CITY OF MERCED
ZONING ORDINANCE

Public Review Draft (September 2015)

City of Merced
ZONING ORDINANCE

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City of Merced ZONING ORDINANCE

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City of Merced Zoning Ordinance

TABLE OF CONTENTS

PART 1 – ENACTMENT AND APPLICABILITY

Chapter 20.02 – Purpose 1

20.02.010 Title and Authority 1
20.02.020 Purpose of the Zoning Ordinance 1
20.02.030 Relationship to the General Plan 2
20.02.040 Responsible for Administration 2
20.02.050 Applicability of the Zoning Ordinance 2

Chapter 20.04 – Interpretation 3

20.04.010 Purpose 3
20.04.020 Authority 3
20.04.030 Rules of Interpretation 3
20.04.040 Procedures for Interpretation/Determinations 6

Chapter 20.06 – Zoning Districts and Map 7

20.06.010 Purpose 7
20.06.020 Zoning Districts 7
20.06.030 Zoning Map 10

PART 2 – ZONING DISTRICT STANDARDS

Chapter 20.08 – Residential Zoning Districts 11

20.08.010 Purpose of the Residential Zoning Districts 11
20.08.020 Land Use Regulations for Residential Zoning Districts 12
20.08.030 Development Standards for Residential Zoning Districts 14
20.08.040 Additional Dwelling Units on R-1 Lots 19
20.08.050 Rural Residential (R-R) Zoning District 20

Chapter 20.10 – Commercial Zoning Districts 21

20.10.010 Purpose of the Commercial Zoning Districts 21
20.10.020 Land Use Regulations for Commercial Zoning Districts 22
20.10.030 Development Standards for Commercial Zoning Districts 25

Chapter 20.12 – Industrial Zoning Districts 33

20.12.010 Purpose of the Industrial Zoning Districts 33
20.12.020 Land Use Regulations for Industrial Zoning Districts 33
20.12.030 Development Standards for Industrial Zoning Districts 36

Chapter 20.14 – Downtown Zoning Districts 41

20.14.010 Purpose of the Downtown Zoning Districts 41
20.14.020 Land Use Regulations for Downtown Zoning Districts 42
20.14.030 Development Standards for Downtown Zoning Districts 45

Chapter 20.16 – Urban Village Zoning Districts 51

20.16.010 Purpose of the Urban Village Zoning Districts 51
20.16.020 Land Use Regulations for Urban Village Zoning Districts 53
20.16.030 Development Standards for Urban Village Zoning Districts 55

Chapter 20.18 – Public Use And Agricultural Zoning Districts 59

20.18.010 Purpose of the Public Use and Agricultural Zoning Districts 59
20.18.020 Land Use Regulations for the Public Use and Agricultural Zoning Districts 60
20.18.030 Development Standards for Public Use and Agricultural Zoning Districts 63

Chapter 20.20 – Special Use Zoning Districts 65

20.20.010 Urban Transition (U-T) Zoning District 65
20.20.020 Planned Development (P-D) Zoning Districts 66

Chapter 20.22 – Overlay Zones 73

20.22.010 Purpose of Overlay Zones 73
20.22.020 Airport Environ (/AE) Overlay Zone 73
20.22.030 High Speed Rail (/HSR) Overlay Zone 73
20.22.040 Urban Residential (/UR) Overlay Zone 74

PART 3 – GENERAL REGULATIONS

Chapter 20.24 – Height Measurement and Exceptions 89

20.24.010 Height Measurement 89
20.24.020 Exceptions 90

Chapter 20.26 – Setback Measurement and Projections 91

20.26.010 Setback Measurement 91
20.26.020 Projections 92

Chapter 20.28 – Accessory Structures 93

20.28.010 General Requirements 93
20.28.020 Residential Accessory Structures 93
20.28.030 Non-Residential Accessory Structures 96

Chapter 20.30 – Walls and Fences 97

20.30.010 Measurement of Fence and Wall Height 97
20.30.020 Height Limits 98
20.30.030 Corner Vision Triangles 102
20.30.040 Materials 103

Chapter 20.32 – Interface Regulations 105

20.32.010 Purpose 105
20.32.020 Definitions 105
20.32.030 Site Plan Review 105
20.32.040 Exceptions 108

Chapter 20.34 – Creek Buffers 109

20.34.010 Purpose 109
20.34.020 Applicability 109
20.34.030 Land Use Regulations 110
20.34.040 Performance Standards 111
20.34.050 Coordination with Other Regulatory Agencies 112

Chapter 20.36 – Landscaping 113

20.36.010 Purpose 113
20.36.020 Applicability 113
20.36.030 Water Efficient Landscaping Ordinance 113
20.36.040 Landscape and Sprinkler Plans 114
20.36.050 Required Landscape Areas 115
20.36.060 Landscape Standards 116

Chapter 20.38 – Parking and Loading 119

20.38.010 Purpose 119
20.38.020 Applicability 119
20.38.030 Required Parking Spaces 124
20.38.040 General Requirements 126
20.38.050 Parking Reductions 127
20.38.060 Parking Assessment Districts 129
20.38.070 Parking Design and Development Standards 131
20.38.080 Bicycle Parking 135
20.38.090 Off-Street Loading 138

Chapter 20.40 – Small Lot Single-Family Homes 141

20.40.010 Purpose 141
20.40.020 Location 141
20.40.030 Permits Required 141
20.40.040 Use Regulations 141
20.40.050 Development Standards and Guidelines 142

Chapter 20.42 – Second Units 145

20.42.010 Purpose 145
20.42.020 Minor Use Permit Required 145
20.42.030 Site and Design Standards 145
20.42.040 Occupancy Standards 148

Chapter 20.44 – Special Land Use Regulations 149

20.44.010 Alcoholic Beverage Sales for Off-Premises Consumption 149
20.44.020 Food Trucks in Fixed Locations 150
20.44.030 Bed and Breakfast 151
20.44.040 Check Cashing Establishments 152
20.44.050 Community Gardens 152
20.44.060 Fraternities/Sororities 153
20.44.070 Gas and Service Stations 154
20.44.080 Live/Work 155
20.44.090 Recycling Facilities 157
20.44.100 Outdoor Displays of Merchandise 159
20.44.110 Photovoltaic Energy Systems and Public Utility Distribution Lines .. 160
20.44.120 Single Room Occupancy 161
20.44.130 Underground Storage Tanks 162
20.44.140 Wrecking and Salvage Establishments 162
20.44.150 Emergency Shelters 163
20.44.160 Tobacco Sales Prohibited Near Schools 164

Chapter 20.46 – Residential Design Standards 165

20.46.010 Purpose 165
20.46.020 Design Standards for Single-Family Dwellings and Mobile Homes .. 165
20.46.030 General Design Standards for Multi-Family Dwellings 167
20.46.040 Specific Design Standards for Multi-Family Dwellings..... 168

Chapter 20.48 – Home Occupations..... 171

20.48.010 Purpose 171
20.48.020 Categories 171
20.48.030 Permits Required 171
20.48.040 Standards 172
20.48.050 Suspension of Permit 174

Chapter 20.50 – Temporary Uses and Structures 175

20.50.010 Purposes..... 175
20.50.020 Temporary Uses Allowed By Right..... 175
20.50.030 Temporary Uses Requiring a Permit 176
20.50.040 Sidewalk Dining..... 178
20.50.050 Temporary Use Permit..... 178

Chapter 20.52 – Nonconforming Parcels, Uses, and Structures..... 179

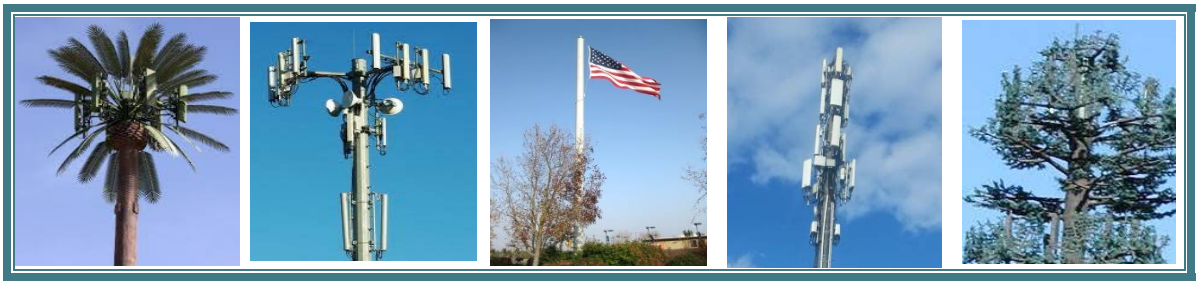
20.52.010 Purpose 179
20.52.020 Applicability..... 179
20.52.030 General..... 180
20.52.040 Nonconforming Parcels..... 180
20.52.050 Nonconforming Use of Land 181
20.52.060 Nonconforming Use of Structures 181
20.52.070 Nonconforming Structures 182
20.52.080 Maintenance and Repair..... 184
20.52.090 Findings 184

Chapter 20.54 – Condominiums 185

20.54.010 Purpose 185
20.54.020 Definitions..... 185
20.54.030 Conditional Use Permit 186
20.54.040 Organizational Documents 188
20.54.050 Building and Site Standards 189

Chapter 20.56 – Density Bonus..... 191

20.56.010 Purpose 191
20.56.020 Density Bonus; Incentives..... 191
20.56.030 Land Donation..... 194
20.56.040 Child Care Facilities 196
20.56.050 Condominium Conversions..... 197
20.56.060 Affordability and Development Standards 197
20.56.070 Modifying Development Standards as an Incentive..... 199
20.56.080 Application Requirements and Review..... 201
20.56.090 Density Bonus Housing Agreement 204



Chapter 20.58 – Wireless Communication Facilities 207

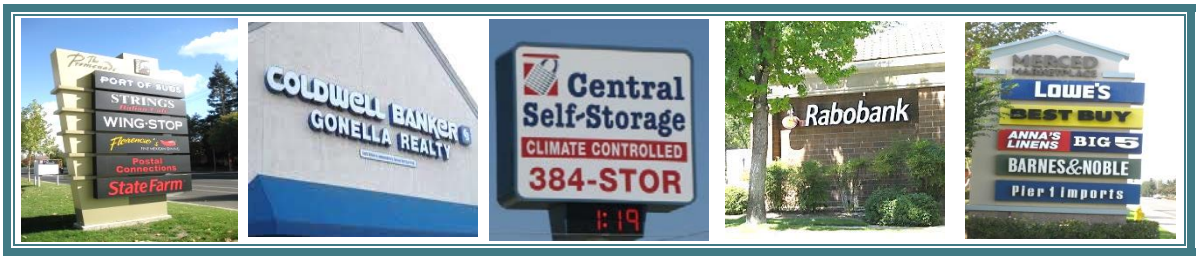
20.58.010 Purpose 207
20.58.020 Definitions 207
20.58.030 Exemptions 209
20.58.040 Development Standards 210
20.58.050 Permits Required 213
20.58.060 Applications 215
20.58.070 Findings 216

Chapter 20.60 – Adult Entertainment Businesses 217

20.60.010 Purpose 217
20.60.020 Definitions 217
20.60.030 Location 218

Chapter 20.62 – Signs 219

20.62.010 Purpose 219
20.62.020 Applicability 219
20.62.030 General Standards 219
20.62.040 Specific Standards by Zoning District 220
20.62.050 Specific Standards by Use 226



PART 4 – PERMITS AND ADMINISTRATION

Chapter 20.64 – Administrative Responsibility 227

20.64.010 Purpose 227
20.64.020 Planning Agency 227
20.64.030 City Council 227
20.64.040 Planning Commission 229
20.64.050 Site Plan Review Committee 229
20.64.060 Director of Development Services 230

Chapter 20.66 – Permit Application and Review 231

20.66.010 Purpose 231
20.66.020 Application Preparation and Filing 231
20.66.030 Application Fees 232
20.66.040 Application Review 233
20.66.050 Project Evaluation and Staff Reports 234
20.66.060 Environmental Review 234
20.66.070 Applications Deemed Withdrawn 234

Chapter 20.68 – Permit Requirements 235

20.68.010 Purpose 235
20.68.020 Conditional Use and Minor Use Permits 235
20.68.030 Design Review Permit 237
20.68.040 Minor Modification 241
20.68.050 Site Plan Review Permit 242
20.68.060 Special Project Permit 244
20.68.070 Variance 245

Chapter 20.70 – Public Notice and Hearings..... 247

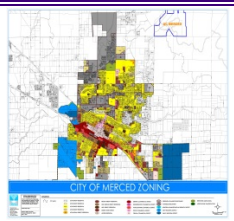
20.70.010 Purpose 247
20.70.020 Notice of Hearing 247
20.70.030 Scheduling of Hearing 249
20.70.040 Hearing Procedure 249
20.70.050 Recommendation by Planning Commission 249
20.70.060 Decision and Notice 250
20.70.070 Effective Date of Decision 250

Chapter 20.72 – Post-Decision Procedures..... 251

20.72.010 Purpose 251
20.72.020 Issuance of Permits 251
20.72.030 Performance Guarantees 251
20.72.040 Legislative Action Agreement 252
20.72.050 Changes to an Approved Project 253
20.72.060 Time Limits and Extensions 254
20.72.070 Permit Revocation 254
20.72.080 Resubmittals 256
20.72.090 Permits to Run with the Land 256

Chapter 20.74 – Appeals 257

20.74.010 Purpose 257
20.74.020 Appeal Subjects and Jurisdiction 257
20.74.030 Filing and Processing of Appeals 257
20.74.040 Judicial Review 258



Chapter 20.76 – Covenants for Easements 259

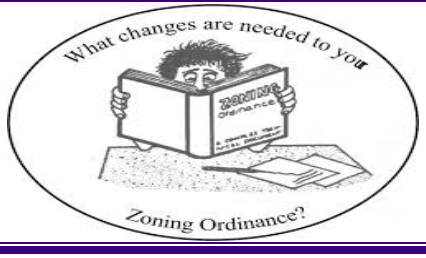
20.76.010 Purpose 259
20.76.020 Applicability 259
20.76.030 Procedures 260
20.76.040 Content of Covenant 260
20.76.050 Release of Covenant 261

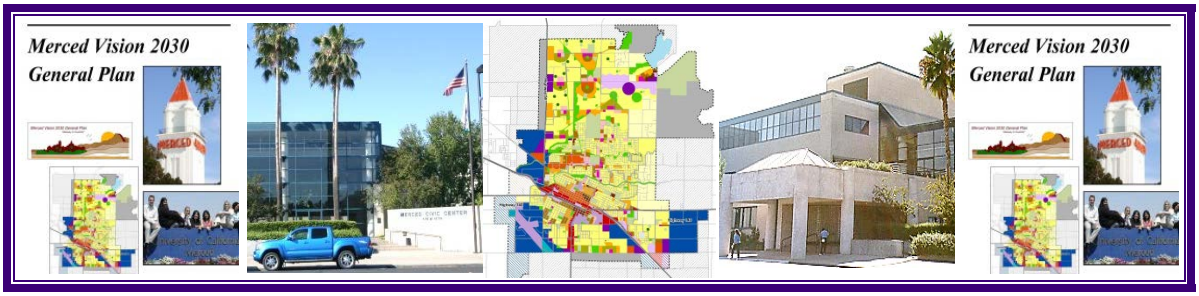
Chapter 20.78 – Conditional Zoning 263

20.78.010 Purpose 263
20.78.020 General 263
20.78.030 Initiation of Development 264
20.78.040 Amendments to Conditions 264
20.78.050 Subsequent Rezonings 264
20.78.060 Compliance and Enforcement 264

Chapter 20.80 – Zoning Ordinance Amendments 265

20.80.010 Purpose 265
20.80.020 Initiation 265
20.80.030 Application 266
20.80.040 Planning Commission Hearing and Action 266
20.80.050 City Council Hearing and Action 267
20.80.060 Effective Dates 267





Chapter 20.82 – General Plan Amendments 269

20.82.010 Purpose 269
20.82.020 Initiation 269
20.82.030 Application 270
20.82.040 Planning Commission Hearing and Action 270
20.82.050 City Council Hearing and Action 270
20.82.060 Effective Dates 271
20.82.070 Timing of Amendments 271

Chapter 20.84 – Reasonable Accommodations 273

20.84.010 Purpose 273
20.84.020 Review Authority 273
20.84.030 Application Submittal and Review 274
20.84.040 Decision 275
20.84.050 Post-Decision Procedures 277
20.84.060 Amendments 278

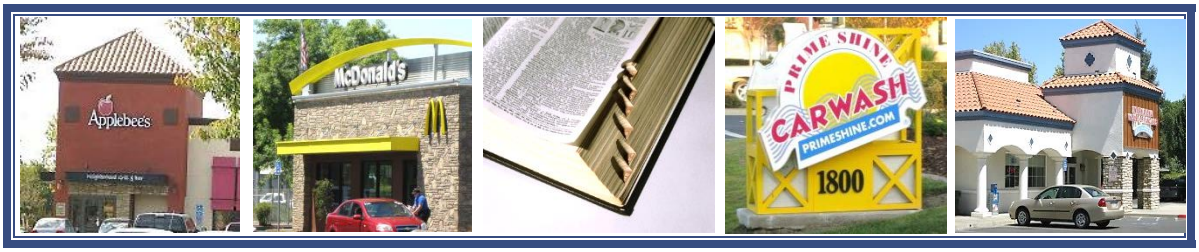
Chapter 20.86 – Development Agreements 279

20.86.010 Purpose 279
20.86.020 Applicability 280
20.86.030 Review Authority 280
20.86.040 Application Submittal and Review 280
20.86.050 Public Notice and Hearings 280
20.86.060 Planning Commission Action 280
20.86.070 City Council Action 281
20.86.080 Finding 281
20.86.090 Conditions of Approval 281
20.86.100 Content of the Development Agreement 282
20.86.110 Recordation 282
20.86.120 Effect of Development Agreement 282
20.86.130 Periodic Review 283
20.86.140 Amendment or Termination 283
20.86.150 Pre-Annexation Development Agreements 284

PART 5 – GLOSSARY (DEFINITIONS)

Chapter 20.90--Glossary (Definitions)..... 285

20.90.010 Purpose..... 285
20.90.020 Definitions..... 285



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City of Merced Zoning Ordinance

PART 1

ENACTMENT AND APPLICABILITY

Chapter 20.02 – Purpose 1

20.02.010 Title and Authority 1
20.02.020 Purpose of the Zoning Ordinance 1
20.02.030 Relationship to the General Plan 2
20.02.040 Responsible for Administration 2
20.02.050 Applicability of the Zoning Ordinance 2

Chapter 20.04 – Interpretation 3

20.04.010 Purpose 3
20.04.020 Authority 3
20.04.030 Rules of Interpretation 3
20.04.040 Procedures for Interpretation/Determinations 6

Chapter 20.06 – Zoning Districts and Map 7

20.06.010 Purpose 7
20.06.020 Zoning Districts 7
20.06.030 Zoning Map 10

CINEMA
PERFUME
THE QUEEN
GOOD GERMAN

Chapter 20.02 - PURPOSE

Sections:	
20.02.010	Title and Authority
20.02.020	Purpose of the Zoning Ordinance
20.02.030	Relationship to the General Plan
20.02.040	Responsible for Administration
20.02.050	Applicability of the Zoning Ordinance

20.02.010 Title and Authority [Modified Version of MMC 20.02.010]

A. Title 20 of the Merced Municipal Code shall be known and officially cited as the "Merced City Zoning Ordinance" and referred to in this title as "the Zoning Ordinance."

B. The Zoning Ordinance is adopted pursuant to the authority contained in Section 65850 of the California Government Code.

20.02.020 Purpose of the Zoning Ordinance [Expanded Version MMC 20.02.020]

A. **General**. The Zoning Ordinance is adopted to implement the Merced General Plan and to protect the public health, safety, and general welfare of the Merced community.

B. **Specific.** The Zoning Ordinance is intended to:

1. Promote orderly and beneficial development that supports a high quality of life in Merced.
2. Utilize land resources efficiently.
3. Provide public infrastructure and services in a cost-effective manner.
4. Protect the character and stability of residential areas.
5. Promote good connections between existing and planned urban areas.
6. Expand transportation choices for residents, including walking, biking, and riding transit.
7. Protect the economic vitality of commercial areas by promoting commercial development that contributes to a high quality design environment.
8. Stimulate economic growth, investment, and quality jobs for Merced residents.
9. Increase housing choices for residents.
10. Provide high quality parks, recreational uses, and other public amenities.

20.02.030 Relationship to the General Plan [NEW]

The Zoning Ordinance implements the goals and policies of the Merced General Plan by regulating the uses of land and structures within the City.

20.02.040 Responsible for Administration [Modified MMC 20.82.010]

The Zoning Ordinance shall be administered by the Merced City Council, the Planning Commission, the Site Plan Review Committee, and the Director of Development Services or their designees as established in Chapter 20.64 (Administrative Responsibility).

20.02.050 Applicability of the Zoning Ordinance [NEW, except as noted]

A. Applicability to Property. The Zoning Ordinance applies to all land, uses, and structures within the Merced city limits and to property for which applications for annexation and/or subdivisions have been submitted to the City of Merced.

B. Governmental Agencies. Any governmental agency shall be exempt from the provisions of this title only to the extent that such property may not be lawfully regulated by the City of Merced.

C. Compliance with Regulations. No land shall be used and no structures built, occupied, modified, moved, or destroyed except in accordance with the provisions of the Zoning Ordinance. [Modified MMC 20.06.050]

D. Conflicting Regulations. Where conflict occurs with other City regulations or with State or federal laws, higher law shall control over lower law unless local variation is permitted. Where conflicting laws are of equal stature, the more restrictive provision shall control unless otherwise specified in the Zoning Ordinance or in State or federal law.

E. Relation to Prior Ordinances. The provisions of this title supersede all prior Zoning Ordinances codified in Title 20 of the Merced Municipal Code and any amendments. No provision of this title shall validate any land use or structure established, constructed or maintained in violation of the prior Zoning Ordinance, unless such validation is specifically authorized by this title and is in conformance with all other regulations.

F. Enforcement. The Zoning Ordinance shall be enforced in the manner determined to be the most appropriate, which may include, but not be limited to, the procedures as established in Merced Municipal Code Title 1 (General Provisions) as well as any other procedures available in State or federal law. [Modified MMC 20.82.020, which defines violations as "misdemeanors"]

Chapter 20.04 - INTERPRETATION

Sections:	
20.04.010	Purpose
20.04.020	Authority
20.04.030	Rules of Interpretation
20.04.040	Procedures for Interpretation

20.04.010 Purpose [NEW]

This chapter establishes rules and procedures for interpreting the Zoning Ordinance to ensure that it is applied and enforced in a consistent manner.

20.04.020 Authority [NEW]

The Director of Development Services, Planning Manager, Planning Division staff, City Attorney, and his/her designees are delegated the authority by the City Council to interpret the meaning and applicability of all provisions in the Zoning Ordinance.

20.04.030 Rules of Interpretation [NEW]

A. General Rules. The following general rules apply to the interpretation and application of the Zoning Ordinance. [NEW]

1. The specific controls over the general**.**

2. Where there is a conflict between text and any figure, illustration, graphic, heading, map, table, or caption, the text governs.

3. The words "shall," "will," "is to," and "are to" are mandatory. "Should" means a regulation that is not mandatory, but must be either fulfilled or the applicant must demonstrate an alternative that fulfills the intent of the regulation. "May" is permissive.

4. The following conjunctions are interpreted as follows:
   a. "And" means that all items or provisions so connected apply.
   b. "Or" means that all items or provisions so connected apply singularly or in any combination.
   c. "Either . . . or" means that one of the items or provisions so connected apply singularly, but not in combination.
5. All officials, bodies, agencies, ordinances, policies, and regulations referred to in the Zoning Ordinance are those of Merced unless otherwise noted.

B. Calendar Days. Numbers of days specified in the Zoning Ordinance are construed as continuous calendar days unless otherwise noted. Where the last of a number of days falls on a holiday or weekend, time limits specified in the Zoning Ordinance are extended to the following working day. **[NEW]**

C. Land Use Regulation Tables. Land use regulation tables in Part 2 (Zoning Districts) establish permitted land uses within each zoning district. Notations within these tables shall have the following meanings: **[NEW]**

1. **Permitted Uses**. A "P" means that a use is permitted by right in the respective zoning district and is not subject to discretionary review and approval.
2. **Conditionally Permitted Uses.** A "C" means that a use requires approval of a Conditional Use Permit. An "M" means that a use requires approval of a Minor Use Permit.
3. **Site Plan Review Required.** A "SP" means that a use requires approval of a Site Plan Review Permit.
4. **Uses Not Allowed**. An "X" in a cell means that a use is not allowed in the respective zoning district.

D. Unlisted Land Uses. If a proposed land use is not specifically listed in the Zoning Ordinance, the use is not permitted except as follows: **[NEW]**

1. The Director of Development Services may determine that an unlisted proposed use is equivalent to a permitted use (or requires a Site Plan Permit, Conditional Use Permit, Minor Use Permit, or other such permit) if all of the following findings can be made:
   a. The use is no greater in density or intensity than other uses in the applicable zoning district.
   b. The use is compatible with permitted or conditionally permitted uses in the applicable zoning district.

c. The use will meet the purpose of the applicable zoning district.
d. The use is consistent with the goals and policies of the General Plan.
e. The use will not be detrimental to the public health, safety, or welfare.
f. The use is similar to one or more other uses allowed in that zone.

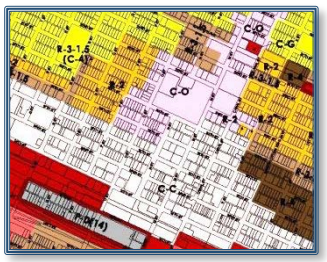
2. A proposed use unlisted in the land use regulation table for a zoning district shall not be permitted if that land use is listed as a permitted use in one or more other zoning districts. In such a case, the absence of the use in the land use regulation table shall be interpreted as a prohibition of the use in the respective zoning district, unless the Director of Development Services deems otherwise under the provisions of Section 20.04.030(D)(1) above.

3. When the Director of Development Services determines that a proposed use is equivalent to a listed use, the proposed use shall be treated in the same manner as the listed use with respect to development standards, permits required, and all applicable requirements of the Zoning Ordinance.

E. Uses Prohibited by State or Federal Law. No use that is prohibited, unlawful, violates or is inconsistent with federal or State law, or any provision in this Zoning Ordinance, shall be allowed or permitted in any zoning district within the City of Merced. **[No change from MMC 20.06.050(E)]**

F. Zoning Map Boundaries. Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules shall apply:

[No change from MMC 20.06.030]



1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. In unsubdivided property or where a zoning district boundary divides a parcel, the location of the boundary, unless the same is indicated by dimensions shown upon the map, shall be determined by the use of the scale on the map.
6. In case further uncertainty exists, the Director of Development Services shall determine the exact location of the boundaries. The Director's decision may be appealed to the Planning Commission that upon written application by a property owner or upon its own motion, shall determine the exact location of the boundaries.

G. Parcels Containing Two or More Zoning Districts. [NEW]

1. For parcels containing two or more zoning districts ("split zoning"), the location of the zoning district boundary shall be determined by the Director of Development Services.
2. For parcels containing two or more zoning districts, the applicable regulations for each zoning district shall apply within the zoning district boundaries as identified on the Zoning Map.
3. When a zoning district boundary interferes with existing structures or setbacks, the Director may approve a minor adjustment of the boundary.

20.04.040 Procedures for Interpretation/Determinations [NEW]

A. Request for Interpretation. The Director of Development Services or his/her designee shall respond in writing to written requests for interpretation of the Zoning Ordinance if, in the opinion of the Director, the requested interpretation would substantially clarify an ambiguity which interferes with the effective administration of the Zoning Ordinance. When the Director makes such a determination, the following procedures shall apply:

1. The request shall be in writing and shall state which provision is to be interpreted and shall be accompanied by a fee as set forth in the latest Planning and Development Fee Schedule.
2. The request shall provide any information that the Director requires to assist in its review.
3. The Director shall respond to an interpretation request within 30 days of receiving the request.

B. Form and Content of Interpretation. Official interpretations prepared by the Director shall be in writing, and shall quote the provisions of the regulations that are being interpreted. The interpretation shall describe the circumstance that caused the need for the interpretation.

C. Official Record of Interpretations. An official record of interpretations shall be kept and updated regularly by the Development Services Department. The record of interpretations shall be indexed by the number of the section that is the subject of the interpretation and made available for public inspection during normal business hours.

D. Director of Development Services Referral to Planning Commission. The Director may refer any request for interpretation of the Zoning Ordinance to the Planning Commission for review and interpretation.

E. Appeals. Any official interpretation prepared by the Director may be appealed to the Planning Commission. The Planning Commission's interpretation may be appealed to the City Council.

Chapter 20.06 - Zoning Districts and Map

Sections:	
20.06.010	Purpose
20.06.020	Zoning Districts
20.06.030	Zoning Map

20.06.010 Purpose [NEW]

This chapter identifies the zoning districts that apply to land within the Merced City limits and establishes the official Merced Zoning Map.

20.06.020 Zoning Districts [Modified MMC 20.06.040 with new Districts]

A. Base Zoning Districts. Merced is divided into zoning districts that implement the General Plan Land Use Map as shown in Table 20.06-1.

TABLE 20.06-1 BASE ZONING DISTRICTS

Zoning District Symbol	Name of Zoning District	General Plan Land Use Designations
Residential Zoning Districts		
R-R	Rural Residential	Rural Residential (RR)
R-1	Low Density Residential	Low Density Residential (LD)
R-2	Low Medium Density Residential	Low Medium Density Residential (LMD)
R-3	Medium Density Residential	High Medium Density Residential (HMD)
R-4	High Density Residential	High Density Residential (HD)
R-MH	Mobile Home Residential	Mobile Home Park Residential (RMH)

Zoning District Symbol	Name of Zoning District	General Plan Land Use Designations
Commercial Zoning Districts		
C-C	Regional/Central Commercial	Regional/Community Commercial (RC)
C-G	General Commercial	General Commercial (CG)
C-T	Thoroughfare Commercial	Thoroughfare Commercial (CT)
C-N	Neighborhood Commercial	Neighborhood Commercial (CN)
C-SC	Shopping Center Commercial	
C-O	Office Commercial	Commercial/Professional Office (CO)
B-P	Business Park	Business Park (BP)
Industrial Zoning Districts		
I-L	Light Industrial	Industrial (IND)
I-H	Heavy Industrial	
Downtown Zoning Districts		
D-COR	Downtown Core	Regional/Community Commercial (RC)
D-O	Downtown Office	
D-CM	Downtown Commercial	
Urban Village Zoning Districts		
R-IV	Inner Village Residential	Village Residential (VR)
R-OV	Outer Village Residential	
C-V	Village Commercial	Neighborhood Commercial (CN) or Regional/Community Commercial (RC)

Zoning District Symbol	Name of Zoning District	General Plan Land Use Designations
Public Use and Agricultural Zoning Districts		
P-OS	Parks and Open Space	Open Space-Park/Recreation (OS-PK); Public/Government (P/G); and School (SCH)
P-F	Public Facility	
P-PK	Public Parking District	
A-G	Agriculture	Agricultural (AR)
Other Zones		
U-T	Urban Transition	N/A
P-D	Planned Development	N/A

B. Overlay Zones. The Zoning Ordinance and Zoning Map include the overlay zones shown in Table 20.06-2. Overlay zones impose additional regulations on properties beyond what is required by the underlying base zoning district. See Chapter 20.22 for regulations that apply to Overlay zones. **[NEW]**

TABLE 20.06-2 OVERLAY ZONES

Zoning District Symbol	Name of Overlay Zones
/HSR	High Speed Rail
/AE	Airport Environ
/UR	Urban Residential

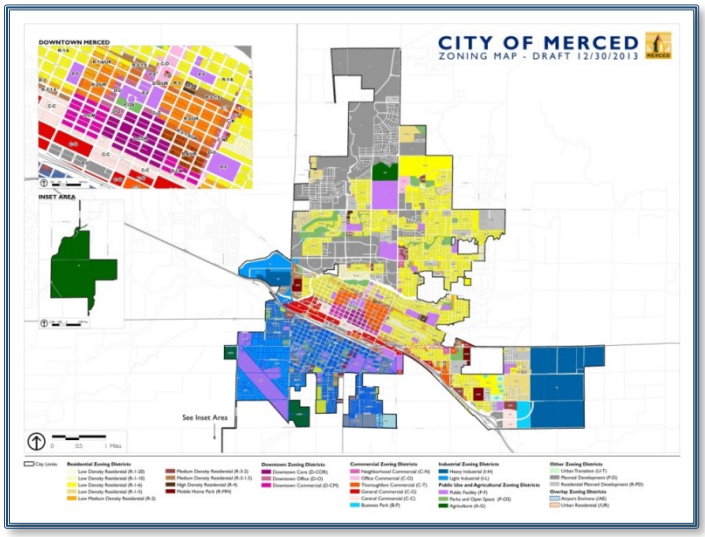
20.06.030 Zoning Map [Modified MMC 20.06.010 & 20.06.020]

A. Adoption. The City Council hereby adopts the Merced Zoning Map ("Zoning Map"), which establishes the boundaries of all base zoning districts and overlay zones provided for in the Zoning Ordinance.

B. Incorporation by Reference. The Zoning Map, including all legends, symbols, notations, references, and other information shown on the map, is incorporated by reference and made a part of the Zoning Ordinance.

C. Location. The Zoning Map is kept, maintained, and updated by the Development Services Department, and is available for viewing by the public at the Department and on the official City of Merced website. The digital version of the Zoning Map for the City of Merced is maintained online by the Merced County Association of Governments.

D. Replacement of Official Zoning Map. In the event the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (*insert date of previous map adoption*) of the City of Merced, California."



City of Merced Zoning Ordinance

PART 2

ZONING DISTRICT STANDARDS

Chapter 20.08 – Residential Zoning Districts 11

20.08.010 Purpose of the Residential Zoning Districts 11
20.08.020 Land Use Regulations for Residential Zoning Districts 12
20.08.030 Development Standards for Residential Zoning Districts 14
20.08.040 Additional Dwelling Units on R-1 Lots 19
20.08.050 Rural Residential (R-R) Zoning District 20

Chapter 20.10 – Commercial Zoning Districts 21

20.10.010 Purpose of the Commercial Zoning Districts 21
20.10.020 Land Use Regulations for Commercial Zoning Districts 22
20.10.030 Development Standards and Guidelines for Commercial Zoning Districts 25

Chapter 20.12 – Industrial Zoning Districts 33

20.12.010 Purpose of the Industrial Zoning Districts 33
20.12.020 Land Use Regulations for Industrial Zoning Districts 33
20.12.030 Development Standards for Industrial Zoning Districts 36

Chapter 20.14 – Downtown Zoning Districts 41

20.14.010 Purpose of the Downtown Zoning Districts 41
20.14.020 Land Use Regulations for Downtown Zoning Districts 42
20.14.030 Development Standards for Downtown Zoning Districts 45

Chapter 20.16 – Urban Village Zoning Districts 51

20.16.010 Purpose of the Urban Village Zoning Districts 51
20.16.020 Land Use Regulations for the Urban Village Zoning Districts 53
20.16.030 Development Standards and Guidelines for the Urban Village Zoning Districts 55

Chapter 20.18 – Public Use And Agricultural Zoning Districts 59

20.18.010 Purpose of the Public Use and Agricultural Zoning Districts 59
20.18.020 Land Use Regulations for the Public Use and Agricultural Zoning Districts 60
20.18.030 Development Standards for Public Use and Agricultural Zoning Districts 63

Chapter 20.20 – Special Use Zoning Districts..... 65

20.20.010 Urban Transition (U-T) Zoning District..... 65
20.20.020 Planned Development (P-D) Zoning Districts 66

Chapter 20.22 – Overlay Zones..... 73

20.22.010 Purpose of Overlay Zones 73
20.22.020 Airport Environ (/AE) Overlay Zone 73
20.22.030 High Speed Rail (/HSR) Overlay Zone..... 73
20.22.040 Urban Residential (/UR) Overlay Zone..... 74

Chapter 20.08 - RESIDENTIAL ZONING DISTRICTS

Sections:	
20.08.010	Purpose of the Residential Zoning Districts
20.08.020	Land Use Regulations for Residential Zoning Districts
20.08.030	Development Standards for Residential Zoning Districts
20.08.040	Additional Dwelling Units on R-1 Lots
20.08.050	Rural Residential (R-R) Zoning District

20.08.010 Purpose of the Residential Zoning Districts

A. Rural Residential (R-R). The R-R zoning district provides an area for single-family dwellings on large lots in a semi-rural environment. The R-R zoning district serves as a buffer between the City's urbanized areas and agricultural land and other environmentally sensitive or resource areas. **[NEW]**

B. Low Density Residential (R-1). The R-1 zoning district is intended to stabilize, protect, and encourage the establishment and maintenance of a suitable environment for detached single-family dwellings and other land uses typically compatible with a low-density residential setting. The R-1 zoning district is divided into four subzones (R-1-20, R-1-10, R-1-6, and R-1-5) allowing for a range of minimum lot sizes. **[Modified MMC 20.10.010]**

C. Low Medium Density Residential (R-2). The R-2 zoning district is intended to stabilize, protect, and encourage the establishment and maintenance of a suitable environment for single-family dwellings, duplex homes, limited multi-family dwellings, and other land uses typically compatible with a low to medium-density residential setting. **[Modified MMC 20.12.010]**

D. Medium Density Residential (R-3). The R-3 zoning district provides an area for a full range of residential uses, including single-family dwellings, duplex homes, multi-family dwellings, single room occupancy housing, and other land uses typically compatible with a medium density residential setting. The R-3 zoning district is divided into two subzones (R-3-1.5 and R-3-2) allowing for a range of permitted residential densities. **[Modified MMC 20.14.010]**

E. High Density Residential (R-4). The R-4 zoning district provides an area for the highest density residential uses in Merced. Permitted uses include single-family dwellings, duplex homes, multi-family dwellings, single room occupancy housing, and other land uses typically compatible with a high-density residential setting in close proximity to shopping, transportation, and other facilities. **[Modified MMC 20.16.010]**

F. Mobile Home Park (R-MH). The R-MH zoning district provides an area for mobile home parks with regulations and standards intended to maintain a suitable environment for mobile home park residents. **[Modified MMC 20.50.010]**

20.08.020 Land Use Regulations for Residential Zoning Districts

A. Permitted Land Uses. Table 20.08-1 identifies land uses permitted in residential zoning districts. **[Compare with Current Uses in Table A1 on page 20A; R-R is NEW]**

TABLE 20.08-1 PERMITTED LAND USES IN THE RESIDENTIAL ZONING DISTRICTS

Key	Zoning District [1]						
P Permitted Use **M** Minor Use Permit Required **SP** Site Plan Review Permit Required **C** Conditional Use Permit Required **X** Use Not Allowed	R-R	R-1	R-2	R-3	R-4	R-MH	Additional Regulations
RESIDENTIAL USES							
Duplex Homes	X	M[2]	P	P	P	X	
Fraternities and Sororities	X	C	C	C	C	X	Sec. 20.44.060
Group Housing	P [3]	P [3]	P [3]	P [3]	P [3]	P [3]	
Mobile Home Parks	C	X	X	X	X	SP	
Multiple-Family Dwellings	X	X	C [4]	P	P	X	
Residential Care Facilities, Small *(1-6 persons)*	P	P	P	P	P	P	
Residential Care Facilities, Large *(More than 6)*	C	C	C	C	C	X	
Secondary Dwelling Units ("Second Units")	P	P	P	P	P	X	Chapter 20.42
Single-Family Dwellings	P	P	P	P	P	M	Sec. 20.46.020
Single-Room Occupancy	X	X	X	SP	SP	X	Sec. 20.44.120
COMMUNITY USES							
Colleges and Trade Schools	C	C	C	C	C	X	
Community Assembly	C	C	C	C	C	C	
Community Gardens	C	C	C	C	C	C	Sec. 20.44.050
Cultural Institutions	X	C	C	C	C	X	
Day Care Centers	X	X	X	M	M	M	
Day Care, Adult *(1-12 persons)*	X	X	C[5]	C[5]	C[5]	X	
Day Care Home Facilities, Small *(1-8 children)*	P	P	P	P	P	P	
Day Care Home Facilities, Large *(9-14 children)*	P	P	P	P	P	P	
Foster Family Homes, Small *(6 persons or fewer)*	P	P	P	P	P	P	
Foster Family Homes, Large *(7+ persons)*	C	X	X	C	C	X	
Golf Courses	C	C	X	X	X	X	
Nursing and Convalescent Homes	C	X	X	C	C	X	
Parks and Recreational Facilities	C	C	C	C	C	C	
Public Safety Facilities	C	C	C	C	C	C	
Schools, Public or Private	C	C	C	C	C	X	

Key	Zoning District [1]						
P Permitted Use **M** Minor Use Permit Required **SP** Site Plan Review Permit Required **C** Conditional Use Permit Required **X** Use Not Allowed	R-R	R-1	R-2	R-3	R-4	R-MH	Additional Regulations
COMMERCIAL USES							
Bed and Breakfast	C	C	C	C	C	C	Sec. 20.44.030
Commercial Recreation, Indoor	X	X	X	X	X	M [6]	
Commercial Recreation, Outdoor	C	X	X	X	X	M [6]	
Home Occupation, Major	SP[9]	SP [9]	SP [9]	SP [9]	SP [9]	SP[9]	Chapter 20.48
Home Occupation, Minor	P[9]	P[9]	P[9]	P[9]	P[9]	P[9]	Chapter 20.48
Mobile Home Sales	X	X	X	X	X	M	
Personal Services	X	X	X	SP[6]	SP[6]	SP[6]	
Retail, General (Limited)	M[7]	X	X	M [8]	M [8]	M [6]	
Temporary Subdivision Sales Offices *(Max. 2 Years)*	P	P	P	P	P	P	
AGRICULTURE AND NATURAL RESOURCES USES							
Animal Raising and Production	SP[10]	C [10]	C [10]	C [10]	X	X	Chapter 6.04
Crop Cultivation	SP[10]	C [10]	C [10]	C [10]	C [10]	C [10]	
TRANSPORTATION, COMMUNICATIONS, AND UTILITIES USES							
Utilities, Major	C	C	C	C	C	X	
Utilities, Minor	P	P	P	P	P	X	
Wireless Communications Facilities	**See Chapter 20.58**						

Notes:

[1] A Conditional Use Permit may be required per Chapter 20.32 (Interface Regulations) regardless of the uses shown in Table 20.08-1.

[2] Corner lots only. See Subsection B below.

[3] Only permitted for rooming and boarding houses as an accessory use. The maximum persons allowed are: R-1, R-R, & R-MH (1 person); R-2 (2 persons); and R-3 and R-4 (no limit).

[4] Permitted only on lots 15,000 sq. ft. or greater with five or more units and at least 3,000 sq. ft. per unit.

[5] For day care home facilities for adults, a Conditional Use Permit would allow up to 12 adults in care.

[6] Permitted only as an ancillary use to serve residents, not to exceed more than 2,500 sq. ft.

[7] Permitted only for onsite retail for agricultural products.

[8] Permitted only when ancillary to a multi-family use and intended to serve residents only. No exterior display or advertising is permitted. Retail use must be located within the same building as residences.

[9] A Minor Use Permit is required for a cottage food industry home occupation.

[10] Agricultural uses are temporary, transitional uses in the City and should not remain on a permanent basis. The appropriate length of time for the use will be defined in the Conditional Use Permit based on the types of crops, surrounding uses, etc. Hog-raising and onsite sale of products, including wholesale, are prohibited. See Chapter 6.04 (Animal Control) for additional regulations.

B. Duplex Homes in the R-1-6 Zoning District. Duplex homes are permitted in the R-1-6 zoning district when the following standards are met: **[No Change from MMC 20.10.040(E)]**

1. The lot is 8,000 square feet or greater.
2. The lot is a corner lot with distinct frontages on two intersecting streets.
3. Off-street parking for each unit is provided consistent with Chapter 20.38 (Off-Street Parking).
4. Driveways are a minimum 20 feet in length.
5. The lot does not have frontage along a designated collector or higher order street as defined in the General Plan, or has a circular driveway or other driveway configuration that enables vehicles to enter and exit the site in the same direction and not back out into the street.

