

CITY OF RIVERBANK

ORDINANCE NO. 2021-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING THE RIVERBANK MUNICIPAL CODE BY REPEALING IN THEIR ENTIRETY SECTIONS 153.003, DEFINITIONS AND 153.325, ACCESSORY DWELLING UNITS, SUBSTITUTING THEM WITH NEW SECTIONS §153.003 AND §153.325 AND ADDING NEW SECTIONS 153.326 THROUGH 153.330

WHEREAS, the Planning Commission held a public hearing on October 19, 2021 to consider an amendment to the City of Riverbank Municipal Code and with a vote of 5-0, recommended approval of this ordinance to the City Council; and

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

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

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

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

WHEREAS, the proposed amendment complies with the General Plan in that "the City will encourage re-use of vacant or underutilized land in the Infill

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

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

WHEREAS, The Riverbank Planning Commission made the following finding:

1. The proposed Zoning Ordinance Amendment is consistent with the City’s General Plan Land Use and Housing Elements, as enumerated in the General Plan Consistency section of the Staff Report.

2. The proposed Zoning Ordinance Amendment further the public interest, convenience, and general welfare of the City. The amendments would ensure consistency of the Riverbank Municipal Code with the General Plan and State law, and update zoning standards that are relevant to the current development trends and local and regional housing needs.

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

TITLE XV: LAND USAGE

Chapter 153: Zoning

General Provisions

Sections

153.003 Definitions

Accessory Dwelling Units

Section

153.325 Purpose

- 153.326 Permitted locations and types
- 153.327 Development standards
- 153.328 Utilities and impact fees
- 153.329 Owner occupancy
- 153.330 Process and timing

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

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.

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

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

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

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

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

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

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

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

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

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

DAY CARE CENTER. Day care center means a dwelling or building or structure in which persons not of the immediate family are provided with care

for compensation for a portion of the day not exceeding 12 hours in any 24 hour period. A day care shall not include 24 hour care and shelter.

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

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

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

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

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

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

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

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

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

EFFICIENCY KITCHEN. Means a kitchen that includes each of the following:

- (1) A cooking facility with appliances.

(2) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LOT LINES. The lines bounding a lot.

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

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

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

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

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

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

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

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

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

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

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

PUBLIC TRANSIT. Means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

RECREATION VEHICLE. Either of the following:

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

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

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

(c) It is built on a single chassis.

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

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

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

(b) It is built on a single chassis.

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

(Cal. Health & Safety Code § 18010)

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

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

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

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

SHALL. Is mandatory and not directory.

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

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

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

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

SUPPORTIVE HOUSING. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving

his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2: Title XV: Land Usage, Chapter 153: Zoning, Section 153.325: Accessory Dwelling Units, shall be repealed in its entirety and substituted with a new Chapter 153: Zoning, Section 153.325: Accessory Dwelling Units, and add new Sections: 153.326 through 153.330, which shall read as follows:

Accessory Dwelling Units

§ 153.325 PURPOSE

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

§ 153.326 PERMITTED LOCATIONS AND TYPES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The construction of two detached ADUs, subject to a maximum height of sixteen (16) feet, and four-foot (4') side and rear setbacks. In

this case, only two detached ADUs are permitted on lots developed with existing multifamily dwellings.

§ 153.327 DEVELOPMENT STANDARDS

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

(1) ADU Type, Location & Size:

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

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

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

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

(2) JADU Location, Size, and Standards.

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

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

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

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

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

The property contains an approved accessory dwelling unit pursuant to Chapter 153 of the Riverbank Municipal Code and is subject to the restrictions and regulations set forth in that chapter. These restrictions and regulations generally address development regulations, owner occupancy, and lease requirements, limitations on the size of the accessory dwelling unit and parking

requirements. Current restrictions and regulations may be obtained from the city of Riverbank planning division. These restrictions and regulations shall be binding upon any successor in ownership of the property.

(3) Setbacks.

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

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

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

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

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

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

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

(D) *Off-Street Parking.*

(1) At least one additional off-street parking space shall be provided for the ADU or per bedroom, whichever is less, unless otherwise exempt under Section 153.327(E).

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

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

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

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

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

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

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

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

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

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

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

§ 153.328 UTILITIES AND IMPACT FEES

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

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

§ 153.329 OWNER OCCUPANCY

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

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

§ 153.330 PROCESS AND TIMING

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

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

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

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

SECTION 3. *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 4. 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 5: This Ordinance shall become effective thirty (30) days from and after its final passage (01/14/2022) 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 9, 2021. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the 14th day of December, 2021; motioned by Vice Mayor (CM-D1) Luis Uribe, seconded by Councilmember District 3 Cal Campbell; moved said ordinance by a City Council 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:

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan
City Attorney