(1) Front yard and side yard of a corner lot - not less than fifteen (15) feet from the planned right-of-way line, provided that no vehicle opening of any building is closer than twenty (20) feet to the property line or planned right-of-way line toward which the opening faces.

(2) Rear yard when lot backs up to an arterial – ten (10) feet.

(3) Side or rear yard, interior lots, all other cases – five (5) feet.

(4) Detached accessory buildings, including accessory dwelling units - ten (10) feet from any other buildings.

(D) *Yards and open spaces required* - uses other than single-family dwellings, duplexes and triplexes. The minimum setbacks shall be as required by § 153.183 (D) of this chapter.

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

(E) *Lot coverage*. No more than sixty percent (60%) of the lot may be covered by buildings.

(F) *Floor area ratio requirements*.

- (1) For single story buildings - 0.60:1.0
- (2) For two (2) story buildings - 0.80:1.0
- (3) For three (3) story buildings - 1.20:1.0

(G) *Minimum building size*.

- (1) Single-family dwellings and mobile homes – nine hundred (900) square feet.
- (2) All other uses - No minimum size.

(`67 Code, § 10-5-4)

§ 153.064 DEVELOPMENT STANDARDS.

(A) *Trash storage area*. Trash bins (except single-family dwellings, duplexes, or dwelling groups) shall be provided in a fully enclosed trash storage area. This area or areas shall be provided at locations that are readily accessible to residents and sanitation collectors.

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

(B) *Landscaping plan*. Landscaping plan for all uses (except single-family dwellings, duplexes and triplexes) including plant species, initial size, location, growth characteristics and method of irrigation shall be approved by the Community Development Director prior to issuance of any permit. Such required landscaping shall be installed prior to final inspection and shall be maintained by the property owner. Approval shall be based on the degree of compliance with landscape standards as adopted from time to time by City Council.

(Ord. 87-11, passed 7-27-87; Am. Ord. 89-22, passed 1-8-90)

(C) *Off-street parking*. Off-street parking as required in § 153.184.

(D) *Fencing*. A six (6) foot high solid fence shall be constructed along side and rear property lines, except as otherwise prohibited in this chapter, for all apartments, dwelling groups and multiple family dwellings.

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

(E) *Open space requirements.* All multiple residential uses of two (2) or more dwelling units on one (1) lot shall provide a fenced playground (or other open space in the case of an adult-only facility) of at least fifty (50) square feet per unit with a minimum area of three hundred (300) square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth ratio not exceeding one to two (1:2). Except in very large complexes (more than fifty (50) units) this required open space shall be in one (1) location.

(Ord. 89-22, passed 1-8-90)

(F) *Site plan review.* Proposals to construct anything other than a single-family dwelling, a duplex, a triplex or a four-plex on a parcel shall be subject to site plan review by the Planning Commission prior to issuance of a building permit. This review shall include, but not be limited to, comparison of the project with the Architectural and Subdivision Design Standards as adopted by the City Council.

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

GENERAL REGULATIONS

§ 153.184 OFF-STREET PARKING REQUIREMENTS.

(A) *Churches, lodges, and places of public assembly.* One (1) space for every three (3) fixed seats, or for every three (3) persons allowed under the maximum capacity established by the Fire Warden where there are no fixed seats, in the main place of assembly.

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

(B) *Dwellings.*

(1) Single-family and manufactured housing, financed by FmHA, one (1) one-car garage of the maximum size permitted by FmHA and one (1) additional off-street parking space which may be located adjacent to the driveway.

(2) Single-family dwelling and manufactured housing, a two-car garage, with a minimum clear width of eighteen (18) feet and a clear depth of nineteen (19) feet six (6) inches in the direction of travel, must be provided. No appliances or other objects may intrude into the garage space area.

(3) Single-family dwelling built prior to January 1, 1990, one (1) one-car garage may be constructed if there is inadequate area for a two-car garage. This provision would not apply to garage conversions or other requirements of this section.

(Ord. 92-17, passed 12-14-92)

(4) Two-family dwelling, duplex or multiple dwelling: may be covered or uncovered.
(a) Zero (0) to one (1) bedroom – one (1) onsite parking space;

(b) Two (2) to three (3) bedrooms – one and one half (1.5) onsite parking spaces; and

(c) Four (4) or more bedrooms – two and one half (2.5) onsite parking spaces.

(5) Rooming or boarding house: one (1) space for every three hundred (300) square feet of ground floor area. Spaces inside a garage may be counted toward meeting the requirement.

(Ord. 2000-05, passed 4-24-00)

(C) *Garage and repair shops.* One (1) space for every three hundred (300) square feet of gross floor area.

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

(D) *Hospital.* One and one-half (1½) spaces for each bed.

(E) *Manufacturing or assembly plants and wholesale warehouses.* One (1) space for each employee on a maximum shift plus three (3) additional spaces or, when the number of employees cannot be determined, one (1) space for every three hundred (300) square feet of gross floor area.

(F) *Mobile home parks.* Two (2) spaces for each mobile home space plus one (1) visitor parking space for every five (5) mobile home spaces. Excluding visitor parking, the spaces may be constructed in tandem.

(G) *Mortuaries.* One (1) space for every five (5) seats, or one (1) space for every thirty-five (35) square feet in assembly rooms where seating is not fixed.

(H) *Motels and hotels.* One (1) space for each sleeping room or dwelling unit.

(I) *Office buildings.*

(1) *Banks and financial institutions.* One (1) space for every three hundred (300) square feet of gross floor area.

(2) *General business and professional offices.* One (1) space for every three hundred (300) square feet of gross floor area.

(3) *Medical-dental offices and clinics.* One (1) space per doctor and each employee, plus one (1) space per individual examining room or one (1) space for every one hundred (100) square feet of gross floor area where the number of examining rooms is unknown.

(J) *Recreational uses.*

(1) *Bowling alleys.* Five (5) spaces per lane.

(2) *Dance hall and amusement centers.* Twenty five (25) spaces per one thousand (1,000) square feet of gross floor area.

(3) *Stadiums and theaters.* One (1) space for every three (3) seats.

(K) *Restaurants and bars.* One (1) space per three (3) seats plus any additional spaces as prescribed by the Community Development Director. This division is subject to appeal to the City Council and Planning Commission.

(L) *Rest home or nursing home.* One (1) space for each employee on a maximum shift plus one (1) space for every eight (8) beds.

(M) *Retail stores and service establishments.*

(1) *Community and regional shopping center.* Eight (8) spaces per one thousand (1,000) square feet of gross floor area and one (1) off-street truck unloading space for each seven thousand five hundred (7,500) square feet of gross floor area.

(2) *Flea markets.* Eight (8) spaces per one thousand (1,000) square feet of indoor or outdoor sales area.

(3) *Vehicles sales establishment.* One (1) space for each employee on a maximum shift plus one (1) customer parking space per every twenty (20) vehicles for sale.

(4) *All other retail store and service establishments.* One (1) space for every three hundred (300) square feet of gross floor area and one (1) off-street truck unloading space for each seven thousand five hundred (7,500) square feet of gross floor area.

(N) *Schools.*

(1) *Elementary.* Two (2) spaces for each classroom.

(2) *High school and trade school.* One (1) space for every five (5) seats.

(3) *Colleges.* One (1) space for every three (3) seats.

(O) *Combined uses.* The number of required spaces shall be determined by combining individual requirements for each use.

(P) *Other uses.* All other uses not set forth above shall be determined by the Planning Commission based on the intensity of use by motor vehicles.

(Q) *Location.* No required off-street parking spaces shall be located within the building setback area or any required yard space, nor shall the spaces be allowed in tandem.

(R) *Commercial spaces.* All commercial and other parking spaces shall be located within three hundred (300) feet of the use which they are to serve.

(S) *Existing buildings.* None of the off-street parking requirements shall apply to any building in existence at the time of the effective date of this chapter, provided that changes in use of the building do not increase demand for spaces and provided that any portion of the premises being used for off-street parking in connection with any such building shall not be reduced below the requirements of this section.

(T) *Paving and marking.* All required parking spaces shall be paved and, with the exception of spaces provided in a garage, all spaces shall be marked.

(U) *Recreational vehicles.* Recreational vehicles, as described in this chapter, may be parked on private property within any zoning district within the city so long as they do not create safety or sight clearance hazard for traffic on abutting streets, sidewalks or alleys and shall not be stored within the front yard area, excluding driveways.

(1) Residents may apply and be issued (no fee) permits, by officers of the Riverbank Police Services Division, for guests to stay in recreation vehicles parked on their property for a period not to exceed seven (7) consecutive days. Written permission of the property owner of record is required prior to issuance of a temporary permit.

(2) Recreation vehicles, parked on private property, are prohibited from being used as living quarters except as provided above or when parked in approved licensed recreation vehicle parks.

(V) *Access.* All parking spaces shall be accessible by paved driveways, alleys, or streets. If parking spaces are to be entered or exited by means of an alley, the alley shall be paved the entire width of the lot and from the lot to the nearest paved, public right-of-way.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2002-006, passed 8-26-02; Am. Res. 2003-019, passed 2-24-03) (`67 Code, § 10-13-5)

§ 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 2. 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 3: This Ordinance shall become effective thirty (30) days from and after its final passage October 24, 2017, 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 October 10, 2017. 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 10th day of October, 2017; 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

Attachment 2: AB No. 2299 and SB No. 1069



California

LEGISLATIVE INFORMATION

[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

AB-2299 Land use: housing: 2nd units. (2015-2016)

SHARE THIS:



Assembly Bill No. 2299

CHAPTER 735

An act to amend Section 65852.2 of the Government Code, relating to land use.

