



CITY OF MERCED ZONING ORDINANCE UPDATE FOCUS GROUP MINUTES

Merced Civic Center
First Floor Sam Pipes Room

678 W. 18th Street
Thursday, August 22, 2013
8:15 a.m.

Mission of Focus Group

Update the Zoning Ordinance to be more user-friendly and easier to understand for the Community.

A. CALL TO ORDER

Acting Chairperson Lesch called the meeting to order at 8:22 a.m.

B. ROLL CALL

Members Present: Christina Alley, Ann Andersen, Todd Bender, Kenra Bragonier, Forrest Hansen, Flip Hassett, Jack Lesch, Elmer Lorenzi, Guy Maxwell, Carole McCoy, Michelle Paloutzian, Garth Pecchenino, Joe Ramirez, Stan Thurston, and Brandon Williams

Members Absent: Jim Abbate, Tony Dossetti, Ron Ewing, Loren Gonella, Bruce Logue, and Mike Salvadori

Staff Present: Director of Development Services David Gonzalves, Planning Manager Kim Espinosa, and Recording Secretary Terri Lucas

C. APPROVAL OF ACTION MINUTES

M/S Bragonier-Pecchenino, and carried by unanimous voice vote (6 absent), to approve the Minutes of July 31, 2013, as submitted.

D. ITEMS

1. Follow-Up Items from Last Meeting – There were no follow-up items for discussion.
2. A Planner's Confessions...The Top Ten Things about the Zoning Ordinance That Drive Me Crazy - A.K.A. "Do These Zoning Regulations Still Reflect Our Community Standards or Should We Consider Changing them?" (Continued from July 31).

Ms. Espinosa continued the discussion from the previous meeting and touched on varying topics outlined below.

Conditional Use Permits (CUP) for Religious Institutions

The Focus Group discussed various pros and cons of requiring CUPs for churches in certain zones, but streamlining the process for them in others. Discussion focused on a church's impact to an area such as Downtown where parking, noise, and hours of operation could have negative impacts, or in industrial zones where some industrial uses could not locate near churches and it makes it difficult to market the industrial property.

Ms. Espinosa explained that there are Federal laws on how cities can treat churches, but the CUP process allows the City to apply conditions limiting occupancy, hours of operation, or sharing the location with another church who has services at different times or on different days.

Signs

The Focus Group also discussed the problem of too many signs in town causing a cluttered look. It was discussed whether it was a sign problem or the type of use that is the problem, such as bail bond businesses or tattoo parlors. The Focus Group agreed that such businesses seem to always have excessive signage.

Streamlining CUP Process in Planned Developments

With regard to streamlining the CUP process in Planned Developments, Ms. Espinosa asked the group's thoughts on having the CUP considered at the same time as the zone change or general plan amendment. There is often confusion from the public when the zoning and land use is approved by Council and they get another public notice for the CUP later on.

Some members thought that there should be no co-mingling of the approvals because developers don't want to incur the expense of preparing detailed plans for the site plan, design, and landscaping of the project when the land use and zoning might be denied by the Council. Mr. Xu said that because a planned development requires so much detail, the CUP process should remain in place for planned developments.

Mr. Pecchenino said there are a lot of planned developments now because if the zoning doesn't allow the proposed use then zoning is changed to a planned development to allow the use through the CUP process.

Ms. Espinosa said that the City would still need the requirements of the code for planned developments since they will still exist, but could establish a new zoning district that would allow for streamlining the process.

Outdoor Display and Recycling Centers

Regarding outdoor displays, Ms. Espinosa explained that they have gotten a little out of control in recent years. She showed some examples of sites where outdoor displays block access, circulation, and sidewalks. The code could be changed to state that they are not allowed at all, but that is an enforcement issue and there is currently not enough staff to provide enforcement. The code could include some standards for how much display area is allowed, i.e., 50 square feet, a percentage of the

business' frontage, types of goods, not allowed in easements, and must be moved inside at close of business, etc.

Ms. Bragonier thought that it would be easier to enforce if they are not allowed at all.

Mr. Maxwell said that one size won't fit all and perhaps we should just regulate where they could not go (in drive aisles, blocking sidewalks, etc.) rather than on a percentage of frontage or a specific square foot area, and that the soda machines should not be regulated.

Mr. Lesch said that the emphasis should be on signs rather than outdoor displays. He also mentioned recycling centers and said the City cannot require a CUP; they are currently processed under Site Plan Review where conditions can be applied or it can be denied if determined to be detrimental to the area.

Ms. Espinosa added that recycling centers attract other issues such as abandoned shopping carts and public intoxication. When recycling centers are located in Neighborhood Commercial zones near residential zones the City receives numerous complaints. She explained that they are allowed in all commercial zones per state law except processing facilities which are allowed in industrial zones.

Home-Based Cottage Food Industries

There was also a brief discussion regarding home-based businesses such as day cares with 14 or fewer children or residential care facilities with 6 or less at the facility. There are no zoning requirements for these uses per State law and the City receives numerous complaints from nearby residents.

Mayor Thurston asked whether growing marijuana in residential back yards could be considered a cottage industry. Ms. Espinosa responded that staff would discuss that with the City Attorney's office and report back to the Focus Group.

Garage Conversions

Ms. Espinosa explained that most garage conversions are illegal because the zoning ordinance requires one off-street parking space for each residence and the driveway is not a “legal” parking space because it is within the setback area. Most of the existing conversions are illegal and building permits were not obtained.

Ms. McCoy said that some conversions are very old and not up to code and some home sales have not occurred because buyers could not obtain insurance. Mayor Thurston said he would like to see this addressed somehow that does not punish those conversions that were done years ago, but not to allow new ones.

Mr. Cox asked why the driveway is not a legal space and staff responded that if the spaces in the garage are lost then it causes more parking on the street which clutters the neighborhood. Ms. Espinosa asked the group to consider if the zoning code should be changed to allow the driveway as a legal parking space.

Mr. Lorenzi also pointed out that you cannot park in back of the house and the code states that you cannot park RV’s and boats on the street, but there is not any code enforcement of this because there is not enough staff. He said that something needs to be done about that.

Ms. Espinosa asked if the Focus Group thought the zoning code should be changed to allow the driveway to count as off-street parking in order to allow the garage conversions. No clear consensus was reached.

[Secretary’s Note: Due to the time, the subject matter will continue on September 12, 2013, beginning with page 22, #5-Driveway Carports].

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E. ADJOURNMENT

The meeting was adjourned at 9:36 a.m. to the next meeting on Thursday, September 12, 2013, at 8:15 a.m.

Respectfully submitted,

/s/ David Gonzalves

DAVID GONZALVES, Secretary
Zoning Ordinance Update

APPROVED:

Bruce Logue, Chairperson
Zoning Ordinance Update