20.08.030 Development Standards for Residential Zoning Districts

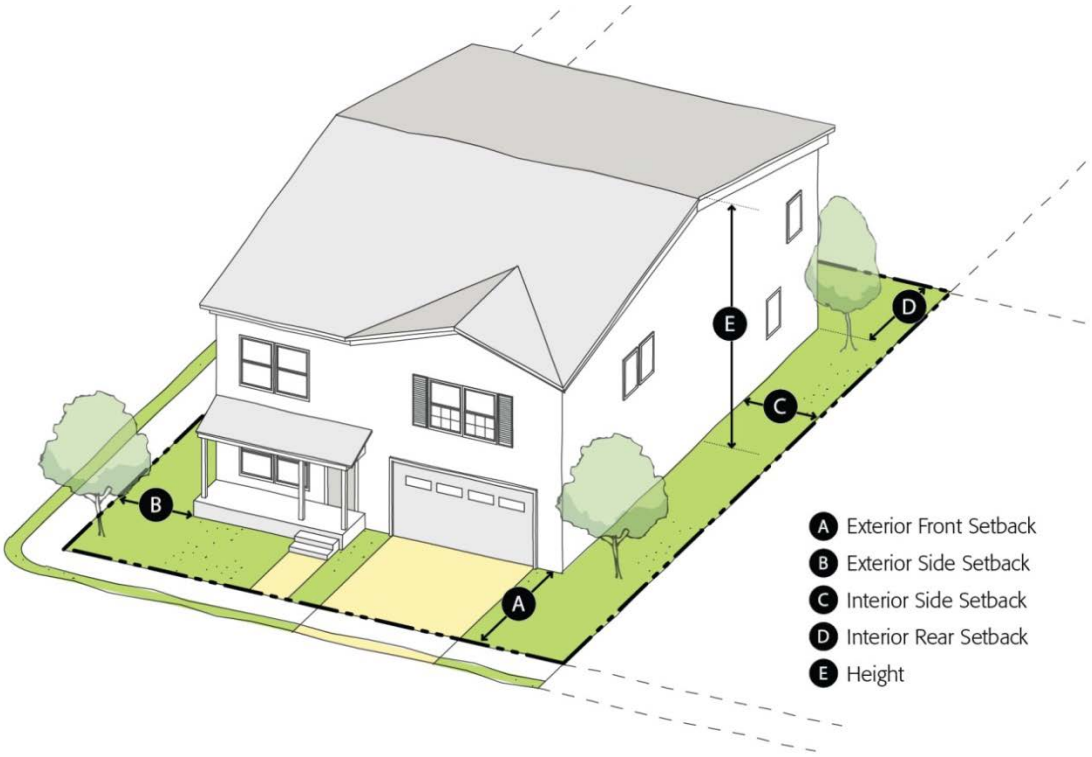
A. Basic Standards. Tables 20.08-2 and 20.08-3 identify development standards that apply in residential zoning districts.

B. Variation in Lot Dimensions for R-1-6 Subdivisions. The Planning Commission may approve reduced lot widths for an R-1-6 subdivision when the following conditions are met: **[No Change from MMC 20.10.065]**

1. The subdivision creates at least 10 lots.
2. Excluding corner lots, at least 25 percent of the remaining lots are at least 5 feet above the minimum required width.
3. Excluding corner lots, no more than 40 percent of the remaining lots may be less than the minimum required width.
4. No lot shall have a length less than the minimum required length or a width less than 15 feet below the minimum required width.
5. No corner lot may be less than the minimum required width or area.
6. No more than two lots below the minimum required width may be adjacent to one another.

C. Residential Design Standards. All residential structures shall comply with the design standards established in Chapter 20.46 (Residential Design Standards). See Figure 20.08-1. **[See Chapter 20.46]**

Figure 20.08-1-- Residential Development Standards



[No changes from MMC 20.10.050 and MMC 20.10.060, except to add R-R standards and remove maximum stories of 2.5 in all districts.]

TABLE 20.08-2 DEVELOPMENT STANDARDS FOR SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS

	Figure Label	Zoning District				
		R-R [NEW]	R-1-20	R-1-10	R-1-6	R-1-5
Lot and Density Standards (Minimums)						
Lot Area		1 acre [4]	20,000 sq. ft.	10,000 sq. ft.	6,000 sq. ft.	5,000 sq. ft.
Lot Width [2]						
Interior Lots		125 ft.	85 ft.	70 ft.	60 ft.	50 ft.
Corner Lots		125 ft.	85 ft.	70 ft.	65 ft.	55 ft.
Lot Depth [3]		None	125 ft.	100 ft.	100 ft.	80 ft.
Lot Area per Dwelling Unit		1 acre [4]	20,000 sq. ft.	10,000 sq. ft.	6,000 sq. ft.	5,000 sq. ft.
Primary Structure Standards						
Setbacks (min.)						
Exterior Yards, Front	A	30 ft.	30 ft.	20 ft.	20 ft.	15 ft. [1]
Exterior Yards, Side *(Corner Lots only)*	B	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.
Exterior Yards, Cul-De-Sacs		30 ft.	30 ft. [1]	15 ft. [1]	15 ft.[1]	15 ft.[1]
One Interior Yard	C D	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.
All Other Interior Yards	C D	25 ft.	10 ft.	7 ft.	5 ft.	5 ft.
Height (max.)	E					
Feet		35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Other Standards						
Accessory Structure Standards		See Chapter 20.28				
Driveway Length (min.)		20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Lot Coverage (max.)		25%	30%	40%	45%	50%
Off-Street Parking		See Chapter 20.38				
Projections Into Required Yards		See Chapter 20.26				
Separation Between Structures (min.)		As required by the California Building Code				

Notes:

[1] 20-foot minimum for garages.

[2] Lots located on curved streets, turnarounds, or cul-de-sac bulbs shall meet the minimum lot width requirement at the established front setback line. **[No change from MMC 20.54.270]**

[3] Cul-de-sac lots located on the cul-de-sac bulbs shall meet the minimum lot depth requirement measured at the mean horizontal distance between the front and rear lot lines, but at no point shall be less than 80 feet in depth. **[Modified MMC 20.54.270 to fit standard practices]**

[4] May be reduced to 1/3 acre if City sewer and water serves the property. **[NEW, but consistent with General Plan and County requirements]**

[No changes from MMC 20.12.060 for R-2; MMC 20.14.060 for R-3; MMC 20.16.060 for R-4; and MMC 20.50.080 & 20.50.090 for R-MH, except as noted and maximum stories removed for all.]

TABLE 20.08-3 DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS

	Figure Label	Zoning District				
		R-2	R-3-2	R-3-1.5	R-4	R-MH
Lot and Density Standards (Minimums)						
Lot Area		6,000 sq. ft.	6,000 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	10 acres
Lot Width						
Interior Lots		60 ft.	60 ft.	60 ft.	70 ft.	200 ft.
Corner Lots		65 ft.	65 ft.	65 ft.	70 ft.	200 ft.
Lot Depth		100 ft.	-	-	-	200 ft.
Lot Area per Dwelling Unit		3,000 sq. ft.	2,000 sq. ft.	1,500 sq. ft.	1,000 sq. ft.	[1]
Primary Building Standards						
Setbacks (min.)						
Exterior Yards, Front	A	15 ft.	15 ft.	15 ft.	15 ft.	25 ft.
Exterior Yards, Side *(Corner Lots Only)*	B	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
One Interior Yard	C D	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
All Other Interior Yards	C D	5 ft.	5 ft.	5 ft.	6 ft. [2]	10 ft.
Height (max.)	E					
Feet		35 ft.	35 ft.	35 ft.	40 ft.	35 ft.
Other Standards						
Accessory Structure Standards		See Chapter 20.28				
Driveway Length (min.)		20 ft.	-	-	-	-
Lot Coverage (max.)		50%	55%	55%	65%	65%
Off-Street Parking		See Chapter 20.38				
Projections Into Required Yards		See Chapter 20.26				
Separation Between Structures (min.)		15 ft.	15 ft.	15 ft.	10 ft.	15 ft.

Notes:

[1] The maximum residential density in the R-MH zoning district is ten dwelling units per acre. **[NEW, but minimum dimensions for each mobile home and setbacks for each space in MMC 20.50.090 have been deleted or modified.]**

[2] Rear yard minimum 10 feet for structures over 25 feet in height, an additional 1 foot per each additional 5 feet in height. **[No change from MMC 20.16.060(E)]**

D. R-1-5 Subdivisions. Homes for R-1-5 subdivisions shall comply with the following design standards: **[No changes from MMC 20.10.070(F)]**

1. A minimum of 25 percent of the front elevations along a street shall have a minimum 25-foot garage setback.
2. A minimum of 25 percent of the garages along a street with the standard 20-foot setback shall have recessed doors (recessed at least 1 foot).
3. No three-car garages shall be allowed on 5,000-square-foot lots, except on lots with alley access or lots exceeding 60 feet in width.
4. All subdivisions shall provide a variety of dwelling elevations appropriate for the scale of the project. Elevations shall be approved by the Planning Division. At a minimum, the same elevations shall not be repeated for adjacent houses. Varied front setbacks and heights are encouraged as ways of achieving variety.
5. Windows, doors, and garage doors (except recessed garage doors) on the front elevation shall have raised trim in order to provide visual interest and relief.
6. Plans for two-story structures immediately adjacent to a developed R-1 area shall receive special attention by the Planning Division. Planning Division staff shall consider the relationship of second-story windows, doors, and balconies with the privacy of neighbors, and may require that these features be redesigned or omitted from second-story rear walls.

E. Exceptions on Required Front Setback. In any residential zoning district, the required front setback may be modified with a Minor Use Permit if at least 50 percent of the homes are already constructed on the same block with front setbacks that are different from the front setback requirement in Table 20.08-2 (Setback and Height Standards for Residential Zoning Districts). In such cases, the modified setbacks shall comply with the following requirements: **[Changes MMC 20.62.030 to require Minor Use Permit.]**

1. The front setback shall not exceed the average of existing front setbacks on the same block.
2. The front setback shall not exceed the average of existing front setbacks of the two immediately adjoining lots.
3. For corner lots, the front setback shall not exceed the front setback of the immediately adjoining lot.
4. The front setback for all lots shall be a minimum of 10 feet and a maximum of 50 feet.

F. Parking.

1. Within the R-1 and R-2 zoning districts, required off-street parking spaces may not be located within any required exterior setback area. **[No change from MMC 20.58.370(A)]**
2. Within the R-3 and R-4 zoning districts, off street parking spaces may be located within required exterior setback areas if the total off-street parking requirement exceeds four spaces. **[No change from MMC 20.54.200(B)]**
3. When the required off-street parking for a single-family or duplex home in any residential zoning district is provided outside of a covered garage or carport, each parking space shall be located and designed so that it may later be covered by a garage or carport structure. **[No change from MMC 20.58.370(D)]**

20.08.040 Additional Dwelling Units on R-1 Lots

A. General. Up to three (3) single-family dwelling units are permitted on an R-1 lot provided that all of the following conditions are met: **[Changes MMC 20.10.070(D) to expand to allow on all R-1 lots, not just R-1-6.]**

1. The minimum lot size is 15,000 square feet for R-1-5; 18,000 square feet for R-1-6; 30,000 square feet for R-1-10; and 60,000 square feet for R-1-20.
2. The minimum lot area per dwelling unit is 5,000 square feet for R-1-5; 6,000 square feet for R-1-6; 10,000 square feet for R-1-10; and 20,000 square feet for R-1-20.
3. A minimum separation of 20 feet is provided between dwelling units located behind each other. **[Changed from 30 feet]**
4. For dwelling units located side by side on one lot:
   a. The lot has a width of at least 100 feet.
   b. A minimum separation of 10 feet is provided between dwelling units.

B. Deep R-1 Lots. R-1 lots that are over 150 feet in depth with an existing dwelling unit may add an additional dwelling unit, provided that the following conditions are met: **[No change from MMC 20.10.070(E)]**

1. The existing dwelling unit existed prior to the adoption of this title.
2. The existing dwelling unit is located at least 75 feet back from the front lot line.
3. The additional dwelling unit is located on the front half of the lot.
4. A minimum separation of 20 feet is provided between the two dwelling units.

C. Rear Dwellings. **[Changes MMC 20.54.010 from 20-ft driveways per Fire Code]**

1. No structure to the rear of a principal structure on the same lot shall be used for residential purposes unless it conforms to all the lot area, setback, open space, and off-street parking requirements of this title.

2. Vehicle access to rear dwellings shall be provided from a public street or alley. The minimum driveway width shall be 10 feet for driveways serving two units, and 22 feet for driveways serving three or more units.

D. Dwelling Units Over Garages. Dwelling units occupying an upper story above a garage may be set back 3 feet from a rear lot line that abuts an alley. All other setback and open space requirements must be observed. **[No change from MMC 20.54.020]**

E. Guest Houses. Guest houses shall be located on the rear half of a lot. No kitchen or kitchen facilities shall be permitted and no plumbing shall be allowed except for space heating, air conditioning, and the discharge of wastes from a toilet or bathroom. **[No change from MMC 20.54.030]**

20.08.050 Rural Residential Zoning District [NEW]

A. Purpose. This section establishes supplemental standards and procedures for properties within the Rural Residential zoning district. The intent of this section is to maintain the existing rural character of these properties and to allow for continued agricultural uses and operations in addition to residential uses.

B. Agricultural Uses

1. Crop, orchard, and vineyard operations are permitted as a primary land use in the Rural Residential zoning district if a dwelling unit is also located on the property.
2. The keeping of livestock and poultry shall be a permitted use in the Rural Residential zoning district subject to the requirements of Merced Municipal Code Section 6.04.081 (Exception to Livestock and Poultry Regulations).

C. Infrastructure Improvements. Through a Special Project Permit process as outlined in Section 20.68.060, the City Council may waive or defer for a specified amount of time requirements for properties in the Rural Residential zoning district only to install City sewer, City water, curb, sidewalk, streetlights, and other infrastructure improvements consistent with adopted City policies and regulations.

TABLE A1–LAND USES IN THE RESIDENTIAL ZONING DISTRICTS (CURRENT ZONING ORDINANCE) FOR COMPARISON WITH PROPOSED TABLE 20.08-1. THERE IS NO CURRENT R-R DISTRICT.

Key P Permitted Use A Accessory Uses C Conditional Use Permit Required – Use Not Allowed	Zone				
	R-1	R-2	R-3	R-4	R-MH
RESIDENTIAL USES					
Accessory Buildings appurtenant to permitted use (garages, etc.)	A	A	A	A	A
Dwelling Groups, not including multi-family dwellings	--	P	P	P	--
Duplex Homes or 2 Single Family Dwellings	C	P	P	P	--
Mobile Home Parks	--	--	--	--	C
Multiple-Family Dwellings	--	C[2]	P	P	--
Residential Care Facilities, Small (No more than 6 persons)	A	A	A	A	--
Residential Care Facilities, Large (More than 6 persons)	A	A	A	A	--
Roominghouses/Boardinghomes	A[1]	A[1]	A[1]	A[1]	--
Secondary Dwelling Units per MMC 20.10.070	P	P	P	P	--
Single-Family Dwellings	P	P	P	P	A
Swimming Pools (Private)	A	A	A	A	A
COMMUNITY USES					
Public & Quasi-public uses of recreational, educational, religious, cultural or public service type	C	C	C	C	--
Day Care Home Facilities, Large (9-14 children)	A	A	A	A	--
Day Care Home Facilities, Small (8 or less children)	A	A	A	A	--
Day Care Facilities for the Elderly of 12 or fewer persons	--	C	C	C	--
Formal Gateways	C	C	C	C	--
Nursing Homes or Convalescent Homes (Licensed)	--	--	C	C	--
Social Halls, Lodges, Fraternal and Clubs (Non-profit)	--	C	C	C	--
State-Licensed Foster Homes (6 or less persons)	A	A	A	A	--
State-Licensed Foster Homes (more than 6 persons)	--	--	C	C	--
COMMERCIAL USES					
Cemeteries	C	C	--	--	--
Home Occupations with 1 unlighted Sign of 1 sq ft	A	A	A	A	--
Incidental Retail Services to Serve Residents Only	--	--	C[3]	C[3]	--
Photography Studios	--	C	--	--	--
Temporary Subdivision Sales Offices (Max. 2 Years)	A	A	A	--	A
AGRICULTURE AND OTHER USES					
Agricultural Uses, not including hog raising	P[4]	P[4]	P[4]	--	--
Public Utility uses, substations, & communication equipment	C	C	C	C	--

Notes:

[1] In R-1, no more than 1 person; In R-2, no more than 2 persons; In R-3 & R-4, unlimited persons;

[2] Permitted only on lots 15,000 sq. ft. or greater with five or more units and at least 3,000 sq. ft. per unit.

[3] Permitted only when ancillary to a multi-family use and intended to serve residents only. No exterior display or advertising is permitted.

[4] Hog raising and on-site sale of products prohibited

References in Current Code:

ZONE & LAND USES	CURRENT MMC SECTION
R-1 ZONE	
PRINCIPALLY-PERMITTED USES	MMC 20.10.020
ACCESSORY USES	MMC 20.10.030
CONDITIONAL USES	MMC 20.10.040
R-2 ZONE	
PRINCIPALLY-PERMITTED USES	MMC 20.12.020
ACCESSORY USES	MMC 20.12.030
CONDITIONAL USES	MMC 20.12.040
R-3 ZONE	
PRINCIPALLY-PERMITTED USES	MMC 20.14.020
ACCESSORY USES	MMC 20.14.030
CONDITIONAL USES	MMC 20.14.040
R-4 ZONE	
PRINCIPALLY-PERMITTED USES	MMC 20.16.020
ACCESSORY USES	MMC 20.16.030
CONDITIONAL USES	MMC 20.16.040
R-MH ZONE	
PRINCIPALLY-PERMITTED USES	MMC 20.50.060
ACCESSORY USES	MMC 20.10.070
CONDITIONAL USES	MMC 20.10.020
NOTE: THERE IS NO CURRENT R-R DISTRICT	

Chapter 20.10 - COMMERCIAL ZONING DISTRICTS

Sections:	
20.10.010	Purpose of the Commercial Zoning Districts
20.10.020	Land Use Regulations for Commercial Zoning Districts
20.10.030	Development Standards and Guidelines for Commercial Zoning Districts

20.10.010 Purpose of the Commercial Zoning Districts

A. Neighborhood Commercial (C-N). The C-N zoning district provides areas for shopping centers and other commercial uses that serve the day-to-day needs of residential neighborhoods. The C-N districts shall have a minimum area of three acres and shall be located only where analysis of the residential population demonstrates that the facilities are justified. **[Modified MMC 20.22.010]**

B. Shopping Center Commercial (C-SC). The C-SC zoning district provides areas for grocery stores, supermarkets, and other retail establishments selling groceries to serve local residents as well as the larger regional market. The C-SC districts shall have a minimum area of five acres. **[Modified MMC 20.25.010]**

C. Regional/Central Commercial (C-C). The C-C zoning district provides areas for a diversity of commercial and residential land uses in the central business district and regional centers. These uses help to support a vibrant retail destination, provide jobs for residents, and accommodate commercial and service uses to meet the needs of community and regional businesses and residents. **[Modified MMC 20.24.010]**

D. Office Commercial (C-O). The C-O zoning district provides a location for a broad range of office uses including professional offices, business offices, medical offices, and regional or "back" offices. The C-O zoning district can also accommodate limited "accessory" restaurant, retail, and service uses that cater to the needs of on-site employees and visitors. **[Modified MMC 20.20.010]**

E. Thoroughfare Commercial (C-T). The C-T zoning district provides areas for auto-oriented commercial uses that accommodate the needs of people traveling on highways and local motorists. The C-T zoning district also accommodates large recreational facilities and heavy commercial uses that benefit from proximity to the highway. **[Modified MMC 20.26.010]**

F. General Commercial (C-G). The C-G zoning district provides areas for heavy commercial and light industrial uses that may impact neighboring uses and often require large parcels and benefit from separation from retail uses. The C-G districts are to be established in areas of four acres or larger. **[Modified MMC 20.28.010]**

G. Business Park (B-P). The B-P zoning district provides a location for employment-intensive uses within an attractive campus-like setting. The B-P zoning district shall primarily allow "back" offices, research and development businesses but also limited commercial retail uses to serve employees in the area. The B-P zoning district shall have a minimum area of five acres. **[NEW]**

20.10.020 Land Use Regulations for Commercial Zoning Districts

A. Permitted Uses. Table 20.10-1 identifies land uses permitted in commercial zoning districts. **[Compare with Current Uses in Table B1 on page 32A; B-P is NEW]**

TABLE 20.10-1 PERMITTED LAND USES IN THE COMMERCIAL ZONING DISTRICTS

Key	Zoning District [1]							
P Permitted Use **M** Minor Use Permit Required **SP** Site Plan Review Permit Required **C** Conditional Use Permit Required **X** Use Not Allowed	**C-O**	**C-N**	**C-C**	**C-SC**	**C-T**	**C-G**	**B-P**	**Additional Regulations**
RESIDENTIAL USES								
Group Housing	X	X	P [3]	X	X	X	X	
Live/Work Units	C	C	P [2]	X	X	X	X	Section 20.44.080
Multiple-Family Dwellings	C	C	P	X	X	X	X	
Residential Care Facilities, Small *(6 or Less)*	X	X	P [3]	X	X	X	X	
Residential Care Facilities, Large *(More than 6)*	X	X	P [3]	X	X	X	X	
Single-Room Occupancy	X	X	P [3]	X	X	X	X	Section 20.44.120
COMMUNITY USES								
Community Assembly	C	C	C	X	C	C	C	
Community Garden	SP	SP	SP	X	X	SP	X	
Colleges and Trade Schools	C	C	C	X	X	C	C	
Convalescent or Nursing Homes	C	C	C	X	X	X	X	
Cultural Institutions	C	C	C	X	C	C	C	
Day Care Centers (Children & Adults)	M	M	M	X	X	X	SP	
Emergency Shelters	X	X	C	X	C	P	X	Sec.20.44.150
Government Offices	P	P	P	X	C	C	C	
Hospitals and Surgery Centers	C	C	C	X	X	X	C	
Instructional Services	P	P	P	X	X	X	SP	
Medical Offices and Clinics	P	P	P	X	X	X	C	
Parks and Recreational Facilities	C	C	C	X	X	X	C	
Public Safety Facilities	SP	SP	P	C	SP	SP	SP	
Rehabilitation Centers	P	P [6]	P[10]	X	X	C	C	
Social Assistance Services	C	C	C	X	SP	P	X	

Key	Zoning District [1]							
P Permitted Use **M** Minor Use Permit Required **SP** Site Plan Review Permit Required **C** Conditional Use Permit Required **X** Use Not Allowed	C-O	C-N	C-C	C-SC	C-T	C-G	B-P	Additional Regulations
COMMERCIAL USES								
Alcoholic Beverage Sales [7]	X	P [7][8]	P [7]	C [7][8]	P [7]	P [7]	SP [7]	Sec.20.44.010
Bail Bond Businesses	C	X	C [10]	X	C	C	C	
Bars and Nightclubs	X	C	C	X	C	C	C	
Banks, Retail	P	P	P	P [9]	SP	SP	SP	
Bed and Breakfast	X	X	C	X	C	C	X	Sec.20.44.030
Building Supplies/Home Improvement	X	X	C	X	SP	P	SP	
Business Support Services	X	C	M	X	P	P	SP	
Cardrooms [5]	X	X	C [5]	X	C [5]	C [5]	X	Chapter 9.08
Cemeteries and Mausoleums	X	X	C	X	C	P	X	
Check Cashing/Payday Loan Establishments	C	X	C [10]	X	C	C	C	Sec.20.44.040
Commercial Recreation, Indoor (Except Below)	X	SP	SP	X	P	SP	C	
Multi-Screen (6 or More) Movie Theaters	X	C	P	X	C	X	C	
Commercial Recreation, Outdoor	X	X	X	X	P	C	C	
Drive-Through and Drive-Up Sales	C	C	SP	X	P	P	SP	
Equipment Sales and Rental	X	X	X	X	P	P	SP	
Farmer's Market	C	SP	SP	SP	SP	SP	SP	Sec.20.50.030B
Flea Market	X	X	X	X	C	C	C	
Funeral Parlors and Mortuaries	C	C	C	X	C	P	C	
Gas and Service Stations/Car Washes	X	C	SP	C [9]	P	P	SP	Sec.20.44.070
Hotels and Motels	X	X	P	X	P	C	C	
Hookah Lounges	X	C	C	X	C	C	C	
Kennels	X	X	X	X	C	P	C	
Maintenance and Repair Services	X	X	X	X	P	P	SP	
Massage Establishments	C [16]	C [16]	C [16]	X	C [16]	C [16]	X	Chapter 5.44
Massage Therapy—Sole Practitioner	P[17]	P[17]	P[17]	X	C [16]	C [16]	X	Chapter 5.44
Mobile Food Vendors	C	C	C [10]	X	SP [11]	SP	C	Sec. 5.54 & 20.44.020
Mobile Home Sales	X	X	X	X	P	P	SP	
Office, Professional	P	P	P	C [9]	SP	SP	SP	
Pawn Shops	X	X	C [10]	X	X	P	X	
Personal Services	SP	P	P	P [9]	SP	SP	SP [12]	

Key	Zoning District [1]							
P Permitted Use **M** Minor Use Permit Required **SP** Site Plan Review Permit Required **C** Conditional Use Permit Required **X** Use Not Allowed	C-O	C-N	C-C	C-SC	C-T	C-G	B-P	Additional Regulations
COMMERCIAL USES (Continued)								
Retail, General	SP [12]	P	P	P [9]	P	SP	SP	
Restaurants	C [13]	P [8]	P	C [9]	P	M	SP [12] [13]	
Tattoo Parlors	X	SP	M	X	M	M	SP	
Tobacco Retailers [18]	X	P [18]	P [18]	P [18]	P [18]	P [18]	SP[18]	Sec.20.44.160
Vehicle Parts and Accessories Sales	X	P	P	X	P	P	SP	
Vehicle Rentals	X	X	M	X	P	P	SP	
Vehicle Repair and Maintenance, Major	X	X	X	X	C	P	C	
Vehicle Repair and Maintenance, Minor	X	SP	P	X	P	P	C	
Vehicle Sales	X	X	P [10] [14]	X	P	P	C	
INDUSTRIAL USES								
Manufacturing and Processing, General	X	X	X	X	X	M	C	
Manufacturing and Processing, Light	X	X	X	X	X	P	SP	
Research and Development	C	X	C	X	SP	SP	P	
Warehousing, Wholesaling, and Distribution	X	X	SP[15]	X	P	P	SP	
Wrecking & Salvage Establishments	X	X	X	X	C	C	X	Sec.20.44.140
TRANSPORTATION, COMMUNICATION, AND UTILITY USES								
Airports	X	X	X	X	C	C	C	
Freight Terminals	X	X	X	X	C	C	C	
Heliports	C	X	C	X	C	C	C	
Parking Facilities	P	P	P	P[9]	P	P	P	
Public/Mini Storage	X	X	X	X	M	M	SP	
Recycling Collection Facilities								Sec.20.44.090
Reverse Vending Machines	P	P	P	M[9]	P	P	P	
Small Collection Facilities	SP	SP	SP	SP[9]	SP	SP	SP	
Large Collection Facilities	X	X	X	X	C	C	C	
Utilities, Major	C	C	C	X	C	C	C	
Utilities, Minor	P	P	P	P[9]	P	P	P	
Wireless Communications Facilities	**See Chapter 20.58**							

Notes:

[1] A Conditional Use Permit may be required per Chapter 20.32 (Interface Regulations) regardless of the uses shown in Table 20.10-1.

[2] Residential use on the ground floor is prohibited unless it is located on the back of the property where it is not visible or approved with a Conditional Use Permit.

[3] Prohibited as a single use. Permitted as part of a residential mixed-use project.

[4] Use shall not exceed 20,000 square feet.

[5] 24 hour operations limited to C-T zone per Chapter 9.08 (Gaming).

[6] Rehabilitation centers for drug, methadone, and alcohol are prohibited. **[No change from MMC 20.24.055(B)]**

[7] A Conditional Use Permit is required for establishments smaller than 20,000 square feet.

[8] A Conditional Use Permit is required for alcoholic beverage sales for on-site consumption. **[No change from MMC 20.22.050(J)]**

[9] Permitted only as part of a shopping center or other retail establishment with a minimum of 5,000 square feet of floor area devoted to the sale of groceries. **[No change from MMC 20.25.020]**

[10] Prohibited in the City Center area between 19th and 16th Streets and O Street and Martin Luther King, Jr. Way, including properties fronting on either side of each of the above streets, except vehicle sales showrooms can be allowed . **[Changes MMC 20.24.055(B) to allow vehicle sales showrooms]**

[11] Includes refreshment stands.

[12] Permitted only as an ancillary use to serve employees, not to occupy more than 5,000 square feet.

[13] Conditional Use Permit required unless the use is ancillary to a principal permitted use. For restaurants, Conditional Use Permit is required unless the uses are conducted in and entered from within the building with no outside advertising. **[No change from MMC 20.20.030(B)]**

[14] A Site Plan Review Permit is required for used vehicle sales. **[MMC 20.24.040(C) requires a CUP now]**

[15] Temporary warehousing and storage only is allowed per the requirements of Section 20.10.030(D).

[16] Provided that a massage establishment permit has not been revoked at that location within 12 months of the application for a conditional use permit and a massage establishment permit is obtained pursuant to Chapter 5.44. **[NEW]**

[17] Must have valid certificate from State of California as a massage therapist or massage practitioner pursuant to the Massage Therapy Act (Business and Professions Code Section 4600 *et seq.)*. **[NEW]**

[18] Prohibited within 1,000 feet of schools and other uses per Sec. 20.44.160, unless building over 20,000 square feet. **[NEW}**

20.10.030 Development Standards and Guidelines for Commercial Zoning Districts

A. General Standards. Table 20.10-2 identifies development standards that apply to all parcels and structures located in commercial zoning districts. See Figure 20.10-1.

B. Outdoor Operation of Uses.

1. The outdoor operation of a land use in the C-C and C-N zoning districts shall require approval of a Site Plan Review Permit. Outdoor dining in accordance with Chapter 12.36 (Restaurant Encroachment Permits), outdoor recreation, commercial parking lots, and other similar permitted uses that necessitate outdoor operation are exempt from this requirement. **[Changes MMC 20.22.080(A) in C-N and MMC 20.24.050(A) in C-C to require Site Plan Review, instead of a CUP for outdoor uses. (The uses above are listed but outdoor dining and recreation have been added and public utility substations have been deleted.)]**

2. The storage of vehicles, equipment, and materials in the C-T and C-G zoning district shall be either located entirely within a completely enclosed building; or entirely enclosed by a screen fence or hedge not less than 6 feet high. This requirement shall not apply to retail nurseries or vehicle sales and rental uses. **[No change from MMC 20.26.060(D) in C-T and 20.28.060(A) in C-G.]**

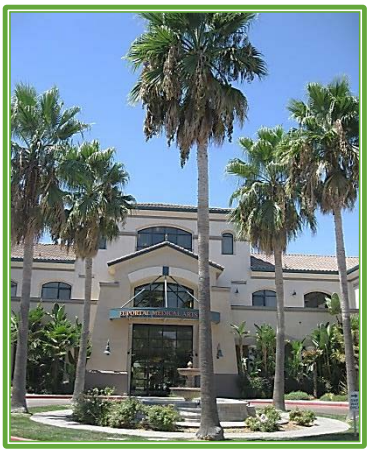
3. All land uses shall be located entirely within a completely enclosed building in the B-P zoning district. **[NEW]**

C. Location of Parking and Loading Facilities. Parking and loading facilities in a commercial zoning district shall be set back a minimum of 8 feet from an exterior property line when located across the street from a residential zoning district. **[Modified MMC 20.22.080(B) in C-N; 20.24.050(B) in C-C; and 20.25.080(A) in C-SC to delete requirement for structures to be at least 35 feet from the street; No change from 20.26.060(A) in C-T; C-O & C-G have no such requirement currently.]**

D. Temporary Warehousing and Storage Uses in the Downtown C-C Zoning District. The following uses require a Site Plan Review Permit pursuant to Chapter 20.68.050 of this code in the Downtown C-C Zoning District: **[No change from MMC 20.24.045 & 20.24.046 except for zoning section references.]**

1. Temporary warehouse and storage uses, but only within existing buildings or structures on properties with environmental issues, restrictions, or limitations identified by local, state, or federal agencies, subject to conditions in Section 20.10.030(D)(2) of this chapter. While warehouse and storage uses are generally prohibited and discouraged in the C-C district, it is recognized by the City that environmental issues, restrictions, or limitations identified by local, state, or federal agencies may limit or prohibit the uses, otherwise permitted or conditionally permitted in this district. The City further recognizes the substantial public and private investment made to both public and private properties in the Downtown C-C district and the need for property owners to have a source of funds to meet property expenses as well as to ensure that the public and private investments are protected by preventing these properties from falling into disrepair and becoming blighted. Temporary warehouse and storage use does not include traditional mini-storage where multiple tenants or customers rent or lease storage space from the property owner or mini-storage operator.

2. The following conditions shall be applied to the Site Plan Review Permit for Temporary Warehouse and Storage Uses in the Downtown C-C District:



   a. When a Site Plan Review Permit is granted for any property within the Downtown C-C district with environmental issues, restrictions, or limitations identified by local, state, or federal agencies, the use of the property shall have no more than the minimum number of employees for the minimal amount of time required for business operation in order to minimize human exposure.

   b. The Site Plan Review Permit shall be valid and last only until remediation of the environmental issue, restriction, or limitation is complete and the environmental issue, restriction, or limitation is officially "closed" by the local, state, or federal agency. The Site Plan Review Permit shall be reviewed at least every three (3) years to determine if the need still exists for the restriction. If the need no longer exists, the property shall be brought into compliance with Downtown C-C district within ninety (90) days after notice to the property owner.

   c. The Site Plan Review Permit shall require that commercial activities occur that are observable through any window facing Main Street at the street and sidewalk level. It is the intent of this condition not to allow window displays of stacked boxes or merchandise. Examples of commercial activities encouraged hereunder shall include, but are not limited to, window display of art, goods, merchandise for sale at a different location by the warehouse or storage user, and public service notices and announcements, with such display shielding warehoused merchandise from any window facing Main Street.

   d. The Site Plan Review Permit shall require that proper maintenance and upkeep of the appearance of the building and the property occur during the duration of the Site Plan Review Permit including, but not limited to, weed abatement, graffiti abatement, and such other conditions as the Site Plan Review Committee determines is appropriate.

TABLE 20.10-2 DEVELOPMENT STANDARDS FOR COMMERCIAL ZONES

	Figure Label	Standard by Zone						
		C-O	C-N	C-C	C-SC	C-T	C-G	B-P
LOT AND INTENSITY STANDARDS (MINIMUMS)								
Parcel Area		7,500 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	35,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	20,000 sq. ft.
PRIMARY BUILDING STANDARDS								
Setbacks (min.)								
Exterior	A	10 ft.	20 ft. [2]	0 ft. [2]	20 ft. [2]	0 ft.	0 ft.	25 ft.[2]
Interior	B	5 ft.	0 ft. [1]	0 ft. [1]	0 ft. [1]	0 ft.	0 ft.	20 ft.[1]
Height (max.) [3]	C							
Feet		40 ft.[3]	35 ft.[3]	60 ft.[3]	35 ft.[3]	40 ft.[3]	40 ft.[3]	40 ft.[3]
OTHER STANDARDS								
Accessory Structure Standards		See Chapter 20.28						
Separation Between Structures		As required by the California Building Code						
Off-Street Parking		See Chapter 20.38						

[No changes from Current Standards, except MMC 20.18.030 requires minimum lot widths of 60 feet in C-C, C-T, C-G; 60 feet for interior lots and 65 feet for corner lots in C-N & C-O; and 300 feet in C-SC; and applies height limits only next to residential and deletes maximum stories.]

Notes:

[1] Minimum of 20 feet required when abutting a residential zoning district. **[NEW]**

[2] Minimum of 35 feet required when across from a residential zoning district. **[NEW]**

[3] Only applies when directly adjacent to residential zones. Exceptions to the height limitations in those cases may be granted by the Site Plan Review Committee. **[Height limits currently apply to all parts of the zone and exceptions can be granted by Conditional Use Permit in C-O, C-C, C-T, and C-G zones only.]**

FIGURE 20.10-1 COMMERCIAL DEVELOPMENT STANDARDS

E. Development Guidelines for the C-C (Regional Centers Only) and B-P Zoning Districts. The City shall consider the following guidelines when reviewing development project applications in the C-C (for Regional Centers only, outside of the Downtown C-C District) and B-P Zoning Districts: **[NEW]**

1. **Site Design** **[NEW]**

a. All buildings should relate visually to one another and appear to be part of a unified design theme.

b. Larger buildings should be broken down into a group of buildings clustered into traditional building compounds or campus configurations.

c. When multiple structures are proposed as part of a single project, the structures shall be designed to appear as part of an integrated complex within a unified site design and architectural characteristics.

d. Building entries should be located so that they are easily identifiable. Each project should provide a well-defined entry sequence for pedestrian and vehicular uses from the street to the building.

2. **Building Design.** **[NEW]**

a. Buildings shall feature quality design and architectural interest that enhances the aesthetics of the site and general vicinity.

b. New development should include a variety of building types and designs in addition to the concrete tilt-up type construction which is often used.

c. Buildings should appear to be of a pedestrian scale. Pedestrian scale building design can be achieved through outdoor patios; awnings, overhangs, and trellises; changes in building massing; changes in building materials and colors; defined building facades with an identifiable base, middle, and top; and other similar features.

3. **Landscaping.** **[NEW]**

a. Development projects shall provide adequate, sustainable, drought-tolerant landscaping to enhance the appearance of buildings and provide an attractive environment for employees and the general public.

b. Landscaping should provide an aesthetically pleasing transition between the building and adjacent sidewalks or pedestrian paths. Landscaping should soften the visual impact of buildings when viewed from the street, parking areas, or adjacent properties.

c. Landscaping shall be provided along street frontage to provide visual interest, support a unifying character to the street, incorporate on-site storm drainage facilities, and enhance the appearance of individual developments. Landscape elements should be coordinated with adjacent properties to provide a compatible visual character.

4. **Parking.** **[NEW]**

a. In order to reduce public views of parking areas, a significant amount of a development's parking area should be located beside or behind the building that it serves.

b. Surface parking areas should be divided into smaller units to decrease visual impacts associated with large expanses of pavement and vehicles.

c. Parking areas shall include designated pedestrian access to building entrances.

d. Visual screening shall be provided for parking areas that can be viewed from adjacent development sites or from public streets. Screening may be in the form of trees and shrubs and/or landscaped berms.

5. **Pedestrian Circulation** **[NEW]**

a. Sidewalks and pathways shall be provided to accommodate pedestrian circulation from parking areas to buildings, between buildings, and to plazas, open spaces, and other outdoor amenities. This pedestrian network should enhance a campus-like appearance of the development site.

b. Pedestrian systems should be physically separated from vehicular circulation as much as possible. Areas where the two systems cross or are physically adjacent should be minimized to reduce traffic hazards and make the pedestrian system more efficient, pleasant, and visually attractive.

c. Intersections where pedestrian routes cross vehicular circulation shall be clearly marked for visual identification by both motorists and pedestrians.

6. **Service Areas** **[NEW]**

a. Loading and service dock areas should be located to the rear or sides of buildings and away from main building entrances and other high visibility areas.

b. Loading and service docks, truck areas, and outdoor storage areas, shall be screened from public view.

c. Service areas should be visually unobtrusive and integrated with each building's architecture and site design.

7. **Utilities and Backflow Preventers** **[NEW]**

a. Utility cabinets and meters shall be contained within the building or otherwise fully screened.

b. Backflow prevention devices shall be fully screened from public view through the use of landscaping, berms, low walls, or other screening techniques.

8. **Waste Storage** **[NEW]**

a. Trash bins shall be located within a trash enclosure at all times and screened from public view. Gates shall remain closed and secured except during pick-up.

b. Trash enclosures should be located away from main entry driveways if feasible.

c. Trash enclosures shall be constructed of durable materials with color, texture, and architectural detailing that is consistent with the overall site and building design.

d. No materials, supplies, equipment, service vehicles, finished or semi-finished products, raw materials, or articles of similar nature shall be stored or permitted to remain outside of buildings or be visible from adjacent properties or adjoining streets.

9. **Signs and Lighting** **[NEW]**

a. All signs and exterior lighting shall be designed to support a unified design theme within a development area.

b. Multiple-tenant buildings and complexes shall develop a master sign program that supports a unified design theme within a development area. The master sign program, to be approved by the Planning Commission, Site Plan Review Committee, or through an Administrative Conditional Use Permit for signs, shall establish requirements for consistent use of sign materials, location, size, height, color, and lighting.

TABLE B1–LAND USES IN THE COMMERCIAL ZONING DISTRICTS (CURRENT ZONING ORDINANCE) FOR COMPARISON WITH PROPOSED TABLE 20.10-1. THERE IS NO CURRENT B-P DISTRICT.

Key **P** Permitted Use **A** Accessory Uses **C** Conditional Use Permit Required **PR** Prohibited Uses (Specifically Listed) **–** Use Not Allowed	Zoning District						
	C-O	**C-N**	**C-C**	**C-SC**	**C-T**	**C-G**	**B-P**
RESIDENTIAL USES							
Multiple-Family Dwellings	C	C	C	PR[2]	--	--	n/a
Live/Work Units	--	C	C	PR[2]	--	--	n/a
COMMUNITY USES							
Day Care Centers	C	C	C	--	C	C	n/a
Drug & Alcohol Rehab Centers/Methadone	P	--	PR[1]	--	--	--	n/a
Emergency Shelters	--	--	C	--	--	P	n/a
Government Offices (Administrative, Executive, & Editorial Offices)	P	P	P	--	--	--	n/a
Hospitals	C	--		--	--	--	n/a
Instructional Services (Business & Tech Schools)	C	--	P	--	--	--	n/a
Licensed Massage Establishments	P	--	P	--	C	C	n/a
Medical Offices and Clinics	P	P	P	--	--	--	n/a
Parks and Recreational Facilities	--	P	P	--	P	--	n/a
Pregnancy Counseling & Testing Clinic	P	--	--	--	--	C	n/a
Public and Quasi Public Uses appropriate to Dist.	C	C	C	PR[2]	C	C	n/a
Schools/Studios for arts, crafts, photography, music & dance	P	--	P	--	--	--	n/a
Social hall, lodge, fraternal orgs & clubs		C	P	PR[2]	C	--	n/a
Therapeutic/rehabilitation offices	P	P	--	--	--	--	n/a
COMMERCIAL USES							
Alcoholic Beverage Sales under 20,000 SF	--	C	C	C	C	C	n/a
Alcoholic Beverage Sales over 20,000 SF	--	P	P	P	P	--	n/a
Alcoholic Beverage Sales for On-Site Consumption	--	C	P	C	P	--	n/a
Bail Bond Businesses	C	--	PR[1]	--	--	--	n/a
Bars and Nightclubs	--	--	C	--	C	C	n/a
Financial Offices, including banks & real estate	P	P	P	--	--	--	n/a
Billiard Parlor or Pool Hall (6 or more tables)	--	--	C	--	C	C	n/a

Key P Permitted Use A Accessory Uses C Conditional Use Permit Required PR Prohibited Uses (Specifically Listed) – Use Not Allowed	Zoning District						
	C-O	C-N	C-C	C-SC	C-T	C-G	B-P
Building Materials Sales & Contractors Yards	--	--	--	--	--	P	n/a
Car Wash	--	C	--	--	C	C	n/a
Card rooms	--	--	C	--	C	C	n/a
Commercial Recreation, Indoor (Bowling Alley, Skating Rinks, etc.)	--	--	C	--	P	C	n/a
Commercial Recreation, Outdoor	--	--	--	--	P	C	n/a
Commercial Baking & Laundry Plants	--	--	C	--	--	P	n/a
Convenience Market with Gasoline	--	C	C	PR[2]	P	P	n/a
Drive-Through and Drive-Up Sales	--	C	C	PR[2]	P	C	n/a
Equipment Sales and Rental	--	--	--	--	P	P	n/a
Fast food Restaurants	--	C	P	--	P	C	n/a
Flea Market	--	--		--	C	--	n/a
Mortuaries and Crematories	C	--	C	--	C	P	n/a
Gas and Service Stations	--	C	C	PR[2]	P	P	n/a
Heating & A/C Sales and Services	--	--	C	--	--	P	n/a
Horticultural Nurseries, greenhouses, roadside stands	--	--	--	--	P	P	n/a
Hotels and Motels	--	--	P	--	P	--	n/a
Hookah Lounges	--	--	C	--	--	--	n/a
Kennels, including Animal Hospitals & Vets	--	--	--	--	C	P	n/a
Medical and Dental Laboratories	P	--		--	--	--	n/a
Mobile Food Vehicles	--	--	PR	--	P[9]	C	n/a
Mobile Home Sales	--	--	--	--	P	P	n/a
Office, Professional	P	P	P	--	--	--	n/a
Pawn Shops	--	--	PR[1]	--	--	--	n/a
Payday Loan Businesses	--	--	C[1]	--	--	--	n/a
Personal Services (Beauty Salons, Barber shops, tanning salons, & nail salons)	C	P	P	--	C	C	n/a
Prescription Pharmacies without variety goods	C	P	P	--	--	--	n/a
Retail, General	A[6]	P	P	--	P	P	n/a
Restaurants	A[6]	P[8]	P	--	P	C	n/a
Shopping Center	--	C	P	P[5]	C	C	n/a

Key P Permitted Use A Accessory Uses C Conditional Use Permit Required PR Prohibited Uses (Specifically Listed) – Use Not Allowed	Zoning District						
	C-O	C-N	C-C	C-SC	C-T	C-G	B-P
Sidewalk Café	--	C	C	C	P	--	n/a
Supermarket, super grocery stores	--	C	P	P	C	C	n/a
Tattoo Parlors	--	C	C	--	C	C	n/a
Theater	--	C	P	--	C	C	n/a
Vehicle Parts and Accessories Sales & Rentals	--	--	P	--	P	P	n/a
Vehicle Repair and Maintenance, Minor	--	C	P	PR[2]	P	P	n/a
Vehicle Repair & Maintenance, Major	--	--	--	PR[2]	C	P	n/a
Vehicle Sales, New	--	--	P	--	P	P	n/a
Vehicle Sales, Used	--	--	C	--	P	P	n/a
INDUSTRIAL USES							
Concrete & Asphalt Mixing Yards	--	--	--	--	C	C	n/a
Manufacturing and Processing, General	--	--	--	--	--	P	n/a
Manufacturing and Processing, Light	--	--	--	--	--	P	n/a
Printing, Publishing or Lithographic Shop	--	--	C	--	--	P	n/a
Refrigerated Locker Plants	--	--	C	--	--	P	n/a
Research and Development	--	--	--	--	--	--	n/a
Salvage and Wrecking Operations	--	--	--	--	--	C	n/a
TRANSPORTATION, COMMUNICATION, AND UTILITY USES							
Commercial Parking Lots for Passenger Vehicles	P	P	P	--	P	P	n/a
Heliports	--	--	--	--	C	C	n/a
Public/Mini Storage	--	--	--	--	--	P	n/a
Public Transportation Terminals	--	--	C	--	--	--	n/a
Public Utility uses, substations, & communication	C	C	C	PR[2]	P	P	n/a
Recycling Collection Facilities	--	A	A	--	A	A	n/a
Truck Depots	--	--	--	--	C	P	n/a
Warehousing, Wholesaling, and Distribution	--	--	SP[11]	--	--	P	n/a
Wireless Communications Facilities	See Chapter 20.62						

Notes:
[1] Prohibited in the "City Center" as defined in MMC 24.055.
[5] Permitted only as part of a shopping center or other retail establishment with a minimum of 5,000 square feet of floor area devoted to the sale of groceries.
[6] Permitted only as an ancillary use to serve employees or patrons with no exterior display or advertising and no separate entrance.
[9] Includes refreshment stands.
[11] Refer to MMC 20.24.045 and 20.24.046 for provisions.

