

**CITY OF RIVERBANK**

**ORDINANCE 2023-003**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,  
CALIFORNIA, AMENDING THE RIVERBANK MUNICIPAL CODE BY AMENDING  
SECTION §153.003, SECTION §153.031, SECTION §153.046, SECTION §153.061,  
SECTION §153.067 AND ADDING SECTIONS §153.170 THROUGH §153.177  
RELATED TO TINY HOUSE VILLAGES**

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**WHEREAS**, on July 19, 2022, the Planning Commission held a duly noticed Public Workshop to discuss an ordinance that would allow development of tiny house villages in certain residential districts; and

**WHEREAS**, on November 30, 2022, 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 the City's website; and

**WHEREAS**, the Planning Commission held a public hearing on December 20, 2022 to consider an amendment to the City of Riverbank Municipal Code and with a vote of 4-0, recommended approval of this Ordinance to the City Council; and

**WHEREAS**, the proposed amendments to the Riverbank Municipal Code would amend Sections of Title XV: Land Usage, Chapter 153: Zoning to define and permit Tiny House Villages; and

**WHEREAS**, the proposed amendments to the Riverbank Municipal Code would create new Sections of Title XV: Land Usage, Chapter 153: Zoning for the regulation of Tiny House Villages; and

**WHEREAS**, the amendment is exempt from analysis under the California Environmental Quality Act (CEQA) under the "Common Sense Exemption" that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3) of the State CEQA Guidelines. The proposed project is also exempt from CEQA pursuant to State CEQA Guidelines Section 15305 (Minor Alternations in Land Use Limitations); and

**WHEREAS**, The Riverbank Planning Commission made the following findings:

1. The proposed Zoning Ordinance Amendment is consistent with the City's

General Plan Land Use Element.

2. The proposed Zoning Ordinance Amendment furthers the public interest, convenience, and general welfare of the City. The amendments would expand the type of housing available for development within the City of Riverbank.
3. The proposed Zoning Ordinance Amendment furthers implementation of the Goals, Policies and Programs of the 2014 – 2023 Housing Element, dated February 2016. Specifically, the proposed Zoning Ordinance Amendment is consistent with the following Policies and Programs:
  - a. Policy 1.1 – Ensure land use and zoning procedures are accommodating to affordable housing.
  - b. Program 2.1j – Encourage housing development within the General Plan Infill Opportunity Area and specifically, sites designated Mixed Use.
  - c. Policy 3.1 – Promote efficient and creative alternatives to help reduce government constraints.
  - d. Program 3.1a – Continue to promote the use of Planned Development zones for developers who wish to deviate from setbacks, parking, or other standards which may limit their ability to develop at a desired density.

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

**SECTION 1:** Title XV: Land Usage, Chapter 153: Zoning, Section 153.003: Definitions, shall be amended as follows (added language is represented in underline text):

**§ 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 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.

**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.

**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, TINY HOUSE.** A detached single-family residence within a tiny house village. A tiny house dwelling is defined as having a maximum floor area square footage of eight hundred (800) square feet and a minimum floor area square footage of one hundred and fifty (150) square feet.

**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 Cal. Health & Safety Code § 17958.1.

**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 Cal. Health & Safety Code § 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

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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.

**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 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.

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

**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.

**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 §§ 4500 et seq. 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.

**TINY HOUSE VILLAGE.** A minimum of five (5) tiny house dwellings on either a single parcel or individual parcels for each tiny house dwelling as part of the same subdivision.

**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, 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.

**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.

(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; Am. Ord. 2021-007, passed 12-14-21)

**SECTION 2:** Title XV: Land Usage, Chapter 153: Zoning, Section 153.031: Uses permitted shall be amended as follows (added language is represented in underline text):

**§ 153.031 USES PERMITTED.**

(A) One single-family dwelling or one manufactured home 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 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 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 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 feet shall be the maximum height for a "shed" located at the setback line. A shed height may be increased one and one-half feet for every one foot back from the setback line to a maximum height of 15 feet;

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

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

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

(2) There are no other day care centers for more than six 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 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 100 square feet in area) may be located on any new subdivision for a period of not more than two 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 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:

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

(2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least 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 et seq.

(O) One 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 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 workers per unit and no more than 12 units or 36 beds), farmworker housing, transitional housing, supportive housing.

(Q) Tiny House Village, as defined in § 153.003 and as allowed in § 153.170 through 153.177.

(`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; Am. Ord. 2017-010, passed 10-24-17)

**SECTION 3:** Title XV: Land Usage, Chapter 153: Zoning, Section 153.046: Uses Permitted shall be amended as follows (added language is represented in underline text):

**§ 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 paying guests.

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

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

(2) There are no other day care centers for more than six 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 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 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 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 days.

