

**CITY OF RIVERBANK**

**(UNCODIFIED) ORDINANCE NO. 2021-005**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING THE REZONE OF 4.56± ACRES TO PLANNED DEVELOPMENT LOCATED AT 4131 KENTUCKY AVENUE (APN 062-022-020) A PROJECT KNOWN AS COUNTRYSIDE III**

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**WHEREAS**, an application has been received by McRoy Wilbur Communities with a proposal to subdivide approximately 4.56± acres into twenty-two (22) single family residential lots which allows for a net density of zero to eight (0-8) dwelling units per acre; and

**WHEREAS**, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, August 17, 2021 to consider the proposed Ordinance and with a vote of 5-0 recommended approval by the City Council; and

**WHEREAS**, the City Council for City of Riverbank has made the following findings to adopt the Rezone:

1. Each individual unit of the development if built in stages, as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development.

2. The uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect.

3. Any deviation from the standard ordinance requirements is warranted by the unusual design and additional amenities incorporated in the development plan which offers certain redeeming features to compensate for any deviations that may be permitted.

4. The principles incorporated in the proposed plans identify unique characteristics which could not otherwise be achieved under other zoning districts.

5. Where a PD rezone is initiated by the City, the previous findings are not required.

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

**Section 1:** The City Council of the City of Riverbank approves Rezoning

the Project site to Planned Development (APN 062-022-020).

**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 City Council 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 and adoption (10/29/21), 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 September 14, 2021. Said ordinance was given a second reading by title only and adopted.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting on the 28<sup>th</sup> day of September, 2021; motioned by Councilmember District 3 Cal Campbell, seconded by Councilmember District 4 Darlene Barber-Martinez; moved said ordinance by a City Council roll call vote of 5-0:

**AYES:** Councilmember District 4 Darlene Barber-Martinez,  
Councilmember District 3 Cal Campbell  
Councilmember District 2 Rachel Hernandez  
Vice Mayor (CM-D1) Luis Uribe  
Mayor Richard D. O'Brien

**NAYS:** None

**ABSENT:** None

**ABSTAINED:** None

**ATTEST:**

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**Annabelle H. Aguilar, CMC**  
City Clerk

**APPROVED:**

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**Richard D. O'Brien**  
Mayor

**APPROVED AS TO FORM:**

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**Tom P. Hallinan, City Attorney**