[Approved by Governor September 27, 2016. Filed with Secretary of State September 27, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2299, Bloom. Land use: housing: 2nd units.

The Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the intensity of land use, and also authorizes a local agency to provide by ordinance for the creation of 2nd units in single-family and multifamily residential zones, as specified. Existing law authorizes the ordinance to designate areas within the jurisdiction of the local agency where 2nd units may be permitted, to impose specified standards on 2nd units, and to provide that 2nd units do not exceed allowable density and are a residential use, as specified.

This bill would replace the term "second unit" with "accessory dwelling unit." The bill would, instead, require the ordinance to include the elements described above and would also require the ordinance to require accessory dwelling units to comply with specified conditions. This bill would require ministerial, nondiscretionary approval of an accessory dwelling unit under an existing ordinance. The bill would also specify that a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

Existing law requires that parking requirements for 2nd units not exceed one parking space per unit or per bedroom. Under existing law, additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the 2nd unit and are consistent with existing neighborhood standards applicable to residential dwellings.

This bill would delete the above-described authorization for additional parking requirements.

By increasing the duties of local officials with respect to land use regulations, this bill would impose a state-mandated local program.

This bill would incorporate additional changes in Section 65852.2 of the Government Code proposed by SB 1069 that would become operative only if SB 1069 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Notwithstanding subparagraph (B), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(D) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(E) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing,

notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of accessory dwelling units.

(4) Any existing ordinance governing the creation of accessory dwelling units by a local agency or any such ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed accessory dwelling units on lots zoned for residential use that contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of accessory dwelling units if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for a accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards.

(d) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000).

(e) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of accessory dwelling units, provided those requirements comply with subdivision (a).

(f) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(g) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means 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 Section 65589.5.

(4) "Accessory dwelling unit" means 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. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(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.

(h) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 1.5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not

feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit 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 accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means 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 Section 65589.5.

(4) "Accessory dwelling unit" means 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. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Senate Bill 1069. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Senate Bill 1069, in which case Section 1 of this bill shall not become operative.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



California

LEGISLATIVE INFORMATION

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)

SB-1069 Land use: zoning. (2015-2016)

SHARE THIS:



Senate Bill No. 1069

CHAPTER 720

An act to amend Sections 65582.1, 65583.1, 65589.4, 65852.150, 65852.2, and 66412.2 of the Government Code, relating to land use.

[Approved by Governor September 27, 2016. Filed with Secretary of State September 27, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1069, Wieckowski. Land use: zoning.

The Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the intensity of land use, and also authorizes a local agency to provide by ordinance for the creation of 2nd units in single-family and multifamily residential zones, as specified. That law makes findings and declarations with respect to the value of 2nd units to California's housing supply.

This bill would replace the term "second unit" with "accessory dwelling unit" throughout the law. The bill would additionally find and declare that, among other things, allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock, and these units are an essential component of housing supply in California.

The Planning and Zoning Law authorizes the ordinance for the creation of 2nd units in single-family and multifamily residential zones to include specified provisions regarding areas where accessory dwelling units may be located, standards, including the imposition of parking standards, and lot density. Existing law, when a local agency has not adopted an ordinance governing 2nd units as so described, requires the local agency to approve or disapprove the application ministerially, as provided.

This bill would instead require the ordinance for the creation of accessory dwelling units to include the provisions described above. The bill would prohibit the imposition of parking standards under specified circumstances. The bill would revise requirements for the approval or disapproval of an accessory dwelling unit application when a local agency has not adopted an ordinance. The bill would also require the ministerial approval of an application for a building permit to create one accessory dwelling unit within the existing space of a single-family residence or accessory structure, as specified. The bill would prohibit a local agency from requiring an applicant for this permit to install a new or separate utility connection directly between the unit and the utility or imposing a related connection fee or capacity charge. The bill would authorize a local agency to impose this requirement for other accessory dwelling units.

This bill would incorporate additional changes in Section 65852.2 of the Government Code proposed by AB 2299 that would become operative only if AB 2299 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65582.1 of the Government Code is amended to read:

65582.1. The Legislature finds and declares that it has provided reforms and incentives to facilitate and expedite the construction of affordable housing. Those reforms and incentives can be found in the following provisions:

- (a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).
- (b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).
- (c) Restrictions on disapproval of housing developments (Section 65589.5).
- (d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).
- (e) Least cost zoning law (Section 65913.1).
- (f) Density bonus law (Section 65915).
- (g) Accessory dwelling units (Sections 65852.150 and 65852.2).
- (h) By-right housing, in which certain multifamily housing are designated a permitted use (Section 65589.4).
- (i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).
- (j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).
- (k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).
- (l) Limiting moratoriums on multifamily housing (Section 65858).
- (m) Prohibiting discrimination against affordable housing (Section 65008).
- (n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3).
- (o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, and in particular Sections 33334.2 and 33413).

SEC. 2. Section 65583.1 of the Government Code is amended to read:

65583.1. (a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, may allow a city or county to identify adequate sites, as required pursuant to Section 65583, by a variety of methods, including, but not limited to, redesignation of property to a more intense land use category and increasing the density allowed within one or more categories. The department may also allow a city or county to identify sites for accessory dwelling units based on the number of accessory dwelling units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department. Nothing in this section reduces the responsibility of a city or county to identify, by income category, the total number of sites for residential development as required by this article.

(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the

housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.

Any city, city and county, or county using this subdivision shall address the progress in meeting this section in the reports provided pursuant to paragraph (1) of subdivision (b) of Section 65400.

(c) (1) The Department of Housing and Community Development may allow a city or county to substitute the provision of units for up to 25 percent of the community's obligation to identify adequate sites for any income category in its housing element pursuant to paragraph (1) of subdivision (c) of Section 65583 where the community includes in its housing element a program committing the local government to provide units in that income category within the city or county that will be made available through the provision of committed assistance during the planning period covered by the element to low- and very low income households at affordable housing costs or affordable rents, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, and which meet the requirements of paragraph (2). Except as otherwise provided in this subdivision, the community may substitute one dwelling unit for one dwelling unit site in the applicable income category. The program shall do all of the following:

(A) Identify the specific, existing sources of committed assistance and dedicate a specific portion of the funds from those sources to the provision of housing pursuant to this subdivision.

(B) Indicate the number of units that will be provided to both low- and very low income households and demonstrate that the amount of dedicated funds is sufficient to develop the units at affordable housing costs or affordable rents.

(C) Demonstrate that the units meet the requirements of paragraph (2).

(2) Only units that comply with subparagraph (A), (B), or (C) qualify for inclusion in the housing element program described in paragraph (1), as follows:

(A) Units that are to be substantially rehabilitated with committed assistance from the city or county and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not eligible to be "substantially rehabilitated" unless all of the following requirements are met:

(i) At the time the unit is identified for substantial rehabilitation, (I) the local government has determined that the unit is at imminent risk of loss to the housing stock, (II) the local government has committed to provide relocation assistance pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants temporarily or permanently displaced by the rehabilitation or code enforcement activity, or the relocation is otherwise provided prior to displacement either as a condition of receivership, or provided by the property owner or the local government pursuant to Article 2.5 (commencing with Section 17975) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, or as otherwise provided by local ordinance; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260, (III) the local government requires that any displaced occupants will have the right to reoccupy the rehabilitated units, and (IV) the unit has been found by the local government or a court to be unfit for human habitation due to the existence of at least four violations of the conditions listed in subdivisions (a) to (g), inclusive, of Section 17995.3 of the Health and Safety Code.

(ii) The rehabilitated unit will have long-term affordability covenants and restrictions that require the unit to be available to, and occupied by, persons or families of low- or very low income at affordable housing costs for at least 20 years or the time period required by any applicable federal or state law or regulation.

(iii) Prior to initial occupancy after rehabilitation, the local code enforcement agency shall issue a certificate of occupancy indicating compliance with all applicable state and local building code and health and safety code requirements.