(2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least 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 et seq.

(P) Transitional and supportive housing.

(Q) Tiny House Village, as defined in § 153.003 and as allowed in § 153.170 through 153.177.

(`67 Code, § 10-4-2) (Ord. 87-11, passed 7-27-87; Am. Ord. 2017-010, passed 10-24-17)



**SECTION 4:** Title XV: Land Usage, Chapter 153: Zoning, Section 153.061: Uses permitted shall be amended as follows (added language is represented in underline text):

**§ 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 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 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 20% of the area of the main building.

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

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

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

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

(2) There are no other day care centers for more than six 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 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 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 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 days.

(2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least 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) Garage sales as defined in § 153.003.

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

153.003.01

(N) Accessory dwelling unit meeting §§ [153.325](#) et seq.

(O) Emergency shelters as defined in § [153.003](#).

(P) Transitional housing as defined in § [153.003](#).

(Q) Supportive housing as defined in § [153.003](#).

(R) Tiny House Village, as defined in § 153.003 and as allowed in § 153.170 through 153.177.

('67 Code, § 10-5-2) (Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2015-002, passed 2-24-15; Am. Ord. 2017-010, passed 10-24-17)

**SECTION 5:** Title XV: Land Usage, Chapter 153: Zoning, Section 153.067: Uses permitted shall be amended as follows (added language is represented in underline text):

**§ 153.067 USES PERMITTED.**

(A) All attached single-family and multi-family residential uses, including duplexes, apartments, condominiums, townhouses, and live-work units provided that the living units are located above the ground floor of a commercial uses or adjacent to commercial on the same property.

(B) Detached residential uses with a minimum net density of eight units per acre, including single family homes, caretaker units, and manufactured homes.

(C) Attached Higher Density Residential in a vertical and/or horizontal mixed use setting of 16 or more dwelling units per net acre. This residential use must be above (on upper stories of buildings) or adjacent to commercial operations on the same property.

(D) Office uses including administrative, professional, creative, telecommunications, flex, research, and similar office uses that are primarily worker-occupied.

(E) (1) Retail sales of goods that can generally be carried out by the customer including food and specialty foods, open air markets, small household goods, pharmaceuticals and sundries, apparel, art and supplies, antiques, furniture, appliances, electronics, books, flowers, hardware, toys, bicycles and sporting goods, music, and similar goods.

(2) Sales of alcoholic beverages require a conditional use permit in accordance with § [153.361](#).

(F) Service uses including personal and business services with walk-in customer service, such as beauty parlors, spas, cleaners, repair services, banks, travel or real estate agents, medical clinics, child or adult care, photocopiers, mailing services, Laundromats, and similar uses. Rental uses of items such as party supplies, wedding apparel or tuxedos are allowed as services uses.

(G) (1) General commercial uses including entertainment uses including bars, full service restaurants, quick service restaurants (not drive through fast food), dance and exercise studios, gyms, sports facilities, game arcades, and similar uses.

(2) Sales of alcoholic beverages require a conditional use permit in accordance with § 153.361.

(H) (1) Civic uses including government offices and services, libraries, community centers, conference facilities, and similar uses.

(2) Public infrastructure including support uses include water, storm water, sewer, and utility infrastructure, streets, sidewalks, bicycle paths, parking garages, transit stops, parks, plazas, streetscape improvements, and other public facilities.

(I) Institutional uses including colleges, trade schools, places of worship, museums, and similar uses.

(J) Tiny House Villages, as defined in § 153.003 and as allowed in § 153.170 through 153.177.

(Ord. 2014-006, passed 7-8-14)

**SECTION 6:** Title XV: Land Usage, Chapter 153: Zoning is amended to add new Sections: 153.170 through 153.177, which shall read as follows:

### ***Tiny House Villages***

#### **Section**

- 153.170 Purpose
- 153.171 Applicability
- 153.172 Density
- 153.173 Occupancy
- 153.174 Design and Development Standards
- 153.175 Landscaping and Open Space
- 153.176 Accessory Structures
- 153.177 Architecture and Site Plan Review

#### **§ 153.170 PURPOSE**

(A) The purpose of this title is to:

(1) Provide development regulations for tiny house villages, which support a diversity of housing choices to meet a wide variety of housing needs;

(2) Encourage creation of more usable space for residents of tiny house village developments through flexibility in lot standards;

(3) Ensure that the overall size, including bulk and mass of tiny house village structures remains smaller and incurs less visual impact than standard size

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single-family dwellings, particularly given allowed intensity of tiny house village developments;

(4) Provide a centrally located and functional common open space area that fosters a sense of community and a sense of openness in tiny house village developments;

(5) Provide private areas around the individual tiny house dwellings to enable diversity in landscape design and foster a sense of ownership; and

(6) Ensure minimal visual impact from vehicular use and storage areas for residents of the tiny house village development as well as adjacent properties, and to maintain a detached single-family character along public streets.