References in Current Code:

Zone & Land Uses	Current MMC Section
C-O Zone	
Principally-Permitted Uses	MMC 20.20.020
Accessory Uses	MMC 20.20.030
Conditional Uses	MMC 20.20.040
C-N Zone	
Principally-Permitted Uses	MMC 20.22.020
Accessory Uses	MMC 20.22.030
Conditional Uses	MMC 20.22.050
C-C Zone	
Principally-Permitted Uses	MMC 20.24.020
Accessory Uses	MMC 20.24.030
Conditional Uses	MMC 20.24.040
C-SC Zone	
Principally-Permitted Uses	MMC 20.25.020
Accessory Uses	MMC 20.25.030
Conditional Uses	MMC 20.25.050
C-T Zone	
Principally-Permitted Uses	MMC 20.26.020
Accessory Uses	MMC 20.26.030
Conditional Uses	MMC 20.26.040
C-G Zone	
Principally-Permitted Uses	MMC 20.28.020
Accessory Uses	MMC 20.28.030
Conditional Uses	MMC 20.28.040
NOTE: There is no Current B-P District	

Chapter 20.12 - Industrial Zoning Districts

Sections:	
20.12.010	Purpose of the Industrial Zoning Districts
20.12.020	Land Use Regulations for Industrial Zoning Districts
20.12.030	Development Standards for Industrial Zoning Districts

20.12.010 Purpose of the Industrial Zoning Districts

A. Light Industrial (I-L). The I-L zoning district provides areas for manufacturing, wholesale, and storage activities that meet City standards to ensure compatibility with surrounding areas and that maintain and strenghthen the economic base of the City. I-L districts shall have a minimum size of 5 acres. **[Modifies MMC 20.34.010 and 20.30.020; Minimum size is NEW]**

B. Heavy Industrial (I-H). The I-H zoning district provides areas for a full range of industrial land uses, including operations that necessitate the storage of hazardous or unsightly materials, and encourages sound industrial development by providing and protecting an environment exclusively to insure the protection of surrounding areas. I-H districts shall have a minimum size of 10 acres. **[Modifies MMC 20.36.010; Minimum size is NEW]**

20.12.020 Land Use Regulations for Industrial Zoning Districts

A. Permitted Uses. Table 20.12-1 identifies land uses permitted in industrial zoning districts.

[Compare with Current Uses in Table C1 on page 40A]

Table 20.12-1 Permitted Land Uses in the Industrial Zoning Districts

Key	Zoning District [1]		
P Permitted Use **M** Minor Use Permit Required **SP** Site Plan Review Permit Required **C** Conditional Use Permit Required **X** Use Not Allowed	I-L	I-H	Additional Regulations
Residential Uses			
Caretaker's Home	SP	X	
Community Uses			
Colleges and Trade Schools	C	X	
Instructional Services	C [2]	X	
Public Safety Facilities	SP	C	

Key	Zoning District [1]		
P Permitted Use **M** Minor Use Permit Required **SP** Site Plan Review Permit Required **C** Conditional Use Permit Required **X** Use Not Allowed	**I-L**	**I-H**	**Additional Regulations**
COMMERCIAL USES			
Adult Entertainment Businesses	**SP**	**SP**	Chapters 5.58 and 20.60
Building Supplies and Home Improvement Stores	**SP**	**X**	
Business Support Services	**SP**	**X**	
Equipment Sales and Rental	**SP**	**X**	
Gas and Service Stations/Car Washes	**SP [5]**	**SP [5]**	Section 20.44.070
Horticultural Nurseries, Retail	**C**	**X**	
Horticultural Nurseries, Wholesale	**SP**	**X**	
Mobile Food Vendors	**C**	**C**	Chapter 5.54 and 20.44.020
Restaurants	**C [4]**	**C [4]**	
Retail (Products Manufactured On-site Only)	**SP [3]**	**SP [3]**	
Vehicle Repair and Maintenance	**SP [5]**	**SP [5]**	
INDUSTRIAL USES			
Construction and Material Yards	**SP**	**SP**	
Manufacturing and Processing, Light	**SP**	**SP**	
Manufacturing and Processing, General	**SP**	**SP**	
Manufacturing and Processing, Heavy	**X**	**SP [6]**	Section 20.12.020.B
Research and Development	**SP**	**SP**	
Wrecking and Salvage Establishments	**X**	**C**	Section 20.44.140
TRANSPORTATION, COMMUNICATION, AND UTILITY USES			
Freight Terminals	**X**	**SP**	
Public/Mini Storage	**SP**	**X**	
Recycling Collection Facilities, Small	**SP**	**X**	Section 20.44.090
Recycling Collection Facilities, Large	**SP**	**SP**	Section 20.44.090
Recycling Processing Facilities	**SP**	**SP**	Section 20.44.090
Utilities, Major	**C**	**SP**	
Utilities, Minor	**SP**	**SP**	
Warehousing, Wholesaling and Distribution	**SP**	**SP**	
Wireless Communications Facilities	See Chapter 20.58		

Notes:

[1] A Conditional Use Permit may be required per Chapter 20.32 (Interface Regulations) regardless of the uses shown in Table 20.12-1.

[2] Limited to fitness, gymnastics, and other similar recreational sports and health facilities. **[No change from MMC 20.34.040(C)]**

[3] Permitted only as an ancillary showroom use for goods manufactured onsite, not to occupy more than 10 percent of the total building floor area unless a Site Plan Review Permit is obtained for additional floor area. **[City Policy adopted in 1988 required a CUP]**

[4] May be permitted only as an ancillary use to serve employees, not to occupy more than 2,500 square feet with no outside advertising, unless a Conditional Use Permit is obtained. **[Modified MMC 20.34.030 to limit size]**

[5] Limited to fleet operations only. **[Consistent with current City Policy]**

[6] All manufacturing of materials listed in the Section 20.12.020.B is prohibited unless the Planning Commission determines otherwise through a Conditional Use Permit.

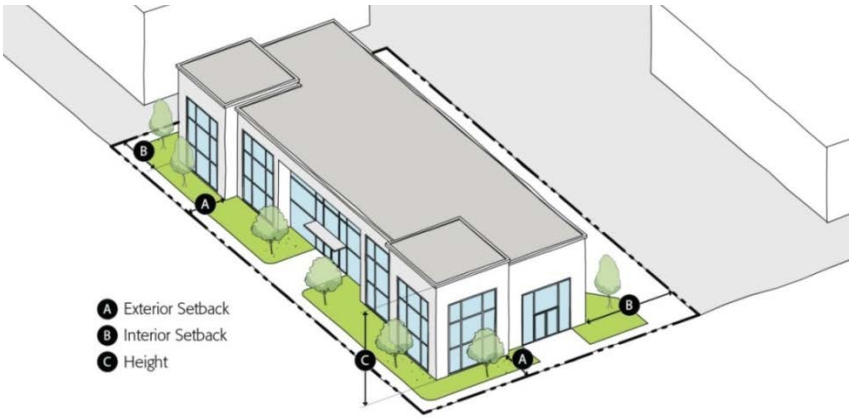
B. Prohibited Uses. The manufacturing of the following materials are prohibited unless the Planning Commission determines otherwise through a Conditonal Use Permit process. **[No change from MMC 20.36.040(E), except as noted and to clarify need for CUP]**

1. Asphalt, cement, charcoal, and fuel briquettes.
2. Aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of an explosive nature, potash, pyroxylin, rayon yarn, and hydrochloric, nitric phosphoric, picric, and sulphuric acids. **[Deleted "plastic materials and synthetic resins"]**
3. Coal, coke, and tar products, including use in other manufacturing; explosives, fertilizers, gelatin, animal glue, and size.
4. Turpentine, matches, and other than water-based paint. **[Added "other than water-based"]**
5. Rubber and soaps, including fat rendering.
6. Flour mill.
7. Processing of nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil, distillation of wood or bones; storage, curing or tanning of raw, green or salted hides or skins.
8. Stockyards or slaughterhouses, except for poultry, animal feed or sales yard, fertilizer yard; slag piles.
9. Storage of fireworks or explosives, except where incidental to a permitted use.
10. Any other use which is determined by the Planning Commission to be of the same general character as the above uses.

20.12.030 Development Standards for Industrial Zoning Districts

A. General Standards. Table 20.12-2 identifies development standards that apply to all parcels and structures located in industrial and manufacturing zoning districts. See Figure 20.12-1.

FIGURE 20.12-1 INDUSTRIAL DEVELOPMENT STANDARDS



[Only changes to MMC 20.34 and 20.36 would be to eliminate the 40 foot height limit]

TABLE 20.12-2 DEVELOPMENT STANDARDS FOR INDUSTRIAL ZONING DISTRICTS

	Figure Label	Standard by Zone	
		I-L	I-H
Parcel Area (min.)		20,000	1 Acre
Yards (min.)			
Exterior	A	15 ft. [1]	None
Interior	B	20 ft. [2]	None
Height (max.) [3]	C	None, except for adjacent to residential zones or within Airport Compatibility Plan area	None, except for adjacent to residential zones or within Airport Compatibility Plan area

Notes:

[1] When a parcel is located on a block with 40 percent of the parcels occupied by structures with exterior yards of less than 15 feet, the minimum setback shall be equal to the average exterior setback of structures on the block. [No Change from MMC 20.34.060(B)]

[2] Interior yards less than 20 feet are permitted for building in compliance with the Fire Code with approval of a Site Plan Review Permit. [No Change from MMC 20.34.060(C)]

[3] The maximum height of industrial structures when directly adjacent to residential zones will be established with the Site Plan Review Permit/Interface process, based on impacts to the adjacent residential uses. Industrial structures shall also comply with the Merced County Airport Land Use Compatibility Plan. [Changes MMC 20.34.060, which requires a CUP from the Planning Commission to go over the current 40 ft height limit]

B. Industrial Buffer Yards. [NEW]

1. **Industrial Buffer Yard Defined**. An industrial buffer yard is an area of plantings and walls that shields neighboring residential properties from negative impacts created by industrial land uses.

   a. **When Required**. An industrial buffer yard is required for any development within an industrial zone that is adjacent to a residential zone. [NEW]

   b. **Buffer Yard Standards**. [NEW]

      (1) Industrial buffer yards shall be located along the outer perimeter of a property line abutting a residential zone. See Figure 20.12-2.

      (2) Residential side of the wall shall be landscaped and maintained by the property owner of the industrial use.

      (3) The minimum width of an industrial buffer yard shall be 25 feet.

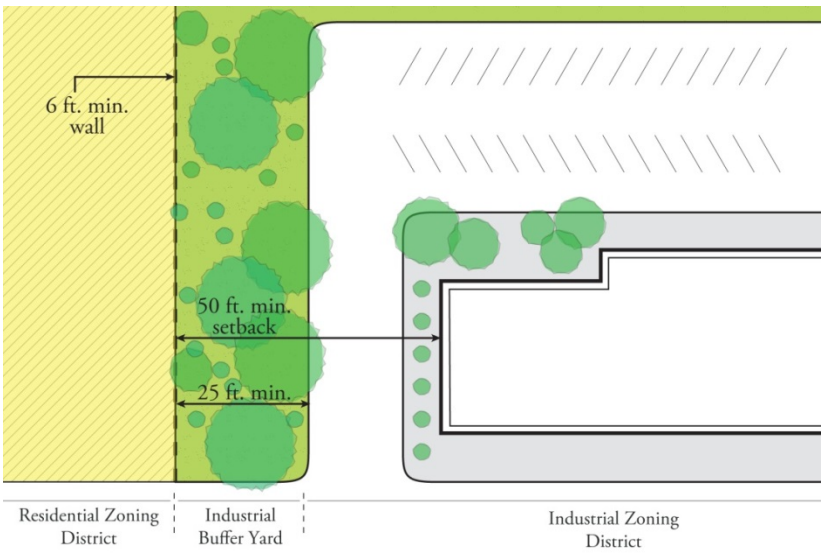
      (4) Industrial buffer yards shall include a solid masonry or equivalent wall no less than 6 feet in height.

      (5) Industrial buffer yards shall be planted with a mix of drought-tolerant, deciduous and evergreen trees and shrubs of suitable type, size, and spacing to achieve screening year-round.

      (6) All plantings within an industrial buffer yard shall be maintained in a manner consistent with landscaping maintenance standards in Chapter 20.36 (Landscaping).

      (7) Paved surfaces, except sidewalks, shall be prohibited within industrial buffer yards. Buffer yards shall not be used for parking, driveways, trash enclosures, building areas, or any other activity associated with the primary use on the property.

FIGURE 20.12-2 INDUSTRIAL BUFFER YARDS



C. Performance Standards. All land uses and structures in the industrial zones shall comply with the following performance standards. Applicants are responsible for providing compliance evidence for all applicable performance standards. **[NEW]**

1. **Noise.** **[NEW]**

a. **Maximum Exposure.** No operation or activity shall transmit any noise exceeding 70 dBA between 7:00 a.m. and 9:00 p.m. and 60 dBA between 9:00 p.m. and 7:00 a.m. beyond the property line. Any uses abutting residential zoning shall not transmit any noise between 10:00 p.m. and 7:00 a.m. beyond the property line. If any operation or activity proposed exceeds the maximum decibel level stated in this section, the applicant must submit a plan to mitigate noise in order to obtain building permits.

b. **Exceptions.** Upon written application from the owner or operator of an industrial or commercial noise source, the review authority, as part of a permit approval, may conditionally authorize exceptions to local noise emission standards, including the times of day described in "a" above, based upon analysis supported by the Department of Development Services, in the following situations:

(1) Infrequent noise;

(2) Noise levels at or anywhere beyond the property lines of the property of origin when exceeded by an exempt noise in the same location; and

(3) If, after applying best available control technology, a use existing prior to the effective date of this Zoning Ordinance is unable to conform to the standards established by this section.

2. **Vibration**. No ground vibration, excluding vibration generated from motor vehicles, which is discernible by human senses for more than 3 minutes or more duration in any 1 hour, is permitted beyond the property line. **[NEW]**

3. **Odor**. No odor or noxious gas emission which is discernible at any point beyond the property line is permitted. **[NEW]**

4. **Air Quality.** All uses shall comply with applicable local, State, and federal laws and regulations regarding contaminants and pollutants. This requirement includes, but is not limited to, emissions of suspended particles, carbon monoxide, hydrocarbons, odors, toxic or obnoxious gases and fumes. **[NEW]**

5. **Heat**. No use shall generate heat so that increased ambient air temperature or radiant heat is measurable at any exterior lot line. **[NEW]**

6. **Radioactivity.** No radiation of any kind shall be emitted in quantities which are dangerous to humans. **[NEW]**

7. **Industrial Waste.** **[NEW]**

a. All uses are prohibited from discharging liquid, solid, toxic, or hazardous wastes onto or into the ground and into streams, lakes, or rivers. Discharge into a public or private waste disposal system in compliance with applicable local, State, and federal laws and regulations is permitted.

b. Wastes detrimental to a public sewer system or a sewage treatment plant shall not be discharged to a public sewer system unless they have been pretreated to the degree required by the authority having jurisdiction over the sewerage system.

c. The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water, and the disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, State, and federal regulations.

d. All burning of waste materials accessory to any use shall comply with the San Joaquin Valley Air Pollution Control District rules and regulations.

e. The disposal or dumping of solid wastes accessory to any use, including, but not limited to, slag, paper, and fiber wastes or other industrial wastes, shall be in compliance with applicable local, State, and federal laws and regulations.

8. **Exterior Lighting**. Direct light shall not extend beyond a property line into a lot occupied by a single-family home. Lighting shall not create a source of glare visible from a neighboring single-family home. The minimum illumination level for area intended shall be 1 foot candle. **[NEW]**

9. **Electromagnetic Interference**. Devices which generate electromagnetic interference shall not cause interference with any activity outside the property upon which the device is located. Public utilities shall comply with all applicable State and federal regulations. **[NEW]**

10. **Fire and Explosive Hazards**. All uses involving the use or storage of combustible, explosive, caustic, or otherwise hazardous materials shall comply with all applicable local, State, and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment in accordance with the requirements of the Fire Marshal. **[NEW]**

TABLE C1--LAND USES IN THE INDUSTRIAL ZONING DISTRICTS [CURRENT ZONING ORDINANCE] FOR COMPARISON WITH PROPOSED TABLE 20.12-1. THE I-R DISTRICT HAS BEEN REPLACED WITH THE B-P ZONING DISTRICT LISTED UNDER COMMERCIAL ZONES IN CHAPTER 20.10.

Key **P** Permitted Use **SP** Site Plan Review Permit Required **PR** Prohibited Uses without CUP Approval **C** Conditional Use Permit Required **–** Use Not Allowed or Not Listed	Zoning District		
	I-L	**I-H**	**I-R**
RESIDENTIAL USES			
Caretaker's Home	A	--	A
COMMUNITY USES			
Fitness, gymnastics, or recreation sports uses	C[1]	--	--
Public or Quasi-Public Uses appropriate to District	SP	--	C
COMMERCIAL USES			
Building Supplies and Home Improvement Stores	SP	--	--
Horticultural Nurseries	SP	--	--
Laboratories (Experimental, Film or Testing]	SP	SP	P
Manufacture of Electronic or Photographic Devices	SP	SP	P
Offices (Administrative, Executive, Financial)	--	--	P
Retail, General	C[2]	C[2]	C
Restaurants	SP[3]	C	C
Salvage & Wrecking Operations	--	C	--
Vehicle Repair and Maintenance	--	--	C
INDUSTRIAL USES			
Construction and Material Yards	SP	--	--
Manufacturing and Processing, Light	SP	SP	--
Manufacturing and Processing, General	SP	SP	--
Manufacturing and Processing, Heavy	--	SP[4]	--
Manufacturing of Pharmaceutical or Food Products	SP	SP	
Research and Development	SP	SP	P
TRANSPORTATION, COMMUNICATION, AND UTILITY USES			
Freight Terminals & Railroad Yards & Truck Depots	--	SP	--
Heliports	--	--	C
Public/Mini Storage	SP	--	--
Public Utility Uses, substations, & communication equipment	SP	SP	P
Recycling Collection & Processing Facilities	SP	SP	--

Key **P** Permitted Use **SP** Site Plan Review Permit Required **PR** Prohibited Uses without CUP Approval **C** Conditional Use Permit Required **–** Use Not Allowed or Not Listed	Zoning District		
	I-L	**I-H**	**I-R**
Transmission Stations	**SP**	**SP**	**C**
Warehousing, Wholesaling and Distribution	**SP**	**SP**	**--**
Wireless Communications Facilities	See Chapter 20.62		

Notes:
[1] Limited to fitness, gymnastics, and other similar recreational sports and health facilities.
[2] Permitted only as an ancillary showroom use, not to occupy more than 10 percent of the total building floor area unless a Conditional Use Permit is obtained.
[3] Permitted only as an ancillary use to serve employees.
[4] Review MMC 20.36.040(E) for Prohibited Uses unless demonstrated to the Planning Commission that they won't be harmful.

References in Current Code:

Zone & Land Uses	Current MMC Section
I-L Zone	
Principally-Permitted Uses	MMC 20.34.020
Accessory Uses	MMC 20.34.030
Conditional Uses	MMC 20.34.040
I-H Zone	
Principally-Permitted Uses	MMC 20.36.020
Accessory Uses	MMC 20.36.030
Conditional Uses	MMC 20.36.040
I-R Zone	
Principally-Permitted Uses	MMC 20.32.020
Accessory Uses	MMC 20.32.030
Conditional Uses	MMC 20.32.040

Chapter 20.14 - DOWNTOWN ZONING DISTRICTS [NEW]

Sections:	[NEW Zoning Districts proposed to give more options for Downtown]
20.14.010	Purpose of the Downtown Zoning Districts
20.14.020	Land Use Regulations for Downtown Zoning Districts
20.14.030	Development Standards for Downtown Zoning Districts

20.14.010 Purpose of the Downtown Zoning Districts [NEW]

A. Downtown Core (D-COR). The purpose of the D-COR zoning district is to maintain and enhance a vibrant downtown core with a diversity of land uses. The D-COR zoning district supports downtown as a destination for arts, entertainment, retail, and dining uses, with housing that contributes to the vitality of the area. The design of development helps to create a pedestrian-friendly environment and an active public realm. A mixture of land uses and higher intensity development supports transportation options, including walking, bicycling, and use of transit.

B. Downtown Office (D-O). The purpose of the D-O zoning district is to accommodate a concentration of office uses that support a vibrant and dynamic downtown. The D-O zoning district accommodates a variety of land uses, including personal services in addition to office uses. In the D-O zoning district buildings are designed to support an active and inviting public realm. The D-O zoning district creates an attractive environment for businesses and employers that enhances the economic vitality of the community. The D-O zoning district also serves as a buffer between more intensive development in the D-COR zoning district and surrounding residential neighborhoods.

C. Downtown Commercial (D-CM). The purpose of the D-CM Zoning District is to encourage growth and investment in commercial areas adjacent to Merced's downtown core. New development in the D-CM zoning district will provide amenities for adjacent residential neighborhoods and enhance the appearance of gateways into downtown. Development supports a pedestrian-friendly environment with buildings located near the front sidewalk and parking located to the side or rear. A variety of land uses, including residential, commercial, and office, contribute to an active and inviting environment.

20.14.020 Land Use Regulations for Downtown Zoning Districts [NEW]

A. Permitted Uses. Table 20.14-1 identifies land uses permitted in downtown zoning districts.

TABLE 20.14-1 PERMITTED LAND USES IN THE DOWNTOWN ZONING DISTRICTS

Key	Zoning District			
P Permitted Use **M** Minor Use Permit Required **SP** Site Plan Review Permit Required **C** Conditional Use Permit Required **X** Use Not Allowed	D-COR	D-O	D-CM [1]	Additional Regulations
RESIDENTIAL USES				
Group Housing	P [3]	P [3]	SP	
Live/Work Units	P [2]	P [2]	P [2]	Sec. 20.44.080
Multiple-Family Dwellings	P	P	SP	
Residential Care Facilities, Small (6 or fewer residents)	P [3]	P [3]	SP	
Residential Care Facilities, Large (More than 6 residents)	C	C	C	
Single-Room Occupancy	P [3]	SP	SP	Sec. 20.44.120
COMMUNITY USES				
Community Assembly	C	C	C	
Colleges and Trade Schools	P	P	C	
Cultural Institutions	M	M	M	
Day Care Home Facilities, Small (8 children or less)	P	P	P	
Day Care Home Facilities, Large (9 to 14 children)	P	P	P	
Day Care Centers	M	M	M	
Government Offices	P	P	P	
Instructional Services	P	M	P	
Medical Offices and Clinics	P	P	P	
Parks and Recreational Facilities	P	P	P	
Public Safety Facilities	SP	SP	SP	
Rehabilitation Centers	X [4][5]	C [4][5]	C [4][5]	
Schools, Public or Private	C	C	C	
Social Assistance Services	C	SP	SP	

Key	Zoning District			
P Permitted Use **M** Minor Use Permit Required **SP** Site Plan Review Permit Required **C** Conditional Use Permit Required **X** Use Not Allowed	D-COR	D-O	D-CM [1]	Additional Regulations
COMMERCIAL USES				
Bail Bond Businesses	X [4]	C [4]	C [4]	
Banks, Retail	P	P	P	
Bars and Nightclubs	C	X	C	
Bed and Breakfast	C	C	C	Sec. 20.44.030
Billiard Parlor or Pool Hall (6 or more tables)	C	X	C	
Business Support Services	SP	M	M	
Check Cashing/Payday Loan Establishments	X [4]	C	C	Sec. 20.44.040
Commercial Recreation, Indoor	P	X	P	
Drive-Through and Drive-Up Sales	X	X	C	
Funeral Parlors and Mortuaries	C	C	C	
Gas and Service Stations	C	X	C	Sec. 20.44.070
Hookah Lounges	C	X	C	
Hotels and Motels	P	C	P	
Maintenance and Repair Services	C	X	C	
Mobile Food Vendors	X	C	C	
Office, Professional	P	P	P	
Pawn Shops	X[4]	X	C	
Personal Services	P	M	P	
Restaurant	P	SP	P	
Retail, General	P	C	P	
Retail, with Alcohol Sales (If Less than 20,000 Square Feet in Building Size)	C	X	C	Sec. 20.44.010
Retail, with Alcohol Sales (More than 20,000 Square Feet in Building Size)	P	X	P	Sec. 20.44.010
Skateboard Stores	X [4]	X	P [4]	
Tattoo Parlors	C	M	M	
Vehicle Rentals	M	X	C	
Vehicle Sales	C [6]	X	C	

Key	Zoning District			
P Permitted Use **M** Minor Use Permit Required **SP** Site Plan Review Permit Required **C** Conditional Use Permit Required **X** Use Not Allowed	D-COR	D-O	D-CM [1]	Additional Regulations
INDUSTRIAL USES				
Research and Development	C	SP	C	
TRANSPORTATION, COMMUNICATION, AND UTILITY USES				
Recycling Facilities				Sec. 20.44.090
Reverse Vending Machines	P	P	P	
Small Collection Facilities	X	X	M	
Large Collection Facilities	X	X	C	
Transportation Terminals	C	X	C	
Parking Facilities	SP	SP	SP	
Utilities, Major	C	C	C	
Utilities, Minor	P	P	P	
Wireless Communication Facilities	See Chapter 20.58			

Notes:

[1] A Conditional Use Permit may be required per Chapter 20.32 (Interface Regulations) regardless of the uses shown in Table 20.14-1.

[2] Residential use on the ground floor is prohibited unless it is located on the back of the property where it is not visible or approved with a Conditional Use Permit.

[3] Prohibited as a single use unless approved with a Conditional Use Permit. Permitted as part of a residential mixed-use project.

[4] Prohibited in the City Center area between 19th and 16th Streets and O Street and Martin Luther King, Jr. Way, including properties fronting on either side of each of the above streets.

[5] Rehabilitation centers for drug, methadone, and alcohol are prohibited.

[6] A Conditional Use Permit is required for new and used vehicle sales but only in small showrooms, not large parking lots. **[In C-C district, only used vehicle sales require a CUP currently, but Focus Grp felt all vehicle sales in the Downtown Core should require a CUP.]**

20.14.030 Development Standards for Downtown Zoning Districts [NEW]

A. Parcel Dimensions and Intensity. Table 20.14-2 identifies required parcel dimensions and maximum development intensity standards in the downtown zoning districts.

TABLE 20.14-2 PARCEL AND INTENSITY STANDARDS IN DOWNTOWN ZONING DISTRICTS

	Standard by Zone		
	D-COR	D-O	D-CM
Parcel Area (min.)	1,250 sq. ft.		
Parcel Width (min.)	25 ft.		
Parcel Depth (min.)	50 ft.		
Residential Density (max.)	36 du/acre	36 du/acre	36 du/acre

B. Building Form and Placement.

1. **Basic Standards.** Table 20.14-3 identifies building form and placement standards in the downtown zoning districts. See Figure 20.14-1.

TABLE 20.14-3 BUILDING FORM AND PLACEMENT STANDARDS IN DOWNTOWN ZONING DISTRICTS

	Figure Label	Standard by Zone		
		D-COR	D-O	D-CM
SETBACKS				
Exterior [1] [	A	Min: 0 ft. Max: 10 ft.	Min: 0 ft. Max: 10 ft.	Min: 0 ft. Max: 10 ft.
Interior Rear	B	0 ft. [1]	0 ft. [1]	0 ft. [1]
Interior Side	C	0 ft. [2]	0 ft. [2]	0 ft. [2]
Height (max.) [3]	D	None	60 ft.[3]	60 ft.[3]
STEPBACKS (MIN.)				
Exterior, above 6 stories	E	15 ft.	15 ft.	15 ft.
Interior, above 2nd floor when adjacent to single-family home	F	15 ft.	15 ft.	15 ft.

Notes:

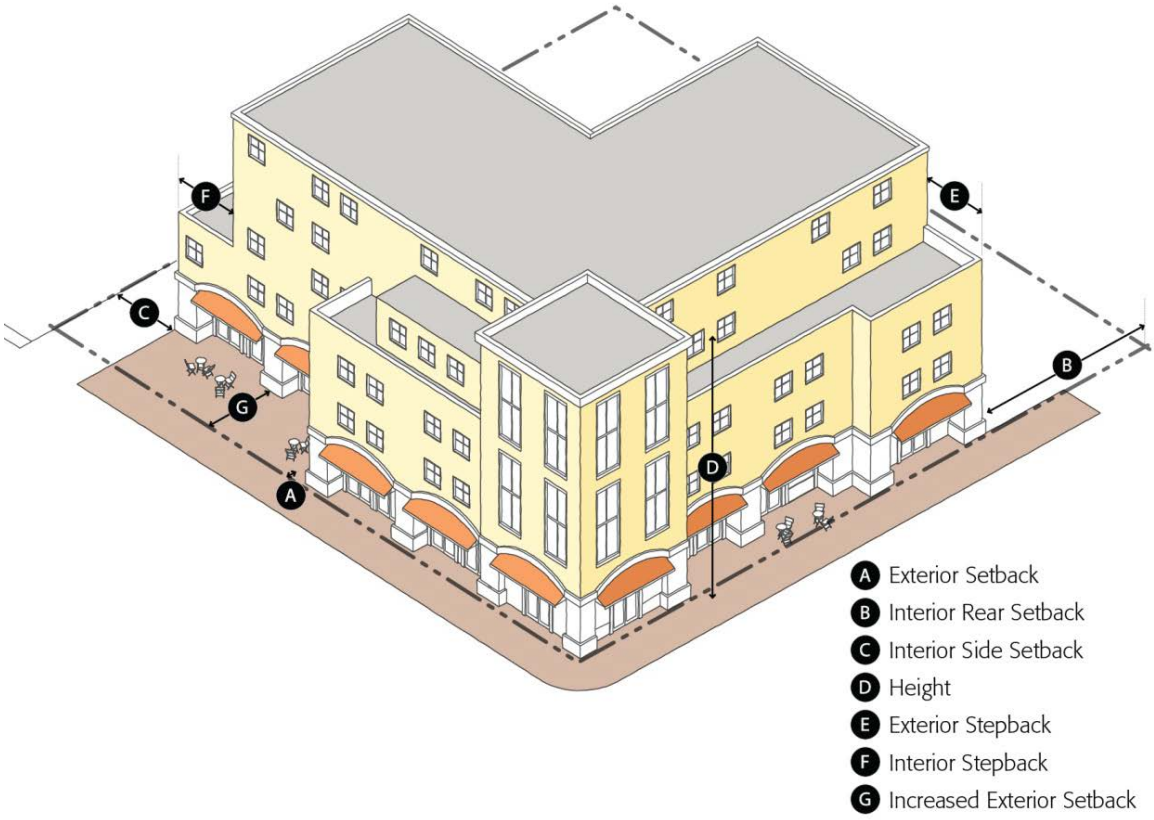
[1] 10 ft. min. from property line adjacent to a single-family home.

[2] 15 ft. min. from property line adjacent to a single-family home.

[3] Height limits only apply where directly adjacent to residential zones and in those cases, exceptions to the height limitations may be granted by the Site Plan Review Committee.

2. **Increased Exterior Setbacks.** In exception to Table 20.14-3 above, a maximum of 40 percent of the building frontage may be set back up to 25 feet from an exterior property line to provide a space for public and semi-public amenities such courtyards or outdoor seating areas with the approval of a Minor Use Permit. See Ⓖ in Figure 20.14-1.

FIGURE 20.14-1 DOWNTOWN DEVELOPMENT STANDARDS



C. Parking (Only applies in D-COR zone). Exceptions to the following standards (C1, C2, C3, & C4) may be granted by the Director of Development Services through the issuance of a Minor Use Permit.

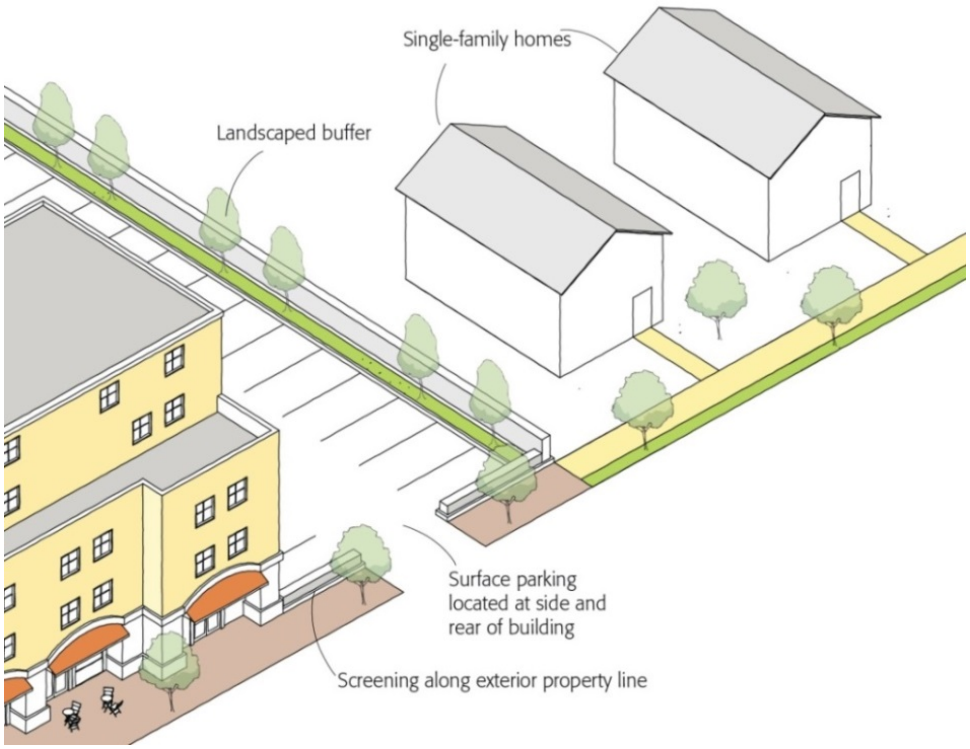
1. **Location.**

   a. Surface parking shall be located only to the rear or side of buildings, unless approved with a Minor Use Permit. See Figure 20.14-2. Surface parking is only allowed towards the back of the building with access on alleys and screening, which would block visibility of a surface parking lot from the exterior streets, unless otherwise approved with a Minor Use Permit.

   b. Parking completely or partially underground may match the setbacks of the main building, but shall be screened from view.

2. **New Driveways**. For parcels served by a rear alley, new driveways for vehicular access shall be off the alley only. New driveways off the front or side of the parcel may be approved with a Minor Use Permit. To approve the Minor Use Permit, the Director of Development Services must make the following findings:
   a. The driveway is necessary to provide vehicle access to the property.
   b. The design and placement of the new driveway minimizes impacts on pedestrians to the greatest extent possible.

FIGURE 20.14-2 DOWNTOWN PARKING LOCATION AND BUFFERS



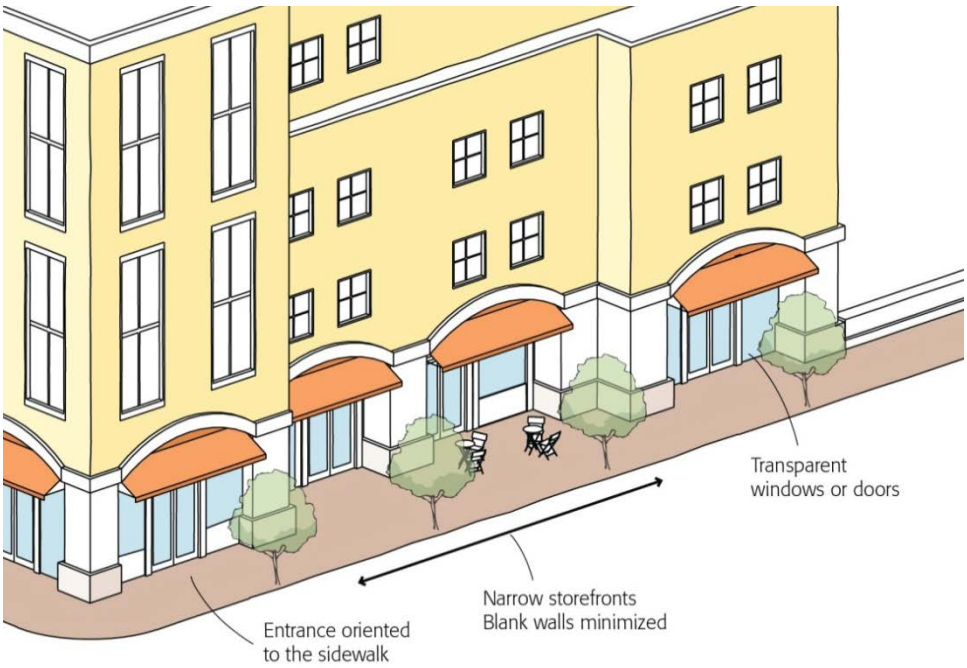
3. **Buffers and Screening** .
   a. Surface parking located adjacent to an exterior property line shall be screened along the public right-of-way with a decorative wall, hedge, trellis, or landscaping at least 3 feet in height. See Figure 20.14-2.
   b. A landscaped buffer at least 3 feet wide and 6 feet tall shall be located for any surface parking adjacent to a single-family home. See Figure 20.14-2.

4. **Parking Structure Design**.
   a. All exterior walls of parking structures shall feature materials that maintain a common architectural character with the structure served by the parking structure.
   b. Parking structure facades shall be broken-up through the use of textured concrete on exterior walls, the incorporation of planters and trellises at each parking level, and other architectural treatments to minimize large blank walls without architectural relief.
   c. Parked vehicles at each level within the structure shall be shielded from view from adjoining streets through the use of architectural appurtenances and landscaping.

D. Street-Level Building Design (Only applies in the D-COR zone). Exceptions to the following standards (D1, D2, D3, & D4) may be granted by the Director of Development Services through the issuance of a Minor Use Permit.

1. **Building Orientation**. Buildings shall be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk. The Director of Development Services may allow buildings and their primary entrances to be oriented toward a public space. The primary entrance to a building shall not be oriented towards surface parking. See Figure 20.14-3.

FIGURE 20.14-3 BUILDING ORIENTATION



2. **Blank Walls**. The maximum length of an unarticulated/blank building wall shall be 10 feet in the D-COR zoning district, and 25 feet for all other Downtown zoning districts, unless otherwise approved with a Minor Use Permit. Architectural articulation shall have similar pattern as other adjacent buildings to provide cohesive design in the neighborhood. See H in Figure 20.14-4. Building articulation may be provided by:
   a. Doors, windows, and other building openings;
   b. Building projections or recesses, doorway and window trim, artwork displays, and other details that provide architectural articulation and design interest;
   c. Varying wall planes, heights or contrasting materials and colors; and,
   d. Awnings, canopies, or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.

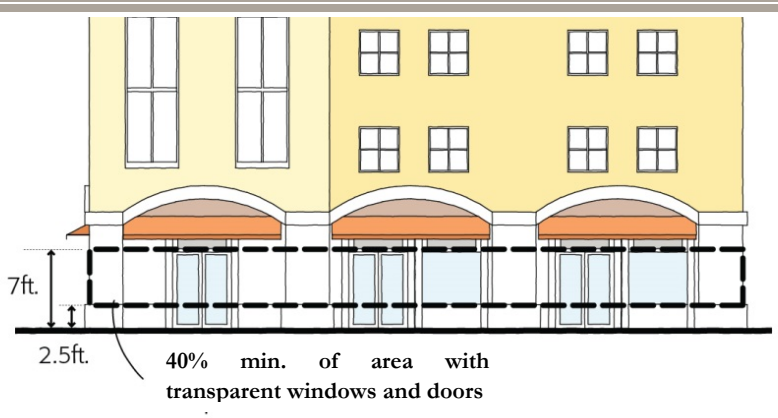
FIGURE 20.14-4 DOWNTOWN BLANK WALL AND STOREFRONT WIDTH

3. **Storefront Width**. The maximum building/storefront width in the D-COR zoning district shall be 50 feet and 100 feet in all other Downtown zoning districts, unless otherwise approved through a Minor Use Permit. Larger buildings shall be broken down into a pedestrian-scale rhythm with individual building bay width of 25 to 50 feet. See I in Figure 20.14-4.

4. **Ground Floor Building Transparency**.

a. The ground floor street-facing building walls of non-residential uses shall provide transparent windows or doors with views into the building for a minimum of 40 percent of the building frontage located between 2½ and 7 feet above the sidewalk. 50 percent of the transparent windows or doors area shall remain clear to allow views into the building. See Figure 20.14-5.

FIGURE 20.14-5 DOWNTOWN GROUND FLOOR BUILDING TRANSPARENCY



b. Exceptions to this transparency requirement may be allowed with a Minor Use Permit if the Director of Development Services finds that:

(1) The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theater; and,

(2) Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping or artwork in such a way as to create visual interest at the pedestrian level.

Chapter 20.16 - URBAN VILLAGE ZONING DISTRICTS [NEW]

Sections:	[NEW Zoning Districts proposed to implement General Plan and to give more zoning options to choose from]
20.16.010	Purpose of the Urban Village Zoning Districts
20.16.020	Land Use Regulations for the Urban Village Zoning Districts
20.16.030	Development Standards & Guidelines for the Urban Village Zoning Districts

20.16.010 Purpose of the Urban Village Zoning Districts [NEW]

A. General. The urban village zoning districts are intended to promote the development of high quality neighborhoods in new growth areas of Merced. These neighborhoods are characterized by a mixture of land uses that enable residents to easily walk and bike to a variety of destinations. A diversity of housing types, including single-family homes and multi-family housing, expand affordable housing options for all income levels. A network of interconnected streets allows for safe and convenient circulation that minimizes traffic congestion on major roadways. The location, type, and intensity of new development support increased transit use and expands transportation options for residents and workers. Development in the urban villages zoning districts supports a high quality design environment with a distinctive sense of place enjoyed by residents, workers, and visitors.

The urban village zoning districts implement the urban village concept in the General Plan. This concept envisions urban villages consisting of three components: A commercial or mixed-use commercial core, an inner village residential area, and an outer village residential area. The basic form of the urban village concept is illustrated in Figure 20.16-1.

