

CITY OF RIVERBANK

ORDINANCE NO. 2018-005

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
AMENDING CHAPTER TITLE XV: LAND USAGE, CHAPTER 153: ZONING,
SECTION 153.033 BUILDING REQUIREMENTS, SINGLE-FAMILY RESIDENTIAL
DISTRICT R-1 ZONE, BY REPEALING THIS SECTION IN ITS ENTIRETY AND
SUBSTITUTING IT WITH NEW SECTION 153.033 BUILDING REQUIREMENTS,
SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE, TO THE RIVERBANK
MUNICIPAL CODE OF ORDINANCES**

WHEREAS, the City has been working for months on a code enforcement case involving a personal skate ramp in an R-1, Single Family Residential zoning district back yard, which is causing privacy, noise, and lighting concerns for the neighbors, hindered by a lack of specific regulations to address the concerns; and

WHEREAS, on May 2, 2018, 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 May 15, 2018, to consider the proposed amendment to the City of Riverbank Municipal Code; and

WHEREAS, the proposed Zoning Code amendment complies with the General Plan in that the Noise Element's Overarching Goal for the Environment is to "Ensure that Noise does not Substantially Reduce the Quality of Urban Life"; and

WHEREAS, the amendment to the City of Riverbank Municipal Code is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines; and

WHEREAS, on July 11, 2018, notice of the City Council 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 City Council held a public hearing on July 24, 2018, to consider the proposed amendment to the City of Riverbank Municipal Code; and

WHEREAS, the Riverbank City Council made the following finding:

1. The regulation of personal skate ramps through height and setback restrictions in the Single Family Residential Zoning District (R-1) is consistent with the goals, policies, programs, and uses of the General Plan.

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

SECTION 1: Title XV: Land Usage, Chapter 153: Zoning, Section 153.033 Building Requirements, Single-Family Residential District R-1 Zone, of the Riverbank Municipal Code shall be repealed in its entirety and replaced with a new Title XV: Land Usage, Chapter 153: Zoning, Section 153.033 Building Requirements, Single-Family Residential District R-1 Zone, which shall read as follows:

CHAPTER 153: ZONING

Single Family Residential District R-1 Zone

Section

153.033 Building requirements

§153.033 BUILDING REQUIREMENTS

(A) *Height limit.*

- (1) For dwellings and other main buildings, including accessory dwelling units – 35 feet.
- (2) For accessory buildings and structures:

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

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

(c) Skate Ramps (Half-pipes and similar structures): 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 in-line skating. Portions of the half-pipe may be located below ground, but in no case shall any portion of the half-pipe exceed four (4) feet in height above ground level excluding hand rails. If a change in elevation has occurred since the original construction of the dwelling unit, for example a dirt pad constructed, the height of the half-pipe excluding hand rails shall be two (2) feet less than the top of a surrounding six (6) foot privacy fence.

Ramps shall be constructed with sound-dampening materials such as insulation, foam-board sheathing, rammed earth, and similar. Consistent with the General Plan’s Noise Element, the

recurring impulse noises created by ramps shall not exceed 55 dBA between the hours of 7 am and 10 pm or 40 dBA between 10 pm and 7 am. Noise measurements shall be taken at a side or rear property line.

(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 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 foot front yard setback, are allowed to be constructed no higher than three 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 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 sides of the courtyard. Courtyard walls shall be no higher than four feet six 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 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 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 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 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 feet nor any obstruction other than a post, building column or tree not more than two feet in diameter, between the height of three feet six inches and ten 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 90% transparency no higher than four 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 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 30 feet to said intersection. Except for natural land formations, a sight distance triangle for a driveway with a distance of ten feet from back of sidewalk towards the dwelling and ten feet along the sidewalk in either direction shall be maintained free of obstructions in excess of three 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 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 from the planned right-of-way line provided that no vehicle opening of any building is closer than 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 20 feet to said radius return.

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

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

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

(5) A detached accessory building or structure other than a covered patio as defined herein, may not occupy more than 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 feet to the main building, exclusive of roof covering.

(b) Within the R-1 District, no skate ramp (half-pipes and similar structures) shall be closer than twelve (12) feet to any property line and a minimum of six (6) feet from other structures.

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

(D) *Lot coverage.* No more than 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 – 900 square feet.

(2) All other uses - no minimum size.

(G) *Building site area and density required.*

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

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

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

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

(5) 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. 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 50 square feet per unit with a minimum area of 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.

(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.

(67 Code, § 10-3-4) (Ord. 2004-001, passed 6-14-04)

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

(J) *Driveways.* The minimum distance between approaches serving the same parcel of land shall be 20 feet. The minimum setback of a driveway to a side property line is five feet and from a dwelling unit three feet.
(Am. Ord. 2017-010, passed 10-24-17)

SECTION 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this chapter, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 3: This Ordinance shall become effective thirty (30) days from and after its final passage (September 29, 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 July 24, 2018. 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 28th day of August, 2018; motioned by Vice Mayor (CM-D4) Darlene Barber-Martinez, seconded by Councilmember Leanne Jones Cruz, and moved said ordinance by a City Council roll call vote of 5-0:

AYES: Fosi, Campbell, Jones Cruz, Barber-Martinez, and Mayor O’Brien
NAYS: None
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