### **§ 153.171 APPLICABILITY**

(A) The regulations in this title apply to tiny house village developments in zones where such uses are permitted.

### **§ 153.172 DENSITY**

(A) The density shall adhere to the density requirements set forth in the General Plan.

(B) The maximum density shall be one (1) tiny house per every one thousand eight hundred (1,800) square feet of lot area. When calculating the number of units allowed, fractional units shall be rounded down to the nearest whole number.

### **§ 153.173 OCCUPANCY**

(A) Tiny house village units may not be rented on a transient basis (periods less than thirty (30) days).

### **§ 153.174 DESIGN AND DEVELOPMENT STANDARDS**

(A) Parcel Size. The minimum parcel size for one (1) tiny house dwelling shall be eighteen hundred (1,800) square feet and adhere to the following minimum dimensions:

- (1) Minimum width, interior lot – thirty (30) feet;
- (2) Minimum width, corner lot – forty (40) feet; and
- (3) Minimum depth – sixty (60) feet.

(B) Floor Area. The total floor area of each tiny house shall not exceed eight hundred (800) square feet and shall be a minimum size of one hundred and fifty (150) square feet. Exclusions from the total floor area calculation:

- (1) Architectural projections, such as bay windows, fire places or utility closets no greater than eighteen (18) inches in depth;
- (2) Spaces with ceiling height of five (5) feet or less; and
- (3) Other exemptions similar in nature provided in the intent of this title is met and upon approval of the Community Development Director.

(C) Lot Coverage. No more than fifty (50) percent of the lot may be covered by buildings.

(D) Height. The maximum height shall not exceed twenty (20) feet. Structures with pitched roofs with a minimum slope of 6:12 may extend up to thirty (30) feet at the ridge of the roof. Accessory structures will be subject to the height requirements listed in Section 153.033.

(E) Yards.

- (1) Front Yard – ten (10) feet.
- (2) Side Yard – four (4) feet.
- (3) Corner Side Yard – ten (10) feet.
- (4) Rear Yard – ten (10) feet.
- (5) Garage – eighteen (18) feet.
- (6) Projections may extend into the required yard distances as follows:
  - (a) Eaves may extend up to twenty-four (24) inches.
  - (b) Architectural projections, such as bay windows, fireplaces, or utility closets no greater than eighteen (18) inches in depth or six feet in width.
  - (c) Minor appurtenances such as pipes, gas and electrical meters, alarm systems, air vents and downspouts no greater than eighteen (18) inches in depth.
  - (d) HVAC equipment no greater than twenty-four (24) inches.

(e) Exterior stairways. Exterior stairways that provide access to an upper level are not allowed within the front yard.

(7) The minimum separation between buildings shall be consistent with the city-adopted building code.

(F) Fencing. Fence requirements for tiny house villages are listed in Section 153.033.

(G) Patios and Porches.

(1) Tiny house units may have a covered porch, or entry at least sixty (60) square feet in size with a minimum depth of six (6) feet and minimum width of eight (8) feet.

(2) Patio or patio railing within the private open space should be semi-transparent and a maximum height of three (3) feet.

(H) Lighting. Common open space areas and access driveways, drive aisles and off-street parking areas shall be provided with lighting.

(I) Off-Street Parking.

(1) The minimum number of parking spaces required for tiny house units shall be one (1) parking space per dwelling unit, plus one (1) parking space of guest parking. Guest parking may be in tandem with the off-street parking space for the tiny house unit.

(2) Common parking areas shall be configured in clusters and provided throughout the tiny house village development. The minimum number of parking spaces shall be 0.8 parking space per dwelling unit and the common parking area locations shall be determined by the Community Development Director on a case-by-case basis.

(3) Off-street parking can be located within an accessory structure such as a carport or garage, such structures shall not be attached to individual tiny house units. Uncovered parking is also permitted.

(J) Design Standards.

(1) Orientation and Building Facades. Each building abutting a public street shall have a minimum of four (4) of the following building elements, features, and treatments incorporated into the street-facing façade:

(a) Windows with visible trim and mullions or recessed windows.

(b) Dormers.

(c) Bay windows.

(d) Entry enhancement such as a well detailed door (multi-panel or glass insert), window adjacent to front door (sidelite).

(e) Variation in roof or building colors and materials, on individual units, such as brick, stone or other masonry accents.

(f) Other building elements, treatments, features, or site designs approved by the Community Development Director that provide variety and visual interest.

(2) Units that are on the interior of a development should be oriented toward the common open space or parking areas.

(K) Pedestrian Connectivity.