(B) Units that are located either on foreclosed property or in a multifamily rental or ownership housing complex of three or more units, are converted with committed assistance from the city or county from nonaffordable to affordable by acquisition of the unit or the purchase of affordability covenants and restrictions for the unit, are not acquired by eminent domain, and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not converted by acquisition or the purchase of affordability covenants unless all of the following occur:

- (i) The unit is made available for rent at a cost affordable to low- or very low income households.
 - (ii) At the time the unit is identified for acquisition, the unit is not available at an affordable housing cost to either of the following:
 - (I) Low-income households, if the unit will be made affordable to low-income households.
 - (II) Very low income households, if the unit will be made affordable to very low income households.
 - (iii) At the time the unit is identified for acquisition the unit is not occupied by low- or very low income households or if the acquired unit is occupied, the local government has committed to provide relocation assistance prior to displacement, if any, pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants displaced by the conversion, or the relocation is otherwise provided prior to displacement; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260.
 - (iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.
 - (v) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to persons of low- or very low income for not less than 55 years.
 - (vi) For units located in multifamily ownership housing complexes with three or more units, or on or after January 1, 2015, on foreclosed properties, at least an equal number of new-construction multifamily rental units affordable to lower income households have been constructed in the city or county within the same planning period as the number of ownership units to be converted.
- (C) Units that will be preserved at affordable housing costs to persons or families of low- or very low incomes with committed assistance from the city or county by acquisition of the unit or the purchase of affordability covenants for the unit. For purposes of this subparagraph, a unit shall not be deemed preserved unless all of the following occur:
- (i) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to, and reserved for occupancy by, persons of the same or lower income group as the current occupants for a period of at least 40 years.
 - (ii) The unit is within an "assisted housing development," as defined in paragraph (3) of subdivision (a) of Section 65863.10.
 - (iii) The city or county finds, after a public hearing, that the unit is eligible, and is reasonably expected, to change from housing affordable to low- and very low income households to any other use during the next five years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.
 - (iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.
 - (v) At the time the unit is identified for preservation it is available at affordable cost to persons or families of low- or very low income.
- (3) This subdivision does not apply to any city or county that, during the current or immediately prior planning period, as defined by Section 65588, has not met any of its share of the regional need for affordable housing, as defined in Section 65584, for low- and very low income households. A city or county shall document for any housing unit that a building permit has been issued and all development and permit fees have been paid or the unit is eligible to be lawfully occupied.
- (4) For purposes of this subdivision, "committed assistance" means that the city or county enters into a legally enforceable agreement during the period from the beginning of the projection period until the end of the second year of the planning period that obligates sufficient available funds to provide the assistance necessary to make the identified units affordable and that requires that the units be made available for occupancy within two years of the execution of the agreement. "Committed assistance" does not include tenant-based rental assistance.
- (5) For purposes of this subdivision, "net increase" includes only housing units provided committed assistance pursuant to subparagraph (A) or (B) of paragraph (2) in the current planning period, as defined in Section 65588, that were not provided committed assistance in the immediately prior planning period.

(6) For purposes of this subdivision, "the time the unit is identified" means the earliest time when any city or county agent, acting on behalf of a public entity, has proposed in writing or has proposed orally or in writing to the property owner, that the unit be considered for substantial rehabilitation, acquisition, or preservation.

(7) In the third year of the planning period, as defined by Section 65588, in the report required pursuant to Section 65400, each city or county that has included in its housing element a program to provide units pursuant to subparagraph (A), (B), or (C) of paragraph (2) shall report in writing to the legislative body, and to the department within 30 days of making its report to the legislative body, on its progress in providing units pursuant to this subdivision. The report shall identify the specific units for which committed assistance has been provided or which have been made available to low- and very low income households, and it shall adequately document how each unit complies with this subdivision. If, by July 1 of the third year of the planning period, the city or county has not entered into an enforceable agreement of committed assistance for all units specified in the programs adopted pursuant to subparagraph (A), (B), or (C) of paragraph (2), the city or county shall, not later than July 1 of the fourth year of the planning period, adopt an amended housing element in accordance with Section 65585, identifying additional adequate sites pursuant to paragraph (1) of subdivision (c) of Section 65583 sufficient to accommodate the number of units for which committed assistance was not provided. If a city or county does not amend its housing element to identify adequate sites to address any shortfall, or fails to complete the rehabilitation, acquisition, purchase of affordability covenants, or the preservation of any housing unit within two years after committed assistance was provided to that unit, it shall be prohibited from identifying units pursuant to subparagraph (A), (B), or (C) of paragraph (2) in the housing element that it adopts for the next planning period, as defined in Section 65588, above the number of units actually provided or preserved due to committed assistance.

(d) A city or county may reduce its share of the regional housing need by the number of units built between the start of the projection period and the deadline for adoption of the housing element. If the city or county reduces its share pursuant to this subdivision, the city or county shall include in the housing element a description of the methodology for assigning those housing units to an income category based on actual or projected sales price, rent levels, or other mechanisms establishing affordability.

SEC. 3. Section 65589.4 of the Government Code is amended to read:

65589.4. (a) An attached housing development shall be a permitted use not subject to a conditional use permit on any parcel zoned for an attached housing development if local law so provides or if it satisfies the requirements of subdivision (b) and either of the following:

(1) The attached housing development satisfies the criteria of Section 21159.22, 21159.23, or 21159.24 of the Public Resources Code.

(2) The attached housing development meets all of the following criteria:

(A) The attached housing development is subject to a discretionary decision other than a conditional use permit and a negative declaration or mitigated negative declaration has been adopted for the attached housing development under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). If no public hearing is held with respect to the discretionary decision, then the negative declaration or mitigated negative declaration for the attached housing development may be adopted only after a public hearing to receive comments on the negative declaration or mitigated negative declaration.

(B) The attached housing development is consistent with both the jurisdiction's zoning ordinance and general plan as it existed on the date the application was deemed complete, except that an attached housing development shall not be deemed to be inconsistent with the zoning designation for the site if that zoning designation is inconsistent with the general plan only because the attached housing development site has not been rezoned to conform with the most recent adopted general plan.

(C) The attached housing development is located in an area that is covered by one of the following documents that has been adopted by the jurisdiction within five years of the date the application for the attached housing development was deemed complete:

(i) A general plan.

(ii) A revision or update to the general plan that includes at least the land use and circulation elements.

(iii) An applicable community plan.

(iv) An applicable specific plan.

(D) The attached housing development consists of not more than 100 residential units with a minimum density of not less than 12 units per acre or a minimum density of not less than eight units per acre if the attached housing development consists of four or fewer units.

(E) The attached housing development is located in an urbanized area as defined in Section 21071 of the Public Resources Code or within a census-defined place with a population density of at least 5,000 persons per square mile or, if the attached housing development consists of 50 or fewer units, within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.

(F) The attached housing development is located on an infill site as defined in Section 21061.0.5 of the Public Resources Code.

(b) At least 10 percent of the units of the attached housing development shall be available at affordable housing cost to very low income households, as defined in Section 50105 of the Health and Safety Code, or at least 20 percent of the units of the attached housing development shall be available at affordable housing cost to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or at least 50 percent of the units of the attached housing development available at affordable housing cost to moderate-income households, consistent with Section 50052.5 of the Health and Safety Code. The developer of the attached housing development shall provide sufficient legal commitments to the local agency to ensure the continued availability and use of the housing units for very low, low-, or moderate-income households for a period of at least 30 years.

(c) Nothing in this section shall prohibit a local agency from applying design and site review standards in existence on the date the application was deemed complete.

(d) The provisions of this section are independent of any obligation of a jurisdiction pursuant to subdivision (c) of Section 65583 to identify multifamily sites developable by right.

(e) This section does not apply to the issuance of coastal development permits pursuant to the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

(f) This section does not relieve a public agency from complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) or relieve an applicant or public agency from complying with the Subdivision Map Act (Division 2 (commencing with Section 66473)).

(g) This section is applicable to all cities and counties, including charter cities, because the Legislature finds that the lack of affordable housing is of vital statewide importance, and thus a matter of statewide concern.

(h) For purposes of this section, "attached housing development" means a newly constructed or substantially rehabilitated structure containing two or more dwelling units and consisting only of residential units, but does not include an accessory dwelling unit, as defined by paragraph (4) of subdivision (j) of Section 65852.2, or the conversion of an existing structure to condominiums.

SEC. 4. Section 65852.150 of the Government Code is amended to read:

65852.150. (a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

SEC. 5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days of submittal of a complete building permit application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of accessory dwelling units.

(b) (1) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it adopts an ordinance in accordance with subdivision (a) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall ministerially approve the creation of an accessory dwelling unit if the accessory dwelling unit complies with all of the following:

(A) The unit is not intended for sale separate from the primary residence and may be rented.

(B) The lot is zoned for single-family or multifamily use.

(C) The lot contains an existing single-family dwelling.

(D) The accessory dwelling unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(E) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(F) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

(H) Local building code requirements that apply to detached dwellings, as appropriate.

(I) Approval by the local health officer where a private sewage disposal system is being used, if required.

(2) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(3) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed accessory dwelling units on lots zoned for residential use that contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision or subdivision (a), shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(4) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of accessory dwelling units if these provisions are consistent with the limitations of this subdivision.

(5) An accessory dwelling unit that conforms to this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not otherwise permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon fire and life safety conditions. This subdivision shall not apply to a unit that is described in subdivision (e).

(e) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit 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 accessory dwelling unit.

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

(f) Notwithstanding subdivisions (a) to (e), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(g) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (f), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (f), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(h) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of accessory dwelling units.

(i) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(j) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means 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 Section 65589.5.

(4) "Accessory dwelling unit" means 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. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 5.5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit 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 accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means 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 Section 65589.5.

(4) "Accessory dwelling unit" means 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. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 6. Section 66412.2 of the Government Code is amended to read:

66412.2. This division shall not apply to the construction, financing, or leasing of dwelling units pursuant to Section 65852.1 or accessory dwelling units pursuant to Section 65852.2, but this division shall be applicable to the sale or transfer, but not leasing, of those units.

SEC. 7. Section 5.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Assembly Bill 2299. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Assembly Bill 2299, in which case Section 5 of this bill shall not become operative.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Attachment 3: Draft City Ordinance No. 2017-XXX – Redlined Version

SECONDARY ACCESSORY DWELLING UNITS

§ 153.325 GENERAL PROVISIONS; CONDITIONS.