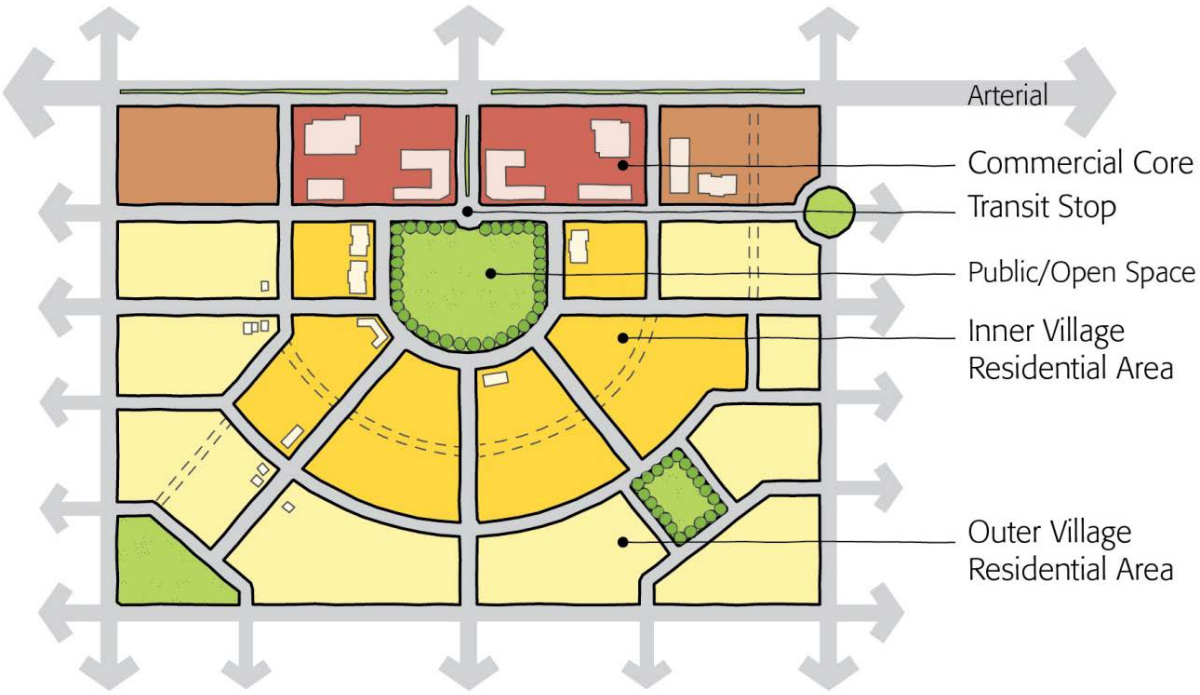
B. Inner Village Residential (R-IV). The R-IV zoning district allows for higher density residential development within an urban village. The R-IV zoning district accommodates a range of housing types, including apartments, townhomes, and other forms of multi-family housing. The R-IV zoning district supports higher density housing located in close proximity to transit, employment uses, and commercial areas. The R-IV zoning district also may function as a buffer between village commercial areas and surrounding lower-density residential neighborhoods.

C. Outer Village Residential (R-OV). The R-OV zoning district allows for lower density residential uses within an urban village. Typical housing types within the R-OV zoning district include single-family homes, duplex homes, and second units. The R-OV zoning district accommodates single-family neighborhoods located in close proximity to public amenities such as parks and schools as well as neighborhood-serving retail and service uses.

D. Village Commercial (C-V). The C-V zoning district functions as the center of activity

within an urban village. The C-V zoning district accommodates a diversity of land uses, including commercial, residential, and civic uses. Development in the C-V zoning district supports a pedestrian-friendly environment and encourages the use of transit. Local streets, sidewalks, and bicycle paths provide safe and convenient access to the C-V zoning district from surrounding residential neighborhoods. The C-V zoning district meets the day-to-day shopping needs of area residents and provides a central gathering place for the use and enjoyment of surrounding neighborhoods.

FIGURE 20.16-1 URBAN VILLAGE CONCEPT (SAMPLE LAYOUT)



20.16.020 Land Use Regulations for the Urban Village Zoning Districts [NEW]

Table 20.16-1 identifies land uses permitted in the Urban Village zoning districts.

TABLE 20.16-1 PERMITTED LAND USES IN THE URBAN VILLAGE ZONING DISTRICTS

Key	Zoning District			
P Permitted Use **M** Minor Use Permit Required **SP** Site Plan Review Permit Required **C** Conditional Use Permit Required **X** Use Not Allowed	**R-OV**	**R-IV**	**C-V**	**Additional Regulations**
RESIDENTIAL USES				
Single Family Dwellings	P	C [3]	X	
Duplexes	P	P [3]	X	
Multiple Family Dwellings	X	P [3]	P [1][3]	
Secondary Dwelling Units	P	P [3]	X	Chapter 20.42
Live/Work Units	C	M [3]	P [1]	Sec. 20.44.080
Group Housing	X	SP [3]	P [1]	
Residential Care Facilities, Small *(6 or Less residents)*	P	P	X	
Residential Care Facilities, Large *(More than 6 residents)*	C	C	C [1]	
Residential Mixed Use	X	C [3]	SP [3]	
Single-Room Occupancy	X	SP [3]	SP [1][3]	Sec. 20.44.120
COMMUNITY USES				
Community Assembly	C	C	C	
Colleges and Trade Schools	X	C	C	
Cultural Institutions	C	C	P	
Day Care Centers	SP	M	M	
Day Care Home Facilities, Small *(1-8 children)*	P	P	P	
Day Care Home Facilities, Large *(9-14 children)*	P	P	P	
Government Offices	X	X	P	
Instructional Services	X	X	P	
Parks and Recreational Facilities	P	P	P	
Public Safety Facilities	C	C	C	
Schools, Public or Private	C	C	C	
Social Assistance Services	X	X	SP	

Key	Zoning District			
P Permitted Use **M** Minor Use Permit Required **SP** Site Plan Review Permit Required **C** Conditional Use Permit Required **X** Use Not Allowed	**R-OV**	**R-IV**	**C-V**	**Additional Regulations**
COMMERCIAL USES				
Banks, Retail	X	X	P	
Bars and Nightclubs	X	X	C	
Business Support Services	X	X	M	
Check Cashing/Payday Loan Establishments	X	X	C	Sec. 20.44.040
Commercial Recreation, Indoor	X	X	SP	
Construction, Maintenance, and Repair Services	X	X	C	
Drive-Through and Drive-Up Sales	X	X	SP	
Funeral Parlors and Mortuaries	X	X	C	
Gas and Service Stations	X	X	C	Sec. 20.44.070
Hookah Lounges	X	X	C	
Hotels and Motels	X	X	P	
Office, Professional	X	X	P	
Pawn Shops	X	X	C	
Personal Services	X	X	P	
Retail, General	X	C [1]	P	
Retail, with Alcohol Sales *(Less than 20,000 Square Feet in Building Size)*	X	X	C	
Retail, with Alcohol Sales *(More than 20,000 Square Feet in Building Size)*	X	X	P	
Restaurants	X	X	P	
Tattoo Parlors	X	X	M	
Vehicle Sales and Rental	X	X	C	
TRANSPORTATION, COMMUNICATION, AND UTILITY USES				
Recycling Facilities				Sec. 20.44.090
Reverse Vending Machines	P	P	P	
Small Collection Facilities	X	X	M	
Parking Facilities	X	X	C	
Transportation Terminals	X	X	C	
Utilities, Major	C	C	C	
Utilities, Minor	P	P	P	
Wireless Communications Facilities	**See Chapter 20.58**			

Notes:
[1] Prohibited as a single use unless approved with a Conditional Use Permit. Permitted as part of a residential mixed-use project.
[2] All activities, including the overnight boarding of animals, shall occur indoors.
[3] Must meet minimum density requirements of 10 dwelling units/acre.

20.16.030 Development Standards/Guidelines for Urban Village Zoning Districts

A. Development Standards. Table 20.16-2 identifies development standards that apply in the Urban Village zoning districts. **[NEW]**

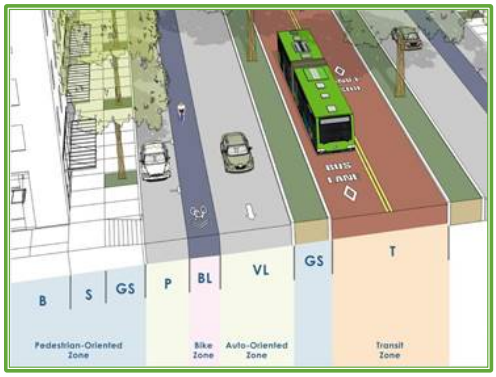
TABLE 20.16-2 PARCEL AND INTENSITY STANDARDS IN URBAN VILLAGE ZONING DISTRICTS

	Standard by Zone		
	R-OV	R-IV	C-V
Parcel Area (min.)	3,000 sq.ft.	3,000 sq.ft.	7,500 sq.ft.
Parcel Width (min.)	30 ft.	30 ft.	50 ft.
Parcel Depth (min.)	100 ft.	100 ft.	150 ft.
Residential Density (Average Minimum)	4 du/acre	10 du/ac	10 du/ac
Residential Density (max.)	12 du/acre	36 du/acre	36 du/acre
Floor Area Ratio (max.)	-	-	2.5
Setbacks			
Exterior (min.)	15 ft. [1]	0 ft.	0 ft.
Interior Rear	10 ft.	10 ft.	0 ft. [2]
Interior Side	5 ft.	5 ft.	0 ft. [2]
Height (max.)	35 ft.	40 ft. [3]	40 ft.[3]

Notes:
[1] Porches may be setback a minimum of 10 ft. from the front property line.
[2] 10 ft. min. from property line adjacent to a single-family home.
[3] Height limit only applies where directly adjacent to residential zones. In those cases, an increase in height may be approved with a Site Plan Review Permit.

B. Additional Standards and Guidelines. Proposed projects within Urban Village zoning districts shall comply with the following additional standards and guidelines. Further guidance for residential and commercial development within Urban Villages is provided in Chapter 6—Urban Design of the *Merced Vision 2030 General Plan*.

1. **Land Use and Intensity.**
   a. R-OV zoning districts shall be located no more than one mile from a neighborhood-serving commercial use or a C-V zoning district.
   b. R-IV zoning districts shall be located within a ¼ mile walking distance of a neighborhood-serving commercial use or a C-V zoning district.
   c. The average minimum density of all residential uses shall be no less than 6 du/acre for the R-OV zoning district and 10 du/acre for the R-IV zoning district.

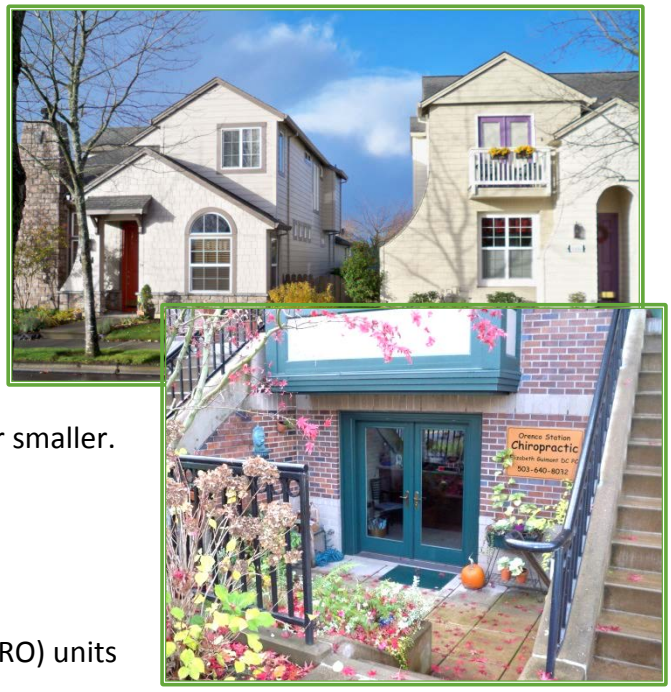


2. **Transportation Options.**

   a. R-IV zoning districts shall be located within ¼ mile of an existing or planned bus service.

   b. R-OV and R-IV zoning districts shall have direct access to a neighborhood-serving commercial zoning district without having to cross a street designated as a "Minor Arterial" or higher.

3. **Housing.** Each R-IV zoning district shall allow for the development of the following housing types with no single housing type making up more than 50 percent of the total number of housing units in the zoning district.
   a. Single-family homes on lots of 4,500 square feet or smaller.
   b. Second units
   c. Duplexes
   d. Multi-family dwellings
   e. Live/Work Units
   f. Single-Room Occupancy (SRO) units



4. **Street Network.**

   a. A network of interconnected collector and local streets shall provide direct connections into the C-V zoning district from the R-OV and R-IV zoning districts. In no case shall trips to internal destinations within a square mile area bound by arterials be forced onto an arterial street.

   b. Interconnected pedestrian and bicycle paths shall be provided throughout the C-V, R-IV, and R-OV zoning districts.

   c. Bicycle/pedestrian connections are provided at the end of at least 50 percent of all cul-de-sacs.

   d. A minimum of 50 percent of all blocks within an R-OV or R-IV zoning district shall be no more than 500 feet in length.

5. **Village Commercial Guidelines.** The following guidelines shall apply in the C-V zoning district only.

   a. The principal entry of the building should front a public space, such as a street, park, or plaza, and not a parking lot. Buildings should be as close to the sidewalk as possible to promote a walkable environment.

   b. There should be no instances of surface parking located between a building and an exterior property line.

   c. There should be no unarticulated/blank building walls exceeding 25 feet in length facing a collector or higher order street.

   d. All ground-floor building walls of non-residential uses that face a collector or higher order street should provide transparent windows or doors with views into the building for a minimum of 50 percent of the building width.

   e. Mixed use, office, and residential uses are encouraged on the upper stories of commercial buildings within the C-V zoning district.

MERCED

Chapter 20.18 - Public Use And Agricultural Zoning Districts

Sections:	[NEW Chapter with 2 Proposed New Zoning Districts]
20.18.010	Purpose of the Public Use and Agricultural Zoning Districts
20.18.020	Land Use Regulations for the Public Use and Agricultural Zoning Districts
20.18.030	Development Standards for Public Use and Agricultural Zoning Districts

20.18.010 Purpose of the Public Use and Agricultural Zoning Districts

A. Parks and Open Space (P-OS). The P-OS zoning district provides areas for public parks and recreational facilities to serve existing and future residents. [NEW]

B. Public Facility (P-F). The P-F zoning district provides areas for land uses and facilities owned and operated by governmental agencies. [NEW]

C. Public Parking District (P-PK). The P-PK zoning district provides a location for parking lots that are available for use by the public at no cost for minimum periods of time in each 24-hour period. [Modified MMC 20.40.010]

D. Agriculture (A-G). The A-G zoning district provides space for continued agricultural uses within the City of Merced's City limits. This zone replaces the previous A-1-20 zoning district and applies to all land zoned A-1-20 within the City. Minimum size of an A-G district is 20 acres. [Modified MMC 20.48.010; A-T-5 zone (MMC 20.46) has been deleted.]

20.18.020 Land Use Regulations for the Public Use and Agricultural Zoning Districts

A. Permitted Land Uses. Table 20.18-1 identifies land uses permitted in the Public Use and Agricultural zoning districts.

[No changes from P-PK Uses in MMC 20.40; A-1-20 & A-T-5 from MMC 20.46 & 20.48 have been combined into A-G zone; P-OS and P-F are completely NEW.]

TABLE 20.18-1 PERMITTED LAND USES IN THE PUBLIC USE AND AGRICULTURAL ZONING DISTRICTS

Key	Zoning District				
P Permitted Use **M** Minor Use Permit Required **SP** Site Plan Review Permit Required **C** Conditional Use Permit Required **X** Use Not Allowed	[NEW] P-OS	[NEW] P-F	P-PK	A-G [11]	Additional Regulations
RESIDENTIAL USES					
Residential Care Facilities, Small	X	X	X	P [2]	
Single-Family Dwellings	X	X	X	P [2]	
COMMUNITY USES					
Cemeteries and Mausoleums	C [1]	C	X	C	
Colleges and Trade Schools	X	C	X	C [2]	
Community Assembly	X	C	X	X	
Cultural Institutions	C [1]	C	X	C [2]	
Day Care Home Facilities, Small (8 or less children)	X	X	X	P [2]	
Day Care Home Facilities, Large (9 to 14 children)	X	X	X	P [2]	
Day Care Centers	X	M	X	X	
Golf Courses	C	C	X	C	
Government Offices	X	P	X	X	
Hospitals	X	C	X	X	
Instructional Services	X	X	X	X	
Medical Offices and Clinics	X	X	X	X	
Public Safety Facilities	C	P	X	X	
Schools, Public or Private	X	C	X	C	
Social Assistance Services	X	C	X	X	

Key	Zoning District				
P Permitted Use **M** Minor Use Permit Required **SP** Site Plan Review Permit Required **C** Conditional Use Permit Required **X** Use Not Allowed	[NEW] P-OS	[NEW] P-F	P-PK	A-G [11]	Additional Regulations
COMMERCIAL USES					
Bars and Nightclubs	X	X	C [3]	X	
Banks, Retail	X	X	P [3]	X	
Commercial Recreation, Indoor	X	X	C [3]	X	
Commercial Recreation, Outdoor	C	X	X	C [4]	
Hotels and Motels	X	X	P [3]	X	
Office, Professional	X	X	P [3]	X	
Parks and Recreational Facilities	P	P	X	P [2]	
Personal Services	X	X	P [3]	X	
Restaurants	X	X	P [3][8]	X	
Retail, General	X	X	P [3]	SP[6]	
Retail, with Alcohol Sales *(Less than 20,000 Square Feet in Building Size)*	X	X	C [3]	X	
Wholesale Horticultural Nurseries	X	X	X	C	
Vehicle Parts and Accessories Sales	X	X	P [3]	X	
Vehicle Sales and Rental	X	X	P [3]	X	
INDUSTRIAL USES					
Manufacturing and Processing, Light	X	X	X	C [7]	
Warehousing, Wholesaling, and Distribution	X	X	X	C [7]	
AGRICULTURE AND NATURAL RESOURCE USES					
Agricultural Processing	X	X	X	C [7]	
Animal Raising and Production	X	X	X	P [9]	Chapter 6.04
Crop Cultivation	X	X	X	P	
TRANSPORTATION, COMMUNICATION, AND UTILITY USES					
Parking Facilities	C [1]	C	P [5]	X	
Recycling Facilities (All Types)	X	X	X	X	Sec. 20.44.090
Transportation Terminals	X	C	X	X	
Utilities, Major	X	C	X	C	
Utilities, Minor	M	M	X	C [10]	
Wireless Communications Facilities	**See Chapter 20.58**				

Notes: **[NEW, except where noted below]**

[1] Permitted only as part of a larger park or recreation use.

[2] Permitted only when associated with an agricultural use which constitutes the primary use on the property.

[3] Permitted only when part of a multistory structure that provides on-site public parking area equal to or greater than the square footage of the parcel minus the required setbacks and driveway approaches. **[No change from MMC 20.40.020(B).]**

[4] Permitted uses only include outdoor recreational facilities with minor improvements and public stables for riding academies, which is subject to animal density requirement.

[5] Minimum of 55 percent of the parking space are available for use by the public at no charge for a minimum of 4 hours during every 24-hour period; and a maximum of 45 percent of the parking spaces are available for lease to neighboring businesses to meet the parking requirements for those businesses. **[No change from MMC 20.40.020(A).]**

[6] Limited to one stand for the display and sale of produce raised on the premises. More than one stand may be allowed upon approval of a Site Plan Review Permit. **[Consistent with MMC 20._____]**

[7] Conditional use only includes packing facilities of products raised on the premises.

[8] Fast-food restaurants prohibited. **[No change from MMC 20.40.020(B).]**

[9] The use must conform with the regulations in Merced Municipal Code Chapter 6.04 (Animal Control).

[10] Conditional Use Permit is required only for the water storage and reservoir for the agricultural uses; Minor Use Permit is required for all other uses.

[11] Also applies to land zoned A-1-20.

20.18.030 Development Standards for Public Use and Agricultural Zoning Districts

A. General Standards. Table 20.18-2 identifies development standards that apply to all parcels and structures located in public use and agricultural zoning districts.

TABLE 20.18-2 DEVELOPMENT STANDARDS FOR PUBLIC USE AND AGRICULTURAL ZONING DISTRICTS [NEW]

	Standard by Zoning District			
	P-OS	P-F	P-PK	AG [4]
LOT AND INTENSITY STANDARDS (MIN.)				
Lot Area	1,000 sq. ft.			20 acres
Lot Width	25 ft.			300 ft.
Lot Depth	50 ft.			300 ft.
Lot Area per Dwelling Unit	-	-	-	20 acres
PRIMARY BUILDING STANDARDS				
Setbacks (min.)				
Exterior	[1]	[2]	0 ft.	40 ft.
One Interior	[1]		0 ft.	25 ft.
Other Interior	[1]		0 ft.	20 ft.
Height (max.) [5]				
Feet	40 ft. [5]		60 ft. [5]	35 ft. [5]
OTHER STANDARDS				
Accessory Structure Height	See Section 20.28			
Lot Coverage (max.)	-	-	-	2%
Separation Between Structures	As required by the California Building Code			15 ft. [3]
Off-Street Parking	See Section 20.38			

Notes:

[1] Minimum required setbacks shall be the same as the abutting zoning district. Multiple setback standards may be applied to different parts of the lot if multiple zoning districts are adjacent.

[2] 15 feet of setback required if adjacent to a residential zoning district and/or use.

[3] Minimum separation requirement shall apply between dwelling units, between dwelling unit and building for agricultural use, and between buildings for agricultural use.

[4] Also applies to land zoned A-1-20.

[5] Increases in height may be approved by a Site Plan Review Permit.

Chapter 20.20 - Special Use Zoning Districts

Sections:
20.20.010 Urban Transition (U-T) Zoning District
20.20.020 Planned Development (P-D) Zoning Districts

20.20.010 Urban Transition (U-T) Zoning District [No changes from MMC 20.41]

A. Purpose. The purpose of the U-T zoning district is to allow the lawful continuation of land uses on land that is annexed to the City but not proposed for immediate urban development.

B. Land Use Regulations. The following land uses shall be permitted in the U-T zoning district:

1. Any legally established and operated use in full compliance with the Merced County Code existing at time of the annexation of the property to the City.
2. New agriculture uses, but not including hog raising, if such uses are in compliance with all other laws and ordinances, provided there is no retail sale of products on the premises.
3. Large and Small Residential Day Care Facilities.
4. Home Occupations.

C. Development Standards. Structures within the U-T zoning district shall comply with the applicable County development standards in effect at the time of annexation, except as provided below.

1. **Height.** Buildings shall not exceed a height of 40 feet for principal buildings and 25 feet for accessory buildings, except that these heights may be exceeded by any legal buildings as they existed at the time of annexation.
2. **Yards**. The required yards that existed for the subject lot at the time of annexation to the City shall be the minimum required yard areas, except for new or enlarged accessory buildings of a legally permitted primary use and dwelling units, which may have a minimum exterior yard area of 20 feet and a minimum interior yard area of 10 feet.

3. **Residential Density.** Except for secondary units permitted under Chapter 20. 42 (Second Units), residential density of the lot may not be increased.

D. Existing Land Uses

1. Land in the U-T zoning district may continue with any legal and lawful use that existed in the county without time limit. However, this authority to continue such uses is not intended to legalize uses or structures operating or existing contrary to the terms of any other law or ordinance.

2. Any major expansion in use, density, or other measurement of size or intensity shall require a change to a zoning district other than the U-T zoning district. The Director of Development Services shall determine whether a proposed change to an existing use will require a change to a zoning district other than the U-T zoning district

E. Annexation Requirements. At the time of annexation, the property owner shall submit a written statement and site plan on a form provided by the City that describes the use, height, area, lot, yard, and parking characteristics of the subject property. Those characteristics that were legally established and existing in the County at the time of annexation will be permitted to continue in the City within the U-T district upon annexation. A record of these property characteristics will be established and will become part of the U-T zoning district for the subject property. The City may approve the annexation only if the property owner submits the written statement and site plan as required by this section.

20.20.020 Planned Development (P-D) Zoning Districts

A. Purpose. The purpose of the Planned Development (P-D) zoning districts is to allow for high quality development that deviates from standards and regulations applicable to other zoning districts within Merced. The Planned Development zoning districts are intended to promote creativity in building design, flexibility in permitted land uses, and innovation in development concepts. The Planned Development zoning districts are also intended to ensure project consistency with the General Plan. Planned Development zoning districts provide land owners with enhanced flexibility to take advantage of unique site characteristics to develop projects that will provide public benefits for residents, employees, and visitors to Merced. **[Modified from MMC 20.42.010]**

B. Types of PD Zoning Districts. There are two types of Planned Development zoning districts: The Planned Development (P-D) zoning district and the Residential Planned Development (RP-D) zoning district. The RP-D zoning district is identical to the P-D zoning district except that only residential land uses are permitted in the RP-D zoning district and a larger project size is required for the P-D zoning district. **[NEW, but consistent with current ordinance]**

C. Permitted Land Uses. In all Planned Development zoning districts, permitted land uses shall conform to the applicable General Plan designation, provided that such land uses are shown on the Official Site Utilization Plan for the particular P-D zone as approved by the City Council, and except that in the RP-D zoning district, only residential land uses shall be permitted. **[No change from MMC 20.42.040]**

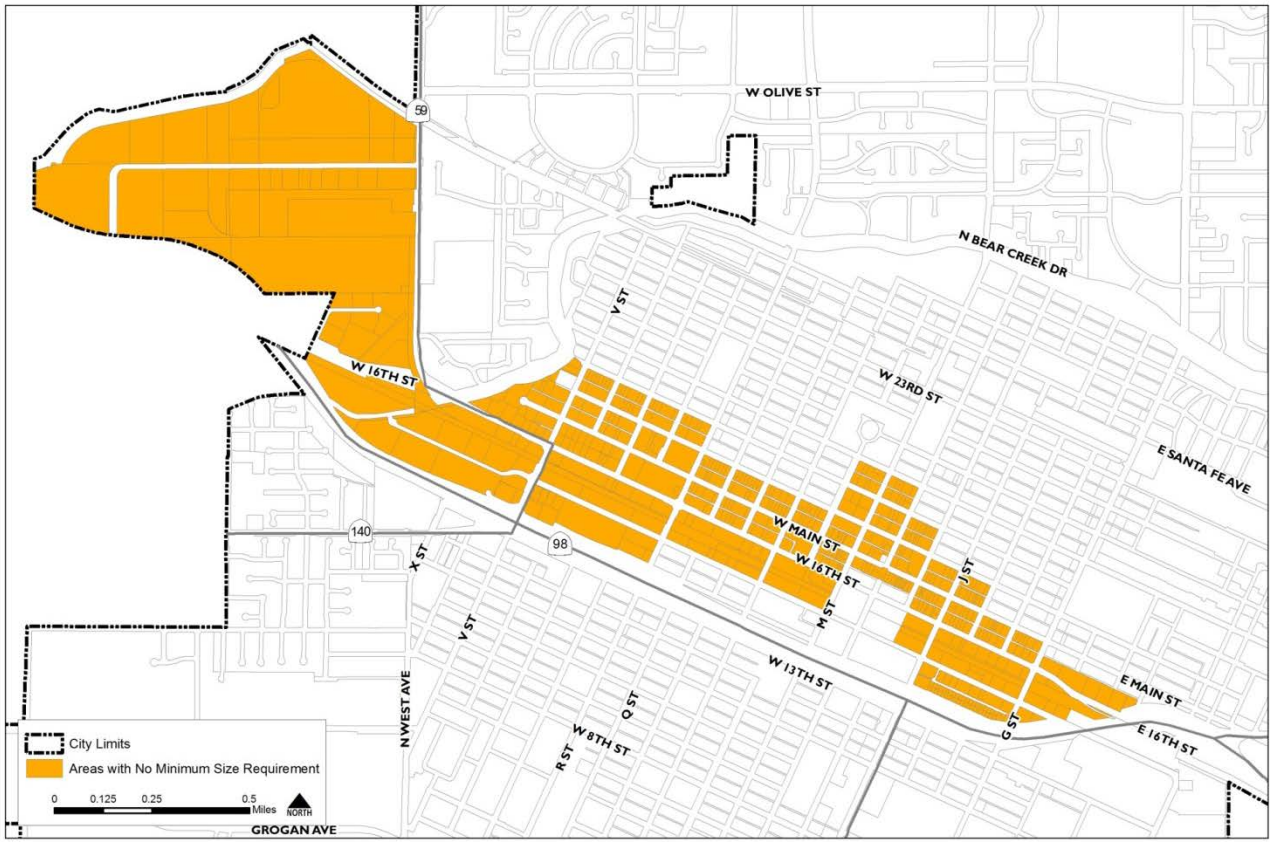
D. Minimum Project Size. Minimum project size in the Planned Development zoning districts shall be as follows: **[Modified MMC 20.42.120]**

1. Planned Development (P-D) zoning district: 5 acres minimum. **[Currently 20 acres minimum]**
2. Residential Planned Development (RP-D) zoning district: 1 acre minimum. **[Same]**
3. Planned Development projects located within the area shown in Figure 20.20-1 and at least one-half of an entire City block shall be exempt from these minimum project size requirements. **[Currently one whole City block]**

E. Pre-Application Conference. Prospective applicants are encouraged to request a pre-application conference with the Planning Division before completing and filing an application for the Establishment of a Planned Development or a Revision to a Planned Development. At the pre-application conference, prospective applicants shall describe the general concepts of the development project, including site layout, land uses, standards, circulation, and other information necessary to describe key aspects of the project. The Planning Division shall provide preliminary feedback on the described development project relative to project consistency with City policies. The Planning Division shall also review with the prospective applicant submittal requirements and the process for application review and action by the Planning Commission and City Council. **[NEW]**

F. Application Submittal. An application for a Planned Development Establishment or Revision shall be filed in compliance with Chapter 20.66 (Permit Application and Review). The application shall include the information and materials specified by the Planning Division, in addition to the materials required for approval of a Preliminary Site Utilization Plan, as described below. **[NEW]**

FIGURE 20.20-1 AREAS WITH NO MINIMUM PROJECT SIZE REQUIREMENT FOR PLANNED DEVELOPMENT



G. Preliminary Site Utilization Plan. Applications for approval of a Preliminary Site Utilization Plan (Preliminary SUP) shall include the following materials: **[Modified from MMC 20.42.060 but requires many of the same things.]**

1. **Project Description.** The applicant shall provide a written description of the project proposed within the Planned Development zoning district. The project description shall include a narrative statement of the project's objectives and a statement of how the proposed project will comply with General Plan goals and policies for the land use designation of the project site. The project description may also include a diagram illustrating the proposed project.
2. **Site Map.** The application shall include maps depicting the existing topography, on-site structures and natural features, mature trees, and other significant vegetation and drainage patterns. The map shall show the proposed Planned Development zoning district zone boundaries and all properties within 500 feet of the site boundary. The map shall be accompanied by a description of the type and condition of mature trees.

3. **Site Utilization Plan (SUP).** The applicant shall provide an overall diagram of the site utilization. This diagram shall illustrate the overall development concept, including proposed land uses, buildings, circulation, landscaping, open space, and any other significant elements in the proposed site. Phases shall be clearly indicated if multiple phases are proposed.

4. **Parcel or Subdivision Map.** If the project within the proposed Planned Development zoning district zone involves the subdivision of land, the application shall include a tentative parcel map or tentative subdivision map as required by Title 18 (Subdivisions) of the Merced Municipal Code.
5. **Infrastructure.** The application shall include a written description of the infrastructure necessary to serve each phase of the project proposed within the Planned Development zoning district.
6. **Special Provisions for Planned Development Prezoning at Annexation.** For applications for Planned Development prezoning prior to annexation to the City, the Director of Development Services may waive or defer any or all of the above requirements for the Preliminary Site Utilization Plan as long as the Final Site Utilization Plan contains all the above requirements in addition to the requirements in Section 20.20.020.N when approved prior to development. **[NEW]**

H. Planning Commission Review and Recommendation. **[NEW, but matches current procedures]**

1. The Planning Commission shall hold a public hearing on the Planned Development Establishment or Revision application as required by Chapter 20.80 (Zoning Ordinance Amendments). The Planning Commission shall consider the full application at this hearing, including the Preliminary Site Utilization Plan.
2. The Planning Commission shall forward a written recommendation, and reasons for the recommendation, on the proposed Planned Development Establishment or Revision and Preliminary Site Utilization Plan to the City Council. The recommendation shall be based on the findings in Subsection J (Findings), in addition to the Zoning Ordinance Map Amendment findings specified in Section 20.80.060 (Findings and Decision).

I. City Council Review and Decision. Upon receipt of the Planning Commission's recommendation, the City Council shall conduct a public hearing and either approve, approve in modified form, or deny the Planned Development Establishment or Revision and Preliminary Site Utilization Plan. The City Council may approve the application only if all of the findings in Subsection J (Findings) below can be made, in addition to the Zoning Ordinance Map Amendment findings specified in Section 20.80.060 (Findings and Decision). **[NEW, but matches current procedures]**

J. Findings. The City Council may approve an application for Planned Development Establishment or Revision with accompanying Preliminary Site Utilization Plan only if all of the following findings can be made: **[NEW findings added to current ones in MMC 20.42.030]**

1. The proposed development is consistent with the goals, policies, and actions of the General Plan and any applicable specific plan and community plan. **[NEW]**
2. The site for the proposed development is adequate in size and shape to accommodate proposed land uses. **[NEW]**
3. The site for the proposed development has adequate access considering the limitations of existing and planned streets and highways. **[NEW]**
4. Adequate public services exist or will be provided to serve the proposed development. **[NEW]**

5. The proposed development will not have a substantial adverse effect on surrounding property, will be compatible with the existing and planned land use character of the surrounding area, and will enhance the desirability of the area and have a beneficial effect. **[Same as MMC 20.42.030(B)]**
6. The proposed development carries out the intent of the Planned Development zoning district by providing a more efficient use of the land and an excellence of site design greater than that which could be achieved through the application of established zoning standards. **[NEW]**
7. Each individual unit of the proposed development, in each phase 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. **[Same as MMC 20.42.030(A)]**
8. Any deviation from the standard ordinance requirements is warranted by the design and additional amenities incorporated in the development plan, which offer certain unusual redeeming features to compensate for any deviations that may be permitted. **[Same as MMC 20.42.030(C)]**
9. The principles incorporated in the proposed development plan indicate certain unique or unusual features, which could not otherwise be achieved under the other zoning districts. **[Same as MMC 20.42.030(D)]**

K. Ordinance Approving the Development Plan. If the City Council approves the establishment of a Planned Development zoning district, it shall do so by adoption of an ordinance and adoption by reference of the Preliminary Site Utilization Plan. The ordinance shall also include any other provisions that the City Council finds to be necessary to constitute the regulations for use, property maintenance, and property improvement in the Planned Development zoning district. **[NEW but consistent with current procedures.]**

L. Effect of Site Utilization Plan. All proposed development and new land uses within a P-D zone shall comply with the approved Site Utilization Plan. Land uses not shown on the Site Utilization Plan are not permitted. **[Modified MMC 20.42.040]**

M. Final Site Utilization Plan. Prior to or concurrent with applications for any building permits within a Planned Development zoning district, a Final Site Utilization Plan (Final SUP) shall be approved by the Site Plan Review Committee, unless the Director of Development Services determines that the Final SUP should be referred to the Planning Commission for approval because of substantial modifications or more than 3 years have passed since the Preliminary SUP was adopted. The Final Site Utilization Plan shall include: **[Modifies MMC 20.42.050, which currently requires a Conditional Use Permit issued by the Planning Commission prior to any development.]**

1. **Land Use.** The Final Site Utilization Plan shall include a map showing the location of each land use proposed within the site, including open space and common areas. The land use map shall be accompanied by a narrative description of permitted land uses, allowable accessory uses, and uses allowed with a Conditional Use Permit. Only those uses specifically listed above are allowed in the Planned Development.
2. **Subdivision Map.** If the project involves the subdivision of land, the application shall include a tentative parcel map or tentative subdivision map as required by Title 18 (Subdivisions) of the Merced Municipal Code. The proposed parcels shall have, at least, minimum parcel area and minimum parcel dimensions.
3. **Circulation.** The Final Site Utilization Plan shall include map and descriptions of the major circulation features within the site including vehicular, bicycle, pedestrian facilities; traffic flow of internal traffic; and existing and proposed public streets and sidewalk improvements.

4. **Public Facilities and Open Space.** The application shall include the amount (in square feet or acres) and percentage of site area that will be dedicated for all types of open space, including proposed recreational facilities and amenities; and any public facilities, including public utility easements, public buildings and public land uses. The map(s) with location and dimensions of each open space shall be also submitted.
5. **Development Standards.** The Final Site Utilization Plan Development Standards shall identify all development standards that apply within the site, including parcel dimensions, density, setbacks, structure height, parking, and landscaping requirements, which assures the suitable integration of the P-D into the neighborhood or area in which it is located.

6. **Single-Family Residential Development Standards.** The Final Site Utilization Plan shall demonstrate that all single-family residential development complies with the following standards: **[No changes to MMC 20.42.070(B)]**
   a. **Garages.** A minimum of 25 percent of garages fronting a street shall have recessed doors (by at least 1 foot) for dwelling units with the standard 20 foot setback. A minimum of 25 percent of the garages along a street shall have greater setbacks which are 5 feet greater than the minimum setback for the remainder of the dwelling unit. No three-car garages are allowed for lots 5,000 square feet or smaller, except on lots with alley access or lots exceeding 60 feet in width.
   b. **Elevations.** Projects shall incorporate a variety of dwelling elevations. Varied setbacks, some two-story houses, front porches, bays and balconies are encouraged as ways of achieving variety; and windows, doors, non-recessed garage doors on the front elevation shall have raised trim in order to provide visual interest and relief.
   c. **Neighborhood Compatibility.** Projects shall be designed to be compatible with adjacent single-family residential neighborhoods. The Director of Development Services shall consider the relationship of second-story windows, doors, and balconies with the privacy of neighbors, and may require that these features be redesigned or omitted from second-story rear walls.
   d. **Landscaping.** Front yard shall contain landscaping, including trees, lawn, or other type of drought-tolerant groundcover, shrubs, and an irrigation system, to be installed prior to occupancy.

N. Revisions to a Planned Development. A public hearing by the Planning Commission and City Council shall be required prior to approval of revisions to the Site Utilization Plan which involve changes in land use, expansion or intensification of development or changes in the standards of development. The Director of Development Services shall determine, on a case-by-case basis, those instances where a Revision to the Site Utilization Plan is necessary, following the same procedure as the original application. Changes in an approved Site Utilization Plan which do not involve changes in land use, expansion or intensification of development or changes in the standards of development may be approved by the Site Plan Review Committee if such changes are consistent with the purposes, character, and conditions of the Planned Development. **[No change to 20.42.080]**

O. Minor Changes. Minor changes to an approved Site Utilization Plan shall be approved as specified in Section 20.72.050 (Changes to an Approved Project). **[NEW]**

P. Identification. Each P-D zone shall be numbered, the first adopted being shown on the zoning map as "P-D (1)" and each zone subsequently adopted being numbered consecutively. **[No change to MMC 20.42.170]**

Chapter 20.22 - OVERLAY ZONES

Sections:	[Entire Chapter and Proposed Overlay Zones are NEW.]
20.22.010	Purpose of Overlay Zones
20.22.020	Airport Environ (/AE) Overlay Zone
20.22.030	High Speed Rail (/HSR) Overlay Zone
20.22.040	Urban Residential (/UR) Overlay Zone

20.22.010 Purpose of Overlay Zones [NEW]

A. General. Overlay zones establish additional standards and regulations to specific areas, in addition to the requirements of the underlying base zoning district.

B. Conflicts. Whenever a requirement of an overlay zone conflicts with a requirement of the underlying base zoning district, the overlay zone shall control. When two or more overlay zone requirements conflict, the Director of Development Services shall determine the appropriate requirement.

20.22.020 Airport Environ (/AE) Overlay Zone [NEW, but similar to MMC 20.44]

A. Purpose. The Airport Environs (/AE) overlay zone identifies areas in the City of Merced where additional requirements apply to ensure the compatibility of land uses and development with operations at the Merced Regional Airport.

B. Applicability. The /AE overlay zone applies to land within the City of Merced designated as an Airport Influence Area in the Airport Land Use Compatibility Plan (ALUCP) for the environs of the Merced Regional Airport.

C. Land Use Regulations. All development projects and land use actions proposed within the /AE overlay zone shall comply with the compatibility criteria specified in the ALUCP, excluding those criteria specifically overruled by the City Council in a manner consistent with Public Resources Code Section 21676.

20.22.030 High Speed Rail (/HSR) Overlay Zone [NEW]

RESERVED

20.22.040 Urban Residential (/UR) Overlay Zone [NEW]

A. Purpose. The /UR overlay zone is intended to encourage high quality residential development in Merced's downtown and other urban neighborhoods. The overlay zone identifies permitted residential building types that reflect the traditional scale and character of these neighborhoods. These building types are permitted in addition to the use allowed by the underlying base zoning district. The /UR overlay zone increases choices for property owners and residents, promotes high quality design, and supports a vibrant and welcoming downtown area.

B. Site Plan Review or Minor Use Permit Required. A Site Plan Review or Minor Use Permit shall be required per Table 20.22-1 for the construction of permitted residential building types that do not conform to the standards of the base zoning district.

C. Building Types.

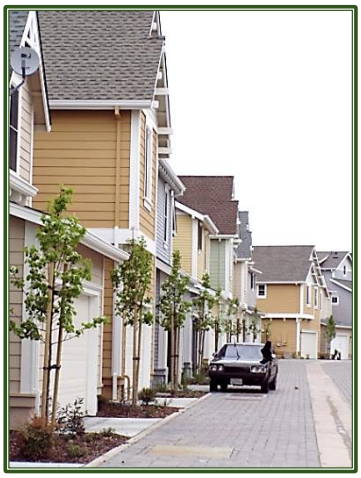
1. **Building Type Defined**. A building type is a particular kind of structure with its own recognizable identity. Building types are defined primarily by their form (mass, scale, and design) with building function being of secondary importance.
2. **Permitted Building Types.** Permitted residential building types in the /UR overlay zone are based on the underlying base zoning district. Table 20.22-1 (Permitted Residential Building Types) identifies permitted residential building types in the /UR overlay zone by residential zoning district.

TABLE 20.22-1 PERMITTED RESIDENTIAL BUILDING TYPES

Key	Base Zoning District			
SP Site Plan Review Permit Required **M** Minor Use Permit Required **X** Use Not Allowed	R-1	R-2	R-3	R-4
Small Lot Single-Family Homes	M	M	M	M
Carriage Homes	M	M	M	M
Side Yard Homes	M	M	M	M
Duplexes, Triplexes, and Fourplexes ("Mansion Apartments")	X	M	M	M
Rosewalk	SP	SP	SP	SP
Bungalow Court	SP	SP	SP	SP
Townhomes	SP	SP	SP	SP
Side Yard Apartments	X	X	M	M
Courtyard Apartments	X	X	M	M
Live/Work	X	X	SP	SP

D. Development Standards

1. **General.** The development standards that apply to building types in the /UR overlay zone shall be as specified in this section. If the standards in this chapter conflict with the underlying base zoning district, this section shall govern.
2. **Standards for All Residential Building Types.** Following standards shall apply to all permitted building types.
    a. **Orientation.** Front entrances to buildings shall face onto or be clearly visible from a public street or alley.
    b. **Corner Lots.** Buildings on corner lots shall feature well-articulated facades for each street frontage.
    c. **Pathways**. A pathway shall connect the adjacent public sidewalk to a building's front entry.



d. **Parking and Access.**

(1) **Alley-Loaded Buildings.** For buildings served by an alley, vehicle access to the lot is allowed only through the alley. When an alley is present, vehicle parking areas, including garages, carports, and surface parking spaces, shall be set back from the front lot line a minimum of 50 percent of the total lot depth and screened from the public street. Utilities, above ground equipment, trash containers, and other services shall be accessed only through the alley.

(2) **Front-Loaded Buildings.** For front-loaded buildings without an alley, vehicle parking area, including garages, carports, or surface parking spaces, shall be set back a minimum of 5 feet from the front façade of the building.

3. **Standards for Individual Residential Building Types.** Individual building types within the /UR overlay zone shall comply with standards described below. Diagrams of building types are for illustrative purposes only and do not establish or imply any requirements not specified in the text or tables of this section.

a. **Small Lot Single-Family Homes**.

(1) **Definition**. Small lot single-family homes are detached residential structure on a small lot. (This can include zero-lot line homes.)

FIGURE 20.22-1 SMALL LOT SINGLE-FAMILY HOME EXAMPLE

(2) **Standards.** Small lot single-family homes shall comply with the development standards shown in Table 20.22-2, unless otherwise approved through the Minor Use Permit or Site Plan Review Permit process.

TABLE 20.22-2 DEVELOPMENT STANDARDS FOR SMALL LOT SINGLE-FAMILY HOMES

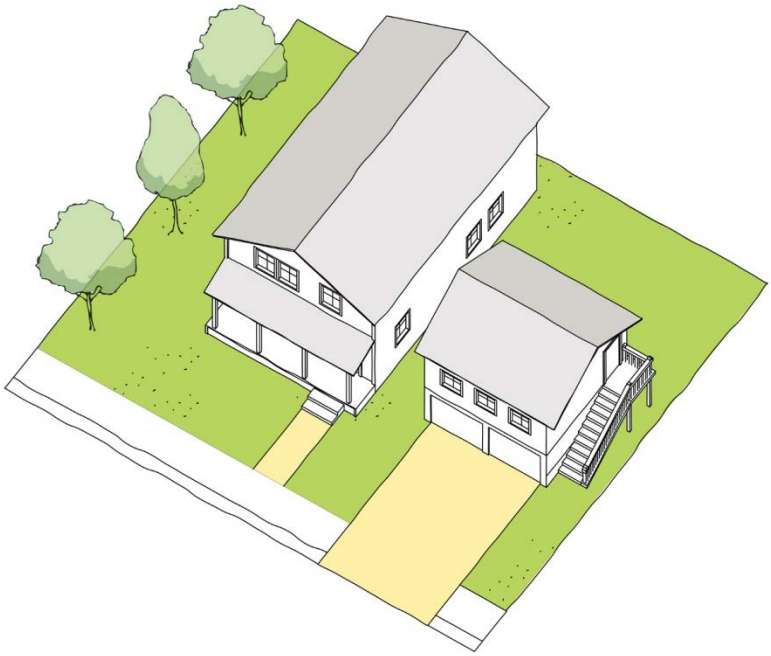
	Minimum	Maximum
Parcel Standards		
Width	**30 ft.**	**100 ft.**
Length	**75 ft.**	**150 ft.**
Building Standards		
Setbacks		
Exterior	**15 ft. [1]**	**25 ft.**
Interior, Side	**4 ft.**	**-**
Interior, Rear	**25 ft. [2]**	**-**
Height	**-**	**35 ft.**

Notes:
[1] Front porches may be setback 10 ft. from the front property line.
[2] The minimum rear setback shall be 5 feet when abutting an alley.

b. **Carriage Homes.**

(1) **Definition**. An accessory dwelling unit located above a detached or semi-detached garage structure.