(1) The pedestrian circulation system shall connect all main entrances on the site. For tiny house units fronting the street, the public sidewalk may be used for this standard.

(2) Direct pedestrian access should be provided to adjacent, publicly accessible parks, open space, and trails, transit, rideshare, and bicycle storage facilities, where feasible.

(3) Pedestrian walkways shall be separated from structures by at least three (3) feet.

(4) Pathways in common open space and other shared areas of the development shall meet Americans with Disabilities Act (ADA) standards.

(L) Restrictions. The size of a tiny house dwelling may not be increased beyond the maximum floor area in subsection 153.174(B). A deed restriction shall be placed on the property notifying future property owners of the size restriction.

## **§ 153.175 LANDSCAPING AND OPEN SPACE**

(A) Landscape Areas. Landscape areas shall be subject to the landscape requirements in Section 153.033. .

(B) Common Open Space. Common open space shall be one (1) or more areas that are designed and maintained for recreation, gardening, and similar activities to all residents. Common open space shall total 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.

(C) Private Open Space. Each residential unit in a tiny house village development shall have a private open space. Private open space shall be separate from the common open space to create a sense of separate ownership.

(1) Each unit shall be provided with a minimum of 200 square feet of usable private open space. Private open space may include gardening areas, patios or porches.

(2) No dimension of the private open space shall be less than eight (8) square feet.

### **§ 153.176 ACCESSORY STRUCTURES**

(A) Accessory structures that serve on-site units and are subordinate in use and scale to the tiny house village development are allowed subject to lot coverage limitations in Section 153.174.

### **§ 153.177 ARCHITECTURE AND SITE PLAN REVIEW**

(A) Proposals to construct a tiny house village development shall be subject to an Architecture and Site Plan Review by the Planning Commission prior to the issuance of a building permit. Architecture and Site Plan Review entitlements are subject to the provisions in Section 153.217 of this title.

(B) The Community Development Director may allow minor deviations to the requirements for tiny house village proposals described in Sections 153.170 through 153.177, provided that such deviations are consistent with the purposes of this title, and subject to Architecture and Site Plan Review by the Planning Commission.

**SECTION 7.** *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 8:** This Ordinance shall become effective thirty (30) days from and after its final passage (00/00/00), 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 January 10, 2023. 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 24th day of January, 2023; motioned by Councilmember Leanne Jones Cruz, seconded by Councilmember Darlene Barber-Martinez; moved said ordinance by a City Council vote of 5/0:

**AYES:** Councilmember, District 1 Luis Uribe  
Councilmember, District 3 Leanne Jones Cruz  
Councilmember, District 4 Darlene Barber-Martinez  
Vice Mayor, (CM-D3) Rachel Hernandez  
Mayor, Richard D. O'Brien

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

**ATTEST:**

  
\_\_\_\_\_  
Gabriela Hernandez  
City Clerk

**APPROVED:**

  
\_\_\_\_\_  
Richard D. O'Brien  
Mayor

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Tom Hallinan  
City Attorney



City of Riverbank  
Office of the City Clerk / Elections

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**CERTIFICATION OF ORDINANCE NO. 2023-003**

STATE OF CALIFORNIA  
COUNTY OF STANISLAUS  
CITY OF RIVERBANK } ss:

I, **Gabriela Hernandez**, duly appointed City Clerk of the City of Riverbank, California, **DO HEREBY CERTIFY** that the foregoing **Ordinance No. 2023-003** (consisting of 26 pages) was introduced at a regular meeting of the City Council of the City of Riverbank, held on 01/10/2023, and thereafter was adopted at a regular meeting of the City Council of the City of Riverbank on 01/24/2023, by the following City Council vote of 5-0, to wit:

**AYES:**                   **COUNCILMEMBER DISTRICT 1 LUIS URIBE**  
                                 **COUNCILMEMBER DISTRICT 3 LEANNE JONES CRUZ**  
                                 **COUNCILMEMBER DISTRICT 4 DARLENE BARBER-MARTINEZ**  
                                 **VICE MAYOR (CM-D2) RACHEL HERNANDEZ**  
                                 **MAYOR RICHARD D. O'BRIEN**

**NAYS:**                   **NONE**

**ABSENT:**               **NONE**

**ABSTAINED:**       **NONE**

I **FURTHER CERTIFY** that the foregoing **Ordinance No. 2023-003** was published pursuant to GC § 36933 as follows:

- First Summary published on 12/28/2022 in the Riverbank News; and
- Second Summary published on 02/01/2023 the Riverbank News.
- Notices were also posted on the exterior Bulletin Boards of City Hall North and the Community Center.

**WITNESS** my hand and the Seal of the City of Riverbank,  
affixed this 26<sup>th</sup> day of January, 2023

  
\_\_\_\_\_  
**Gabriela Hernandez, City Clerk**