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

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

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

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

(3) The ~~second-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 ~~second-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 ~~second-accessory dwelling~~ unit can ~~either~~ 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 ~~second-accessory dwelling~~ unit shall not exceed one thousand two hundred (1,200) square feet. Any increase in the floor area of an attached ~~second-accessory dwelling~~ unit shall not exceed fifty percent 30(50%) of the existing living area or one thousand two hundred (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 ~~second-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 ~~second-accessory dwelling~~ unit shall not exceed two (2) stories or thirty-five (35) feet.

(8) ~~Second-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 ~~second-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 second-accessory dwelling unit shall ~~be not exceed~~ one (1) parking space per unit if an efficiency or per bedroom.

~~(a) Off-street parking shall not be permitted in front or side yard setback areas.~~

~~(b) Tandem parking is not permitted per city Municipal Code.~~

~~(a) e)~~ 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 (5) 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 second-accessory dwelling unit shall be clearly subordinate to the principle single-family dwelling unit on the lot.

(11) Addresses for secondary-accessory dwelling units shall be shown prominently on the frontage of the unit. Frontage should be located facing either a street or alleyway and/or have a well-defined entry area.

(12) ~~A second~~An accessory dwelling unit site plan application shall include the following:

(a) Elevation plan of the existing and proposed unit on the project property;

(b) A vicinity map showing all existing structures on adjacent properties;

(c) Lot coverage - not to exceed fifty percent (50%);

(d) Vehicular and pedestrian access to the second-accessory dwelling unit and the relationship with the existing single-family dwelling;

(e) The second-accessory dwelling unit shall be of the same color, material, 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; ~~and~~

(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) ~~**SECOND UNIT**~~**ACCESSORY DWELLING UNIT.** An attached or a detached residential dwelling unit which provides complete independent living facilities for one (1) 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. ~~A second~~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 (1) 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)

Statutory reference:

Second residential units, see Cal. Gov't Code § 65852.2

~~§ 153.326~~ CONDITIONAL USE PERMIT.

~~—(A) Residential zones. Within all residential zones, secondary dwelling units may be allowed after a conditional use permit is approved, pursuant to the provisions of § 153.216.~~

~~—(B) Findings. No conditional use permit for a secondary dwelling unit shall be granted unless the following findings can be made:~~

~~—(1) That the secondary dwelling unit meets all required conditions identified in this subchapter.~~

~~—(2) That the secondary dwelling unit will not under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.~~

~~—(3) That the secondary dwelling unit is compatible in appearance and character with the primary single family residence and with the surrounding residences.~~

~~—(C) Building permits. A building permit shall be required for any construction undertaken in furtherance of an approval issued under this chapter.~~

~~—(D) Expiration and renewal. Approval granted pursuant to this chapter, if the project is not initiated within one year from the date of approval, shall automatically expire and shall be invalid. A one year extension may be granted by the Community Development Director if a written request for the extension is received not less than 30 days prior to the expiration of the permit and the findings required by division (B) above are made.~~

Formatted: Indent: First line: 0.38"

Formatted: Font: (Default) Times New Roman, 12 pt, Bold, Font color: Red

GENERAL PROVISIONS

§ 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.

(1) **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.

(2) **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.

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.

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.

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.

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.

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)

SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE

§ 153.030 REGULATIONS.

The following regulations shall apply in all R-1 Districts and shall be subject to the provisions of §§ 153.180 through 153.185 [and §153.325](#) of this chapter.

(`67 Code, § 10-3-1)

§ 153.031 USES PERMITTED.

(A) One (1) single-family dwelling or one (1) manufactured home provided that the manufactured home meets the following restrictions:

(1) Manufactured homes may be installed only if no more than ten (10) years has elapsed between the date of manufacture and the date of application for a permit to install the manufactured home.

(2) Manufactured homes must be on a foundation system approved by Resolution No. 81-45 of the City Council.

(3) All manufactured homes shall be subject to review and approval by the Community Development Director with respect to orientation on the lot, siding material, roofing materials and roof overhang to ensure, to the greatest extent feasible, compatibility with surrounding structures. A pictorial representation of the proposed manufactured home shall be submitted with the application.

(4) No other dwelling units (i.e. single family, duplex, multiple family, apartments or dwelling groups) shall be allowed on the same lot.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2002-001, passed 1-28-02)

(B) Accessory buildings are normally incidental to a single-family dwelling provided that such buildings are constructed concurrent with, or subsequent to the construction of the single-family dwelling. **NORMALLY INCIDENTAL** shall be deemed to mean that, in addition to a two-car garage (either attached or detached), the maximum size of the accessory building does not exceed 20% of the living area of the dwellings shall be determined by maximum lot coverage.

(1) A detached accessory building, other than a covered patio as defined herein, may occupy not more than fifty percent (50%) of a required rear yard, subject to the following requirements within an "R" district:

(a) No detached accessory building shall be closer than six (6) feet to the main building, inclusive of roof covering;

(b) No detached accessory building shall be allowed within the required yard areas, inclusive of roof covering;

(c) Seven and one-half (7½) feet shall be the maximum height for a "shed" located at the setback line. A shed height may be increased one and one-half (1½) feet for every one (1) foot back from the setback line to a maximum height of fifteen (15) feet;

(d) A detached gazebo shall not be located closer than six (6) feet to the main building inclusive of roof covering; shall not exceed a maximum height of fifteen (15) feet.

(Ord. 88-14, passed 11-28-88; Am. Ord. 2004-001, passed 6-14-04)

(C) Family day care centers limited to six (6) paying guests.

(D) Family day care centers for seven (7) to twelve (12) paying guests when the following criteria are met:

(1) At least one (1) off-street parking space shall be provided for each employee.

(2) There are no other day care centers for more than six (6) paying guests within three hundred (300) feet of the exterior boundaries of the subject site.

(3) In addition to the required employee parking, there shall be provided at least two (2) off-street parking spaces for loading and unloading of guests. These spaces shall be so located that vehicles head in and head out without using the public street for maneuvering, loading or unloading.

(E) Home occupations as defined in § 153.003 and regulated in §§ 153.265 through 153.267 of this chapter.

(F) Public parks and public buildings.

(G) Temporary real estate office and sign (not to exceed one hundred (100) square feet in area) may be located on any new subdivision for a period of not more than two (2) years from the date of recording of the map of the subdivision upon which the office and sign are located. This time limit shall automatically be extended under the conditions in § 153.285(A)(1)(g) of this chapter.

(H) Temporary construction buildings to house tools and equipment or containing supervisory office in connection with construction projects during active construction on the same property.

(I) Residential care homes in which ~~less than seven~~ no more than six (6) persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

(J) Signs as allowed in §§ 153.280 through 153.285.

(K) Garage sales, as defined in § 153.003.

(L) Temporary uses such as a circus, carnival, fair or festival provided that they meet the following requirements:

(1) The use shall be temporary in nature and shall not last more than four (4) days.

(2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least thirty (30) days prior to the scheduled beginning of the event.

(3) A business license shall be obtained as required by § 110.18 of the city code.

(4) Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local nonprofit organizations.

(M) Temporary mobile home for ill or aged family members as regulated by § 153.219 of the city code.

(N) ~~Second Accessory dwelling~~ unit meeting § 153.325.

Formatted: Indent: First line: 0.13"

(O) One (1) duplex on a corner lot, provided that the front door and garage of each unit faces a different street and that garages are recessed five (5) feet from living quarters subject to an architectural and site plan review application approved by the Community Development Director.

(P) Employee Housing (no more than six (6) workers per unit and no more than twelve (12) units or thirty-six (36) beds), Farmworker Housing, Transitional Housing, Supportive Housing.

('67 Code, § 10-3-2) (Ord. 87-11, passed 7-27-87; Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2008-008, passed 9-8-08)

§ 153.032 USES PERMITTED WITH A USE PERMIT.

(A) Churches and other religious institutions (excluding open-air or tent).

(B) Schools, public utility, quasi-public buildings.

(C) Public or private automobile parking lots when adjacent to a C or M district or to a PD district when used for commercial or industrial purposes.

(D) Mobile home park which meets the “Mobile Home Park Standards” as adopted by Resolution No. 88-83 of the City Council.

(E) Family day care centers for seven (7) to twelve (12) paying guests when the requirements of § 153.031(D) of this chapter are not met.

(F) ~~Accessory buildings that do not meet the requirements of § 153.031(B) of this chapter.~~
Half-Pipes and similar structures.

(1) Every proposed half-pipe or similar structure shall be of a scale and design and constructed of materials which will minimize noise, vibration, and other nuisance factors commonly associated with half-pipe usage. Portions of the half-pipe may be located below ground, but in no case shall any portion of the half-pipe exceed six (6) feet in height above ground level excluding hand rails. Hours of operation shall be from 8:00 a.m. to 9:00 p.m. Lighting is prohibited.

(2) Walls, fences, hedges, trees or other screen plantings shall be installed sufficient to ensure harmony with adjacent properties and to conceal any unsightly development. No commercial or advertised use of the half-pipe shall be permitted and no donations or contributions shall be solicited or received for use or attendance at half-pipe activities.

(3) The proposed half-pipe shall comply with all pertinent sections of the Uniform Building Code and all zoning requirements, including side and rear yard setbacks, minimum of six feet from other structures, lot coverage, and size regulations for accessory structures.

