

CITY OF RIVERBANK

ORDINANCE NO. 2017-011

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, APPROVING THE REZONING OF 2.4 ACRES LOCATED AT 2644
MORRILL ROAD (APN 075-030-001) TO MULTIPLE FAMILY RESIDENTIAL (R-3)
ZONE**

WHEREAS, the City of Riverbank, to maintain consistency with its Housing Element, desires to Rezone the property at 2644 Morrill Road from Single Family Residential (R-1) to Multiple Family Residential (R-3) APN 075-030-001; and

WHEREAS, the Planning Commission of the City of Riverbank conducted a Special Meeting Public Hearing on Monday, November 6, 2017 to consider the proposed Zoning Ordinance Amendment and recommended its approval to the City Council by a vote of 2-1; and

WHEREAS, the City Council of the City of Riverbank conducted a Public Hearing on Tuesday, November 28, 2017 to consider the recommendation of the Planning Commission, take public comment, and conduct a first reading of the proposed Zoning Ordinance Amendment; and

WHEREAS, the City Council for City of Riverbank has made the following findings for adoption:

1. The project site is currently zoned Single Family Residential (R-1) with a General Plan Land Use Designation of LDR Low Density Residential; and
2. To maintain consistency with its Housing Element the City desires to rezone the subject property to Multiple Family Residential R-3; and
3. Notice of the public hearing on the proposed Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on November 15, 2017; and
4. Notices of the public hearing on the proposed Zoning Ordinance Amendment were mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on November 16, 2017 and posted on the City's website, at both City Hall buildings, the Post Office, the Community Center, on site, and emailed to the library; and
5. The City finds that the Zoning Code Amendment will have no 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.

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

Section 1: The City Council of the City of Riverbank approves Rezoning 2.4 acres to the Multiple Family Residential R-3 zoning district, located at 2644 Morrill Road, APN 075-030-001.

Section 2: 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.

Section 3: This Ordinance shall become effective thirty (30) days from and after its final passage (on 01/12/2018), 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 November 28, 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 12th day of December, 2017; motioned by Councilmember District 4 Darlene Barber-Martinez, seconded by Councilmember Cal Campbell; and moved said ordinance by a City Council roll call vote of 4-1:

AYES: Fosi, Barber-Martinez, Campbell, and Mayor O'Brien
NAYS: Vice Mayor Jones Cruz
ABSENT: None
ABSTAINED: None

ATTEST: **APPROVED:**
ORIGINAL DOCUMENT ON FILE WITH THE CITY CLERK

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

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Tom P. Hallinan, City Attorney