FIGURE 20.22-2 CARRIAGE HOMES EXAMPLE



(2) **Standards.** Carriage homes shall comply with the development standards shown in Table 20.22-3, unless otherwise approved through the Minor Use Permit or Site Plan Review Permit process.

TABLE 20.22-3 DEVELOPMENT STANDARDS FOR CARRIAGE HOMES

	Minimum	Maximum
Parcel Standards		
Width	**40 ft.**	**100 ft.**
Length	**50 ft.**	**150 ft.**
Building Standards		
Setbacks		
Exterior, Front [1]	**10 ft.**	**15 ft.**
Exterior, Street Side	**10 ft.**	**-**
Interior, Side	**10 ft.**	**-**
Interior, Rear	**5 ft.**	**-**
Height	**-**	**30 ft. and 2 stories**

Notes: [1] 20 feet required for driveways.

c. **Side Yard Homes.**

(1) **Definition.** An alley-loaded single dwelling unit with one active side yard.

FIGURE 20.22-3 SIDE YARD HOMES EXAMPLE

(2) **Standards.** Side yard homes shall comply with the development standards shown in Table 20.22-4, unless otherwise approved through the Minor Use Permit or Site Plan Review Permit process.

TABLE 20.22-4 DEVELOPMENT STANDARDS FOR SIDE YARD HOMES

	Minimum	Maximum
Parcel Standards		
Width	**40 ft.**	**100 ft.**
Length	**50 ft.**	**150 ft.**
Building Standards		
Setbacks		
Exterior, Front	**10 ft.**	**15 ft.**
Interior, Rear	**5 ft.**	**-**
Side, Inactive	**3 ft.**	**-**
Side, Active, and Street Side	**20 ft. for at least 50% of building façade; 10 ft. for remaining wall length**	**-**
Height	**-**	**35 ft.**

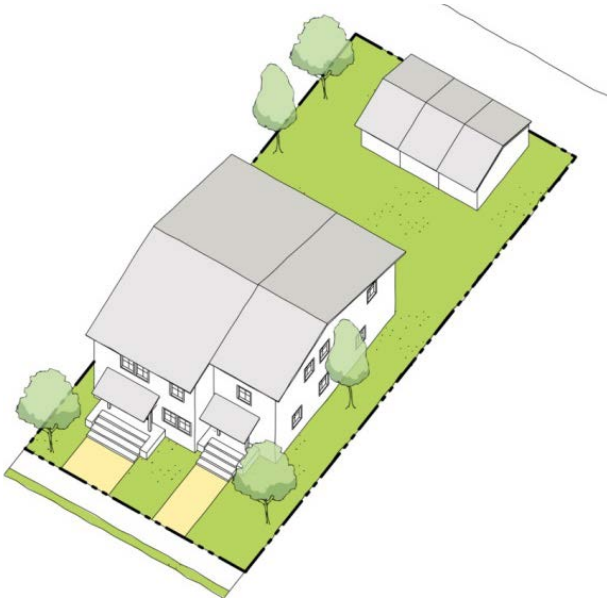
(3) **Pedestrian Access.** The main entry to a side yard house shall be through either the building façade facing the active side yard or the front street-facing façade.

(4) **Frontage.** The building façade fronting the active side yard shall feature a porch; and the active side yard shall front the street on a corner lot.

d. **Duplexes, Triplexes, and Fourplexes.**

(1) **Definition.** A residential structure that contains 2 to 4 dwelling units that are either stacked or placed side-by-side and appear as a large single-family house.

FIGURE 20.22-4 DUPLEXES, TRIPLEXES, AND FOURPLEXES EXAMPLE



(2) **Standards.** Duplexes, triplexes, and fourplexes shall comply with the development standards shown in Table 20.22-5, unless otherwise approved through the Minor Use Permit or Site Plan Review Permit process.

TABLE 20.22-5 DEVELOPMENT STANDARDS FOR DUPLEXES, TRIPLEXES, AND FOURPLEXES

	Minimum	Maximum
Parcel Standards		
Width	**50 ft.**	**120 ft.**
Length	**75 ft.**	**150 ft.**
Building Standards		
Setbacks		
Exterior, Front	**10 ft.**	**15 ft.**
Exterior, Street Side (For Corner lot)	**10 ft.**	**-**
Interior, Side	**5 ft.**	**-**
Interior, Rear	**15 ft. [1]**	**-**
Height	**-**	**35 ft.**

Notes: [1] The minimum rear setback shall be 5 feet when abutting an alley.

e. **Rosewalk**.

(1) **Definition.** A grouping of detached dwelling units arranged in two rows on either side of a common green.

FIGURE 20.22-5 ROSEWALK EXAMPLE

(2) **Standards.** Rosewalk shall comply with the development standards shown in Table 20.22-6, unless otherwise approved through the Minor Use Permit or Site Plan Review Permit process.

TABLE 20.22-6 DEVELOPMENT STANDARDS FOR ROSEWALK

	Minimum	Maximum
Parcel Standards		
Width	**100 ft.**	**150 ft.**
Length	**100 ft.**	**150 ft.**
Building Standards		
Setbacks		
Exterior	**15 ft.**	**25 ft.**
Interior	**5 ft.**	**-**
Between Structures on Lot	**8 ft.**	**-**
Structure Front (common green)	**15 ft.**	**30 ft.**
Height	**-**	**35 ft.**

f. **Bungalow Court**.

(1) **Definition.** A grouping of detached single-family homes arranged around a shared courtyard that is typically perpendicular to the street.

FIGURE 20.22-6 BUNGALOW COURT EXAMPLE

(2) **Standards.** Bungalow Courts shall comply with the development standards shown in Table 20.22-7, unless otherwise approved through the Minor Use Permit or Site Plan Review Permit process.

TABLE 20.22-7 DEVELOPMENT STANDARDS FOR BUNGALOW COURT

	Minimum	Maximum
Parcel Standards		
Width	**100 ft.**	**200 ft.**
Length	**100 ft.**	**300 ft.**
Building Standards		
Setbacks		
Exterior, Front	**10 ft.**	**15 ft.**
Exterior, Side (Corner lots only)	**10 ft.**	**25 ft.**
Interior, Side	**10 ft.**	**-**
Interior, Rear	**15 ft. [1]**	
Between Structures on Lot	**8 ft.**	**-**
Structure Front (common green)	**15 ft.**	**30 ft.**
Height	**-**	**35 ft.**

Notes: [1] The minimum rear setback shall be 5 feet when abutting an alley.

(3) **Pedestrian Access.**

a) The primary pedestrian entry to a bungalow court shall be provided from a public sidewalk adjacent to the central courtyard.

b) The main entry to each unit shall face either the central courtyard or a public street.

(4) **Central Courtyard**.

a) The central courtyard shall be a shared space accessible to all building residents.

b) Pathways shall be provided from each unit to the central courtyard and from the central courtyard to a public sidewalk adjacent to the site.

c) The central courtyard shall be visible from the primary street frontage.

d) The amount of impervious surface in central courtyard shall not exceed 50 percent of the total courtyard area.

g. **Townhomes**.

(1) **Definition.** A single-family home attached to one or more other single-family homes in a linear arrangement.

FIGURE 20.22-7 TOWNHOMES EXAMPLE

(2) **Standards.** Townhomes shall comply with the development standards shown in Table 20.22-8, unless otherwise approved through the Minor Use Permit or Site Plan Review Permit process.

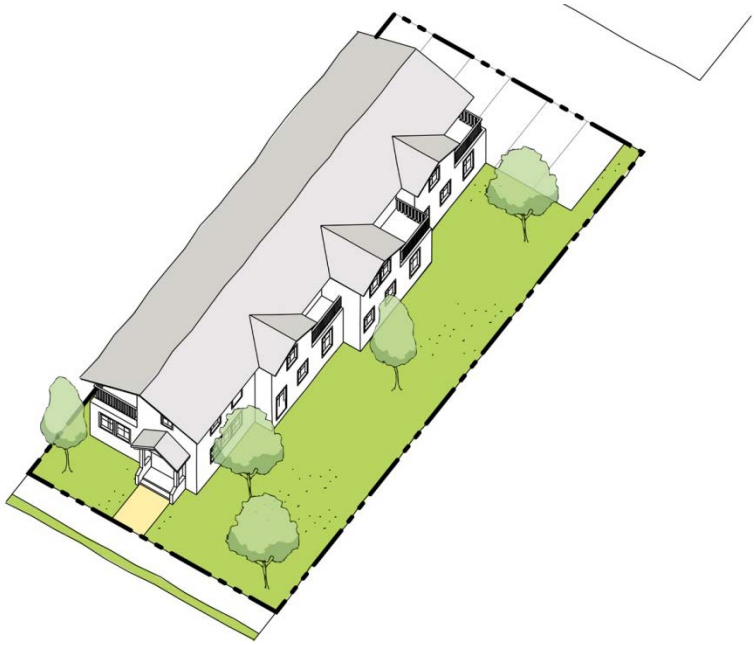
TABLE 20.22-8 DEVELOPMENT STANDARDS FOR TOWNHOMES

	Minimum	Maximum
Building Standards		
Setbacks		
Exterior	**None**	**15 ft.**
Interior, Side	**None**	**None**
Interior, Rear	**5 ft**	**-**
Height	**None**	**35 ft.**

h. **Side Court Apartments**.

(1) **Definition.** A 2- to 3-story structure that contains multiple dwelling units and most of its dwelling units facing an active side yard.

FIGURE 20.22-9 SIDE COURT APARTMENTS EXAMPLE



(2) **Standards.** Side court apartments shall comply with the development standards shown in Table 20.22-9, unless otherwise approved through the Minor Use Permit or Site Plan Review Permit process.

TABLE 20.22-9 DEVELOPMENT STANDARDS FOR SIDE COURT APARTMENTS

	Minimum	Maximum
Building Standards		
Setbacks		
Exterior, Front	**10 ft.**	**20 ft.**
Interior, Rear	**15 ft. [1]**	-
Side, Inactive	**4 ft.**	-
Side, Active and Street	**20 ft.**	-
Height	-	**35 ft.**

Notes: [1] The minimum rear setback shall be 5 feet when abutting an alley.

i. **Courtyard Apartments**.

(1) **Definition.** A grouping of attached dwelling units arranged to share one or more central courtyard.

FIGURE 20.22-10 COURTYARD APARTMENTS EXAMPLE

(2) **Standards.** Courtyard apartments shall comply with the development standards shown in Table 20.22-10, unless otherwise approved through the Minor Use Permit or Site Plan Review Permit process.

TABLE 20.22-10 DEVELOPMENT STANDARDS FOR SIDE COURT APARTMENTS

	Minimum	Maximum
Building Standards		
Setbacks		
Exterior, Front	**10 ft.**	**20 ft.**
Exterior, Side	**10 ft.**	**-**
Interior, Side	**5 ft.**	**-**
Interior, Rear	**15 ft. [1]**	**-**
Height	**-**	**35 ft.**

Notes: [1] The minimum rear setback shall be 5 feet when abutting an alley.

(3) **Pedestrian Access**. The primary entry to individual units or the interior lobby of a courtyard apartment building shall be through the central courtyard.

(4) **Central Courtyard.**

a) The central courtyard shall be a shared space accessible to all building residents.

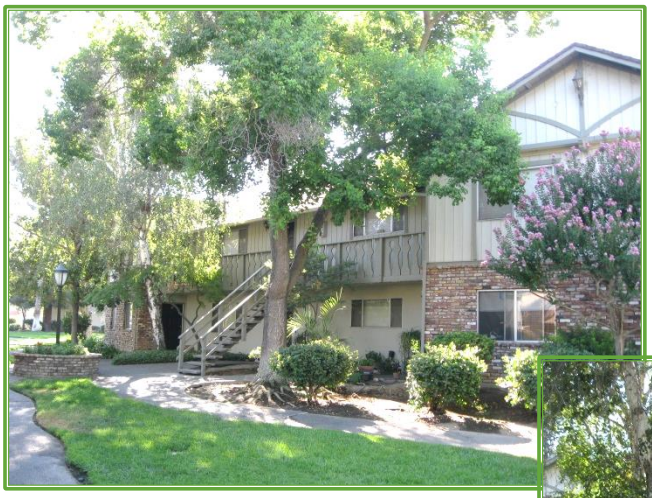
b) Pathways shall be provided from each unit to the central courtyard and from the central courtyard to a public sidewalk adjacent to the site.

c) The central courtyard shall be visible from the primary street frontage.

d) The amount of impervious surface in central courtyard shall not exceed 50 percent of the total courtyard area.

e) The central courtyard shall be at least 30 feet in width.

(5) **Frontage**. The active side yard shall front the street on a corner lot.



j. **Live/Work.**

(1) **Definitions.** Attached dwelling units that are used jointly for commercial and residential purposes.

FIGURE 20.22-11 LIVE/WORK EXAMPLE

(2) **Standards.** Live/work shall comply with the development standards shown in Table 20.22-11, unless otherwise approved through the Minor Use Permit or Site Plan Review Permit process.

TABLE 20.22-11 DEVELOPMENT STANDARDS FOR LIVE/WORK

	Minimum	Maximum
Parcel Standards		
Width	**25 ft.**	**50 ft.**
Length	**100 ft.**	**150 ft.**
Building Standards		
Setbacks		
Exterior, Front	**0 ft.**	**25 ft.**
Exterior, Side	**15 ft.**	**25 ft.**
Interior, Side	**5 ft.**	**-**
Interior, Rear	**25 ft. [1]**	
Height	**-**	**35 ft.**

Notes: [1] The minimum rear setback shall be 5 feet when abutting an alley.

(3) **Pedestrian Access.**

a) The main entrance to the ground floor work space shall be accessed directly from and face a public street.

b) Dwelling unit shall be located above the work space, and accessed from a separate entrance.

City of Merced Zoning Ordinance

PART 3

GENERAL REGULATIONS

Chapter 20.24 – Height Measurement and Exceptions....89

20.24.010 Height Measurement....89
20.24.020 Exceptions....90

Chapter 20.26 – Setback Measurement and Projections....91

20.26.010 Setback Measurement....91
20.26.020 Projections....92

Chapter 20.28 – Accessory Structures....93

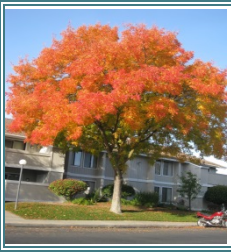
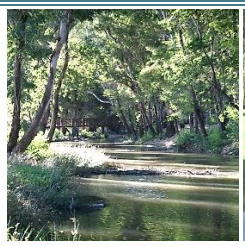
20.28.010 General Requirements....93
20.28.020 Residential Accessory Structures....93
20.28.030 Non-Residential Accessory Structures....96

Chapter 20.30 – Walls and Fences....97

20.30.010 Measurement of Fence and Wall Height....97
20.30.020 Height Limits....98
20.30.030 Corner Vision Triangles....102
20.30.040 Materials....103

Chapter 20.32 – Interface Regulations....105

20.32.010 Purpose....105
20.32.020 Definitions....105
20.32.030 Site Plan Review....105
20.32.040 Exceptions....108

Chapter 20.34 – Creek Buffers 109

20.34.010 Purpose 109
20.34.020 Applicability 109
20.34.030 Land Use Regulations 110
20.34.040 Performance Standards 111
20.34.050 Coordination with Other Regulatory Agencies 112

Chapter 20.36 – Landscaping 113

20.36.010 Purpose 113
20.36.020 Applicability 113
20.36.030 Water Efficient Landscaping Ordinance 113
20.36.040 Landscape and Sprinkler Plans 114
20.36.050 Required Landscape Areas 115
20.36.060 Landscape Standards 116

Chapter 20.38 – Parking and Loading 119

20.38.010 Purpose 119
20.38.020 Applicability 119
20.38.030 Required Parking Spaces 124
20.38.040 General Requirements 126
20.38.050 Parking Reductions 127
20.38.060 Parking Assessment Districts 129
20.38.070 Parking Design and Development Standards 131
20.38.080 Bicycle Parking 135
20.38.090 Off-Street Loading 138

Chapter 20.40 – Small Lot Single-Family Homes 141

20.40.010 Purpose 141
20.40.020 Location 141
20.40.030 Permits Required 141
20.40.040 Use Regulations 141
20.40.050 Development Standards and Guidelines 142

Chapter 20.42 – Second Units 145

20.42.010 Purpose 145
20.42.020 Minor Use Permit Required 145
20.42.030 Site and Design Standards 145
20.42.040 Occupancy Standards 148

Chapter 20.44 – Special Land Use Regulations 149

20.44.010 Alcoholic Beverage Sales for Off-Premises Consumption 149
20.44.020 Food Trucks in Fixed Locations 150
20.44.030 Bed and Breakfast 151
20.44.040 Check Cashing Establishments 152
20.44.050 Community Gardens 152
20.44.060 Fraternities/Sororities 153
20.44.070 Gas and Service Stations 154
20.44.080 Live/Work 155
20.44.090 Recycling Facilities 157
20.44.100 Outdoor Displays of Merchandise 159
20.44.110 Photovoltaic Energy Systems and Public Utility Distribution Lines 160
20.44.120 Single Room Occupancy 161
20.44.130 Underground Storage Tanks 162
20.44.140 Wrecking and Salvage Establishments 162
20.44.150 Emergency Shelters 163
20.44.160 Tobacco Sales Prohibited Near Schools 164

Chapter 20.46 – Residential Design Standards.....165

20.46.010 Purpose.....165
20.46.020 Design Standards for Single-Family Dwellings and Mobile Homes.....165
20.46.030 General Design Standards for Multi-Family Dwellings.....167
20.46.040 Specific Design Standards for Multi-Family Dwellings.....168

Chapter 20.48 – Home Occupations.....171

20.48.010 Purpose.....171
20.48.020 Categories.....171
20.48.030 Permits Required.....171
20.48.040 Standards.....172
20.48.050 Suspension of Permit.....174

Chapter 20.50 – Temporary Uses and Structures.....175

20.50.010 Purposes.....175
20.50.020 Temporary Uses Allowed By Right.....175
20.50.030 Temporary Uses Requiring a Permit.....176
20.50.040 Sidewalk Dining.....178
20.50.050 Temporary Outdoor Use Permit.....178

Chapter 20.52 – Nonconforming Parcels, Uses, and Structures 179

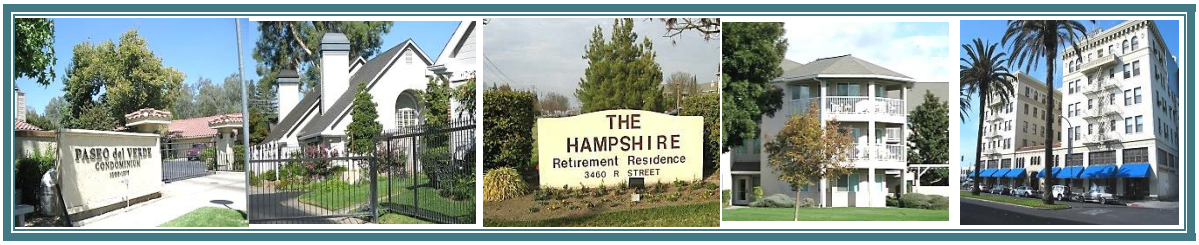
20.52.010 Purpose 179
20.52.020 Applicability 179
20.52.030 General 180
20.52.040 Nonconforming Parcels 180
20.52.050 Nonconforming Use of Land 181
20.52.060 Nonconforming Use of Structures 181
20.52.070 Nonconforming Structures 182
20.52.080 Maintenance and Repair 184
20.52.090 Findings 184

Chapter 20.54 – Condominiums 185

20.54.010 Purpose 185
20.54.020 Definitions 185
20.54.030 Conditional Use Permit 186
20.54.040 Organizational Documents 188
20.54.050 Building and Site Standards 189

Chapter 20.56 – Density Bonus 191

20.56.010 Purpose 191
20.56.020 Density Bonus; Incentives 191
20.56.030 Land Donation 194
20.56.040 Child Care Facilities 196
20.56.050 Condominium Conversions 197
20.56.060 Affordability and Development Standards 197
20.56.070 Modifying Development Standards as an Incentive 199
20.56.080 Application Requirements and Review 201
20.56.090 Density Bonus Housing Agreement 204



Chapter 20.58 – Wireless Communication Facilities.....207

20.58.010 Purpose.....207
20.58.020 Definitions.....207
20.58.030 Exemptions.....209
20.58.040 Development Standards.....210
20.58.050 Permits Required.....213
20.58.060 Applications.....215
20.58.070 Findings.....216

Chapter 20.60 – Adult Entertainment Businesses.....217

20.60.010 Purpose.....217
20.60.020 Definitions.....217
20.60.030 Location.....218

Chapter 20.62 – Signs.....219

20.62.010 Purpose.....219
20.62.020 Applicability.....219
20.62.030 General Standards.....219
20.62.040 Specific Standards by Zoning District.....220
20.62.050 Specific Standards by Use.....226

Chapter 20.24 - Height Measurement and Exceptions

Sections:
20.24.010 Height Measurement
20.24.020 Exceptions

20.24.010 Height Measurement

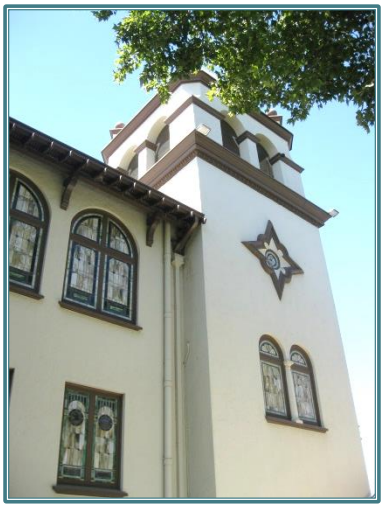
The height of a structure shall be measured as the vertical distance from the average contact ground level at the front wall of the structure to the highest point of the structure, excluding chimneys, vents and other similar projecting features. See Figure 20.24-1. **[No change from MMC 20.04.120, except Figure below added.]**

Figure 20.24-1 Structure Height

20.24.020 Exceptions

A. Permitted Height Exceptions. **[No change from MMC 20.62.020, except as noted]**

1. The following features may exceed the maximum permitted structure height in the applicable zoning district:



   a. Barns, silos or other agricultural structures, provided these are 50 feet or more from any property line.

   b. Church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, distribution and transmission towers, lines and poles, windmills, chimneys, smokestacks, flagpoles, radio towers, masts and aerials and other similar projecting features, provided these do not occupy an area greater than 15 percent of the building footprint area. **[15 percent maximum added.]**

   c. Outdoor theater screens with no outdoor advertising matter.

   d. Places of public assembly and other permitted public and semi-public buildings, including schools and churches.

(1) Located on the first floor of the building.

(2) For each 1 foot exceeding maximum height requirement for appropriate zoning district, its side and rear yards shall be increased by 1 foot.

2. Height exceptions are not permitted within the Airport Environs (/AE) overlay zone. **[Same restriction currently applies to the APC zone, which is being eliminated and replaced by the /AE overlay zone.]**

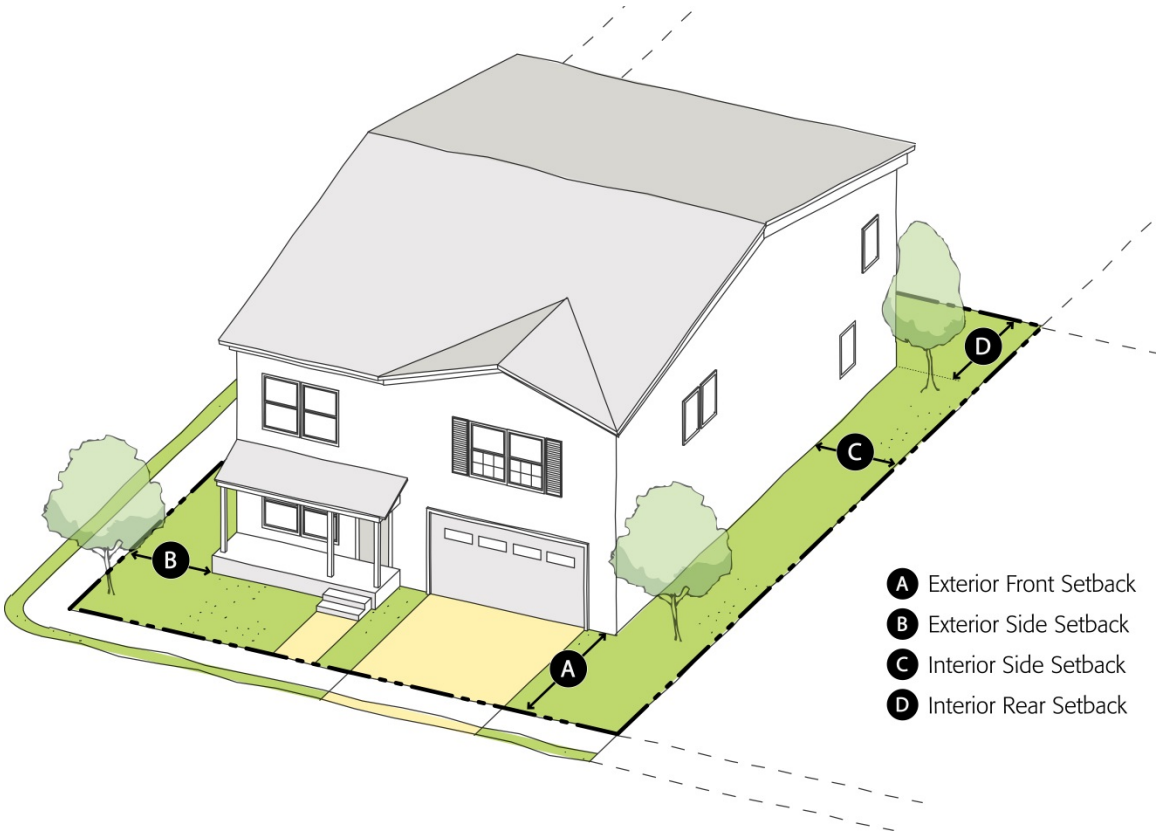
Chapter 20.26 - Setback Measurement and Projections

Sections:
20.26.010 Setback Measurement
20.26.020 Projections

20.26.010 Setback Measurement

Setbacks shall be measured as the distance between the property line and the nearest point of the structure along a line at a right angle to the property line. (See Figure 20.26-1: Setback Measurements.) Minor modfications of no more than 25 percent of the required setback may be approved by the Director of Development Services through the Minor Use Permit process. **[Minor modifications to MMC 20.04.350; Figure added, and Minor Use Permt process added.]**

Figure 20.26-1 Setback Measurements



20.26.020 Projections

A. Projections over Property Lines. Structures may not extend beyond a property line or into the public right-of-way, except when allowed with a Temporary Encroachment Permit. **[NEW, but consistent with current City practices.]**

B. Projections into Required Setback. Building features may extend into required setback areas as shown in Table 20.26-1, subject to the requirements of the Building Code.

[No changes from MMC 20.62.040 but put in Table form.]

TABLE 20.26-1 PROJECTIONS INTO REQUIRED SETBACK

Projecting Features	Maximum Projection into Required Setback	Minimum Distances from Property Lines
Cornices, eaves, canopies, covered patios, architectural features, and similar roof projections [1]	**5 feet**	**One-half of the required setback**
Bay windows, balconies, sills, fire escapes, fireplaces, chimneys, and similar wall projections [2]	**1.5 feet**	**None**
Open, unenclosed, and uncovered entry porches, stairways, platforms or landing places, and similar entry features [3]	**6 feet**	**None**
Wheelchair ramps and similar features for the disabled [4]	**None [4]**	**None**
Uncovered patios [4]	**None [4]**	**None**

Notes:
[1] Projection allowed if features provide no additional floor area within the building.
[2] Wall projections may not exceed one-third (in aggregate) of the width of the wall in which it is located.
[3] Ground floor only; open railing required with maximum railing height of 30 inches.
[4] May be located in required yards with no restrictions.

Chapter 20.28 - ACCESSORY STRUCTURES

Sections:	
20.28.010	General Requirements
20.28.020	Residential Accessory Structures
20.28.030	Non-Residential Accessory Structures

20.28.010 General Requirements

A. Separation Between Structures. Accessory structures shall be set back from other structures on the same lot as required by the Building Code. **[NEW]**

B. Attached Structures. Accessory structures attached to a primary structure shall be considered a part of the primary structure and shall comply with all standards applicable to the primary structure, including lot coverage requirements. **[NEW]**

20.28.020 Residential Accessory Structures

A. Permitted Residential Accessory Structures and Uses. Accessory structures and uses permitted in residential zones include: **[NEW, but consistent with Accessory Uses listed in the current Residential Zones.]**

1. Home occupations (See Chapter 20.48).
2. Second units (See Chapter 20.42).
3. State Licensed foster homes, state-licensed small family day care homes of 1-8 children, and state-licensed large family day care homes of no more than 14 children.
4. Accessory buildings and uses customarily appurtenant to a permitted use, such as garages, carport, off-street parking areas, personal storage buildings, fences, etc.

5. Temporary subdivision tract offices, building yards, and tract signs, for a period not to exceed 6 months after completion of construction of the tract.
6. Rooming houses and boarding homes of no more than one person in R-1 zones and no more than two persons in R-2, R-3, and R-4 zones.
7. Other uses listed in Section 20.28.020.C and 20.28.020.D.
8. Underground public utility distribution and transmission lines.

B. Development Standards.

1. The maximum height and minimum setbacks for accessory structures in residential zoning districts shall be as specified in Table 20.28-1 and as shown in Figure 20.28-1. **[No change from MMC 20.54.200(A) & (B)]**

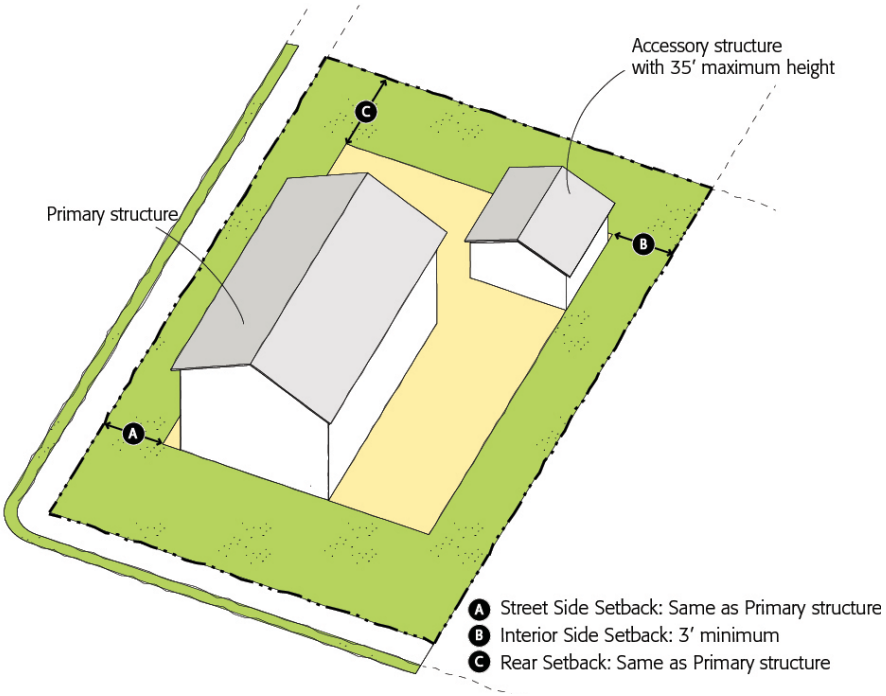
2. Accessory structures shall be subject to all other development standards that apply to primary structures in the applicable zoning district. **[NEW]**

TABLE 20.28-1 HEIGHT AND SETBACK STANDARDS FOR RESIDENTIAL ACCESSORY STRUCTURES

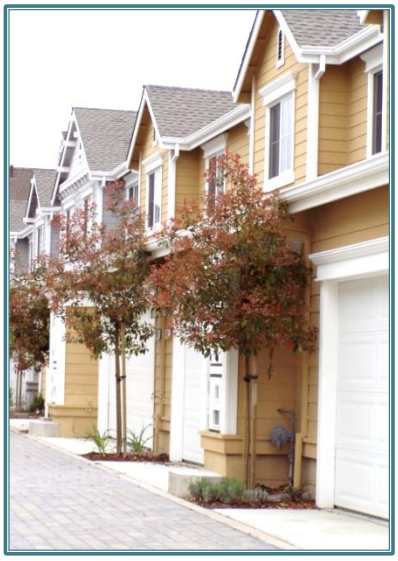
Height (max.)	**35 ft.**
Setbacks (min.)	
Interior Yard	**3 ft. [1]**
Exterior Yard	**Same as required for primary structure**

Notes:
[1] 5 feet minimum for garages off an alley or any accessory structure exceeding 120 square feet.

FIGURE 20.28-1 DEVELOPMENT STANDARDS FOR RESIDENTIAL ACCESSORY STRUCTURES



C. Habitable Accessory Structures



1. **Rear Dwellings.** [No change to MMC 20.54.010]
   a. An accessory structure to the rear of a primary structure on the same lot shall be used for residential purposes only if it conforms to all the lot area, setback, open space, and off-street parking requirements within the applicable zoning district.
   b. Vehicle access to all such rear dwellings shall be provided by a driveway with a minimum width of 10 feet for lots with two dwelling units and 20 feet for lots with three or more dwelling units.
2. **Dwelling Units over Garages.** Accessory structures with a dwelling unit above a ground floor garage shall be set back a minimum of 3 feet from a rear property line abutting an alley with the garage itself requiring a minimum setback of 5 feet. [No change from MMC 20.54.020]
3. **Guest Houses.** [No change from MMC 20.54.030]
   a. Guest houses or detached servants' quarters shall be located on the rear half of the lot.
   b. No kitchen facilities shall be permitted and no plumbing or utilities shall be allowed except for heating, air conditioning, and the discharge of wastes from a toilet or bathroom.

D. Swimming Pools [Simplified MMC 20.54.090 and now defers to Building Code.]

1. Swimming pools shall be set back a minimum of 5 feet from all property lines, unless otherwise allowed under the Building Code.

2. Fences, barriers, and pool equipment storage areas for swimming pools shall be provided as required by the Building Code and State law.

20.28.030 Non-Residential Accessory Structures [NEW]

Accessory structures in non-residential zoning districts are subject to the same development standards (e.g., height and setbacks) as primary structures in each zoning district. Accessory structures in non-residential zoning districts shall be limited to those structures needed to support the primary structure or land use on the site, including, but not limited to, off-street parking facilities, storage buildings, equipment buildings, utility buildings, etc., subject to the discretion of the Director of Development Services.

Chapter 20.30 - Walls and Fences

Sections:	
20.30.010	Measurement of Fence and Wall Height
20.30.020	Height Limits
20.30.030	Corner Vision Triangles
20.30.040	Materials

20.30.010 Measurement of Fence and Wall Height [NEW, but consistent with current City practices.]

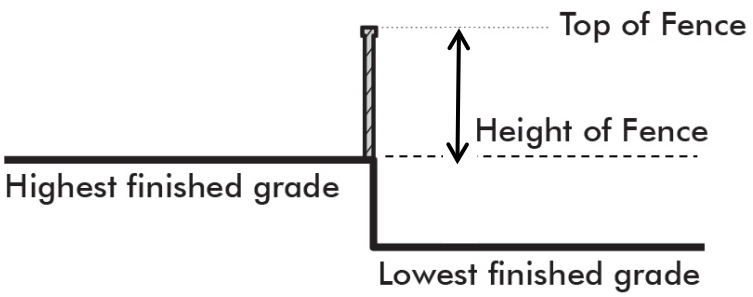
A. Measurement from Finished Grade. The height of a fence or wall shall be measured from the adjacent finished grade at the base of the fence or wall, to the top edge of the fence or wall.

B. Ornamental Features. Ornamental features that provide a screening function and are 50 percent or more opaque shall be included in the height measurement of a fence or wall.

C. Fences Atop Walls. If a fence is atop a wall, the total height shall be measured from the base of the wall.

D. Different Finished Grades. If the adjacent finished grade is different on opposite sides of a fence or wall, the height shall be measured from the side with the highest finished grade to the highest point on the fence. See Figure 20.30-1 (Fence and Wall Height).

Figure 20.30-1 Fence and Wall Height



20.30.020 Height Limits

A. Residential Zoning Districts.

1. **Basic Standards.** Fences, walls, and hedges in residential zoning districts shall comply with the standards in Table 20.30-1 (Fence Height in Residential Zoning Districts) and as illustrated in Figure 20.30-02 (Height Limits for Fences, Walls, and Hedges). **[NEW]**

2. **Decorative Features and Materials.** **[NEW]**

   a. Any lattice or other similar material on top of a wall or fence cannot extend above the maximum fence height.

   b. Decorative arches and other similar entry features within these setback areas may be up to 8 feet in height.

[No change from MMC 20.62.040(E & F) but in Table Form, except as noted below.]

TABLE 20.30-1 FENCE HEIGHT IN RESIDENTIAL ZONING DISTRICTS

Location	Maximum Height
Within required exterior yards	4 feet [1]
Within a driveway vision triangle	2.5 feet [2]
Within a corner vision triangle	See Section 20.30.040 (Vision Triangles)
All other locations [3]	7 feet [3] [Currently 6 feet]
Corner Lot Exterior Yards [4]	7 feet [4] [Currently 6 feet]

Notes:

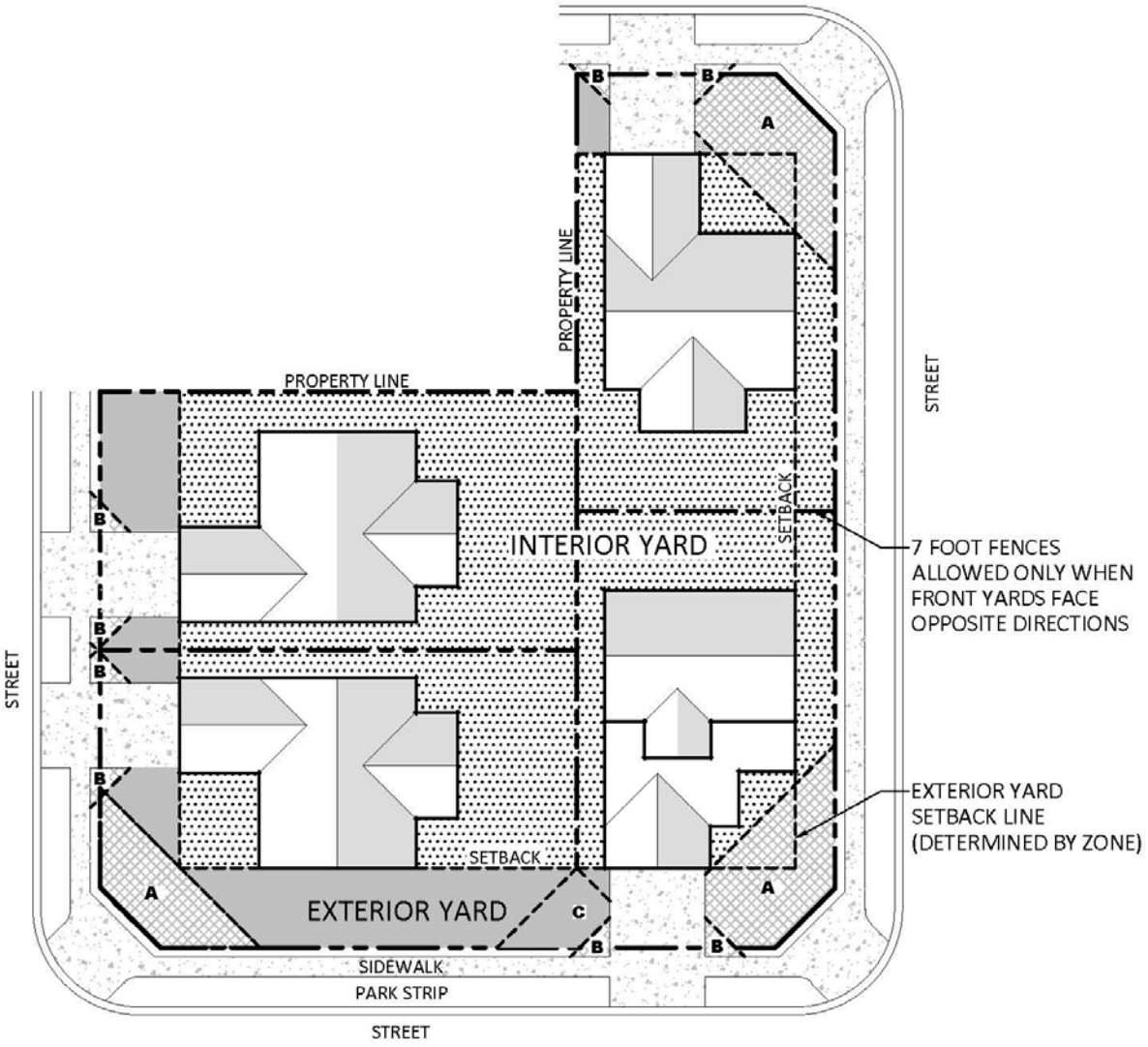
[1] Fence height for non-solid fences (wrought iron, chain link, picket, etc., that are mostly transparent) may be increased to a maximum of 6 feet with a Minor Use Permit. **[NEW]**

[2] As shown in Figure 20.30-02, a driveway vision triangle is the area on the street side of a line connecting two points, one on the back of sidewalk (or property line, whichever is closer to the street) and one on the side line of any public or private driveway or alley, each point being 10 feet from the point of intersection of the back of sidewalk (or property line, whichever is closer to the street) and the side line of the driveway or alley.

[3] In multi-family zones, may be increased to 8 feet with a Minor Use Permit. **[NEW}**

[4] Only if corner lot exterior yard doesn't abut the front yard of an adjacent lot or possible adjacent lot.

FIGURE 20.30-2 HEIGHT LIMITS FOR FENCES, WALLS, AND HEDGES



Section 20.30 City of Merced Zoning Ordinance

1. Fences, walls, and hedges may not exceed 7 feet in height in INTERIOR yards .
2. Fences, walls, and hedges may not exceed 4 feet in height in EXTERIOR yards .
3. Fences, walls, and hedges may not wexceed 2 1/2 feet in height .
   a. Within 40 feet from the intersection of street property lines (A above).
   b. Within 10 feet from driveway aprons (B above).
4. In some cases, with a minor use permit, 4-6 foot non-solid fences may be allowed in corner lot EXTERIOR yards except in areas A, B, and C as shown above.

3. **Reversed Corner Lots.** Reversed corner lots are those whose front yard directly abuts the side or rear yard of the adjacent lot instead of another side or rear yard. **[Modifies MMC 20.62.040(H) to require Minor Use Permit (staff review), instead of Conditional Use Permit (Planning Commission review) and increases height to 7 feet]**

   a. With a Minor Use Permit, fences, walls or hedges not exceeding seven (7) feet in height may be located in the required exterior side yard of a reversed corner lot: however, the fences, walls or hedges may not encroach into the triangular area, two (2) equal sides of which are the first twenty (20) feet of property lines of the subject reversed corner lot, measured from the point of intersection of the exterior side yard property line and the exterior yard property line shared with the adjacent lot.

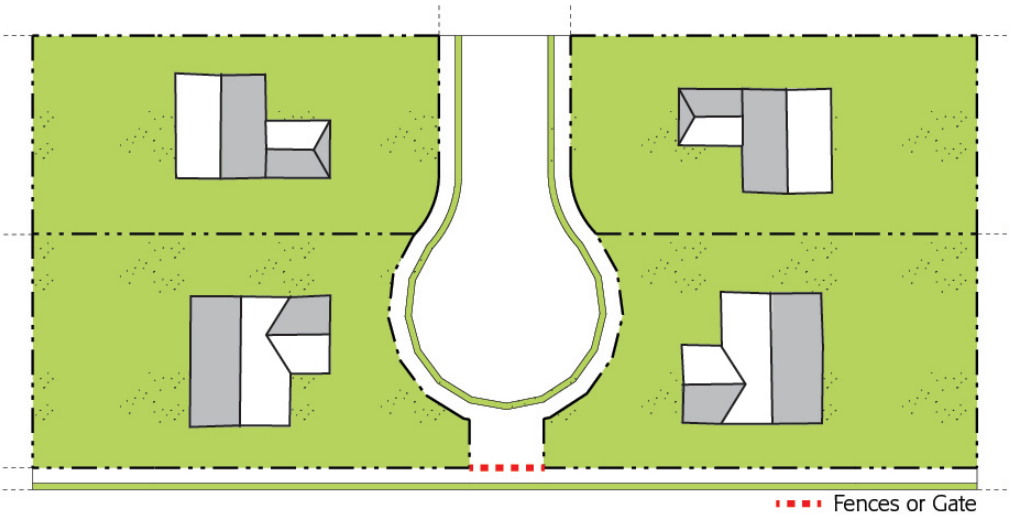
   b. If the front of a house is located on the exterior side yard on a reversed corner lot, then the front yard of the lot may be treated as a side yard.