(4) For purposes of this section, “half-pipe” means a smooth-surfaced outdoor structure shaped like a trough and used in gravity extreme sports such as skateboarding, freestyle BMX, or inline skating.

('67 Code, § 10-3-3) (Ord. 92-06, passed 7-13-92; Am. Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2008-008, passed 9-8-08)

Formatted: Font: 11 pt, Italic

Formatted: Font: (Default) Times New Roman,
Font color: Black

Formatted: Font: (Default) Times New Roman,
Font color: Black

Formatted: Font: (Default) Times New Roman,
Font color: Black

Formatted: Space After: 0 pt

§ 153.033 BUILDING REQUIREMENTS.

(A) *Height limit.*

(1) For dwellings and other main buildings, including accessory dwelling units — thirty-five (35) feet.

(2) For accessory buildings:

(a) Sheds: A subordinate structure or building used primarily for storage purposes, of a height no greater than fifteen (15) feet and the total square footage of which does not exceed one hundred and twenty (120) square feet. Sheds that exceed one hundred and twenty (120) square feet shall require a building permit;

(b) Gazebos fifteen (15) feet: An accessory building consisting of a detached, covered, free-standing, open-air structure not exceeding three hundred (300) square feet.

(B) No fence (excluding wire fences and non-solid fences which do not limit visibility as determined by the Planning Director) shall be constructed in excess of eight (8) feet in height within any side or rear yard, except fences within the side or rear yard which enclose electrical substations which may be constructed to the heights required by law.

(1) *Architectural accent fences.* Small architectural accent fences within the required ten (10) foot front yard setback, are allowed to be constructed no higher than three (3) feet out to the back of the sidewalk. They shall be constructed and maintained so to be harmonious with the neighborhood. In no case may a utility meter be enclosed. Fences shall remain a minimum of three (3) feet from all sides of a fire hydrant.

(2) *Front yard courtyards.* Courtyard is defined as an uncovered area partly or wholly enclosed by buildings or walls and used primarily for supplying access, light, and air to the dwelling. Walls shall not enclose more than two (2) sides of the courtyard. Courtyard walls shall be no higher than four (4) feet six (6) inches. Front yard courtyard fences shall be constructed of material and colors consistent and complementary to the design of the main structure. Courtyards shall be determined by the Community Development Director and it is recognized that not all dwelling types will have a courtyard. Courtyard fences shall be located no closer than thirteen (13) feet behind the front property line.

(3) *Solid fences, walls, hedges and retaining walls.* Solid fences, walls, hedges and retaining walls not more than seven (7) feet in height may occupy any required yard or other space, except that fences, walls, hedges and retaining walls shall be no higher than three (3) feet when located in the required front yard setback area, in the required setback areas along the side street of a corner lot and along the rear or side lot line of a reversed corner lot where it abuts the front yard of the adjoining key lot. Walls and retaining walls over four (4) feet in height require engineering and a permit.

(4) *Corner lots.* Within the front or street side yard of a corner lot in any district there shall be no solid fence, wall or hedge height greater than three (3) feet nor any obstruction other than a post, building column or tree not more than two (2) feet in diameter, between the height of three (3) feet six (6) inches and ten (10) feet above the top of the curb, or if no curb exists, above maximum street grade.

(5) *Transparent fences.* Notwithstanding any other regulation herein, fences with ninety percent (90%) transparency no higher than four (4) feet may occupy the required ~~front~~ setback area along the side street of a corner lot and along the rear or side lot line or a reverse corner lot where it abuts the front yard of the adjoining key lot. Vision through the fence shall remain totally unobstructed at all times.

(6) *Fence height.* The height of a fence shall be measured from the higher property elevation.

(7) *Sight distance triangle - Obstructions.* No obstruction to view in excess of three (3) feet in height shall be placed in any corner or reverse corner lot within a triangular area formed by the extension of the lot line to a point of intersection and a line connecting them at a distance of thirty (30) feet to said intersection. Except for natural land formations, a sight distance triangle for a driveway with a distance of ten (10) feet from back of sidewalk towards the dwelling and ten (10) feet along the sidewalk in either direction shall be maintained free of obstructions in excess of three (3) feet in height.

Formatted: Font: Italic

(8) *Fence permits.* A fence permit, issued by the Community Development Department shall be obtained prior to the erection of any fence over six (6) feet in height within the city.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2004-001, passed 6-14-04)

(C) *Yards and open spaces required.*

(1) Front yard and side yard of a corner lot - not less than ten feet (10) from the planned right-of-way line provided that no vehicle opening of any building ~~is~~be closer than twenty (20) feet to the property line or planned right-of-way line toward which the opening faces. Corner lot driveways shall not be located on the half of the lot frontage nearest the radius return, or ~~be~~ closer than twenty (20) feet to said radius return.

(2) Side or rear yard when lot abuts an arterial - ten (10) feet.

(3) Side or rear yard, interior lots all other cases - five (5) feet.

(4) Detached accessory buildings - six (6) feet from any other buildings.

(5) A detached accessory building other than a covered patio as defined herein, may not occupy more than fifty percent (50%) of a required rear yard, subject to the following requirements:

(a) Within an "R" District, no detached accessory building shall be closer than six (6) feet to the main building, inclusive of roof covering.

(Ord. 90-01, passed 1-22-90; Am. Ord. 2004-001, passed 6-14-04)

(D) *Lot coverage.* No more than fifty percent (50%) of the lot may be covered by buildings.

(E) *Off-street parking.* As required in § 153.184 of this chapter.

(F) *Minimum building size.*

(1) Single-family dwellings and mobile homes ~~—~~ nine hundred (900) square feet.

(2) All other uses - no minimum size.

(G) Building site area and density required~~Density.~~

(1) Maximum permissible density is eight (8) dwelling units per net acre.

(2) Minimum area - six thousand (6,000) square feet.

(3) Minimum width, interior lot – fifty-five (55) feet.

(4) Minimum width, corner lot – sixty-five (65) feet.

(5) Minimum depth – one hundred (100) feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision-making body. Plot plans of lots for which less than the minimum depth is requested, may be required to ensure that the lot is usable for residential purposes.

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

(H) Open space requirements. All multiple residential uses of two (2) or more dwelling units on one (1) lot shall provide a fenced playground (or other open space in the case of an adult-only facility) of at least fifty (50) square feet per unit with a minimum area of three hundred (300) square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth ratio not exceeding one to two (1:2). Except in very large complexes (more than fifty (50) units) this required open space shall be in one (1) location.

(1) Allowed uses include playgrounds, walking and biking paths/trails, picnic areas, and community flower and vegetable gardens.

(2) Open space can be managed by a third party using land trusts or conservation easements.

(Ord. 2004-001, passed 6-14-04)

(`67 Code, § 10-3-4)

(I) Landscape Areas. No more than fifty percent (50%) of a residential front yard shall be paved and no more than fifty percent (50%) of a rear yard shall be paved. An interior side yard may be paved if a minimum of one (1) foot is left unpaved along the side property line.

(J) Driveways. The minimum distance between approaches serving the same parcel of land shall be twenty (20) feet. The minimum setback of a driveway to a side property line is five (5) feet and from a dwelling unit three (3) feet.

DUPLEX RESIDENTIAL DISTRICT R-2 ZONE

§ 153.045 REGULATIONS.

Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Black

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: List Paragraph

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Black

Formatted: Indent: Left: 0.5", Space After: 10 pt, Line spacing: Multiple 1.15 li, No bullets or numbering, Tab stops: Not at 0.5"

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Black

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted: List Paragraph

Formatted ...

Formatted ...

Formatted ...

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted ...

Formatted: Font: Not Italic, Font color: Blue

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted ...

Formatted: Font: Not Italic, Font color: Blue

Formatted: Font: Not Italic

Formatted ...

Formatted ...

The following regulations shall apply in the R-2 districts and shall be subject to the provisions of §§ 153.180 through 153.185 of this chapter.

(`67 Code, § 10-4-1)

 § 153.046 USES PERMITTED.

(A) A single-family dwelling or one duplex, or two dwelling units, except that on parcels with no direct frontage on a city maintained street, only one single-family dwelling is permitted.

(B) In lieu of all the residential uses listed in division (A) above, one manufactured home per lot provided that the manufactured home meets the following restrictions:

(1) Manufactured homes may be installed only if no more than ten years has elapsed between the date of manufacture and the date of application for a permit to install the manufactured home.

(2) Manufactured homes must be on a foundation system approved by resolution of the City Council.

(3) All manufactured homes shall be subject to review and approval by the Community Development Director with respect to siding material, roofing materials and roof overhang to ensure, to the greatest extent feasible, compatibility with surrounding structures. A pictorial representation of the proposed manufactured home shall be submitted with the application.

(4) No other dwelling units (such as, single-family or duplex) shall be allowed on the same lot.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2002-001, passed 1-28-02)

(C) Accessory buildings normally incidental to dwellings provided that such buildings are constructed concurrent with, or subsequent to the construction of the dwellings. **NORMALLY INCIDENTAL** shall be deemed to mean that, in addition to a garage(s) (either attached or detached) as required by this title, the size of the accessory building does not exceed 20% of the living area of the dwellings.

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

(D) Family day care centers limited to six (6) paying guests.

(E) Family day care centers for seven (7) to twelve (12) paying guests when the following criteria are met:

(1) At least one (1) off-street parking space shall be provided for each employee.

