

CITY OF RIVERBANK

ORDINANCE 2023-005

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
APPROVING THE REZONE OF 8.55 ACRES TO PLANNED DEVELOPMENT,
LOCATED AT 6612 AND 6472 CENTRAL AVENUE (APNS 062-020-018 AND
062-020-031), A PROJECT KNOWN AS RIVER'S EDGE**

WHEREAS, a General Plan Amendment, Rezone, and Vesting Tentative Map application has been received from McRoy Wilbur Communities, Inc with a request to rezone approximately 8.55 acres from Single Family Residential Residential (R-1) to Planned Development (PD); and

WHEREAS, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, October 17, 2023 to consider the proposed Ordinance and with a vote of 5-0 recommended approval by the City Council; and

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

1. Each individual unit of the development if built in stages, as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development.
2. The uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect.
3. Any deviation from the standard ordinance requirements is warranted by the unusual design and additional amenities incorporated in the development plan which offers certain redeeming features to compensate for any deviations that may be permitted.
4. The principles incorporated in the proposed plans identify unique characteristics which could not otherwise be achieved under other zoning districts.
5. Where a PD rezone is initiated by the City, the previous findings are not required.

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

Section 1: The City Council of the City of Riverbank approves Rezoning the Project site to Planned Development (APNS 062-020-018 and 062-020-031).

Section 2: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

Section 3: This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least fifteen (15) days prior to its effective date.

The foregoing was introduced at a regular meeting of the City Council of the City of Riverbank held on the 14th day of November 2023; motioned by Councilmember Luis Uribe, seconded by Councilmember Leanne Jones Cruz, and upon roll call was carried by the following vote 5/0:

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

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

CERTIFICATION OF ORDINANCE NO. 2023-005

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

I, **Gabriela Hernandez**, duly appointed City Clerk of the City of Riverbank, California, **DO HEREBY CERTIFY** that the foregoing **Ordinance No. 2023-005** (consisting of 2 pages) was introduced at a regular meeting of the City Council of the City of Riverbank, held on 11/14/2023, and thereafter was adopted at a regular meeting of the City Council of the City of Riverbank on 12/12/2023, 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**

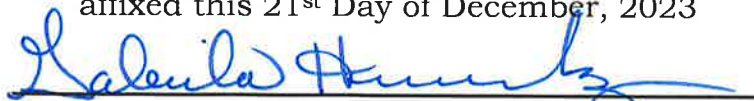
ABSENT: **NONE**

ABSTAINED: **NONE**

I **FURTHER CERTIFY** that the foregoing **Ordinance No. 2023-005** was published pursuant to GC § 36933 as follows:

- First Summary published on 10/25/2023 in the Riverbank News by City Clerk Office; and
Second Summary published on 12/20/2023 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 21st Day of December, 2023


Gabriela Hernandez, City Clerk