4. **Through Lots.** On through lots with frontage on two parallel public streets, either property line separating the lot from a public street may be treated as the front lot line. In such cases, the minimum rear yard shall be the average of the yards on the lots next adjoining. If such adjoining lots are undeveloped, the minimum rear yard shall conform to the front yard setback for the zone in which the lot is located. **[No change from MMC 20.62.040(J)]**

5. **Hedges in Exterior Yards.** Hedges or other plantings of any height are allowed in exterior yards if they are at least fifteen (15) feet from the property line. **[No change to MMC 20.62.040(K)]**

6. **Open Ended Cul-De-Sac Lots.** For open-ended cul-de-sac lots, fences and gates in the required front yard or exterior side yard of a lot at the end of an open-ended cul-de-sac are permitted with approval of a Minor Use Permit. Any such fence or gate shall remain open for public to access into the block from the public right-of-way. **[Modifies MMC 20.62.040(L) to require Minor Use Permit, instead of Site Plan Review Permit]**

FIGURE 20.30-2 OPEN ENDED CUL-DE-SAC LOTS



B. Non-Residential Zoning Districts

1. The maximum height of a fence or wall within a non-residential zoning district shall be 8 feet. **[Changes MMC 20.62.040(E) from 6 to 8 feet]**
2. Fences up to 10 feet in height may be approved with a Site Plan Review Permit or with any other discretionary permit if required for the same project. **[Modifies MMC 20.62.040(G) which allows up to 8 feet in Industrial zones only with a Conditional Use Permit; Would now allow non-residential fences or walls up to 10 feet in height with a Site Plan Review Permit.]**

C. Minor Use Permits for Fences. In addition to the requirements in Section 20.68.020 (Minor Use Permits), to approve a Minor Use Permits for fences, the following findings must be made by the reviewing authority: **[NEW]**

1. The fence materials are of high quality with an aesthetically-pleasing appearance that fit in well with the neighborhood.
2. The added fence height or alternative material is necessary to address privacy, noise, interface, or security concerns and/or issues with animals.

20.30.030 Corner Vision Triangles

A. Definition. The minimum required area of a corner vision triangle is based on abutting street type as shown in Table 20.30-2 (Required Vision Triangle Distances by Street Type). The corner vision triangle is the area formed by measuring the distance "X" along the front and side property lines from the point of intersection, and then diagonally connecting the ends of the two lines. The back of sidewalk line may be used instead of the property line if the back of sidewalk is closer to the street and the property line is more than 1 1/2 feet behind the back of the sidewalk. See Figure 20.30-2 (Height Limits for Fences, Walls, and Hedges). **[Modified MMC 20.62.040(E)(1) to allow use of back of sidewalk instead of property line if it is closer to street]**

[Modified MMC 20.62.040(E)(1 &2) to allow 25 feet instead of 40 feet for local roads; All others are the same as current.]

TABLE 20.30-2 REQUIRED VISION TRIANGLE DISTANCE BY STREET TYPE

Street Type	Distance "X"
Driveway or Alley	10 feet
Local Street or Rural Road	25 feet
Collector Street	40 feet
Arterial	40 feet

B. Maximum Height. The maximum height of a fence or wall within a corner vision triangle is 2.5 feet. **[No change from MMC 20.62.040(E)(1 & 2)]**

C. Exceptions: Maximum fence and wall height within corner vision triangles do not apply within a zoning district with no required exterior yards. **[NEW]**

20.30.040 Materials

A. Permitted Materials. Fences and walls shall be constructed of decorative masonry, ornamental steel or iron, or wood and shall be of a complementary color and material with adjacent buildings. Other materials may be permitted if the Director of Development Services determines the design to be compatible with adjacent structures and its surrounding neighborhood. **[NEW]**

B. Prohibited Materials. [NEW]

1. Fences and walls shall not be constructed of inappropriate materials such as sheet metal, vehicles, underground/above-ground tanks, garage doors, aluminum siding, corrugated tin, and other similar materials not specifically designed for use as fencing. [NEW]

2. Barb-wire fences are prohibited in all zoning districts unless approved with a Minor Use Permit. [NEW]

3. Razor wire fences are prohibited in all zoning districts unless approved with a Minor Use Permit. [NEW]

C. Electric Fences. Electric fences are prohibited in all residential zones. Electric fences are permitted in non-residential zoning districts only with a Minor Use Permit if set back a minimum of 5 feet from an exterior property line and located so that it cannot be touched by any person in the public right-of way. [NEW]

Chapter 20.32 - INTERFACE REGULATIONS

Sections:

20.32.010 Purpose

20.32.020 Definitions

20.32.030 Site Plan Review

20.32.040 Exceptions

20.32.010 Purpose

This chapter establishes special permit requirements for projects proposed near to existing land uses that might be negatively impacted by the new use. These requirements are intended to protect existing residential neighborhoods and to ensure that new development is designed in a manner to minimize negative impacts on nearby uses to the greatest extent possible to promote harmonious and orderly development, and the stability of land values and investments.**[Minor changes to MMC 20.52.010]**

20.32.020 Definitions **[No changes to MMC 20.52.020(B)]**

The following terms when used in this chapter are defined as follows:

A. A parcel is "abutting" another parcel if it is located immediately adjacent to another parcel and shares at least one property lot line.

B. A parcel is "across from" another parcel if any of its property lines when extended across the street or alley touch the parcel on the other side of the street.

C. A parcel is "developed" if there is a minimum of 20 percent lot coverage and the parcel contains a land use legally conforming to the zoning district within which it is located.

20.32.030 Site Plan Review **[Modifies MMC 20.52.020(A) to Site Plan Review Permit instead of Conditional Use Permit.]**

A. A proposed use in a "High Impact" zoning district shall require a Site Plan Review Permit if it is abutting or across from a developed parcel in a "Low Impact" zoning district. For example, if a proposed use is located in the R-3 zoning district and is abutting or across from a parcel in the R-1 zoning district, then a Site Plan Review Permit is required. Table 20.32-1 lists out all cases that require a Site Plan Review Permit pursuant to this chapter. Figure 20.32-1 illustrates the concept.

B. A Site Plan Review Permit (with a public hearing and public notice per Section 20.68.050.E and Chapter 20.70) shall also be required for a proposed use in a High Impact zoning district that is abutting or across from either: **[NEW, but current CUP requires a public hearing before the Planning Commission]**

1. A developed parcel that is zoned Planned Development with a use similar to a permitted use within the corresponding Low Impact zoning district; or,
2. A parcel outside the Merced City limits with a use similar to a permitted use within the corresponding Low Impact zoning district.

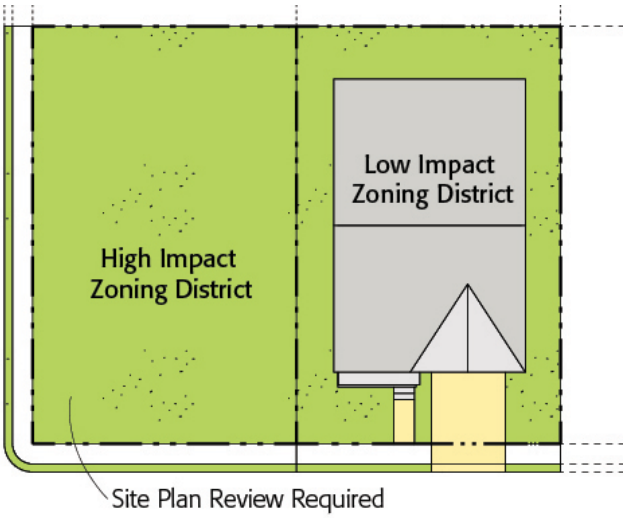
C. The Director of Development Services may refer any application to the Planning Commission for review and final decision. **[NEW]**

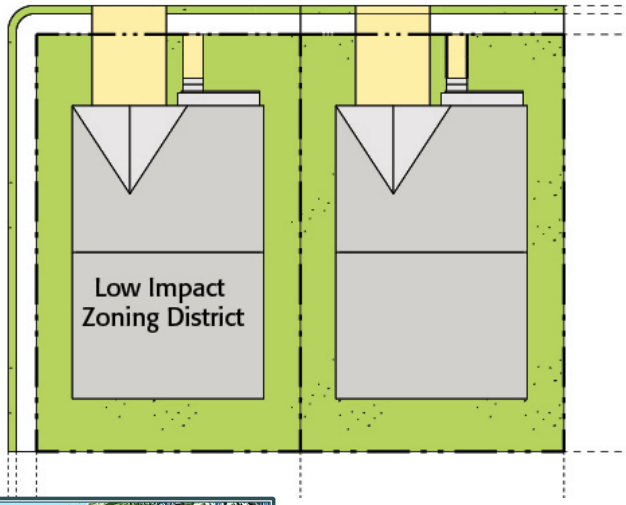
[No changes to MMC 20.52.020(A), except for adding new zones C-SC, D-CM, B-P, & A-G and putting in Table form.]

TABLE 20.32-1 SITE PLAN REVIEW PERMIT REQUIRED

Low Impact Zoning District	High Impact Zoning District: R-3	R-4	R-MH	C-N	C-SC	C-C	D-CM	C-O	C-T	C-G	B-P	I-L	I-H	A-G
R-1	■	■	■	■	■	■	■	■	■	■	■	■	■	
R-2				■	■	■	■	■	■	■	■	■	■	
R-3										■		■	■	
R-4										■		■	■	
R-MH										■		■	■	
C-O										■		■	■	
A-G	■	■	■	■	■	■	■	■	■	■	■	■	■	■

FIGURE 20.32-1 --SITE PLAN REVIEW REQUIREMENT [NEW]





20.32.040 Exceptions [No change from MMC 20,52.020(B)(3)]

This section shall not apply to parcels across the street if the street is a proposed or existing arterial or higher order street as shown on the General Plan Circulation map.

Chapter 20.34 - CREEK BUFFERS [NEW]

Sections:	[Entire chapter is NEW, but General Plan requires creek buffers.]
20.34.010	Purpose
20.34.020	Applicability
20.34.030	Land Use Regulations
20.34.040	Performance Standards
20.34.050	Coordination with Other Regulatory Agencies

20.34.010 Purpose [NEW]

This article establishes standards for land uses and development in areas adjacent to creeks. These standards are intended to:

A. Reduce risks to property owners and the public from erosion and flooding;

B. Protect and enhance the chemical, physical, and biological integrity of water resources in the City;

C. Minimize pollutants entering water bodies from urban stormwater runoff; and,

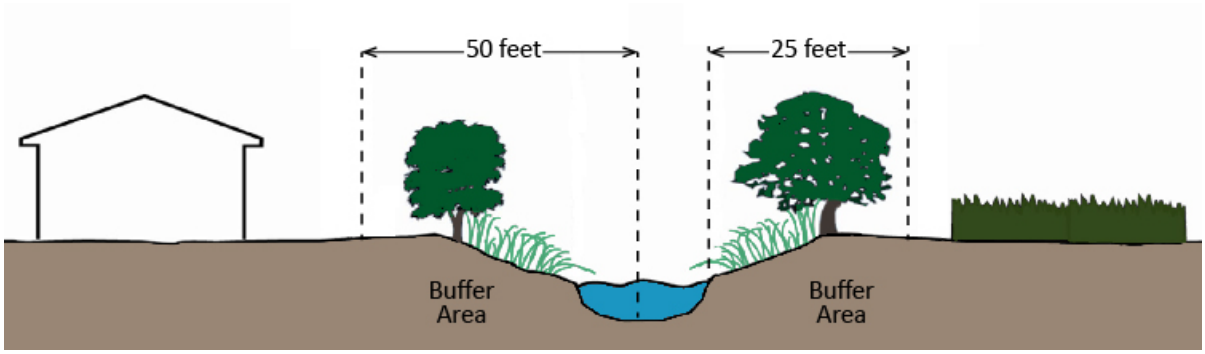
D. Preserve riparian vegetation and protect wildlife habitat and wildlife corridors along natural drainage ways.

20.34.020 Applicability [NEW]

The standards in this chapter apply to all riparian areas within the City of Merced. As shown in Figure 20-34-1 (Creek Buffer Measurement), riparian areas are defined as areas between the banks and 25 feet in width measured from the top of bank or 50 feet in width measured from centerline of any intermittent or perennial stream or river landward, whichever is greater. Excluded from this definition are stock ponds and other stock watering facilities, culverted sections of creeks and engineered systems developed by a public agency for collection of storm or flood waters, or systems other than natural creeks designed to deliver irrigation or water supplies. **[Although this is NEW to the Zoning Ordinance, the requirement for creek buffers is in the City's General Plan.]**

[These measurements are consistent with the General Plan.]

FIGURE 20.34-1 CREEK BUFFER MEASUREMENT



20.34.030 Land Use Regulations [NEW]

A. Permitted Activities. The following activities are permitted by right in riparian areas:

1. Livestock grazing and agricultural practices where permitted by the applicable zoning district;
2. Native landscaping;
3. Fencing that does not interfere with the flow of flood waters or wildlife migration corridors;
4. Utilities, including the installation, operation, and maintenance of water pumps;
5. Storm drains into riparian areas and creeks;
6. Trails, including pedestrian and bicycle trails, and recreational activities not involving the establishment of any structures, except for small accessory structures such as benches or signs;
7. Construction and maintenance of publically-owned culverts, rip-rap, and other drainage facilities; and,
8. Construction and maintenance of publically-owned bridges.

B. Conditionally Permitted Uses.

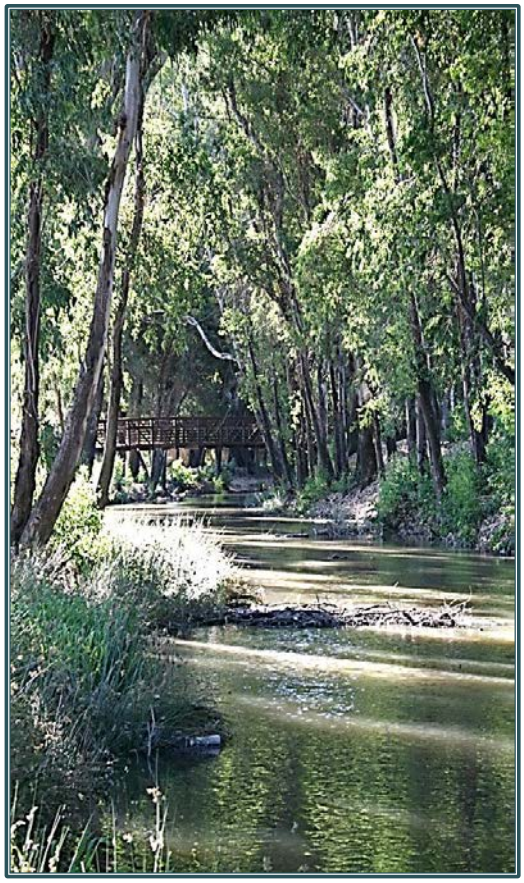
1. Uses, structures, and activities permitted in the applicable zoning district are permitted within riparian areas only with approval of a Minor Use Permit.

2. To approve a Minor Use Permit for riparian area development, the Director of Development Services shall make all of the following findings in addition to the findings in Section 20.68.020 (Conditional Use and Minor Use Permits):

   a. The proposed use, structure, or encroachment cannot be feasibly located outside the riparian area because such location would have a more adverse effect on the stream environment or alter the flood plain.

   b. Measures are included that provide adequate protection of wildlife habitat, water quality and in-stream habitat, and capacity for flood management.

20.34.040 Performance Standards [NEW]



A. Construction. Construction is prohibited in riparian areas over which the City maintains jurisdiction unless the necessary permits have been obtained from other responsible governmental agencies and plans have been approved by the Director of Development Services.

B. Grading or Alterations to Riparian Vegetation. Grading, alteration of the natural contours of the land, or cutting or alteration of natural vegetation that protects a riparian habitat is prohibited within riparian areas except when such action is:

1. Necessary to protect public health and safety as determined by the Director of Development Services; or,

2. Associated with an approved creek restoration and enhancement project intended to improve the health and environmental integrity of the waterway; or,

3. Associated with an approved land use entitlement.

C. Streambed Alteration. Filling, grading, excavating, or obstructing streambeds is prohibited except in the following circumstances or under any applicable provisions of State or Federal law:

1. Placement of City-approved storm drain and irrigation outflow structures shall be designed so as to eliminate or minimize increases in the rate and amount of storm or irrigation water discharge;
2. Placement of public and nonpublic utility lines;
3. Construction of bridges and their connecting roadways;
4. Maintenance activities necessary to protect public health and safety;
5. Creek restoration and improvement projects; and,
6. Development associated with an approved land use entitlement.

20.34.050 Coordination with Other Regulatory Agencies [NEW]

A. Required Permits. All required permits from the California Department of Fish and Game, the U.S. Army Corps of Engineers, the California State Water Resources Control Board, the Central Valley Flood Protection Board, Merced Irrigation District (MID), or other applicable agencies, including any permit required under an approved Habitat Conservation Plan, shall be obtained prior to, concurrently with, or as a condition of, the approval of any City permits for development within riparian areas.

B. Submittal of Approvals. Evidence of approval or pending approval of any such permit shall be submitted to the Planning Division, including all appropriate supporting materials, environmental documentation, and studies.

Chapter 20.36 - LANDSCAPING [NEW]

Sections:	[This entire chapter is NEW.]
20.36.010	Purpose
20.36.020	Applicability
20.36.030	Water Efficient Landscaping Ordinance
20.36.040	Landscape and Sprinkler Plans
20.36.050	Required Landscape Areas
20.36.060	Landscape Standards

20.36.010 Purpose [NEW]

The landscaping standards contained in this chapter are intended to enhance the aesthetic appearance of developed areas within Merced and to promote the efficient use of water resources.

20.36.020 Applicability [NEW per new State Law Reqts]

This chapter applies to all new development with landscape areas as follows:

A. Greater than 500 square feet; or,

B. Rehabilitated landscape projects with an aggregated landscape area equal to or greater than 2,500 square feet.

20.36.030 Water Efficient Landscaping Ordinance [NEW]

In addition to the standards contained in this chapter, all applicable development in Merced shall also comply with Municipal Code Chapter 17.60 (Water Efficient Landscaping and Irrigation) and any subsequent amendments or emergency drought regulations. Chapter 17.60 implements the California Water Conservation in Landscaping Act (Government Code Section 65591 et seq.). In the event of a conflict, Chapter 17.60 or State regulations will prevail, whichever is more stringent.

20.36.040 Landscape and Sprinkler Plans [NEW, but consistent with current City practices and permit requirements.]

A. Landscape and Sprinkler Plan Required. Projects subject to the requirements of this chapter and Chapter 17.60 shall submit a landscape and sprinkler plan as part of applications for all permits as required by the Zoning Ordinance and as part of subsequent Building Permit applications. [NEW]

B. Required Contents. Landscape plans shall include the following features and information: [NEW]

1. Site boundaries.
2. Existing structures on the property.
3. Structures immediately adjacent to the property.
4. All new structures and improvements proposed as part of the development project.
5. Existing landscaping, trees, and vegetation to be retained.
6. All new landscaping proposed, including parking lot and street trees, as part of the development project specifying plant location, species, and size.
7. Irrigation plan specifying the location, type, and size of all components of the irrigation system, including backflow prevention devices.
8. Water efficient landscape calculations, including hydrozone information table, water budget calculations, maximum applied water allowance, estimated total water use, and soil management and grading plans per Chapter 17.60.
9. Any additional information as determined by the Director of Development Services to demonstrate compliance with the requirements of this chapter.

C. Review and Approval. The Development Services Department shall review all landscape plans to verify compliance with the requirements of this chapter. Landscape plans shall be approved by the review authority acting upon the permit application for the proposed new development. [NEW]

D. Changes to Approved Landscape Plans. [NEW]

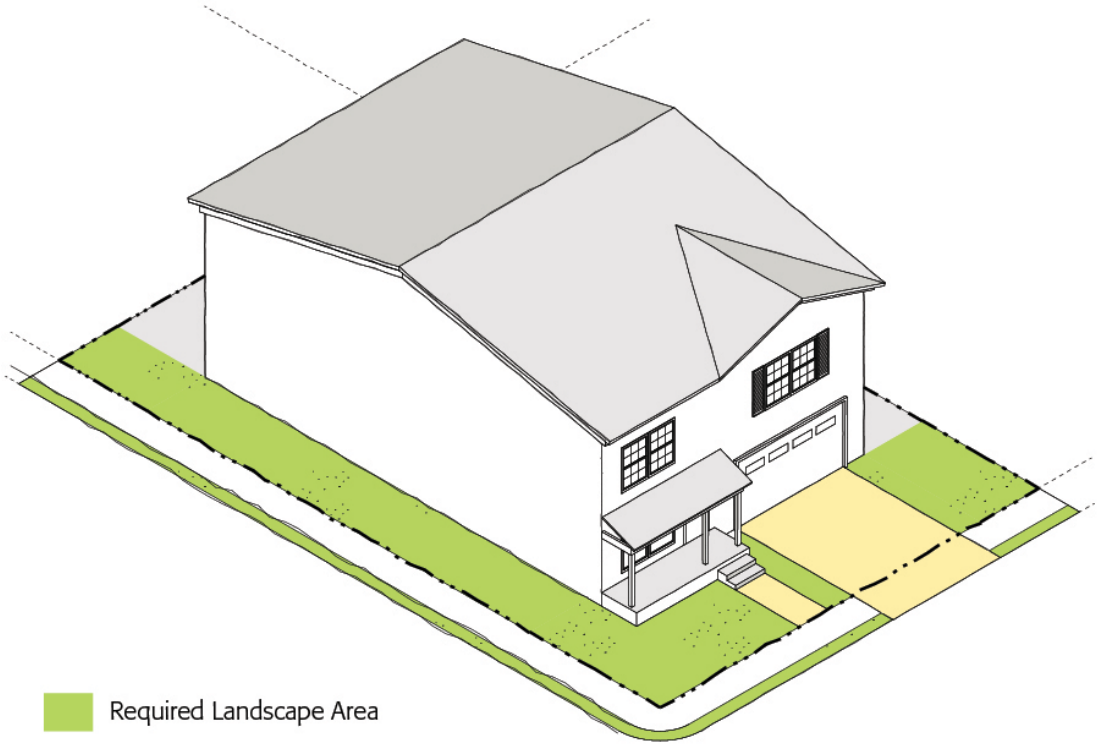
1. Substantial modifications to an approved landscape plan shall be made only by the review authority which approved the landscape plan.
2. The Director of Development Services may approve minor modifications to a landscape plan previously approved by the Planning Commission or City Council. Minor modifications are defined as changes to a landscape plan that bring the plans into conformance with State Law (including emergency drought regulations), do not decrease the total amount of landscaped area, alter the general design character or water conservation of the landscaped area, or alter a feature of the landscaped area specifically required by the decision-making authority, unless as otherwise required by State law.

20.36.050 Required Landscape Areas [NEW]

A. Residential Zoning Districts. [NEW]

1. All required exterior setback areas, excluding areas required for access to the property, shall be landscaped. See Figure 20.36-1.

FIGURE 20.36-1 REQUIRED LANDSCAPE AREA FOR RESIDENTIAL ZONING DISTRICTS



2. Landscaping may consist of any combination of living plants such as trees, shrubs and turf; related natural features such as rock, stone or bark chips; or artificial turf that meets acceptable standards as determined by the Department of Development Services. Decorative hardscape featuring pervious materials are permitted within required landscaping areas. Drought tolerant landscape materials are required, unless otherwise approved with a Minor Use Permit.

3. Street trees per City standards.

B. Non-Residential Zoning Districts. **[NEW]**

1. The minimum landscaped area on a site shall be as shown in Table 20.36-1. Outdoor dining areas and other similar quasi-public outdoor seating areas do not count toward landscaping requirements.

2. All required exterior setback areas excluding areas required for access to the property and public or quasi-public open space such as courtyards and outdoor seating shall be landscaped.

TABLE 20.36-1 MINIMUM LANDSCAPED AREA IN NON-RESIDENTIAL ZONING DISTRICTS [NEW]

Zoning Districts	Minimum Landscaped Area
D-COR, D-O, D-CM, P-PK	10%
C-G, C-T, C-N, C-SC, C-O, P-F, C-V	15%
I-L, I-H, A-G, U-T	None
B-P	15%
P-OS, P-D	As determined by the permit approval process

20.36.060 Landscape Standards [NEW]

A. General Standards. The following standards apply within all zoning districts. **[NEW]**

1. **Plant Selection**. A minimum of 90 percent of plants and trees shall be selected drought-tolerant, non-invasive species, unless otherwise approved with a Minor Use Permit.

2. **Turf Lawns. [NEW]**

   a. Natural turf areas shall be limited to no more than 50 percent of the landscaped area. The Planning Commission may approve larger areas if the lawn area provides functional open space for ballfields, etc.

   b. Drought-resistant grass species shall be used exclusively.

   c. Turf shall not be used on berms, slopes greater than 25 percent, street median, or park strips less than 10 feet wide unless sub-surface irrigation is used.

   d. Artificial turf may be used in all areas if it meets the minimum standards as established by the Development Services Department.

3. **Plant Groupings**. Where irrigation is proposed, plants shall be grouped in separate hydrozones (i.e., plants within each irrigation valve area shall have the same watering requirements).

4. **Water Features**. Decorative water features (e.g., fountains, ponds, waterfalls) shall have recirculating water systems.

5. **Public Safety.** Plant species shall be selected and located so that at maturity they do not interfere with pedestrian, bicycle, or vehicular circulation and do not conflict with overhead lights, or utility lines.

B. Irrigation and Water Efficiency. Landscaped areas shall comply with the following irrigation and water efficiency. **[NEW]**

1. **Irrigation System**. Water-efficient irrigation systems (e.g., bubbler type, drip, mini-spray) shall be required. Irrigation systems shall include check valves to prevent low head drainage, appropriate nozzles to prevent overspray, and automatic and self-adjusting irrigation controllers that include moisture and/or rain sensor shutoff; or other systems meeting minimum standards as established by the Development Services Department.

2. **Irrigation Schedule**. Landscape irrigation hours shall be in compliance with Section 15.42 (Water Shortage Regulations).

C. Timing of Installation. Landscaping systems shall be installed prior to final building permit inspection or certification of occupancy. **[NEW]**

D. Maintenance. [NEW]

1. **General**. Landscape areas shall be maintained in a neat and healthful condition at all times, except in times of an official drought declaration by the Merced City Council.

2. **Replacement of Dead or Dying Plants**. Within 90 days of a determination by the Director of Public Works that a plant is dead or severely damaged or diseased, the plant shall be replaced by the property owner in accordance with the standards specified in this chapter.

3. **Removal of Landscaping**. Any removed mature landscaping shall be replaced with landscaping of similar size and maturity as that which was removed. Mature trees shall be replaced with a 24 inch-box tree at minimum.

4. **Irrigation Systems**. Irrigation systems shall be maintained in a fully functional manner as approved by the City and required by this chapter.

Chapter 20.38 - PARKING AND LOADING

Sections:	
20.38.010	Purpose
20.38.020	Applicability
20.38.030	Required Parking Spaces
20.38.040	General Requirements
20.38.050	Parking Reductions
20.38.060	Parking Assessment Districts
20.38.070	Parking Design and Development Standards
20.38.080	Bicycle Parking
20.38.090	Off-Street Loading

20.38.010 Purpose [NEW]

This chapter establishes off-street parking requirements in order to:

A. Provide a sufficient number of off-street parking spaces for all land uses;

B. Provide for functional off-street parking areas that are safe for vehicles and pedestrians;

C. Ensure that parking areas are well-designed and contribute to high-quality design environment within Merced;

D. Allow for flexibility in off-street parking requirements to support a multi-modal transportation system and sustainable development pattern; and,

E. Ensure that off-street parking areas do not adversely impact land uses on neighboring properties.

20.38.020 Applicability

A. New Structures and Uses. All new structures and uses shall comply with the standards in this chapter, including the amount of required off-street parking as specified in Table 20.38-1 (Off-Street Parking Requirements). **[Similar to MMC 20.58.010 & 20.58.020]**

B. Changes in Existing Structures and Uses. [No change to MMC 20.58.420]

1. Additional parking shall be required for a change in use or any modification to an existing structure that results in an increase in the unit of measurement used to determine the amount of required off-street parking as specified in Table 20.38-1 (Off-Street Parking Requirements).
2. Additional off-street parking shall be required only to accommodate the incremental change or expansion of the structure or use. Additional parking shall not be required to remedy parking deficiencies existing prior to the change to an existing structure or use.
3. Additional parking for nonresidential uses is not required if the parking needed to accommodate the change is either:
   a. Two or fewer parking spaces; or,
   b. Ten (10) percent or less of the total required off-street parking spaces for the use.

[Refer to Table D1 on pg. 140A for Current Ordinance; "NC"= No change from current ordinance; "MOD"= Modified from current code; & "NEW"= New requirement.]

TABLE 20.38-1 OFF-STREET PARKING REQUIREMENTS

Land Uses	Number of Required Parking Spaces
RESIDENTIAL LAND USES	
Caretaker's Home [NEW]	1 per unit
Duplexes [NC—MMC 20.58.030]	1.75 spaces per each unit up to 30 units and 1.5 spaces per each unit thereafter
Group Homes and Facilities [NEW]	1 per unit plus 1 per 300 sq. ft. of office and other nonresidential areas
Group Housing [NEW]	1 per unit
Live/Work Units [NEW]	1.75 per unit
Mobile Home Parks [MOD MMC 20.50.130, from 2 per unit; should be same as single family]	1 per unit and 1 per office or employee
Multiple Family Dwellings/Condominiums [MOD--MMC 20.58.035 for Condos, which varies based on # of garages; & changes Multi-Family to address # of bedrooms]	1.75 spaces per unit of 2 bedrooms or less up to 30 units and 1.5 spaces per unit thereafter, plus 0.5 spaces per additional bedroom over 2 in each unit
Residential Care Facilities, Small [NEW]	1 per unit
Residential Care Facilities, Large (Includes Convalescent/Nursing Homes) [NEW]	1 per 4 beds; plus 1 per 300 sq. ft. of office or 1 per employee, whichever is greater
Secondary Dwelling Units ("Second Units") [NC MMC 20.54.350(H)]	One or two bedrooms: 1 per unit; Three or more bedrooms: 2 per unit

Land Uses	Number of Required Parking Spaces
RESIDENTIAL LAND USES (Cont.)	
Single Family Dwellings [NC—MMC 20.58.030]	1 per unit
Single-Room Occupancy [NEW]	1 per unit
Transitional Housing [NEW]	1 per 4 beds plus 1 per 300 sq. ft. of office and other nonresidential areas
PUBLIC AND QUASI-PUBLIC LAND USES	
Cemeteries, Mausoleums, Funeral Parlors, and Mortuaries [MOD--MMC 20.58.130]	1 per 5 fixed seats, or 1 per 35 sq. ft. of largest assembly area without fixed seats
Colleges and Trade Schools [MOD MMC 20.58.320, which is 1 per employee]	1 per 100 sq. ft. of classroom area or 1 per employee, whichever is greater
Community Assembly [NEW, but same as current standard for church]	1 per 3.5 fixed seats, or 1 per 60 sq. ft. of assembly area for uses without fixed seats
Cultural Institutions [NEW]	
Day Care Centers [NEW]	1 per 400 sq. ft. of floor area used for daycare and 1 per employee
Day Care Home Facilities, Small *(1-8 children)* [NEW]	1 per unit
Day Care Home Facilities, Large *(9-14 children)* [NEW]	1 per unit plus 1 per employee
Drug Rehabilitation Center [NEW]	1 per 6 beds plus 1 per 300 sq. ft. of office or other non-residential floor area
Emergency Shelters [NEW]	
Government Offices [NEW]	1 per 300 sq. ft. of floor area
Hospitals [MOD—MMC 20.58.210]	1 per bed up to 100 beds; 1 per 2 beds for up to next 100 beds; 1 per 4 beds thereafter
Medical Offices and Clinics [MOD—MMC 20.58.180 to delete reqt for # of doctors]	1 per 200 sq. ft. of floor area
Public Safety Facilities [MOD—MMC 20.58.210]	1 per 1,000 sq. ft. and 2 additional parking spaces for station vehicles
Schools, Public or Private[MOD MMC 20.58.320, which is 1 per employee]	2 per classroom or 1 per employee, whichever is greater
Social Assistance Services [NEW]	1 space per 300 square feet of floor area

Land Uses	Number of Required Parking Spaces
COMMERCIAL LAND USES	
Adult Entertainment Businesses [NEW]	1 per 300 sq. ft. of floor area
Alcoholic Beverage Sales, Retail [NEW]	1 per 250 sq. ft. of floor area
Animal Sales and Services [NEW]	1 per 300 sq. ft. of floor area
Banks, Retail [NC--MMC 20.58.090]	1 per 250 sq. ft. of floor area or 1 per employee, whichever is greater
Bars and Nightclubs [MOD—MMC 20.58.140 & 20.58.260]	1 per 100 sq. ft. of floor area or 1 per 50 sq. ft. of floor area used for dancing or 1 per 2.5 seats, whichever is greater
Bed and Breakfast [NC—MMC 20.54.330(7)]	1 per bedroom plus 2 for owner plus 1 for each employee on largest shift
Building Supplies and Home Improvement Stores[NEW]	1 per 400 sq. ft. of floor area
Business Support Services [NEW]	1 per 500 sq. ft. of floor area
Card rooms/Gaming Establishments [NEW]	1 per 2.5 seats
Check Cashing Establishments [NEW]	1 per 250 sq. ft. of floor area
Drive-Through and Drive-Up Sales [NEW]	1 per 350 sq. ft. of floor area
Equipment Sales and Rental [NEW]	1 per 400 sq. ft. of floor area plus 1 per vehicle for sale or rent
Flea Market [NEW]	1 per 300 sq. ft. of display/sales area or 1 per booth, whichever is greater
Food and Beverage Sales [NC—MMC 20.58.070]	1 per 250 sq. ft. of floor area
Furniture and Appliance Stores [NC—MMC 20.58.100]	1 per 600 sq. ft. of floor area plus 1 per vehicle used in the conduct of business
Gas and Service Stations [NEW]	3 spaces plus 1 per 250 sq.ft. of retail sales area
Hotels and Motels [MOD—MMC 20.58.050 & 20.58.060]	1 per sleeping unit or suite up to 100 units, 1 per each 2 units for each unit thereafter
Mobile Home Sales [NEW]	1 per 400 sq. ft. of floor area, but in no case less than 6 spaces, plus 1 for each mobile home for sale

Land Uses	Number of Required Parking Spaces
COMMERCIAL LAND USES (Cont.)	
Mobile Vending [NEW]	2 per motorized coach, none required for pushcarts
Office, Professional [MOD—MMC 20.58.090, which has option for 1 per employee]	1 per 250 sq. ft. of floor area
Pawn Shops[NEW]	1 per 300 sq. ft. of floor area
Personal Services [NC--MMC 20.58.110]	1 per 250 sq. ft. of floor area or 1 per employee, whichever is greater
Restaurant, Full Service [MOD—MMC 20.58.140 to add option for 1 per 100 sq. ft.]	1 per 100 sq. ft. of floor seating area or 1 for each 2.5 seats, whichever is greater
Restaurant, Limited Service [See above]	
Retail, General [NC—MMC 20.58.080]	1 per 300 sq. ft. of floor area
Vehicle Sales and Rental [NC]	1 per 400 sq. ft. of floor area; for outdoor vehicle sales lots, 3 per lot [NC—MMC 20.58.120]
Vehicle Parts and Accessories Sales [NC]	
Vehicle Repair and Maintenance [NC]	
INDUSTRIAL LAND USES	
Contractors' Facilities [NEW]	1 per 500 sq. ft. of floor area
Maintenance and Repair Services [NEW]	1 per 1,000 sq. ft. of floor area or 1 per 2 employees on the largest shift, whichever is greater; and 1 per vehicle used in the conduct of business [MOD—MMC 20.58.160 & 20.58.170 to add 1 per 1,000 sq.ft option]
Manufacturing and Processing, General [MOD]	
Manufacturing and Processing, Heavy [MOD]	
Manufacturing and Processing, Light [MOD]	
Public/Mini Storage [NEW]	1 per 50 storage units or 5 spaces, whichever is greater
Recycling Collection or Processing Facilities [NEW]	1 per 1,000 sq. ft. of floor area
Research and Development [NEW]	1 per 1,000 sq. ft. of floor area or 1 per 2 employees on the largest shift, whichever is greater; and 1 per vehicle used in the conduct of business
Warehousing, Wholesaling and Distribution [MOD—MMC 20.58.150 to add 1 per 2,000 sq. ft.]	1 per 2,000 sq. ft. of floor area or 1 per 2 employees on the largest shift, whichever is greater

Land Uses	Number of Required Parking Spaces
RECREATIONAL LAND USES	
Commercial Recreation, Indoor [NEW]	1 per 3.5 fixed seats or 1 per 300 sq. ft. of floor area used by customers, whichever is greater
Commercial Recreation, Outdoor [NEW]	1 per 3.5 fixed seats or 1 per 400 sq. ft. of floor area used by customers, whichever is greater
Golf Courses [NEW]	3 per hole plus 1 per 300 sq. ft. of office or other retail area
Parks and Recreational Facilities [NEW]	25 per ball field plus 5 spaces per acre of active recreational area
Sports Stadium or Arenas or Theaters [MOD-MMC 20.58.220 & 20.58.240 to add 1 per 50 sq ft]	1 per 4 seats or 1 per 50 sq. ft. of floor area if no fixed seats
AGRICULTURE AND NATURAL RESOURCES LAND USE	
Agricultural Processing, On-Site [NEW]	1 per 1,000 sq. ft. of floor area for all habitable buildings associated with the use, or 1 per each 2 employees on the largest shift, whichever greater
Animal Processing, On-Site [NEW]	
TRANSPORTATION, COMMUNICATIONS, AND UTILITIES LAND USES	
Airports and Heliports [MOD--MMC 20.58.290, which is 1 per each 5 employees]	1 per 500 sq. ft. of floor area of enclosed passenger terminal area
Freight Terminals [NEW]	1 per 2,000 sq. ft. of floor area
Parking Facilities [NEW]	1 per 300 sq. ft. of floor area used by employees or 1 per employee whichever is greater
Utilities, Major [NEW]	1 per 300 sq. ft. of office area, plus 1 per vehicle required to service each facility
Utilities, Minor [NEW]	
Wireless Communications Facilities [NEW]	1 per 300 sq. ft. of floor area for habitable buildings

20.38.030 Required Parking Spaces

A. Number of Spaces. All land uses shall provide a minimum number of off-street parking spaces as specified in Table 20.38-1 (Off-Street Parking Requirements). **[Similar to MMC 20.58.020]**

B. Unlisted Uses.

1. The Director of Development Services shall determine the minimum number of required off-street parking spaces for land uses not listed in Table 20.38-1 based on the requirements for the most comparable use in this chapter or an analysis of parking requirements for similar uses in other jurisdictions or State or national standards. **[Similar to MMC 20.58.330 but now Director would determine vs. Planning Commission & City Council currently.]**

2. Off-street parking requirements for unlisted land uses shall be based on the parking requirements of similar uses in Table 20.38-1. **[NEW]**

3. The Director of Development Services may require the preparation of a parking demand study at the expense of the applicant to determine the parking requirement for unlisted uses. **[NEW]**

C. Mixed or Multiple Uses. When more than one land use is conducted on a parcel, the minimum number of required off-street parking spaces shall be the sum of the number of parking spaces required for each individual use. **[Similar to MMC 20.58.380]**

D. Unknown Uses. **[NEW]**

1. The Director of Development Services shall determine the minimum number of required off-street parking spaces for non-residential "shell" structures with no identified tenants.

2. Off-street parking requirements for non-residential "shell" structures shall be based on anticipated tenants for the structures, as determined by the Director.

E. Units of Measurement. **[Modified MMC 20.58.410(A, B, & C) to add "15%" language below which has been long time staff practice]**

1. For the purpose of this chapter, "floor area," in the case of offices, merchandising or service types of uses, means the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sale or merchandise. It shall not include areas used principally for nonpublic purposes such as incidental repair, processing or packaging of merchandise, for show windows, for restrooms, for utilities, or for dressing rooms, fitting rooms, or alteration rooms. Unless additional information is provided by the applicant, these "non-public areas" will be assumed to be 15 percent of the total gross floor area and will not be used in calculating floor area for parking purposes.

2. In indoor or outdoor places of assembly in which spectators or patrons occupy benches, pews, or other similar seating facilities, each twenty inches of such seating facilities shall be counted as one seat for the purpose of determining off-street parking facilities.

3. When units of measurements determining the number of required parking spaces result in requirements of a fractional space, fractions of spaces over one-half shall be rounded up to the next whole number.

F. Conforming Status. Structures or uses established prior to the effective date of the Zoning Ordinance shall not be deemed nonconforming by reason of providing fewer off-street parking spaces than required by Table 20.38-1. However, no such structure or use may further reduce the number of provided off-street parking spaces below the requirements of this chapter. **[No change to MMC 20.58.340(B)]**

G. Additional Required Parking. The Planning Commission may require more off-street parking than required by Table 20.38-1 if the Commission determines that additional parking is needed to serve the proposed use and to minimize adverse impacts on neighboring properties. **[NEW]**

20.38.040 General Requirements

A. Availability and Use of Spaces.

1. Required parking spaces shall be permanently available and maintained for parking purposes for the use they are intended to serve. **[No change to MMC 20.58.010]**
2. Owners, lessees, tenants, or persons having control of the operation of a use for which parking spaces are required shall not prevent or restrict authorized persons from using these spaces. **[NEW]**
3. Required parking spaces shall be used exclusively for the temporary parking of vehicles and shall not be used for the sale, lease, display, repair, advertising, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the Zoning Ordinance. **[NEW]**

B. Location of Parking.

1. Required parking spaces shall be located on the same lot as the use they are intended to serve, except as allowed by subsection C below. **[No change to MMC 20.58.370(A)]**
2. When the required off-street parking for a one-family or two-family structure in any R district is not to be provided in a covered garage or carport, each required car space shall be so located that it may later be covered by a garage or carport structure in accordance with the provisions of this chapter. **[No change to MMC 20.58.370(D)]**

C. Off-Site Parking.

1. For multi-family housing and non-residential uses, the Site Plan Review Committee may approve off-site parking if it finds that practical difficulties prevent the parking from being located on the same lot it is intended to serve. **[MMC 20.58.370 does not designate a review authority for off-site parking requests, so they have been staff level decisions, which is consistent with above.]**

2. Off-site parking shall be located within 400 feet of the use it is intended to serve or another reasonable distance as determined by the Site Plan Review Committee. **[MMC 20.58.370(B) & (C) limits the distance to 150 feet for hospitals, homes for the aged, roominghouses, fraternity houses, and other similar uses and 400 feet for all other uses. No option for a larger distance is allowed.]**

3. If off-site parking is approved, a covenant record, approved by the City Attorney, shall be filed with the County Recorder. The covenant record shall require the owner of the property where the off-site parking is located to continue to maintain the parking space so long as the building, structure, or improvement is maintained within the City. This covenant shall stipulate that the title and right to use the spaces shall not be subject to multiple covenants or contracts for use, or termination, without prior written consent of the City. **[No change to MMC 20.58.370]**

D. Parking for Persons with Disabilities. **[NEW, but consistent with Building Code reqts.]**

1. Parking spaces for persons with disabilities shall be provided in compliance with California Code of Regulations Title 24.
2. Parking spaces required for the disabled shall count toward compliance with the number of parking spaces required by Table 20.38-1.

20.38.050 Parking Reductions

The minimum number of required off-street parking spaces as specified in Table 20.38-1 may be reduced as described below.

A. Shared Parking. Multiple land uses on a single parcel or development site may use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ. Requests for the use of shared parking may be approved if:

[MMC 20.58.400 allows joint use parking but is very complex and specific about certain uses and requires Planning Commission approval. This change would be more flexible and leaves the determination to the Director based on technical studies.]

1. A parking demand study approved by the Director of Development Services demonstrates that there will be no substantial conflicts between the land uses' principal hours of operation and periods of peak parking demand;
2. The total number of parking spaces required for the land uses does not exceed the number of parking spaces anticipated at periods of maximum use;
3. The proposed shared parking facility is located no further than 400 feet from the primary entrance of the land use which it serves; and,
4. A covenant record as described in Section 20.38.040.C.3 shall be recorded.