(2) There are no other day care centers for more than six (6) paying guests within 300 feet of the exterior boundaries of the subject site.

(3) In addition to the required employee parking, there shall be provided at least two (2) off-street parking spaces for loading and unloading of guests. These spaces shall be located so that

vehicles head in and head out without using the public street for maneuvering, loading, or unloading.

(F) Home occupations as defined in § 153.003 and regulated in §§ 153.265 through 153.267.

(G) Public parks and public buildings.

(H) Temporary real estate office and sign (not to exceed 100 square feet in area) may be located on any new subdivision for a period of not more than two (2) years from the date of recording of the map of the subdivision upon which the office and sign are located. This time limit shall automatically be extended under the conditions described in § 153.285(A)(1)(g).

(I) Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property.

(J) Residential care homes in which less than seven (7) persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

(K) Signs as allowed in §§ 153.280 through 153.285.

(L) Temporary uses such as a circus, carnival, fair or festival, provided that they meet the following requirements:

(1) The use shall be temporary in nature and shall not last more than four (4) days.

(2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least thirty (30) days prior to the scheduled beginning of the event.

(3) A business license shall be obtained as required by § 110.18 of the city code.

(4) Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local nonprofit organizations.

(M) Temporary mobile home for ill or aged family members as required by § 153.219.

(N) Garage sales as defined in § 153.003.

[\(O\) Accessory dwelling unit meeting § 153.325](#)

[\(P\) Transitional and Supportive Housing.](#)

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

(67 Code, § 10-4-2)

§ 153.047 USES PERMITTED WITH A USE PERMIT.

(A) Churches and other religious institutions (excluding open-air or tent).

(B) Schools, public utilities, and quasi-public buildings.

(C) Public or private automobile parking lots when adjacent to any C or M district or to any PD district which is used for commercial or industrial purposes.

(D) Mobile home parks which meet the “Mobile Home Park Standards” as adopted by resolution of the City Council.

(E) Family day care centers for seven (7) to twelve (12) paying guests when the requirements of § 153.046(E) are not met.

(F) Duplexes parcels with no direct frontage on a city maintained street.

(G) Accessory buildings that do not meet the requirements of § 153.046(C).

(‘67 Code, § 10-4-3) (Ord. 92-06, passed 7-13-92; Am. Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03)

§ 153.048 BUILDING REQUIREMENTS.

(A) *Height limit.*

(1) For dwellings and other main buildings, including accessory dwelling units — thirty-five (35) feet.

(2) For accessory buildings - 15 feet.

(3) No fence (excluding wire fences and nonsolid fences which do not limit visibility as determined by the Community Development Director) shall be constructed in excess of eight (8) feet in height within any side or rear yard, except fences within the side or rear yard which encloses electrical substations, which may be constructed to the height required by law.

(4) No fence, hedge or screen planting (excluding wire fences and nonsolid fences which do not limit visibility as determined by the Community Development Director) shall be constructed or permitted to grow in excess of three (3) feet in height within any front yard or side yard of a corner lot.

(B) *Building site area required.*

(1) Minimum area - 6,000 square feet.

(2) Minimum width, interior lot - 55 feet.

(3) Minimum width, corner lot - 65 feet.

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

(4) Minimum depth - 100 feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision making body. Plot plans of lots for which less than the minimum depth is requested may be required to ensure that the lot is usable for residential purposes.

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

(C) *Yards and open spaces required.*

(1) Front yard and side yard of a corner lot - not less than fifteen (15) feet from the planned right-of-way line, provided that no vehicle opening of any building is closer than twenty (20) feet to the property line or planned right-of-way line toward which the opening faces.

(2) Side or rear yard when lot abuts an arterial — ten (10) feet.

(3) Side or rear yard, interior lots, all other cases — five (5) feet.

(4) Detached accessory buildings — ten (10) feet from any other buildings.

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

(D) *Lot coverage.* No more than fifty percent (50%) of the lot may be covered by buildings.

(E) *Off-street parking.* As required in § 153.184.

(F) *Minimum building size.*

(1) Single-family dwellings and mobile homes - 900 square feet.

(2) All other uses - No minimum size.

(G) *Density.* Maximum permissible density of 12 dwelling units per net acre.

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

(H) *Open space requirements.* All multiple residential uses of two or more dwelling units on one lot shall provide a fenced playground (or other open space in the case of an adult-only facility) of at least fifty (50) square feet per unit with a minimum area of three hundred (300) square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth ratio not exceeding one to two (1:2). Except in very large complexes (more than 50 units) this required open space shall be in one location.

(Ord. 89-22, passed 1-8-90)

(`67 Code, § 10-4-4)

MULTIPLE FAMILY RESIDENTIAL DISTRICT R-3 ZONE

§ 153.060 REGULATIONS.

The following regulations shall apply in all R-3 districts and shall be subject to the provisions of §§ 153.180 through 153.185 of this chapter.

(`67 Code, § 10-5-1)

§ 153.061 USES PERMITTED.

(A) Single-family, duplex and multiple family dwellings, apartment houses, dwelling groups, except that on parcels with no direct frontage on a city maintained street, only one (1) single-family dwelling is permitted.

(B) In lieu of all the residential uses listed in division (A) above, one manufactured home per lot provided that the manufactured home meets the following restrictions:

(1) Manufactured homes may be installed only if no more than ten (10) years has elapsed between the date of manufacture and the date of application for a permit to install the manufactured home.

(2) Manufactured homes must be on a foundation system approved by resolution of the City Council.

(3) All manufactured homes shall be subject to review and approval by the Community Development Director with respect to siding material, roofing materials and roof overhang to ensure, to the greatest extent feasible, compatibility with surrounding structures. A pictorial representation of the proposed manufactured home shall be submitted with the application.

(4) No other dwelling units (such as, single-family, duplex, multiple family, apartments or dwelling groups) shall be allowed on the same lot.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2002-001, passed 1-28-02)

(C) Accessory buildings normally incidental to permitted uses provided that such buildings are constructed concurrent with, or subsequent to the construction of the permitted use. **NORMALLY INCIDENTAL** shall be deemed to mean that, in addition to a garage(s) (either attached or detached) as required by this chapter, the size of the accessory building does not exceed 20% of the area of the main building.

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

(D) Family day care centers limited to six (6) paying guests.

(E) Family day care centers for seven (7) to twelve (12) paying guests when the following criteria are met:

(1) At least one (1) off-street parking space shall be provided for each employee.

(2) There are no other day care centers for more than six (6) paying guests within 300 feet of the exterior boundaries of the subject site.

(3) In addition to the required employee parking, there shall be provided at least two (2) off-street parking spaces for loading and unloading of guests. These spaces shall be located so that vehicles head in and head out without using the public street for maneuvering, loading, or unloading.

(F) Home occupations as defined in § 153.003 and regulated in §§ 153.265 through 153.267.

(G) Public parks and public buildings.

(H) Temporary real estate office and sign (not to exceed 100 square feet in area) may be located on any new subdivision for a period of not more than two (2) years from the date of recording of the map of the subdivision upon which the office and sign are located. This time limit shall automatically be extended under the conditions described in § 153.285(A)(1)(g).

(I) Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property.

(J) Residential care homes in which less than seven (7) persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

(K) Signs as allowed in §§ 153.280 through 153.285.

(L) Temporary uses such as a circus, carnival, fair or festival, provided that they meet the following requirements:

(1) The use shall be temporary in nature and shall not last more than four (4) days.

(2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least thirty (30) days prior to the scheduled beginning of the event.

(3) A business license shall be obtained as required by § 110.18 of the city code.

(4) Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local nonprofit organizations.

(M) Temporary mobile home for ill or aged family members as required by § 153.219 of the city code.

(N) Garage sales as defined in § 153.003.

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

(O) ~~Accessory~~Second dwelling unit meeting § 153.325.

(P) Emergency shelters as defined in § 153.003.

(Q) Transitional housing as defined in § 153.003.

(R) Supportive housing as defined in § 153.003.

(`67 Code, § 10-5-2) (Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2015-002, passed 2-24-15)

§ 153.062 USES PERMITTED WITH A USE PERMIT.

(A) Churches and other religious institutions (excluding open-air or tent).

(B) Schools, public utilities and quasi-public buildings.

(C) Public or private automobile parking lots when adjacent to any C or M district or to any PD district which is used for commercial or industrial purposes.

(D) Hotels, rooming or boarding houses.

(E) Professional offices.

(F) Labor camp.

(G) Institutions for treatment of alcoholics.

(H) Mobile home parks which meet the "Mobile Home Park Standards" as adopted by resolution of the City Council.

(I) Family day care centers for seven (7) to twelve (12) paying guests when the requirements of § 153.061(E) are not met.

(J) Duplex and multiple family dwellings, apartment houses and dwelling groups on parcels with no direct frontage on a city maintained street.

(K) Accessory buildings that do not meet the requirements of § 153.061(C).

(L) Residential care homes for more than seven (7) persons.

(`67 Code, § 10-5-3) (Ord. 92-06, passed 7-13-92; Am. Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03)

§ 153.063 BUILDING REQUIREMENTS.

(A) *Height limit.*

| (1) For dwellings and other main buildings ~~three~~ **(3)** stories but in no case to exceed forty-five (45) feet.

(2) For accessory buildings – fifteen (15) feet.

| (3) No fence (excluding wire fences and nonsolid fences which do not limit visibility as determined by the Community Development Director) shall be constructed in excess of eight **(8)** feet in height within any side or rear yard, except fences within the side or rear yard which encloses electrical substations, which may be constructed to the height required by law.

(4) No fence, hedge or screen planting (excluding wire fences and nonsolid fences which do not limit visibility as determined by the Community Development Director) shall be constructed or permitted to grow in excess of three (3) feet in height within any front yard or side yard of a corner lot.

(B) *Building site area required.*

(1) Minimum area:

| (a) For one **(1)** and two **(2)** family dwellings or non-dwelling main buildings - 6,000 square feet.

(b) For each unit in excess of two (2) dwelling units - 2,000 square feet, not to exceed twenty (20) units per net acre.

(2) Minimum width, interior lot - 55 feet.

(3) Minimum width, corner lot - 65 feet.

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

(4) Minimum depth - 100 feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision making body. Plot plans of lots for which less than the minimum depth is requested may be required to ensure that the lot is usable for residential purposes.

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

(C) *Yards and open spaces required - single-family dwellings, duplexes and triplexes:*

(1) Front yard and side yard of a corner lot - not less than fifteen (15) feet from the planned right-of-way line, provided that no vehicle opening of any building is closer than twenty (20) feet to the property line or planned right-of-way line toward which the opening faces.

(2) Rear yard when lot backs up to an arterial ~~=~~ ten (10) feet.

(3) Side or rear yard, interior lots, all other cases ~~=~~ five (5) feet.

(4) Detached accessory buildings, including accessory dwelling units - ten (10) feet from any other buildings.

(D) *Yards and open spaces required - uses other than single-family dwellings, duplexes and triplexes.* The minimum setbacks shall be as required by § 153.183(D) of this chapter.

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

(E) *Lot coverage.* No more than 60% of the lot may be covered by buildings.

(F) *Floor area ratio requirements.*

(1) For single story buildings - 0.60:1.0

(2) For two story buildings - 0.80:1.0

(3) For three story buildings - 1.20:1.0

(G) *Minimum building size.*

(1) Single-family dwellings and mobile homes - 900 square feet.

(2) All other uses - No minimum size.

(67 Code, § 10-5-4)

§ 153.064 DEVELOPMENT STANDARDS.

(A) *Trash storage area.* Trash bins (except single-family dwellings, duplexes, or dwelling groups) shall be provided in a fully enclosed trash storage area. This area or areas shall be provided at locations that are readily accessible to residents and sanitation collectors.

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

(B) *Landscaping plan.* Landscaping plan for all uses (except single-family dwellings, duplexes and triplexes) including plant species, initial size, location, growth characteristics and method of irrigation shall be approved by the Community Development Director prior to issuance of any permit. Such required landscaping shall be installed prior to final inspection and shall be maintained by the property owner. Approval shall be based on the degree of compliance with landscape standards as adopted from time to time by City Council.

(Ord. 87-11, passed 7-27-87; Am. Ord. 89-22, passed 1-8-90)

(C) *Off-street parking.* Off-street parking as required in § 153.184.

(D) *Fencing.* A six-foot high solid fence shall be constructed along side and rear property lines, except as otherwise prohibited in this chapter, for all apartments, dwelling groups and multiple family dwellings.

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

(E) *Open space requirements.* All multiple residential uses of two or more dwelling units on one lot shall provide a fenced playground (or other open space in the case of an adult-only facility) of at least fifty (50) square feet per unit with a minimum area of three hundred (300) square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth ratio not exceeding one to two (1:2). Except in very large complexes (more than 50 units) this required open space shall be in one (1) location.

(Ord. 89-22, passed 1-8-90)

(F) *Site plan review.* Proposals to construct anything other than a single-family dwelling, a duplex, a triplex or a four-plex on a parcel shall be subject to site plan review by the Planning Commission prior to issuance of a building permit. This review shall include, but not be limited to, comparison of the project with the Architectural and Subdivision Design Standards as adopted by the City Council.

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

GENERAL REGULATIONS

§ 153.184 OFF-STREET PARKING REQUIREMENTS.

(A) *Churches, lodges, and places of public assembly.* One space for every three fixed seats, or for every three persons allowed under the maximum capacity established by the Fire Warden where there are no fixed seats, in the main place of assembly.

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

(B) *Dwellings.*

(1) Single-family and manufactured housing, financed by FmHA, one (1) one-car garage of the maximum size permitted by FmHA and one (1) additional off-street parking space which may be located adjacent to the driveway.

(2) Single-family dwelling and manufactured housing, a two-car garage, with a minimum clear width of **eighteen (18)** feet and a clear depth of **nineteen (19)** feet six **(6)** inches in the direction of travel, must be provided. No appliance or other objects may intrude into the garage space area.

(3) Single-family dwelling built prior to January 1, 1990, one (1) one-car garage may be constructed if there is inadequate area for a two-car garage. This provision would not apply to garage conversions or other requirements of this section.

(Ord. 92-17, passed 12-14-92)

- (4) Two-family dwelling, duplex or multiple dwelling: ~~two spaces per unit~~, may be covered or uncovered.-(a) **Zero to one (1) bedroom – one (1) onsite parking space;**
(b) **Two (2) to three (3) bedrooms – one and one half (1.5) onsite parking spaces; and**
(c) **Four (4) or more bedrooms – two and one half (2.5) onsite parking spaces.**

(5) Rooming or boarding house: one (1) space for every **three hundred (300)** square feet of ground floor area. Spaces inside a garage may be counted toward meeting the requirement.

(Ord. 2000-05, passed 4-24-00)

(C) *Garage and repair shops.* One (1) space for every **three hundred (300)** square feet of gross floor area.

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

(D) *Hospital.* One and one-half (**1½**) spaces for each bed.

(E) *Manufacturing or assembly plants and wholesale warehouses.* One (1) space for each employee on a maximum shift plus three **(3)** additional spaces or, when the number of employees cannot be determined, one (1) space for every **three hundred (300)** square feet of gross floor area.

(F) *Mobile home parks.* Two**(2)** spaces for each mobile home space plus one (1) visitor parking space for every five **(5)** mobile home spaces. Excluding visitor parking, the spaces may be constructed in tandem.

(G) *Mortuaries.* One (1) space for every five **(5)** seats, or one (1) space for every **thirty five (35)** square feet in assembly rooms where seating is not fixed.

(H) *Motels and hotels.* One (1) space for each sleeping room or dwelling unit.

(I) *Office buildings.*

(1) *Banks and financial institutions.* One (1) space for every three hundred (300) square feet of gross floor area.

(2) *General business and professional offices.* One (1) space for every three hundred (300) square feet of gross floor area.

(3) *Medical-dental offices and clinics.* One (1) space per doctor and each employee, plus one (1) space per individual examining room or one (1) space for every one hundred (100) square feet of gross floor area where the number of examining rooms is unknown.

(J) *Recreational uses.*

(1) *Bowling alleys.* Five (5) spaces per lane.

(2) *Dance hall and amusement centers.* Twenty five (25) spaces per one thousand (1,000) square feet of gross floor area.

(3) *Stadiums and theaters.* One (1) space for every three (3) seats.

(K) *Restaurants and bars.* One (1) space per three (3) seats plus any additional spaces as prescribed by the Community Development Director. This division is subject to appeal to the City Council and Planning Commission.

(L) *Rest home or nursing home.* One (1) space for each employee on a maximum shift plus one (1) space for every eight (8) beds.

(M) *Retail stores and service establishments.*

(1) *Community and regional shopping center.* Eight (8) spaces per one thousand (1,000) square feet of gross floor area and one (1) off-street truck unloading space for each seven thousand five hundred (7,500) square feet of gross floor area.

(2) *Flea markets.* Eight (8) spaces per one thousand (1,000) square feet of indoor or outdoor sales area.

(3) *Vehicles sales establishment.* One (1) space for each employee on a maximum shift plus one (1) customer parking space per every twenty (20) vehicles for sale.

(4) *All other retail store and service establishments.* One (1) space for every three hundred (300) square feet of gross floor area and one (1) off-street truck unloading space for each seven thousand five hundred (7,500) square feet of gross floor area.

(N) *Schools.*

(1) *Elementary.* Two (2) spaces for each classroom.

(2) *High school and trade school.* One (1) space for every five (5) seats.

(3) *Colleges.* One (1) space for every three (3) seats.

(O) *Combined uses.* The number of required spaces shall be determined by combining individual requirements for each use.

(P) *Other uses.* All other uses not set forth above shall be determined by the Planning Commission based on the intensity of use by motor vehicles.

(Q) *Location.* No required off-street parking spaces shall be located within the building setback area or any required yard space, nor shall the spaces be allowed in tandem.

(R) *Commercial spaces.* All commercial and other parking spaces shall be located within **three hundred (300)** feet of the use which they are to serve.

(S) *Existing buildings.* None of the off-street parking requirements shall apply to any building in existence at the time of the effective date of this chapter, provided that changes in use of the building do not increase demand for spaces and provided that any portion of the premises being used for off-street parking in connection with any such building shall not be reduced below the requirements of this section.

(T) *Paving and marking.* All required parking spaces shall be paved and, with the exception of spaces provided in a garage, all spaces shall be marked.