B. Common Parking Facilities. Common parking facilities, public or private, may be provided in lieu of the individual requirements contained in this chapter, provided, the total of such off-street parking facilities, when used together, shall not be less than the sum of the various uses computed separately. Such common facilities shall be approved by the Planning Commission with a Conditional Use Permit, and the Planning Commission may grant a reduction in the total required parking for the uses by no more than fifteen percent. **[Minor changes to MMC 20.58.390]**

C. Low Demand. The number of parking spaces may be reduced if the land use will not utilize the required number of spaces due to the nature of the specific use, as demonstrated by a parking demand study approved by the Director of Development Services. **[NEW]**

D. Transportation Demand Management Plan. The number of parking spaces may be reduced by the Director of Development Services up to 20 percent if the project applicant prepares a Transportation Demand Management Plan which demonstrates a reduction in the demand for off-street parking spaces by encouraging the use of transit, ridesharing, biking, walking, or travel outside of peak hours. **[NEW]**

E. Bus Stop/Transportation Facility Credit. The number of parking spaces may be reduced by up to 5 percent for commercial or multiple-family development projects within 400 feet of a City-approved bus stop. If a commercial or multiple-family development project is located within 400 feet of a transit center, the project may reduce parking spaces by up to 10 percent. **[NEW]**

F. Mixed-Use Projects. A mixed-use project with commercial and residential units may reduce parking requirements by up to 30 percent as demonstrated by a parking demand analysis approved by the Director of Development Services. **[NEW]**

20.38.060 Parking Assessment Districts [No change from MMC 20.58.470 through 20.58.520]

If a parking assessment district has been established, a fee may be paid to the City in lieu of providing required off-street parking within the district.

A. Exception for Parking Districts. Property located within a district in which special assessments have been or are to be levied for providing public off-street parking shall not be required to provide off-street parking facilities for the ground floor of any such structure.

B. Special Assessment Financing.

1. In any special assessment proceedings for financing the cost of public off-street parking facilities, any improved property shall be granted a credit against the assessment to be levied, in such ratio as the City Council shall determine, for any improved customer, owner, tenant or employee parking spaces or reasonable access areas.

2. In determining the amount of assessment credit, the area of credit shall be improved in accordance with this code. If not so improved at the time of granting the credit, the owner shall cause the area to be so improved within 60 days thereafter, or otherwise the credit shall be removed. A parking space is defined as an area of 8.5 by 20 feet in dimension. The determination of the City Council as to the amount of "reasonable access" shall be final.

3. Areas used for parking of delivery vehicles or other commercial or industrial vehicles, and open areas used for storage or otherwise in the operation of the business, shall not be included in any area of credit. Any area for which a credit for parking is granted shall remain subject to the requirements of this chapter for providing off-street parking.

C. In-lieu Parking Fee. In lieu of providing off-street parking within a special assessment parking district, an owner may pay to the City a sum equal to one thousand two hundred dollars ($1,200) per parking space, which money shall be deposited in a special fund and used for providing, improving or maintaining off-street parking facilities in said district.

D. Additions to Parking Districts.

1. Each owner of a property not included within a district in which special assessments are levied for providing public off-street parking, but within 400 feet of a public parking lot located within such a district, may pay a participation fee to defray the cost of providing required off-street public parking facilities, in exchange for the benefits and the responsibilities of inclusion in said district. Upon payment of the participation fee as provided in Section 20.38.060.D.2 and continuing payment of assessments imposed by the district, the owner of the subject property shall not be required to provide off-street parking facilities for the ground floor of any structure on the property, and may also pay in-lieu parking fees as provided in Section 20.38.060.C.

2. The participation fee shall be deposited in a special fund and used for providing, improving, or maintaining off-street parking facilities in said district. The amount of participation fee shall be computed as follows:
   a. Participation fee = (Basic Charge + Cost Index)
   b. "Basic charge" is 90 cents per square foot of the subject property, and $245 per front foot of the subject property, measured as the subject property's frontage along the public right-of-way with the highest traffic volume.
   c. "Cost index" is the most current cost index (calculated on an annual basis based on the previous year's Consumer Price Index, All Urban Consumers, published by the U.S. Department of Labor), multiplied by the total square foot and front foot of the subject property. In the event of discontinuation of such index, the index most closely resembling said index.

20.38.070 Parking Design and Development Standards

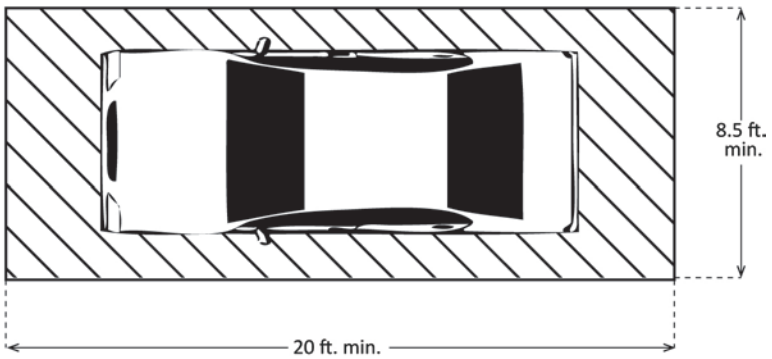
A. Dimensions. The minimum required dimensions for off-street parking spaces shall conform to the latest edition of the City's Standard Designs of Common Engineering Structures. **[Modifies MMC 20.58.350 to refer to City Standards instead of spelling out specific dimensions.]**

B. Compact Spaces.

1. A maximum of 25 percent of required off-street parking spaces may be compact spaces. **[No change from MMC 20.58.350]**
2. All parking spaces for compact cars shall be clearly marked with the word "Compact" either on the wheel stop or curb, or on the pavement at the opening of the space. **[NEW, but consistent with City Standards.]**

C. Parking Access. The required dimensions for driveways providing access to off-street parking spaces shall conform to the latest edition of the City's Standard Designs of Common Engineering Structures. **[Modifies MMC 20.58.360 to refer to City Standards.]**

FIGURE 20.38-1 EXAMPLE OF 90-DEGREE PARKING SPACE DIMENSIONS



D. Surfacing. **[NEW]**

1. All permanent parking spaces and drive aisles shall be paved with asphalt, concrete or other all-weather surface per the latest edition of the City's Standard Designs of Common Engineering Structures.
2. Permeable paving materials, such as porous concrete/asphalt, open-jointed pavers, and turf grids, are a permitted surface material, subject to approval by the City Engineer.

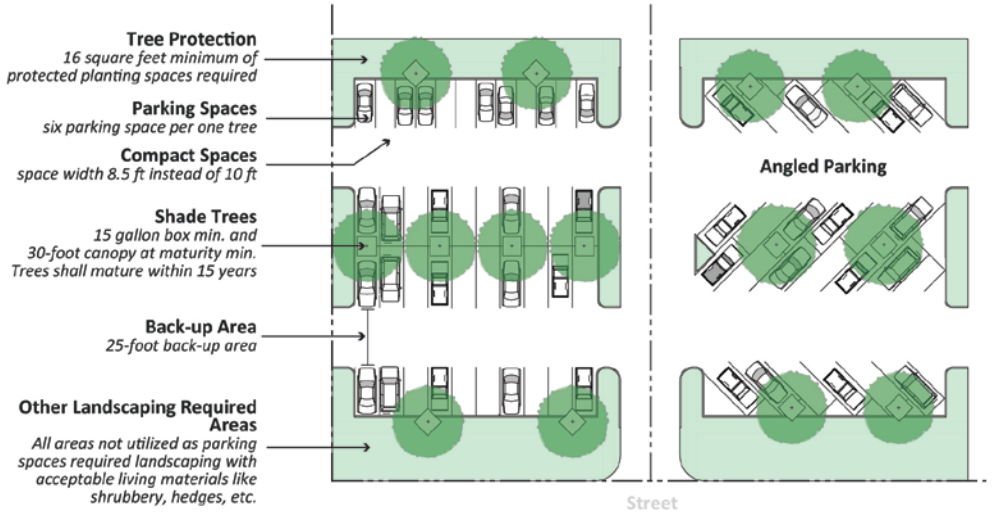
E. Tandem Parking Spaces. Tandem parking spaces may be permitted for all residential land uses, provided that they comply with the following standards: **[NEW]**

1. Parking spaces in a tandem configuration shall be reserved for and assigned to a single dwelling unit.
2. All required guest parking shall be provided as single, non-tandem parking spaces.
3. Tandem parking spaces shall not block the use of the driveway to access other parking spaces located within the parking area.
4. Tandem parking spaces shall be used to accommodate passenger vehicles only.

F. Landscaping. **[Modifies MMC 20.58.385 to spell out requirements instead of referring to a separate document adopted in 1985 and not as readily accessible as the City Standards.]**

1. **General Standards.** All landscaping within parking areas shall comply with the requirements of Chapter 20.36 (Landscaping) in addition to the standards within this section.
2. **Landscaping Defined**. Except as otherwise specified in this section, landscaping and landscaped areas shall consist of drought-tolerant plant materials, including any combination of trees, shrubs, and ground cover.
3. **Parking Lot Standards**. As illustrated in Figure 20.38-2 (Parking Lot Landscaping Standards), the following landscaping standards shall apply to parking lots containing six or more parking spaces. All landscape areas shall have an irrigation system.

FIGURE 20.38-2 PARKING LOT LANDSCAPING STANDARDS



a. **Interior Landscaping**. All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped with plantings with drought-tolerant, non-invasive species. **[NEW]**

b. **Shade Trees**. **[Matches Current Standards]**

(1) One shade tree shall be provided for every six parking spaces, or portion thereof, in a parking lot in addition to street trees.

(2) Shade trees shall be a minimum 15 gallon box in size and shall provide a minimum 30-foot canopy at maturity.

(3) Shade trees shall be of a type that can reach maturity within 15 years of planting and shall be selected from a City-approved list of canopy tree species suitable for the Valley climate.

(4) Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a 30-foot canopy) on August 21. The arrangement should approximate nearly 50 percent shade coverage at noon on August 21 within 15 years of planting.

(5) The above standards may be modified with a Minor Use Permit if alternative shade structures are provided.

4. **Concrete Curbs**. **[NEW]**

a. All landscape areas shall be separated from parking spaces, drive aisles and driveways by a raised concrete curb. Raised concrete curbs shall be a minimum of 6 inches high by 6 inches deep.

b. The City may approve alternatives to raised concrete curbs as needed to comply with any mandatory storm water drainage standards.

5. **Parking Space Landscaping.** A maximum of 2 feet at the front end of a parking space may be landscaped in lieu of paving surface. **[NEW]**

6. **Timing.** Landscaping shall be installed prior to the City's authorization to occupy any buildings served by the parking area, or prior to the final inspection for the parking lot, unless otherwise approved by the Director of Development Services. **[NEW]**

G. Lighting. [NEW]

1. A parking area with six or more parking spaces shall include outdoor lighting that provides a minimum illumination of 1.0 foot candles over the entire parking area or as otherwise required by the Building Code.

2. Outdoor lighting as required by Subsection G.1 above shall be provided during nighttime business hours.

3. All parking space area lighting shall be energy efficient and designed so that any glare or spillage is directed away from residential properties.

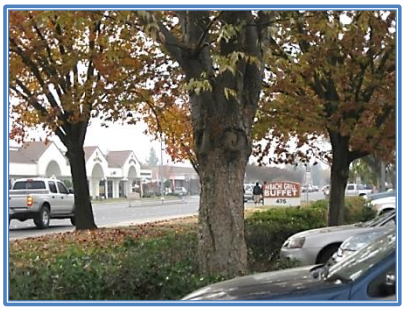
4. All fixtures shall be hooded.

H. Pedestrian Access. Parking lots shall include pedestrian walkways in compliance with American with Disabilities Act (ADA) requirements and the California Building Code. **[NEW]**

I. Screening. Parking lots of 6 spaces or more shall comply with the following screening standards, unless otherwise approved with a Minor Use Permit. **[NEW]**

1. **Location.** Screening with a minimum width of 5 feet shall be provided along the perimeter of parking lots fronting a public or private street or abutting a residential zone. **[NEW]**

2. **Height.** **[NEW, except as noted]**



   a. Screening adjacent to streets shall have a minimum height of 2.5 feet.

   b. Screening abutting a residential zoning district shall have a minimum height of 6 feet, except in required setback areas, where the minimum height shall be 4 feet.

   c. Commercial parking lots abutting residential zoning districts shall have a solid wall with a minimum height of 6 feet. **[No change to MMC 20.58.450(A)(2)]**

3. **Materials.** Required screening may consist of one or more of the following materials: **[NEW]**

   a. Low-profile walls constructed of brick, stone, stucco or other durable material with graffiti-proof coating materials or landscaping/vines.

   b. Evergreen plants that form an opaque screen.

   c. An open fence combined with landscaping to form an opaque screen.

   d. A berm landscaped with ground cover, shrubs, or trees.

20.38.080 Bicycle Parking [Entire Section is NEW. Recommendation by the Zoning Ordinance Focus Group is to mirror CA Green Code requirements while the Bicycle Advisory Commission (BAC) recommends greater standards as noted below. Proposals below attempt to strike a balance between the two recommendations.]

A. Applicability. All multi-family and non-residential land uses shall provide bicycle parking as specified in this section and in accordance with Sections 20.38.020 (Applicability) and 20.38.030 (Required Parking Spaces), except for the following uses: [NEW; Green Code doesn't address, BAC wants these removed]

1. Gas and Service Stations
2. Maintenance and Repair Services
3. Vehicle Repair
4. Vehicle Sales and Rental
5. Wholesaling
6. Construction and Material Yards
7. Warehousing and Distribution
8. Other similar uses as determined by the Director of Development Services.

B. Types of Bicycle Parking. [NEW; Consistent with Green Code]

1. **Short-Term/Class II Bicycle Parking**. Short-term/Class II bicycle parking provides shoppers, customers, and other visitors who generally park for two hours or less a convenient and readily accessible place to park bicycles.
2. **Long-Term/Class I Bicycle Parking**. Long-term/Class I bicycle parking provides employees, residents, visitors and others who generally stay at a site for several hours a secure and weather-protected place to park bicycles.

C. Bicycle Parking Spaces Required. The number of required bicycle parking spaces shall be as specified in Table 20.38-4 (Required Bicycle Parking Spaces). [NEW]

TABLE 20.38-4 REQUIRED BICYCLE PARKING SPACES

Land Use	Required Bicycle Parking Spaces	
	Short-Term Spaces	Long-Term Spaces
Multi-Family Dwellings of 6 units or more, Group Housing, and Single Room Occupancy [Green Code is Voluntary only]	10% of required automobile parking spaces; minimum of 2 spaces [BAC wants 1 per 4 units; Green Code 5%, min. 2]	1 per 10 units; minimum of 2 spaces [BAC wants 1 for each unit, Green Code 5%, min. 2 but voluntary only]
Non-Residential Uses [Green Code requires 5% for each; BAC prefers a standard NOT tied to the number of vehicle spaces]	8% of required automobile spaces, minimum of 2 spaces [Green Code 5% with min. 2]	8% of required automobile spaces for uses 10,000 sq. ft. or greater; minimum of 2 spaces [Green Code 5%, with min. 1]

D. Short-Term/Class II Bicycle Parking Standards. Short-term bicycle parking shall be located within 100 feet of the primary entrance of the structure or use it is intended to serve, be readily visible to passers-by, and at least 25 percent of required short-term bicycle parking spaces shall be covered. **[NEW; BAC recommendation; Green Code requires within 200 feet of entrance and no reqt for covers.]**

E. Long-Term Bicycle Parking Standards. Following standards shall be recommended for long-term bicycle parking: **[NEW]**

1. **Location.** Long-term bicycle parking shall be located in highly visible, well-lighted areas that are convenient to the street and users. **[Green Code has no lighting reqt.]**
2. **Cover.** A minimum of 75 percent of required long-term bicycle parking spaces shall be covered. **[No reqt in Green Code.]**
3. **Parking Facilities.** Long-term bicycle parking spaces must be secure and may include: **[Matches Green Code reqts]**
   a. Covered, lockable enclosures with permanently anchored racks for bicycles; or,
   b. Lockable bicycle rooms or areas with permanently anchored racks; or,
   c. Lockable, permanently anchored bicycle lockers.

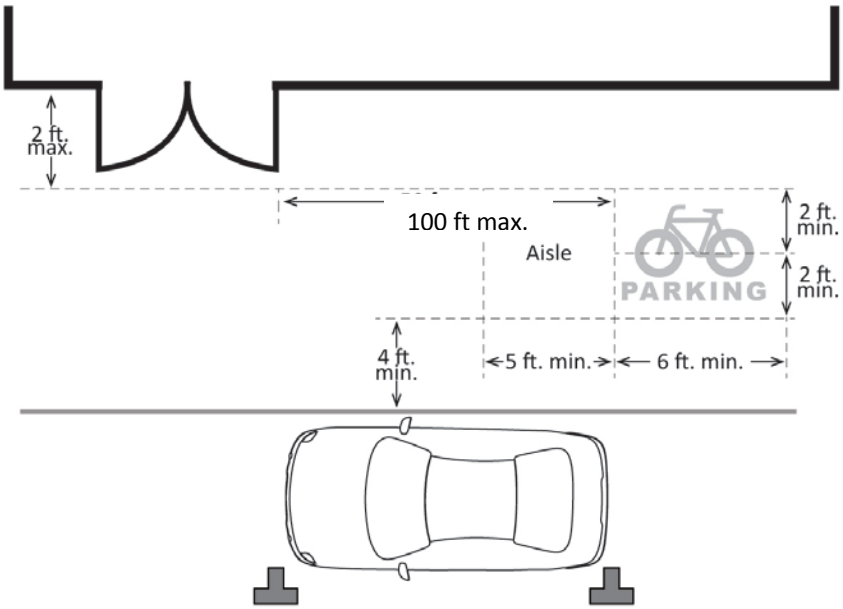
F. Parking Space Dimensions. **[NEW, No requirements in Green Code]**

1. Minimum dimensions of 2 feet by 6 feet shall be provided for each bicycle parking space (illustrated in Figure 20.38-3).
2. An aisle of at least 5 feet shall be provided behind all bicycle parking to allow room for maneuvering.
3. 2 feet of clearance shall be provided between bicycle parking spaces and adjacent walls, polls, landscaping, pedestrian paths, and other similar features.
4. 4 feet of clearance shall be provided between bicycle parking spaces and adjacent automobile parking spaces and drive aisles.

G. Rack Design. Bicycle racks must be capable of locking both the wheels (one wheel with a U-type lock), providing at least 2 points of contact with the frame of the bicycle, and supporting bicycles in an upright position. "Inverted U" bicycle racks are highly recommended. **[NEW; No reqts in Green Code; Matches BAC recommendation]**

H. Cover. Required cover for bicycle parking spaces shall be permanent, designed to protect the bicycle from sun and rainfall, and be at least 7 feet above the floor or ground. **[NEW; No requirement in Green Code]**

FIGURE 20.38-3 SHORT-TERM/CLASS II BICYCLE PARKING DIMENSIONS [NEW]



20.38.090 Off-Street Loading [Modified/Expanded MMC 20.58.460]

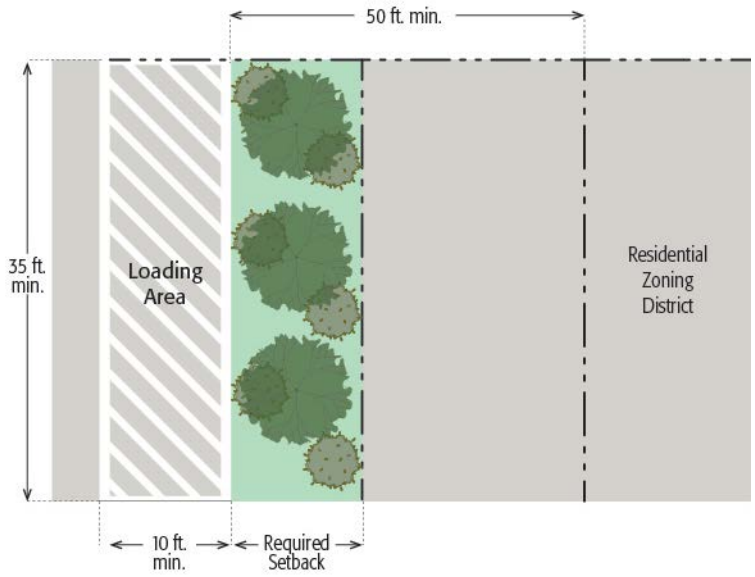
A. Applicability. All retail, restaurant, hotel, warehousing, manufacturing, hospitals, laundry, and similar uses that involve the frequent receipt or delivery of materials or merchandise shall provide off-street loading spaces consistent with the requirements of this section. **[Simplified list of uses in MMC 20.58.460 to delete specific mention of "dry-cleaning, storage, mortuary, goods display, market, wholesale store" and others covered under the more generic descriptions above.]**

B. Number of Loading Spaces. The minimum number of required loading spaces shall be as specified in Table 20.28-5 (Required Loading Spaces). **[No change in requirements from MMC 20.58.460, but put in Table form and Figure added.]**

TABLE 20.38-5 REQUIRED LOADING SPACES

Total Gross Floor Area	Required Loading Spaces
Less than 5,000 sq. ft.	None
5,000 to 25,000 sq. ft.	1
Greater than 25,000 sq. ft.	2 plus 1 per each additional 20,000 sq. ft.

FIGURE 20.38-4 OFF-STREET LOADING



C. Location.

1. Required loading spaces shall be located on the same lot as the use they are intended to serve. **[No change from MMC 20.58.460]**

2. A formal agreement among property owners shall be required and recorded if an immediately adjacent lot is used as required loading spaces. **[NEW]**

3. No loading space shall be located closer than 50 feet to a residential zone, unless the loading space is wholly enclosed within a building or screened by a solid wall not less than 8 feet in height. **[No change from MMC 20.58.460(C)]**

D. Dimensions.

1. Each loading space shall have minimum dimensions of 10 feet wide, 35 feet long, and 14 feet in vertical clearance. **[No change from MMC 20.58.460(A)]**

2. Deviations from the minimum dimensions standards may be approved by the Director of Development Services if the spatial needs are less than the minimum required due to the truck size and type that will be utilized in the operation of a specific business. **[NEW]**

E. Design and Configuration. [NEW]

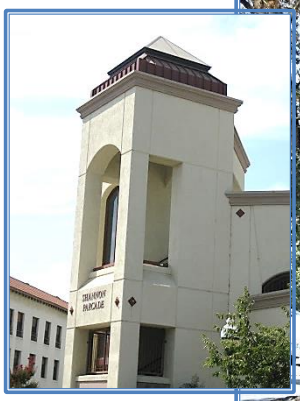
1. Loading spaces shall be configured to ensure that loading and unloading takes place on-site and not within adjacent public rights-of-way.

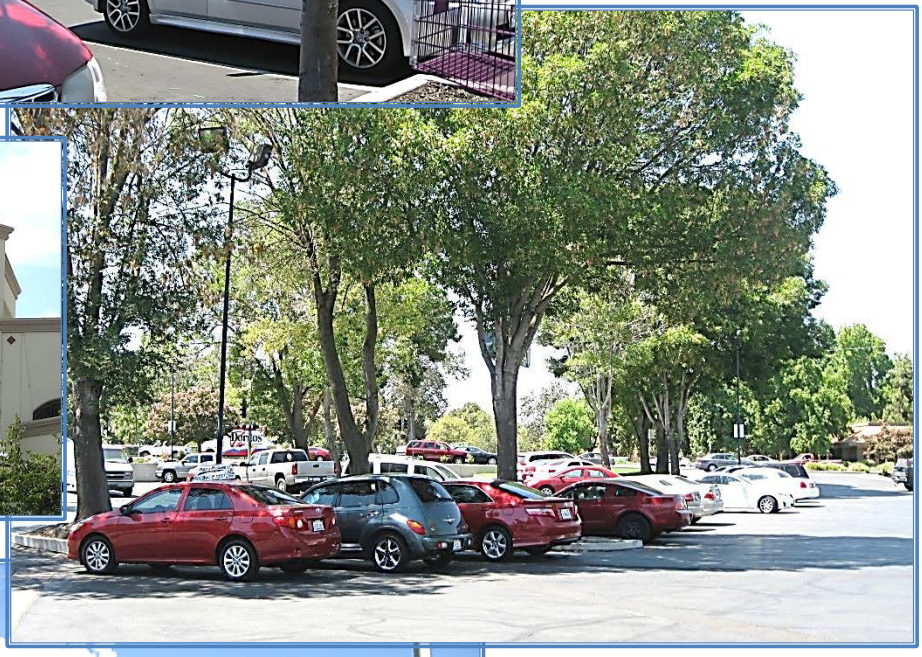
2. Sufficient maneuvering area shall be provided for loading spaces so that vehicles may enter and exit an abutting street in a forward direction.

3. Loading spaces and their associated maneuvering areas shall not encroach into required employee or visitor parking areas or other on-site areas required for vehicle circulation.

4. Loading spaces shall be striped and clearly identified as for loading purposes only.

SAN MIGUEL MARKET





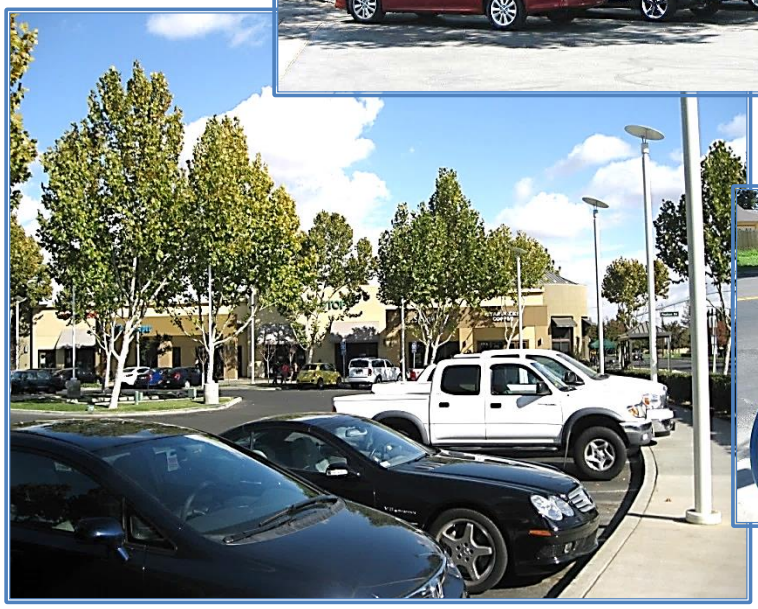


TABLE D1—Parking Requirements from Current City Ordinance for Comparison Purposes

MMC/Land Use	Parking Requirements
20.58.030 Residential uses—Dwellings.	Off-street parking space requirements for single-family dwellings are one space for each unit; for duplex and multiple-family dwellings, 1.75 spaces for each unit up to thirty units and 1.5 spaces for each unit thereafter; and for non-bedroom apartments, 1.5 spaces for each unit.
20.58.035 Residential uses—Condominiums..	A. For residential condominium projects which have not received use permit or site utilization plan approval before the effective date of the ordinance codified in this section, the off-street parking requirements are as follows: 1. For each unit with a one-car garage, an additional 1.5 parking spaces are required; 2. For each unit with a two-car garage, one additional parking space is required; and, 3. For each unit with no garage, two parking spaces are required. B. Notwithstanding the above, the planning commission shall have the discretion to count driveways adjacent to a garage as fractional parking spaces as follows: 1. If a minimum ten-foot by twenty-foot area serves as a direct driveway approach to a garage, then credit for up to one-third of a required parking space may be given; 2. If a minimum seventeen-foot by twenty-foot area serves as a direct driveway approach to a garage, then credit up to two-thirds of a required parking space may be given.
20.58.040 Residential uses—Roominghouses and clubs.	Off-street parking space requirements, for roominghouses, lodginghouses, clubs and fraternity houses having sleeping rooms, are one for each sleeping room.
20.58.050 Residential uses—Hotels.	The off-street parking space requirement, for hotels, is one for each bedroom up to six bedrooms, and one for each three bedrooms in excess of six bedrooms.
20.58.060 Residential uses—Motels.	The off-street parking space requirement, for motels, is one for each sleeping unit.
20.58.070 Commercial uses—Retail food stores.	The off-street parking space requirement, for retail food store, is one for each two hundred fifty square feet of floor area and one for each vehicle used in the conduct of the business.
20.58.080 Commercial uses—Retail stores (except food).	The off-street parking space requirement, for retail stores (except food), is one for each three hundred square feet of floor area, and one for each vehicle used in the conduct of the business.
20.58.090 Commercial uses—Business and professional; banks and post offices.	The off-street parking space requirement, for business offices, professional offices (except medical and dental), banks and post offices, is one for each employee or for each two hundred fifty square feet of floor area, whichever is greater, and one for each vehicle used in connection therewith.
20.58.100 Commercial uses—	The off-street parking space requirement, for furniture and appliance stores, is one for each six hundred square feet of floor

Furniture and appliance stores.	area, and one for each vehicle used in the conduct of business.
20.58.110 Commercial uses—Personal services.	The off-street parking space requirement, for personal services, such as barber, beauty, cleaning pickup stations, repair shops, is one for each employee or one for each two hundred square feet of floor area, whichever is greater and one for each vehicle used in the conduct of business.
20.58.120 Commercial uses—Motor vehicle, machinery sales or repair.	The off-street parking space requirement, for motor vehicle or machinery sales, repair garages, is one for each four hundred square feet of floor area and one for each vehicle used in the conduct of the business, or for outdoor motor vehicle sales lots, three for each lot.
20.58.130 Commercial uses—Mortuaries and funeral homes.	The off-street parking space requirement, for mortuaries and funeral homes, is one for each official vehicle and one for each family in residence, plus one for each two employees, plus one for each five seats in the main chapel or one for each thirty-five square feet where movable seats can be placed.
20.58.140 Commercial uses—Food and beverage consumption establishments.	The off-street parking space requirement, for cafes, restaurants, and other establishments for sale and consumption of food and beverages, is one for each two and one-half seats.
20.58.150 Industrial uses—Warehouses, storage and communication equipment buildings.	The off-street parking space requirement, for warehouses, storage buildings and communication equipment buildings, is one for each vehicle used in the conduct of the business, plus one for each two employees on the largest shift.
20.58.160 Industrial uses—Manufacturing plant—Light.	The off-street parking space requirement, for light manufacturing plants, is one for each vehicle used in the conduct of the business, plus one for each two employees on the largest shift.
20.58.170 Industrial uses—Manufacturing plant—Heavy.	The off-street parking space requirement, for heavy manufacturing plants, is one for each vehicle used in the conduct of the business, plus one for each two employees on the largest shift.
20.58.180 Health uses—Dental and medical clinics and optometrists' offices.	The off-street parking space requirement for dental clinics, medical clinics and optometrists' offices, is one parking space per two hundred feet of gross floor area, or six parking spaces per physician or physician's assistant, whichever is greater. Notwithstanding the above, the city may, by conditional use permit, reduce the required number of parking spaces after considering the proposed use, location and availability of off-street parking.
20.58.190 Health uses—Homes for the convalescent, aged and children.	The off-street parking space requirement, for nursing and convalescent homes and homes for the aged and children, is one for each four beds plus one for each employee on the largest shift.
20.58.200 Health uses—Sanitariums.	The off-street parking space requirement, for sanitariums, is one for each four beds plus one for each employee on the largest shift.
20.58.210 Health uses—Hospitals.	The off-street parking space requirement, for hospitals, is one for each three patient beds, one for each staff doctor, plus one for each employee, including nurses, on the largest shift.

20.58.220 Places of assembly—Auditoriums.	The off-street parking space requirement, for auditoriums, is one for each four seats.
20.58.230 Places of assembly—Arenas, gymnasiums and rinks.	The off-street parking space requirement, for sports arenas, stadiums, gymnasiums, skating rinks, is one for each three and one-half seats.
20.58.240 Places of assembly—Theaters.	The off-street parking space requirement, for theaters, is one for each four seats.
20.58.250 Places of assembly—Bowling alleys.	The off-street parking space requirement, for bowling alleys, is four for each alley.
20.58.260 Places of assembly—Dance halls.	The off-street parking space requirement, for dance halls, is one for each fifty square feet of gross floor area used for dancing.
20.58.270 Places of assembly—Churches.	The off-street parking space requirement, for churches, is one for each three and one-half seats in the largest assembly room or one for each fifteen classroom seats, whichever is greater,
20.58.280 Places of assembly—Clubs and lodges without sleeping facilities.	The off-street parking space requirement, for clubs and lodges with no sleeping facilities, is one for each seven seats or one for each fifty square feet where movable seats can be placed in the largest meeting room.
20.58.290 Places of assembly—Transportation terminals.	The off-street parking space requirement, for transportation terminal facilities, is one for each five employees.
20.58.300 Education or public uses—Libraries.	The off-street parking space requirement, for libraries, is one for each two hundred fifty square feet of floor area.
20.58.310 Education or public uses—Library stations and museums.	The off-street parking space requirement, for library stations and museums, is one for each five hundred square feet of floor area.
20.58.320 Education or public uses—Schools.	The off-street parking space requirement, for schools, is one for each employee.

City of Merced
Free Customer Parking
LEIGHTON'S
JEWELERS

Chapter 20.40 - SMALL LOT SINGLE-FAMILY HOMES [NEW]

Sections: [NEW Chapter, but based on principles in Small Lot Design Guidelines adopted by the City in 2008.]

20.40.010 Purpose

20.40.020 Location

20.40.030 Permits Required

20.40.040 Use Regulations

20.40.050 Development Standards and Guidelines

20.40.010 Purpose [NEW]

The purpose of small lot single-family home provisions is to allow for increased flexibility in the design of new residential development in a manner that increases housing choices for residents, utilizes land resources efficiently, and ensures a high quality design environment.

20.40.020 Location [NEW]

Small lot single-family homes may be proposed in Residential Planned Development (RP-D), Inner Village Residential (R-IV), Outer Village Residential (R-OV), and Low Medium Density Residential (R-2) zoning districts. The City may determine that a proposed small lot single-family home subdivision is not allowed where public facilities and services are insufficient for the proposed development.

20.40.030 Permits Required [NEW]

Small lot single-family homes shall require approval of a Conditional Use Permit. All subdivisions of land shall receive permits and approvals required by Title 18 (Subdivisions) of the Merced Municipal Code.

20.40.040 Use Regulations [NEW]

A small lot single-family home may be developed with only those uses allowed in the zoning district applicable to the site.

20.40.050 Development Standards and Guidelines [NEW]

A. Basic Standards. [NEW]

1. Development standards for small lot single-family homes shall be established for each development with the approval of the Conditional Use Permit. In general, small lot single-family homes should comply with the City's *Small Lot Single-Family Home Design Guidelines*, Table 20.40.050 (Development Standards for Small Lot Single-Family Homes), and other standards and guidelines in this chapter, unless otherwise specified in the Conditional Use Permit. The *Guidelines* provide for two types of lots:
   a. PD-1-4 Designation: Lots between 40 feet and 50 feet in width
   b. PD-1.3 Designation: Lots between less than 40 feet but no less than 30 feet in width.
2. Small lot single-family homes shall also comply with Section 20.22.040 (Urban Residential Overlay Zone) if those same individual residential building types (as illustrated in Figures 20.22-1 through 20.22-11) are proposed, unless otherwise specified in the Conditional Use Permit.

B. Parking Standards [NEW]

1. All required parking spaces shall be set back a minimum of 20 feet from the front property line and/or sidewalk, whichever is closer.
2. Shared driveway access between two adjacent parcels is allowed when the garages are located within the rear of the parcel behind the primary residential unit or recessed so the home's entry elevation retains a dominant visual appearance.

3. Two on-site parking spaces shall be provided per unit with at least one being covered.

C. Other Standards and Guidelines. Small lot single-family homes should comply with the guidelines for façade design, open space, service area, lane (alley), parking configurations, driveway access, fencing, public streets, and architectural features in the City's *Small Lot Single-Family Home Design Guidelines*, available under separate cover from the City Planning Division, unless otherwise specified in the Conditional Use Permit. [NEW]

[NEW, but based on 2008 Small Lot Design Guidelines]

TABLE 20.40.050 DEVELOPMENT STANDARDS FOR SMALL LOT SINGLE-FAMILY HOMES

	PD-1-3	PD-1-4	Additional Standards
Lot and Density Standards (Minimums)			
Lot Area	**3,000 sq. ft.**	**5,000 sq. ft.**	-
Lot Width	**30 ft.**	**40 ft.**	-
Lot Width (Corner Lots)	**35 ft.**	**45 ft.**	
Lot Depth	**65 ft.**	**75 ft.**	
Primary Structure Standards			
Setbacks (min.)	Refer to Table 4 in "Small Lot Single-Family Home Design Guidelines"		
Height (max.)			
Feet	**40 ft.**	**40 ft.**	Section 20.62.020
Stories	**3**	**3**	Section 20.62.020
Lot Coverage	**60%**	**60%**	-

Chapter 20.42 - SECOND UNITS

Sections:	
20.42.010	Purpose
20.42.020	Minor Use Permit Required
20.42.030	Site and Design Standards
20.42.040	Occupancy Standards

20.42.010 Purpose [Minor Modifications to MMC 20.54.350]

This chapter establishes standards for the location and construction of second units (also known as "secondary dwelling units") in conformance with Government Code Section 65852.2. These standards are intended to allow for second units as an important form of affordable housing while preserving the character and integrity of residential neighborhoods within the City.

20.42.020 Minor Use Permit Required

Approval of a Minor Use Permit is required prior to the establishment of any second unit or a subdivision with multiple second units. **[MMC 20.54.350(L) requires a Site Plan Review Permit, but a Minor Use Permit (which requires no public hearing) is more consistent with State Law.]**

20.42.030 Site and Design Standards

A. Location. Second units shall be permitted in residential zoning districts as provided in Part 2 (Zoning Districts). **[Consistent with MMC 20.54.350]**

B. Site Requirements

1. Second units that comply with this chapter shall be permitted on all legally established residential parcels, regardless of parcel size. **[No change to MMC 20.54.350]**
2. A second unit may only be established if a single-family dwelling unit ("primary dwelling") exists on the parcel or is being built at the same time. **[Changes MMC 20.54.350(A) to allow to be built at same time.]**

C. Maximum Number Permitted **[No change to MMC 20.54.350(E)]**

1. Only one second unit shall be allowed on a single parcel.
2. A second unit is not permitted on parcels already containing two or more dwelling units.

D. Size

1. **Attached Second Units**. The floor area of an attached second unit shall not exceed 50 percent of the living area of the primary dwelling or 1,000 square feet, whichever is greater. Garages and carports are excluded from floor area calculations for both the primary dwelling and second unit. **[No change to MMC 20.54.350(G)(1)]**

2. **Detached Second Units**. The floor area of a detached second unit shall not exceed 1,200 square feet, excluding any space devoted to a carport or garage. **[No change to MMC 20.54.350(G)(2)]**

E. Relationship to Primary Dwelling

1. A second unit may be within, attached to, or detached from the primary dwelling. Attachment to the primary dwelling shall be by sharing a common interior wall or common roof. **[Modified MMC 20.54.350(F) to remove reqt for second unit to be in rear and not attached to front elevation of primary dwelling.]**
2. A second unit shall have its own kitchen, bathroom facilities, and entrance separate from the primary dwelling. **[NEW]**
3. The secondary unit shall be clearly subordinate to the primary dwelling by size, appearance, and location on the parcel. **[No change to MMC 20.54.350(F)]**

F. Development Standards

1. A second unit shall comply with all current development and design standards of the General Plan and Zoning Ordinance that are applicable to the primary dwelling, including, but not limited to, building setbacks, parcel coverage, building height, and architectural design. **[No change to MMC 20.54.350(F)]**
2. The secondary dwelling unit in compliance with this section shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. **[No change to MMC 20.54.350(D)]**

3. No lot line adjustment, subdivision of land, air rights or condominium shall be allowed to enable the sale, transfer, or disposal of the second unit independently of the primary dwelling unit or any portion of the property. This stipulation shall be included in a recorded deed restriction on the property. **[No change to MMC 20.54.350(C)]**
4. The secondary dwelling unit must be eligible to receive City sewer and water services. **[No change to MMC 20.54.350(I)]**

G. Design Requirements

1. A second unit shall be compatible with the primary dwelling and the surrounding neighborhood with respect to structure height, scale, and massing. **[No change to MMC 20.54.350(J)]**
2. The architectural design and detailing, roof color and material, and exterior color and finish materials of a second unit shall match the primary dwelling. **[No change to MMC 20.54.350(J)]**
3. The parcel shall retain a single-family appearance and the second unit shall be integrated into the design of the existing improvements of the property. **[No change to MMC 20.54.350(J)]**
4. The addresses of both the primary dwelling and the second unit shall be displayed and clearly visible from the street. **[No change to MMC 20.54.350(K)]**

H. Parking **[No change to MMC 20.54.350(H)]**

1. Second units with one or two bedrooms shall provide one additional off-street parking space in addition to those spaces required for the primary dwelling.
2. If the second unit has three or more bedrooms, two off-street parking spaces shall be provided in addition to those spaces required for the primary dwelling.
3. The creation of a second unit through the conversion of all or a portion of a garage is prohibited unless replacement parking is provided elsewhere on the property in conformance with required parking standards as defined in Chapter 20.38 (Parking and Loading).

20.42.040 Occupancy Standards

A. Owner Occupancy. The owner of a parcel occupied by a second unit shall reside in either the primary dwelling or the second unit. **[No change to MMC 20.54.350(B)]**

B. Deed Restrictions. Prior to the issuance of a building permit for a second unit, a covenant of restriction to run with the land shall be recorded which specifies that the second unit cannot be sold separately, transferred, or otherwise disposed of independently from the primary dwelling unit that the property owner shall reside in either the primary or second unit, and that these restrictions shall be binding on successors in ownership. **[No change to MMC 20.54.350(C)]**

C. Other Requirements. **[NEW, but consistent with current City practices]**

1. Prior to occupancy of the second unit, a new address shall be assigned by Department of Development Services.
2. A new second unit shall be required to pay all applicable fees, including impact fees.

Chapter 20.44 - Special Land Use Regulations

Sections:	
20.44.010	Alcoholic Beverage Sales for Off-Premises Consumption
20.44.020	Food Trucks in Fixed Locations
20.44.030	Bed and Breakfast
20.44.040	Check Cashing/Payday Loan Establishments
20.44.050	Community Gardens
20.44.060	Fraternities/Sororities
20.44.070	Gas and Service Stations
20.44.080	Live/Work
20.44.090	Recycling Facilities
20.44.100	Outdoor Displays of Merchandise
20.44.110	Photovoltaic Energy Systems and Public Utility Distribution Lines
20.44.120	Single Room Occupancy
20.44.130	Underground Storage Tanks
20.44.140	Wrecking and Salvage Establishments
20.44.150	Emergency Shelters
20.44.160	Tobacco Sales Prohibited Near Schools

20.44.010 Alcoholic Beverage Sales for Off-Premises Consumption

A. Permit Required. A Conditional Use Permit is required for any use with alcoholic beverage sales for off-premises consumption with a building size less than 20,000 square feet. **[Consistent with current Code for each Zoning District]**

B. Findings. To approve a Conditional Use Permit for a use with alcoholic beverage sales for off-premises consumption, the City shall make all of the following findings in addition to the findings in Section 20.68.020 (Conditional Use and Minor Use Permits):**[No change to MMC 20.54.320]**

1. The proposed use will not result in an "undue concentration" of establishments dispensing alcoholic beverages as defined in Sections 23958 and 23958.4 of the

California Business and Professions Code and giving consideration to the California Department of Alcoholic Beverage Control's guidelines related to the number and proximity of such establishments within a one thousand (1,000) foot radius of the site.

2. The proposed use shall not adversely affect the economic and societal welfare of the pertinent community or residentially zoned community in the area of the City involved, after giving consideration to the distance of the proposed use from residential zoning districts, churches, schools, hospitals, playgrounds, public parks, or any other similar uses as determined by the Director of Development Services.
3. The proposed use shall not significantly adversely affect the crime rate in the area of the proposed site. Particular attention shall be given to those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct.

20.44.020 Food Trucks in Fixed Locations [NEW]

A. Location. Food trucks (or "mobile food vendors") that park in fixed locations, instead of being "street and sidewalk vendors" as defined in Chapter 5.54 (Street and Sidewalk Vendors), are only permitted in zoning districts as shown in the land use regulation tables in Part 2 (Zoning Districts) and Planned Developments with those same designations. A "fixed location" is considered to be parked on any one parcel for more than 1 hour a day.

B. Permits Required. A Site Plan Review Permit or Conditional Use Permit is required for all food trucks that park in a fixed location as shown in the land use regulation tables in Part 2 (Zoning Districts) or in Planned Developments with a Conditional Use Permit. Such permits are required for each location if there are multiple locations.

C. Operational Standards.

1. **Number per Parcel.** Only one food truck shall be allowed per developed site and shall not be allowed on vacant parcels without another permitted use operating on the site, unless otherwise approved by Conditional Use Permit as part of a food truck parking area as defined in Subsection 7 below.
2. **Hours of Operation.** Food trucks shall be operated only between 8:00 a.m. and 9:00 p.m. daily, unless otherwise approved by Site Plan or Conditional Use Permit.

3. **Parking and Access.** Food trucks shall only be allowed in parking lots which are paved and striped to City Standards. Each food truck shall provide parking as required in Chapter 20.38 (Parking and Loading) and shall not utilize parking spaces required for another permitted use on the site. Food trucks shall not block driveways or parking aisles.
4. **Maintenance.** The site shall be maintained free of trash and debris at all times and provision shall be made for refuse collection containers for patrons.
5. **Advertising.** All signage shall be contained on the catering vehicle. No A-frame signs, banners, flags, or moving or portable signs shall be permitted for the use anywhere on or off the site.
6. **Licenses.** Food trucks shall comply with all City business license requirements as well as all requirements of the Merced County Health Department, including provisions for food safety, approved commissary, and employee restrooms (no portable toilets allowed).
7. **Establishment of Multiple Food Truck Parking Areas.** With a Conditional Use Permit in any zoning district which permits food trucks, parking areas for multiple food trucks may be established. The City may require permanent seating, shelters, refuse containers, and other amenities with the Conditional Use Permit.