(U) *Recreational vehicles.* Recreational vehicles, as described in this chapter, may be parked on private property within any zoning district within the city so long as they do not create safety or sight clearance hazard for traffic on abutting streets, sidewalks or alleys and shall not be stored within the front yard area, excluding driveways.

(1) Residents may apply and be issued (no fee) permits, by officers of the Riverbank Police Services Division, for guests to stay in recreation vehicles parked on their property for a period not to exceed seven consecutive days. Written permission of the property owner of record is required prior to issuance of a temporary permit.

(2) Recreation vehicles, parked on private property, are prohibited from being used as living quarters except as provided above or when parked in approved licensed recreation vehicle parks.

(V) *Access.* All parking spaces shall be accessible by paved driveways, alleys, or streets. If parking spaces are to be entered or exited by means of an alley, the alley shall be paved the entire width of the lot and from the lot to the nearest paved, public right-of-way.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2002-006, passed 8-26-02; Am. Res. 2003-019, passed 2-24-03) (`67 Code, § 10-13-5)

Attachment 4: Summary of Changes

Zoning Code Text Amendment No.2017-01 Summary of Changes

Number	Section	Existing	Proposed	Reason
1	Title	Secondary Dwelling Units	Accessory Dwelling Units	Changed to meet State-used term
2	153.325 (A)	Community Development Department	Development Services Department	Changed to meet current department title
3	153.325 (A) and throughout	second units	accessory dwelling units	Changed to meet State-used term
4	153.325 (A)	established criteria are met	established criteria are met within one hundred twenty (120) days of application date.	AB 2299 Requirements
5	153.325 (B) (1)	Acceptance of a second dwelling unit site plan application, the existing single family residential unit must be an owner occupied at time of submittal.	To submit an accessory dwelling unit site plan application, the existing single family residential unit shall be owner occupied at the time of submittal.	Clarity
6	153.325 (B) (3)	Addition	Fire Sprinklers shall not be required for an accessory dwelling unit if sprinklers are not required for the primary unit	AB 2299 Requirements
7	152.325 (B) (4)	Addition	Accessory dwelling units do not count towards density requirements	AB 2299 Requirements
8	153.325 (B) (5)	The total living area of floor space for a detached second unit shall not exceed 1,200 square feet. Any increase in floor area of an attached second unit shall not exceed 30% of the existing floor area	The total living area of floor space for a detached second accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet. Any increase in the floor area of an attached second accessory dwelling unit shall not exceed fifty percent 30(50%) of the existing living area or one thousand two hundred (1,200) square feet, whichever is less. No passageway shall be required between the primary and the detached units.	AB 2299 Requirements
9	153.325 (B) (6)	Addition	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	AB 2299 Requirements
10	153.325 (B) (8)	Addition	An accessory unit shall not be constructed without a primary residential unit (i.e. on vacant lot)	Clarity
11	153.325 (B) (9) (a)	Deletion	Off-street parking shall not be permitted in front or side yard setback areas.	AB 2299 Requirements
12	153.325 (B) (9) (a)	Addition	No setbacks shall be required to convert (not expand) an existing garage.	AB 2299 Requirements
13	153.325 (B) (9) (b)	Deletion and addition	Tandem parking is not permitted per city Municipal Code	AB 2299 Requirements
14	153.325 (B) (9) (b)	Addition	Setbacks of no more than five (5) feet from the rear and side lot lines shall be required for accessory dwelling units constructed above a garage.	AB 2299 Requirements
15	153.325 (B) (12) (e)	The second dwelling unit shall be of the same color, material, and architectural design as the existing.	The accessory dwelling unit shall be of the same color, materials, and architectural design as the existing and shall avoid impacts to historical properties.	AB 2299 Requirements
16	153.325 (B) (12) (h)	Addition	Brought tolerant landscape plans.	California drought requirements
17	153.325 (C) (4)	Addition	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.	AB 2299 Requirements
18	153.325 (C) (4) (c)	Addition	"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one (1) entrance of the accessory dwelling unit.	AB 2299 Requirements
19	153.326	Deletion	Conditional Use Permit section	AB 2299 Requirements
20	153.003	Addition	DWELLING UNIT, ACCESSORY. An attached or detached residential dwelling unit which provides complete independent living facilities for one (1) 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.	Gov Code Section 65852.2
21	153.003	Addition	"Employee Housing" - Defined the same as "Labor Camp" per CA HAS 17021.5 and 17021.6.	Housing Element consistency
22	153.030	The following regulations shall apply in all R-1 Districts and shall be subject to the provisions of 153.180 through 153.185.	The following regulations shall apply in all R-1 Districts and shall be subject to the provisions of 153.180 through 153.185 and 153.325	Clarity and reference
23	153.031 (A) (3)	All manufactured homes shall be subject to review and approval by the Community Development Director with respect to siding material, roofing materials...	All manufactured homes shall be subject to review and approval by the Community Development Director with respect to orientation of lot , siding material, roofing materials...	Clarity
24	153.031 (B)	...the size of the accessory building does not exceed 20% of the living area of the dwelling	...the maximum size of the accessory building shall be determined by maximum lot coverage.	AB 2299 Requirements
25	153.031 (I)	Residential care homes in which less than seven persons not of the immediate family are provided with food, shelter and care for compensation...	Residential care homes in which no more than six (6) persons not of the immediate family are provided with food, shelter and care for compensation...	Housing Element consistency
26	153.031 (P)	Addition	Employee Housing (no more than six (6) workers per unit and no more than twelve (12) units or thirty-six (36) beds), Farmworker Housing, Transitional Housing, Supportive Housing.	Health and Safety Act 17021.5 and 17021.6
27	153.032 (D)	Mobile home park which meets the "Mobile Home Park Standards" as adopted by resolution of City Council	Mobile home park which meets the "Mobile Home Standards" as adopted by Resolution No. 88-83 of the City Council	Clarity and reference
28	153.032 (F)	Deletion	Accessory buildings that do not meet the requirements of 153.031 (B) of this chapter.	Clarity
29	153.032 (F)	Addition	Half-Pipes and similar structures section with subsections 1-4.	Clarity
30	153.033 (A) (1)	For dwellings and other main buildings - 35 feet.	For dwellings and other buildings, including accessory dwelling units - thirty five (35) feet.	AB 2299 Requirements
31	153.033 (B) (1)	Addition	Fences shall remain a minimum of three (3) feet from all sides of a fire hydrant.	Clarity
32	153.033 (B) (3)	Addition	Walls and retaining walls over four (4) feet in height require engineering and a permit.	Clarity
33	153.033 (B) (7)	Addition	Sight distance triangle...Except for natural land formations, a sight distance triangle for a driveway with a distance of ten (10) feet from back of sidewalk towards the dwelling and ten (10) feet along the sidewalk in either direction shall be maintained free of obstructions in excess of three (3) feet in height	Clarity
	153.333 (B) (8)	A fence permit...shall be obtained prior to the erection of any fence within the city.	A fence permit...shall be obtained prior to the erection of any fence over six (6) feet in height within the city.	Clarity
	153.333 (G)	Density	Building site area and density required	New title
34	153.033 (G) (2)	Addition	Minimum area - six thousand (6,000) square feet	Clarity
35	153.033 (G) (3)	Addition	Minimum width, interior lot - fifty-five (55) feet	Clarity
36	153.033 (G) (4)	Addition	Minimum width, corner lot sixty-five (65) feet	Clarity
37	153.033 (G) (5)	Addition	Minimum depth - one hundred (100) feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision-making body. Plot plans for which less than the minimum depth is requested, may be required to ensure that the lot is usable for residential purposes.	Clarity
38	153.033 (H) (1)	Addition	Allowed uses include playgrounds, walking and biking paths/trails, picnic areas, and community flower and vegetable gardens.	Clarity
39	153.033 (H) (2)	Addition	Open space can be managed by a third party using land trusts or conservation easements.	Clarity

40	153.033 (I)	Addition	Landscape Areas. No more than fifty percent (50%) of a residential front yard shall be paved and no more than fifty percent (50%) of a rear yard shall be paved. An interior side yard may be paved if a minimum of one (1) foot is left unpaved along the side property line.	Clarity
41	153.033 (J)	Addition	The minimum distance between approaches serving the same parcel of land shall be twenty (20) feet. The minimum setback of a driveway to a side property line is five (5) feet and from a dwelling unit three (3) feet.	Clarity
42	153.046 (O)	Addition	Accessory Dwelling Unit meeting 153.325	Clarity
	153.046 (P)	Addition	Transitional and supportive housing.	Housing Element consistency
43	153.047 (F)	Typo	Duplexes parcels with no direct frontage...	Clarity
44	153.048 (A) (1)	Addition	...including accessory dwelling units thirty-five (35)	Clarity
45	153.063 (C) (4)	Addition	...including accessory dwelling units thirty-five (35)	Clarity
46	153.184(B) (4)	Modification	(4) Two-family dwelling, duplex or multiple dwelling: two spaces per unit , may be covered or uncovered: (a) Zero to one (1) bedroom – one (1) onsite parking space; (b) Two (2) to three (3) bedrooms – one and one half (1.5) onsite parking spaces; and (c) Four (4) or more bedrooms – two and one half (2.5) onsite parking spaces.	Housing Element consistency
47	Throughout Documents	Addition	Examples: fifteen (15) or twenty percent (20%)	Consistent number format