20.44.030 Bed and Breakfast [Modifications to MMC 20.54.330 with requirement for historic designation and common areas removed]

A. Permits Required. A Conditional Use Permit is required to establish a bed and breakfast in any zoning district as provided in Part 2 (Zoning Districts).

B. Owner Occupancy. The owner shall reside on the premises of a bed and breakfast, and separate owner's quarters shall be maintained.

C. Maximum Accommodation. The maximum number of rooms to accommodate overnight guests shall not exceed twelve.

D. Meals. Meals may be provided to overnight guests only.

E. Parking. Off-street parking to be provided in accordance with Chapter 20.38 (Parking and Loading).

20.44.040 Check Cashing/Payday Loan Establishments [NEW]

A. Location.

1. Check cashing/payday loan establishments are only permitted in zoning districts as shown in the land use regulation tables in Part 2 (Zoning Districts).
2. Check cashing/payday loan establishments shall not be permitted within 1,000 feet of another check cashing/payday loan establishment.

B. Operational Standards.

1. **Hours of Operation.** Check cashing/payday loan establishments shall be operated only between 7:00 a.m. and 7:00 p.m. daily. No loitering shall be permitted during, before, and after hours of operation.
2. **Transparency.** No windows or doors fronting public streets shall be obscured in any way, and adequate interior lighting shall be provided to be visible from the businesses across the street.
3. **Security Plan.** A security plan, reviewed and approved by Merced Police Department, shall be submitted with other submittal materials for City permits.
4. **Lighting Plan.** On-site lighting plan shall be required upon submittal for City permits. On-site lighting plan shall ensure safety and security of the property, including parking and access areas.

20.44.050 Community Gardens [NEW]

A. Location. Community gardens are only permitted in zoning districts as shown in the land use regulation tables in Part 2 (Zoning Districts).

B. Required Permits. A Site Plan Review or Conditional Use Permit per the land use regulation tables in Part 2 (Zoning Districts) shall be required before applying for a building permit for construction of a community garden.

C. Applicant. An applicant shall be a public entity, civic organization, or community-based organization, which would manage and maintain community gardens.

D. Operational Standards.

1. **Owner's Agreement.** The applicant shall be required to bring a signed affidavit from the property owner, if applicant is not the owner.

2. **Hours of Operation.** The community gardens shall only be operated between 8:00 a.m. and 8:00 p.m. daily.

3. **Animals Prohibited.** No animals, including bees and fish, shall be allowed to be housed in community gardens. Only produce, plants, or flowers shall be allowed to grow in community gardens. Marijuana plants are prohibited.

4. **Commercial Activities.** On-site sale of community garden products shall be prohibited.

5. **Lighting Plan.** On-site lighting plan shall be required upon submittal for a City Permit. On-site lighting plan shall ensure safety and security of the property, including parking and access areas.

6. **Maintenance.** Community gardens shall be maintained free of weeds, trash, and debris.

20.44.060 Fraternities/Sororities [NEW]

A. Permit Required. A Conditional Use Permit is required to establish and operate fraternity and sorority houses.

B. Application Materials. In addition to materials required by Chapter 20.68 (Permit Requirements), an application for a fraternity or sorority house shall include the following materials:

1. Annual report of the names, addresses, and telephone numbers of all fraternity and sorority officers residing at the fraternity or sorority house and two community sponsors. Such a report shall be submitted to the City in October of each year.
2. Written authorization from the property owner granting the applicant permission to operate a fraternity or sorority house on the property.
3. A copy of the adopted by-laws and regulations and registration showing proof of being a campus organization for the fraternity or sorority.
4. The application shall be signed by an officer of the fraternity or sorority and shall contain an acknowledgment that all State and local laws and ordinances must be complied with, including but not limited to, the Merced Municipal Code regarding trash and recyclables collection area, signs, parking and noise.

C. Performance Standards.

1. **Noise.** Any fraternity or sorority houses shall comply with the Noise Element of Merced General Plan.
2. **Public Nuisance.** Any fraternity or sorority houses shall maintain the premises and operate in compliance with Chapter 8.40 (Nuisance), Chapter 9.64 (Disruptive Parties and Gatherings on Private Property), and Chapter 9.65 (Hosting Parties Where Alcohol is Consumed by Persons Under the Age of 21 on Private Property) of the Merced Municipal Code.
3. **Occupancy.** The maximum number of residents permitted shall be based on Building Code requirements.
4. **Revocation.** The City Council may revoke the Conditional Use Permit if found that such establishment degrades the health and safety of the public or creates a nuisance per the provisions of Chapter 8.40 (Nuisance).

20.44.070 Gas and Service Stations

A. Minor Repair Permitted. **[NEW, but consistent with current City practices]**

1. Minor automobile repairs are permitted on the premises of a gas and service station. Examples of minor automobile repairs include detailing services, quick lube services, and tire and battery sales and installation. Major automobile repairs, including body repair and painting, are prohibited, unless otherwise permitted in that zoning district (Part 2). See Chapter 20.90 for definitions of minor and major repair.

2. Incidental sales of products, accessories, and services directly related to minor automobile repair services are permitted as are general convenience goods.
3. All automobile services and repairs shall be done in a completely enclosed building.

B. Sale of Alcoholic Beverages.

1. **Conditional Use Permit Required.** A Conditional Use Permit is required for the sale of alcoholic beverages, including beer and wine, if the retail outlet is less than 20,000 square feet in building size. **[No change to Current Code reqts]**
2. **Standards.** Uses engaged in the concurrent sale of alcoholic beverages and gasoline or diesel fuel shall comply with the following performance standards: **[No change to MMC 20.54.085]**
   a. No alcohol shall be displayed within five feet of the cash register or the front door.
   b. No advertisement of alcoholic beverages shall be displayed on motor fuel islands, in landscaped areas, or outside the building.
   c. No self-illuminated advertising for alcoholic beverages shall be located on buildings or windows.
   d. No sale of alcoholic beverages shall be made from a drive-up window.
   e. No display or sale of beer or wine shall be made from an ice tub.
   f. Employees shall be at least 21 years old to sell alcohol.

20.44.080 Live/Work [NEW]

A. Limitations on Use.

1. Non-residential uses of a live/work unit shall be only those uses that are allowed within the applicable zoning district.
2. A live/work structure shall be occupied only by the business operator and family or employees and family. Live/work structures shall serve primarily as a business with accommodations for living space.
3. Exclusive residential use is not allowed in a live/work unit.

B. Prohibited Uses. The following uses are not permitted as part of a live/work unit:

1. Adult entertainment businesses.
2. Vehicle sales, service, maintenance, or repair.
3. Welding, machining, or open-flame work, unless approved with a Minor Use Permit.

4. Manufacturing or processing activities, unless approved with a Minor Use Permit.
5. Any use that might affect the health or safety of nearby residents or associated with hazardous materials and other uses determined incompatible by the Director of Development Services because of their potential to create dust noise, vibration, noxious gases, odors, smoke, or any other negative impacts are not permitted in live/work units.

C. Design Standards.

1. **Floor Area Requirements.** The minimum floor area of the live/work unit shall be 1,000 square feet. A maximum of 50 percent of this space shall be reserved for work space; the rest reserved for occupancy.
2. **Access.** Each unit shall be clearly separate from other units and any different uses which may be in the structure should be accessed from common public access areas, corridors, halls, and/or public sidewalks.
3. **Commercial or Industrial Use.** The design of live/work units shall be similar to structures occupied by commercial or industrial uses commonly found in the vicinity of the live/work units.

D. Operating Standards.

1. **Occupancy.** Living space and working space shall not be separately rented or sold separately as a residential space for persons not working on the premises or as a place of business for persons not living on the premises, but both uses shall be occupied by the same persons, the business operator and family or employee and family.
2. **Business License**. The operator and resident of a live/work space shall maintain at all times a valid City of Merced Business License.

20.44.090 Recycling Facilities [Major changes to MMC 20.62.060]

A. Permits Required. Permits required for recycling facilities are shown in the land use regulation tables in Part 2 (Zoning Districts). In considering a permit for a recycling facility, the City shall make the following findings: [Minor modifications to MMC 20.62.060(C & D)]

1. The recycling facility will not have a detrimental effect on the public health, safety, and general welfare.
2. Conditions with respect to location, construction, maintenance, operation, color, signs, and site planning for the protection of adjacent properties and public interest have been imposed.

B. Reverse Vending Machines. [NEW]

1. **Accessory Use Only.** Reverse vending machines are allowed only as an accessory use to a commercial, industrial, or public use permitted in the applicable zone.
2. **Maximum Allowed.** Maximum of 3 machines allowed per site.
3. **Location.** If located outside of a structure, reverse vending machines shall be located within 100 feet of the entrance to the primary structure on the parcel and shall not obstruct pedestrian or vehicular circulation or occupy required on-site parking spaces.
4. **Size.** Reverse vending machines shall occupy no more than 100 square feet of floor space per unit, including any protective enclosure, and shall be no more than 8 feet in height.
5. **Signs.** The maximum sign area shall be 1 square foot per unit, exclusive of operating instructions, and shall be located on the unit.

C. Small Collection Facilities. [NEW]

1. **Location.**

a. Small collection facilities shall not be located within 200 feet of a residential zoning district.

b. Small collection facilities shall be set back at least 10 feet from any public right-of-way and shall not interrupt pedestrian or vehicular traffic.

2. **Size**. A small collection facility shall occupy no more than 500 square feet of area.
3. **Screening**. All outdoor storage and centralized refuse storage and collection areas shall be enclosed with a solid six-foot-high fence; the latter shall be covered.
4. **Operating Standards**. Small collection facilities shall not use power-driven processing equipment and shall only accept glass, metal, plastic containers, paper, and reusable items. Sites shall be maintained free of trash, loose debris, and graffiti at all times.
5. **Noise**. Noise level shall not exceed 60 dBA when measured at the closest residential property; otherwise, noise level shall not exceed 70 dBA.
6. **Hours of Operation**. Small collection facilities shall be attended and operate only between 9:00 a.m. and 7:00 p.m. daily.

D. Large Collection Facilities. **[NEW]**

1. **Location**. A large collection facility shall be located at least 500 feet from a residential zone.
2. **Size**. A large collection facility is defined as occupying 500 square feet of area or more.
3. **Screening**. **Screening**. Large collection facilities shall be enclosed in a structure or screened from view by an opaque fence or wall at least 6 feet in height.
4. **Operating Standards**. Power-driven processing shall not produce dust, fumes, odor, smoke, or vibration in excess of ambient levels. Sites shall be maintained free of trash, loose debris, and graffiti at all times.
5. **Hours of Operation**. Large collection facilities shall be attended and operate only between 9:00 a.m. and 7:00 p.m. daily.

E. Recycling Processing Facilities. **[NEW]**

1. **Location**. Parcels occupied by a recycling processing facility shall not abut or be located across the street from a residential zone and shall be limited to the C-G, I-L, and I-H zoning districts only.

2. **Allowed Activities**. Baling, compacting, crushing, grinding, shredding, sorting, and repairing are allowed. Only beverage and food containers and paper/cardboard may be baled, compacted, or shred.
3. **Exterior Storage**. Exterior storage of material shall also be located in sturdy storage containers or be enclosed.
4. **Screening**. Processing facilities shall be enclosed in a structure or screened from view by an opaque fence or wall at least 8 feet in height.
5. **Operating Standards**. Dust, fumes, odor, smoke, or vibration shall not exceed ambient levels. Sites shall be maintained free of trash, loose debris, and graffiti at all times.

20.44.100 Outdoor Displays of Merchandise [NEW]

A. Minor Use Permit Required. A Minor Use Permit is required for any permanent outdoor display of merchandise, including propane exchange displays and automated retail, water, or movie rental vending machines.

B. Standards. Outdoor displays of merchandise shall comply with the following standards:

1. Displayed items shall not exceed 8 feet in height.
2. Movable sale items (not vending machines) shall be displayed only during operating hours of the primary commercial use. Items shall be removed from display and moved into a permanently enclosed structure upon close of business, unless otherwise stated on the approved Minor Use Permit.
3. Items shall be located on the same parcel as the associated primary use and shall not be placed within any permanent landscaped area, required parking space, or loading area.

4. No items shall be displayed within the public right-of-way.
5. Display areas shall not be placed in a location that would cause a safety hazard, obstruct the entrance to a building, encroach upon driveways, or otherwise create hazards for pedestrian or vehicle traffic.

6. Display areas shall have at least 4 feet of clear space and comply with any other Americans with Disabilities Act (ADA) requirements at all times.
7. Automated retail, water, or movie rental vending machines shall occupy no more than 25 square feet of floor space per machine or display.

20.44.110 Photovoltaic Energy Systems and Public Utility Distribution Lines [NEW]

A. Applicability. Regulations and standards in this section only apply to Photovoltaic Energy Systems for onsite use only.

B. Permitted in all Zoning Districts. Photovoltaic energy systems are permitted in all zoning districts as an accessory structure.

C. Standards. Photovoltaic energy systems shall comply with the following standards:

1. Ground-mounted photovoltaic solar panels shall meet the height and setback requirements of the applicable zoning district.
2. Ground-mounted photovoltaic solar panels should be screened from public view.
3. Roof-mounted photovoltaic solar panels shall meet the height requirement of the designated zoning district, but may be allowed to extend higher in accordance with the California Building Code.
4. Whenever feasible, photovoltaic solar panels should be integrated into the structure design as one of its architectural elements.
5. Photovoltaic solar panels shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronic Engineers, and the Public Utilities Commission regarding safety and reliability as well as all applicable Building Code requirements.
6. If determined to increase efficiency or performance of photovoltaic solar panels and not adversely impact public health and safety, the Director of Development Services may modify standards in this section through a Minor Use Permit.

D. Public Utility Distribution Lines. Public utility distribution and transmission lines, if underground, shall be permitted in all zoning districts without a zoning permit as are small public utility structures, such as transformers. However, overhead lines shall require a Conditional Use Permit in all zoning districts. **[NEW]**

20.44.120 Single Room Occupancy [NEW]

A. Location. A single-room occupancy (SRO) use, including college dormitories, shall not be located within 300 feet of any other SRO use or emergency shelter, unless such use is located within the same building, on the same lot, or on the same college campus.

B. Development Standards.

1. SRO units shall have a minimum size of 150 square feet and a maximum of 1200 square feet.
2. Each unit shall accommodate a maximum of two persons.
3. SRO uses shall provide adequate exterior security lighting.
4. Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every twenty units or fractional number thereof, with at least one washer and dryer per floor.
5. An SRO unit is not required to, but may contain, partial or full bathroom facilities.
   a. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower, or bathtub/shower combination.
   b. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the currently adopted Building Code for congregate residences with at least one full bathroom per 10 units or one per floor, whichever is greater.

6. A partial or full kitchen facility may be provided in each unit, but is not required.
   a. A full kitchen includes a sink, a refrigerator and stove, range top, or oven. A partial kitchen is missing at least one of these appliances.
   b. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor. If meals are provided, one large cafeteria or dining facility may substitute for the individual kitchens.
7. Each SRO unit shall have a separate closet.
8. Each SRO unit shall comply with all requirements of the currently adopted Building Code, and all units and common areas shall meet applicable accessibility and reasonable accommodation requirements.

C. Management Standards.

1. An SRO facility with 10 or more units shall provide on-site management.
2. An SRO facility with less than 10 units may provide a management office off-site.

D. Tenancy. Tenancy of SRO units shall not be for less than 30 days.

E. Existing Structure. An existing structure may be converted to an SRO facility, consistent with the provisions of this section. Any such conversion must bring the entire structure up to current building code standards, including accessibility and adaptability standards, unless otherwise exempted by the City Building Official.

20.44.130 Underground Storage Tanks [No change to MMC 20.54.340]

A. Location Requirement. All underground storage tanks (except for those that store only water) shall be located a minimum of 450 feet away from any parcel containing a City water well.

B. Exemption. Underground storage tanks existing prior to the adoption of Ordinance No. 2220 (effective date of January 6, 2006) shall be exempted from the above requirements.

C. Removal or Relocation. When leakage is discovered from tanks located within 450 feet of any parcel with a City water well, then the leaking tank shall be removed immediately and relocated away from any City water well site in accordance with this section.

20.44.140 Wrecking and Salvage Establishments [Modified MMC 20.54.190]

A. General Requirements. All wrecking and salvage establishments shall be in compliance with Chapter 5.32 (Wrecking Establishments) of the Merced Municipal Code. [NEW]

B. Permits. A Conditional Use Permit is required to establish or operate any wrecking and salvage establishments. [Consistent with MMC 5.32]

C. Location Standards.

1. Wrecking and salvage establishments shall be only located in C-G, C-T, I-L, and I-H zoning districts. [CUP's currently required in those Zoning Districts]
2. Wrecking and salvage establishments shall not be located within 500 feet of a residential zoning district, churches, schools, hospitals, playgrounds, public parks, and any other similar uses as determined by the Director of Development Services.[List of uses expanded from MMC 20.54.190]

3. No wrecking and salvage establishments shall be located within 100 feet from any highway right-of-way unless the area is zoned industrial or used for industrial uses. **[NEW]**

D. Performance Standards. Wrecking and salvage establishments shall comply with the following performance standards:

1. **Noise.** Operation shall be in compliance with standards in the Noise Element of the Merced General Plan. **[NEW]**
2. **Vibration.** No vibration of the ground shall be permitted beyond the property line. **[NEW]**
3. **Screening.** **[Changes all in MMC 20.54.190 from 6 to 8 feet]**
   a. Wrecking and salvage establishments shall be conducted entirely behind a solid wall or board fence not less than 8 feet high, but may be higher per the requirements of Chapter 20.30 (Walls and Fences). Materials shall not be stored above the height of the wall or fence.
   b. The Planning Commission may require, among other special considerations, a planted barrier of evergreen trees.
4. **Hours of Operation.** Hours of operation shall be limited to between 7:00 a.m. and 8:00 p.m. **[NEW]**
5. **Cleanup.** In case of a revoked or denied permit, applicant shall clean up the site properly within six months of the decision date. **[NEW]**

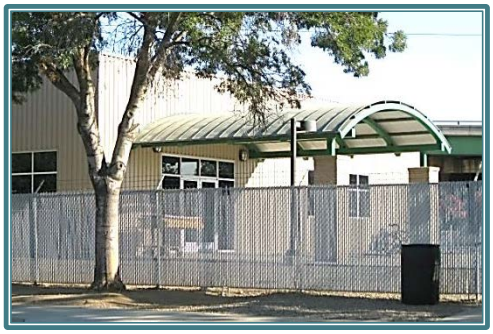
20.44.150 Emergency Shelters **[NEW, but consistent with State Law, which requires that shelters be principally permitted in at least one zone and allows Cities to impose standards for only those topics shown below]**

A. Permits. Emergency shelters are principally-permitted uses in the C-G zone. Permits required in other zones are shown in the land use regulation tables in Part 2 (Zoning Districts). **[NEW]**

B. Development Standards. **[NEW]**

1. **Beds.** The maximum number of beds on a property is 200.
2. **Parking.** Off-street parking is required as shown in Section 20.38 (Parking and Loading).
3. **Lighting.** Adequate lighting shall be provided in all parking, pedestrian paths, and entry areas and shall be shielded and reflected away from adjacent uses.

4. **Management/Security.** Adequate management, support staff, and security must be present during the hours of operation, with a minimum of 1 supervisory staff member, and 1 employee of the same gender as clients.
5. **Length of Stay.** The maximum length of stay shall be no longer than that established by the California Health and Safety Code for emergency shelters.
6. **Outdoor Activity.** Outdoor Activity shall be allowed only during the hours of 8:00 a.m. to 10:00 p.m.
7. **Pets.** If pets are allowed, all pets shall be housed within the emergency shelter or within cages in a protected area.
8. **Services.** Supportive services may include counseling, medical services, showers, and laundry facilities within the facility.



20.44.160 Tobacco Sales Prohibited Near Schools [NEW, recommended by Zoning Ordinance Focus Group]

A. Prohibited within 1,000 Feet of Schools and Other Youth-Oriented Facilities. New tobacco retailers (including the sale of cigarettes, cigars, e-cigarettes, smokeless tobacco, and all other tobacco products or paraphernalia restricted by the State of California for sale to minors) are prohibited within 1,000 feet of any parcel which is presently legally occupied by the following: **[NEW]**

1. Any public or private elementary, middle, junior high, or high school;
2. Playgrounds, parks, youth centers, City-owned and operated recreational facilities, and libraries.

B. Measurement and Exceptions. [NEW]

1. **Measurement.** 1,000 feet shall be measured in a straight line from the nearest point on the property boundary to the nearest point of the other property boundary.
2. **Exceptions**
   a. The above prohibition does not apply to any tobacco retailer which is operating legally and continues to operate with a suspension of no more than 90 days at its current location as of the date of this ordinance.
   b. The above prohibition does not apply to a tobacco retailer which occupies in its entirety a building of more than 20,000 square feet.

Chapter 20.46 - Residential Design Standards

Sections:	
20.46.010	Purpose
20.46.020	Design Standards for Single-Family Dwellings and Mobile Homes
20.46.030	General Design Standards for Multi-Family Dwellings
20.46.040	Specific Design Standards for Multi-Family Dwellings

[Although this chapter is NEW, all the standards are in the current Zoning Code. Minor language modifications have been made to increase readability and the standards have been reorganized to avoid duplication. However, the basic requirements are the same, except as noted below.]

20.46.010 Purpose

This chapter establishes design standards for residential uses, in addition to regulations set forth in Chapter 20.08 (Residential Zones).

20.46.020 Design Standards for Single-Family Dwellings and Mobile Homes

A. Applicability. The following standards shall apply to all single-family developments and mobile homes. **[No change to MMC 20.54.250]**

B. Siding. No shiny or reflective exterior siding materials, which are more reflective than semi-gloss paint, shall be permitted. **[No change to MMC 20.54.250(B)]**

C. Exterior Walls.

1. Materials shall extend to the ground where a unit is mounted at grade-level or the top of the solid concrete or masonry perimeter foundation where an above-grade foundation is used. **[No change to MMC 20.54.250(A)]**
2. Materials shall be limited to stucco, wood, brick, stone, glass, or decorative concrete block. No tin or other metallic exterior wall material shall be used. **[No change to MMC 20.54.250(F)]**
3. Materials shall be the same as or complementary to the wall materials and roofing materials of the dwelling unit. **[No change to MMC 20.54.250(K)]**

D. Windows. **[No change to MMC 20.54.250(G) and (I)]**

1. All windows, doors, and gable ends shall be architecturally treated with a trim.
2. No shiny or reflective materials shall be permitted for trim which are more reflective than semi-gloss paint.

E. Roof.

1. **Roof Pitch Slope.** The slope or inclination of a pitched roof shall be no less than a ratio of 4 inches vertical rise for each 12 inches horizontal run (4:12). **[Changes MMC 20.54.250(C) from 3:12 to match Building Code]**
2. **Projection.** Overhanging eves shall be at least 12 inches from the exterior vertical walls. **[No change to MMC 20.54.250(D)]**
3. **Materials.**

a. Roofs shall be composed of shingles, shake shingles, non-reflective and matte-finish metal, rock or concrete or adobe or composition tile, or other similar materials commonly used in the area. **[No change to MMC 20.54.250(E)]**

b. Fascia boards shall be used on all sides of the structure to screen exposed elements, like rafters and vents, and to give the roof a finished edge. **[No change to MMC 20.54.250(H)]**

c. Roofing materials for a garage or carport shall be the same as the wall materials and roofing materials of the dwelling unit. **[No change to MMC 20.54.250(K)]**

4. **Mechanical and Utility Equipment.** All mechanical and utility equipment shall be screened from the public right-of-way. **[No change to MMC 20.54.250(L)]**

F. Parking. Each unit shall have at least 200 square feet of off-street parking outside of required setback areas. **[No change to MMC 20.54.250(J)]**

G. Width. Each unit shall have a width of at least 20 feet. **[No change to MMC 20.54.250(M)]**

H. Location. Each dwelling shall face or have frontage upon a street or permanent means of access to a street by way of a public or private easement other than an alley. Such easements shall not be less than 10 feet in width. **[No change to MMC 20.54.210]**

I. Landscaping. All front yards, and all side yards exposed to public view on corner lots, shall be landscaped with drought-tolerant ground cover, trees, and shrubs, including but not limited to, City street trees. Underground irrigation of the required landscaping shall be required. All shall be installed prior to occupancy. (Refer to Chapter 20.36.) **[Modified MMC 20.54.250(N) by removing landscape deferral process which was hardly ever used and difficult to track and enforce.]**

J. Foundation. All homes and mobile homes must be attached to a permanent foundation system that complies with all building codes of the City. **[Modified MMC 20.54.240(A) to remove outdated information but standard is same]**

20.46.030 General Design Standards for Multi-Family Dwellings

[MMC 20.54.290, 20.54.300, and 20.54.310 spells out design standards for Multi-family projects of 3 different types (Planned Developments, Non-Planned Developments of 6 or More Units, and Non-Planned Developments of 2-5 units). The DRAFT below takes all the common standards between the 3 types and puts them in this "General Standards" section and then takes the ones that differ between the 3 types and puts them in the following Section of "Specific Design Standards. There are no proposed changes to the standards themselves.]

A. Applicability. The following standards shall apply to all multi-family residential development of 3 units or more in any zoning district.

B. Exterior Treatment.

1. Blank walls shall be treated with a variety of textures, use of projecting details that create shade/shadow and contrasting trim materials.
2. Any pipes, vents or tubes, etc., on the roof shall be painted or otherwise covered to match roof color or shall be screened.
3. Ground-mounted air conditioning units shall be screened from public view, using either landscaping or a combination of landscaping and screening comprised of the same materials as used on the buildings.

C. Landscaping. (Also refer to Chapter 20.36.)

1. An automatic irrigation system shall be provided to all planting areas within the project.
2. Landscaping other than turf shall be located a minimum of 3 feet from any fire hydrant to allow access.

D. Parking.

1. Parking areas shall be screened from public right-of-way by landscaping, which may include berms or fencing/screening.
2. Parking areas shall be landscaped with a minimum of 1 tree per every 6 spaces.
3. Parking areas shall be lit at night for security reasons, but the lighting shall not spill over onto adjacent properties.

E. Trash Collection Area.

1. No trash collection area shall be located within 10 feet (horizontal) of the outermost extent allowable for a roof projection on a residential structure.
2. Refuse collection areas shall be screened with the same and/or complementary materials and colors used on the main buildings.

F. Apartment Unit.

1. Each apartment unit shall have unique identification (i.e. numbers, letters, etc.) and all unit identification shall be in proper sequential order.
2. Unit identifications shall be 6 inches to 8 inches in height.
3. Unit identifications shall be treated so that it is clearly read from a street or access.
4. The project "mail directory" required by the postal service shall be located to be only accessible to the postal carrier, and not to the general public.

G. Location. Each dwelling shall face or have frontage upon a street or permanent means of access to a street by way of a public or private easement other than an alley. Such easements shall not be less than 10 feet in width.

20.46.040 Specific Design Standards for Multi-Family Dwellings

A. All Multi-Family Dwelling in the Planned Development Zoning District and Multi-Family Dwellings with Five or More Units (or Three or More Units on Corner Lots) in Non-Planned Development Zoning Districts. In addition to the standards in Section 20.46.040 above, such units shall comply with the following:

1. Building construction shall not exceed the plane established by 1:1 height and setback ratio from any exterior property line of a lot or parcel, for more than 50 percent of the allowable building area at any established distance from said exterior property line.
2. A minimum of 1 tree per 3 units is required, and foundation plantings with a minimum mean horizontal depth of 3 feet covering the equivalent of a minimum of 50 percent of the overall horizontal building frontage shall be required in the overall project area.

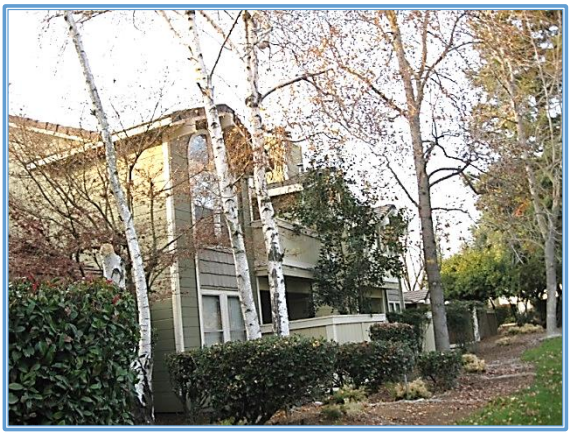
3. **Fences.**

a. Private balconies or patios shall be screened with solid or near-solid fencing/railings.
   (1) Materials used shall be comparable quality and aesthetics to those used on the rest of the project.
   (2) The color shall complement or match building trim.

b. Patio or Swimming Pool. Following standards exclude perimeter fencing.
   (1) Fencing shall use the same materials, textures and colors as are used for the main building.
   (2) Fencing shall not include chain link.

c. Chain link may be allowed for tennis courts if it uses vinyl-covered (or equivalent shading) chain link in complementary colors and masonry pilasters with complementary landscaping.

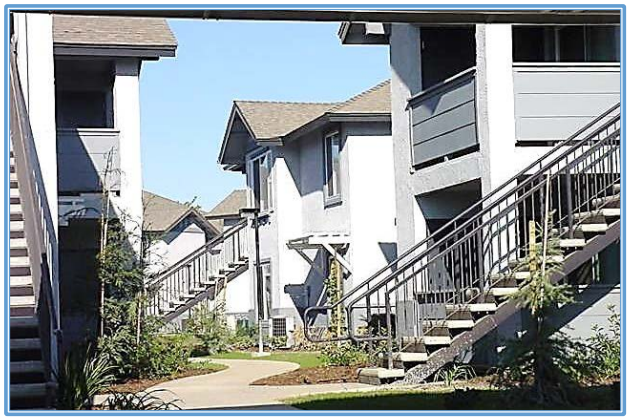
4. **Parking, Garage, and Carports.**



a. Carports shall have fascia boards. Materials for the fascia board shall match building material(s) of main structures; both fascia boards and vertical members (supports, screening elements, etc.) shall be painted to match or complement building trim.

b. A directory, with a list of all apartment unit identifications and a schematic or other locational device/site plan, shall be required in proximity to each parking lot entrance for use by emergency vehicles or visitors:
   (1) Materials and color(s) of the directory will match/complement the building(s).
   (2) City's approval is required for its placement and dimension, including orientation and lighting arrangements.

5. **Mechanical and Utility Equipment and Trash Collection Area.**



   a. No roof-mounted air-conditioning equipment shall be permitted.

   b. **Trash Collection Areas.**
      (1) The perimeter of trash enclosures shall be planted with landscaping, such as shrubs or climbing evergreen vines, unless otherwise required by the City.
      (2) Decorative gates shall enclose a trash area; walk-in access for tenants, other than the main gates to the trash area, shall be provided unless otherwise required by the City.

   c. Utility meters shall not be located within setback nor should they be visible from the public right-of-way, consistent with the following:
      (1) A 3-foot clear space shall be provided in front of the meters;
      (2) The meters shall be located near the front of the complex, but may be along the side of a unit;
      (3) The meters may be screened with plants or materials as long as the utility company can still reach the meters to read them;
      (4) Screening materials shall be the same as used on main buildings and shall be painted to match/complement building colors; and,
      (5) The meters shall be located away from parking areas where they could be hit or backed into.

B. Multi-Family Dwellings in the Planned Development Zoning District. In addition to the standards in Section 20.46.030 and 20.46.040.A above, such units shall comply with the following: No composition roof materials shall be permitted except three-dimensional, architectural grade shingles.

C. Multi-Family Dwellings with 3 to 5 Units in Non-Planned Development Zoning District. In addition to the standards in Section 20.46.030 above, such units shall comply with the following: Roof-mounted air conditioning units are prohibited unless approved by the Site Plan Review Committee. If so approved, they shall be:

1. Mounted on the side of the building away from the public right-of-way, and,
2. Screened (to provide sufficient air circulation) with materials that will blend into the rest of the roof structure and block any view of the unit.

Chapter 20.48 - HOME OCCUPATIONS

Sections:	[Substantial Modifications to MMC 20.54.100]
20.48.010	Purpose
20.48.020	Categories
20.48.030	Permits Required
20.48.040	Standards
20.48.050	Suspension of Permit

20.48.010 Purpose [NEW]

This chapter establishes standards for home occupations to allow residents to conduct businesses in their homes in a manner that minimizes negative impacts on surrounding properties.

20.48.020 Categories [NEW]

A. **Minor Home Occupation.** A minor home occupation is a business conducted in a home office involving the use of the telephone, computer, mail, and common delivery services only. A minor home occupation does not involve regular visits (more than twice a week) from employees, customers, clients, students, patients, or persons in similar relationships with the office's affairs. [Similar to current definition of a home occupation]

B. **Major Home Occupation.** A major home occupation is a home-based business that does not meet the definition of a minor home occupation described above. A Cottage Food Operation as defined by the California Homemade Food Act (AB 1616) shall be considered a major home occupation. [NEW]

20.48.030 Permits Required

A. **Minor Home Occupation.** A minor home occupation that complies with this chapter is permitted by-right. No special permits or approvals from the Planning Division are required to establish or operate a minor home occupation, except a Home Occupation Certificate and a City Business License. [No change to MMC 20.54.100]

B. Major Home Occupation. **[NEW]**

1. **Minor Use Permit.** A Minor Use Permit shall be required to establish or operate a Cottage Food Operation. **[NEW, but consistent w/ State Law]**
2. **Site Plan Review Permit.** A Site Plan Review Permit shall be required for other major home occupations. A public hearing shall be required in accordance with Section 20.68.050 (Site Plan Review Permits) and Chapter 20.70 (Public Notice and Hearings). **[NEW]**

20.48.040 Standards

A. All Home Occupations. All home occupation shall comply with the following standards:

1. **Size.** Home occupations shall not occupy more than 25 percent of the floor area of the dwelling unit or 400 square feet, whichever is less. **[No change to MMC 20.54.100(B)]**
2. **Sales and Displays.** Products shall not be sold directly to customers within a home occupation. Home occupations may not establish window displays of products to attract customers. **[No change to MMC 20.54.100(C)]**

3. **Advertising.** No newspaper, radio, or television service shall be used to advertise the location of business; however, contact information, including phone numbers and email address (but not the location address), shall be allowed on such advertisements. **[Modification to MMC 20.54.100(E) which allows no advertising of any sort]**
4. **Signs.** One single, non-illuminated, wall-mounted outdoor sign of not more than 1 square foot in area is permitted. **[Minor changes to MMC 20.54.100(H)]**
5. **Vehicle Traffic.** A home occupation shall not generate vehicle traffic greater than normally associated with a residential use. No more than 2 vehicles associated with the business shall be parked in the immediate neighborhood. **[Changes MMC 20.54.100(F) to add 2 vehicle restriction]**
6. **Deliveries.** Deliveries and pick-ups for home occupations shall not interfere with vehicle circulation, and shall occur only between 8:00 a.m. and 8:00 p.m., Monday through Saturday. **[NEW]**
7. **Mechanical Equipment.** No mechanical equipment shall be permitted that is not normally associated with a residential use. **[No change to MMC 20.54.100(G)]**

8. **Performance Standards.** Home occupations shall not generate dust, odors, noise, vibration, or electrical interference or fluctuation that is perceptible beyond the property line. **[NEW]**

9. **Hazardous Materials and Auto Repair Prohibited.** The storage of flammable, combustible, or explosive materials is prohibited as is auto repair in either minor or major home occupations. **[NEW]**

B. Minor Home Occupations. Minor home occupations shall comply with the following additional standards:

1. **Employees.** Employees of a minor home occupation shall be limited to the persons residing in the dwelling unit. **[No change to MMC 20.54.100(A)]**
2. **Clients.** No clients or customers are permitted to visit a minor home occupation. **[NEW, but consistent with current City practices and interpretation of MMC 20.54.100(F) as "generating vehicle traffic."]**
3. **Outdoor Storage.** Goods, equipment, materials associated with a home occupation shall be stored within an enclosed structure or in a manner that is not visible from beyond the property line. **[NEW]**

C. Major Home Occupations. Major home occupations shall comply with the following additional standards: **[NEW]**

1. **Employees.** Major home occupations are allowed one additional employee in addition to those residing in the dwelling unit as long as one additional off-street parking space is provided for such employee. **[NEW]**

2. **Clients.** Not more than six clients per day may visit a major home occupation. Hours for visits shall be between 8:00 a.m. and 8:00 p.m. on weekdays only, unless otherwise approved by the Site Plan Review Committee. **[NEW]**
3. **Outdoor Storage.** Goods, equipment, materials associated with a home occupation shall be stored within an enclosed structure or in a manner that is not visible from beyond the property line. **[NEW]**

4. **Cottage Food Operations.** An approved Cottage Food Operation Permit from the Merced County's Department of Health, along with the required Self-Certification Checklist shall be submitted as part of a Minor Use Permit application for a Cottage Food Operation. Cottage Food Operations are exempt from the restrictions on customers coming to the home, the sale of goods from the home, and any of the standards in this Chapter if in conflict with State law. **[NEW, but consistent with State Law requirements]**

20.48.050 Suspension of Permit [NEW]

The Director of Development Services may suspend the approval of a home occupation if any of the following applies:

A. The home occupation has become:

1. Detrimental to public health, safety, welfare, or character of a neighborhood.
2. In violation of any city, county and/or state code, ordinance, rule or regulation.
3. A hazard or nuisance to pedestrian, vehicular circulation or parking, or the community in general.
4. A different form than which the permit was issued.

B. The home occupation does not commence within one year of approval; or,

C. The home occupation ceases for a period greater than one year.

Chapter 20.50 - Temporary Uses and Structures

Sections:	
20.50.010	Purpose
20.50.020	Temporary Uses Allowed By Right
20.50.030	Temporary Uses Requiring a Minor Use Permit
20.50.040	Sidewalk Dining
20.50.050	Temporary Outdoor Use Permit

20.50.010 Purpose [NEW]

This chapter establishes requirements for the establishment and operation of temporary uses and structures. These requirements are intended to allow for temporary uses and structures in Merced while ensuring that they do not negatively impact neighboring properties and the community at large.

20.50.020 Temporary Uses Allowed By Right [NEW]

The following temporary uses are permitted by right. No permits or approvals from the Planning Division are required.

A. Garage Sales. Garage sales in residential zoning districts that comply with Chapter 9.54 (Garage Sales) of the Merced Municipal Code.

B. Fund Raising Events. Fund raising events when sponsored by a non-profit organization directly engaged in civic or charitable efforts. Fund raising events require property owner permission and shall not involve vehicle sales.

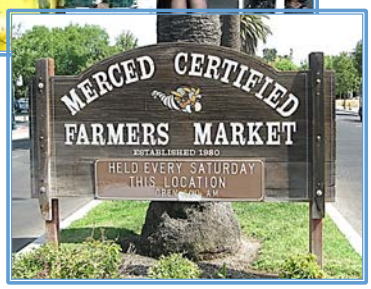
C. On-Site Construction Yards. Temporary construction yards and office trailers that are located on-site, less than 1 acre in size, and established in conjunction with an approved project. The construction yard and trailer shall be immediately removed within 30 days of completion of the construction project or expiration of the building permit.

D. Temporary Outdoor Displays of Merchandise in Non-Residential Zones. Temporary outdoor displays of merchandise in non-residential zones that comply with the following standards.

1. Items are displayed in a manner consistent with Section 20.44.100 (Outdoor Displays of Merchandise).
2. Items may be displayed for a maximum of 7 consecutive days, no more than 4 times per year on any one property.
3. Following the completion of the temporary display, all signs, stands, poles, electrical wiring, or any other fixtures, appurtenances or equipment associated with the display shall be removed from the premises.

20.50.030 Temporary Uses Requiring a Permit

A Temporary Outdoor Use Permit per Section 20.50.050 is required for the following temporary uses, except for Farmer's Markets which require permits as shown below:



A. Farmer's Markets. Farmer's markets for a maximum of three days per week. **[NEW]**

1. **Non-residential Zoning Districts.** A Minor Use Permit shall be required. **[NEW]**
2. **Residential Zoning Districts.** A Conditional Use Permit shall be required. To approve a Conditional Use Permit for a farmer's market, the City shall make all of the following findings: **[NEW]**
   a. The market is certified by California Department of Food and Agriculture.
   b. The market obtained appropriate permits from the Fire Department.
   c. Adequate parking is available on-site and within 1/4-mile radius. Parking requirement may be reduced upon approval from the Director of Development Services.

B. Seasonal Sales. Seasonal sales (e.g., Christmas trees, pumpkins, fireworks) for a maximum of 30 consecutive calendar days, no more than 4 times per year on a single property. Seasonal flower sales are allowed up to 6 times per year by a business on a same parcel. Seasonal sales shall not be permitted on any residentially zoned property and shall not involve vehicle sales. **[Minor modifications to MMC 20.62.050(A), (C), & (D) and removes restriction of not being allowed within previous 30 days of same use.]**

C. Off-Site Construction Yards. Construction yards located off-site in conjunction with an approved project. The construction yard shall be immediately removed within 30 days of completion of the construction project or expiration of the building permit. **[NEW]**

D. Employee Trailers. Trailer or commercial modular units used as a work site for employees of a business, for a maximum of 12 months. **[NEW]**

E. Real Estate Offices. Real estate offices used exclusively for the sale of homes or other real estate for a maximum of three years or within 30 days when the last home is sold, whichever comes first. **[NEW]**

F. Circuses and Carnivals. Circuses and carnivals that comply with the following standards: **[Minor modifications to MMC 20.54.170]**

1. The use will be open to the public for no longer than seven days.
2. Merced County Health Department approval is obtained for food vendors.
3. The use is not located within 500 feet of any residential zone.
4. Off-street parking is provided as determined necessary by the Director of Development Services.
5. A security plan is submitted and approved by the City of Merced Police Department.

6. A fire safety plan shall be approved by the Merced Fire Department. The plan shall describe, with appropriate illustrations, all electrical, vehicle ingress, egress, and maximum occupancy of the site.
7. A business license is required per Title 5 (Business Licenses and Regulations) of the Merced Municipal Code.
8. The use shall meet all Building Code and Fire Code requirements.

G. Other Similar Activities. Similar temporary activities determined by the Director of Development Services to be compatible with the applicable zoning district and surrounding uses. **[NEW]**

20.50.040 Sidewalk Dining

Temporary sidewalk dining within the public right-of-way is permitted with the approval of a Restaurant Encroachment Permit as described in Chapter 12.36 (Restaurant Encroachment Permit) of the Merced Municipal Code.
[Consistent with MMC 12.36]

20.50.050 Temporary Outdoor Use Permit

A. Conditions. Upon the approval of the Temporary Outdoor Use Permit, the Director of Development Services may attach the conditions relating to the following and any others which are considered reasonably necessary in connection with temporary use: **[Minor changes to MMC 20.62.050(B) & (E)]**

1. Restrictions on hours of operation.
2. Maintenance of accessibility for the disabled.
3. Protection of fire lanes and access.
4. Preservation of adequate on-site circulation.
5. Cleanup of the location or premises.
6. Use of lights or lighting or other means of illumination.
7. Operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises.
8. Temporary outdoor use permits are limited to the actual owner or tenant of the premises and must be for the existing use being conducted in an enclosed building on the premises by the owner or tenant.

B. Bond. In addition to any other conditions imposed, the Director may require the posting of a cash bond in an amount sufficient to guarantee the removal of any fixtures, equipment, or stands and the cleanup of the location or premises immediately upon the expiration of any such temporary use. **[No changes to MMC 20.62.050(E)]**

C. Appeal. The applicant shall follow the appeal procedure in Chapter 20.74 (Appeals), except: **[No changes to MMC 20.62.050(F) & (G)]**

1. The applicant shall appeal the decision of the Director of Development Services to the Planning Commission within three calendar days of the date of any such action.
2. No appeal is allowed for the action of the Planning Commission.

Chapter 20.52 - NONCONFORMING PARCELS, USES, AND STRUCTURES

Sections:	[Substantial modifications to MMC 20.60]
20.52.010	Purpose
20.52.020	Applicability
20.52.030	General
20.52.040	Nonconforming Parcels
20.52.050	Nonconforming Use of Land
20.52.060	Nonconforming Use of Structures
20.52.070	Nonconforming Structures
20.52.080	Maintenance and Repair
20.52.090	Findings

20.52.010 Purpose [Modifications to MMC 20.60.010]

This chapter establishes regulations for nonconforming parcels, uses and structures. These regulations are intended to:

A. Allow for the development and use of legal nonconforming parcels;

B. Ensure that nonconforming uses and structures do not adversely impact neighboring properties;

C. Allow for the limited enlargement or intensification of nonconforming uses and structures;

D. Allow for limited repairs and maintenance to nonconforming structures; and,

E. Provide for the elimination of nonconforming uses as appropriate due to abandonment, obsolescence, and destruction.

20.52.020 Applicability [NEW]

This chapter applies to existing parcels, uses, and structures that do not conform to the regulations of the zoning district in which they are located at the time of the effective date of the adoption of the Zoning Ordinance.

20.52.030 General [NEW]

A. Continuation. A nonconforming parcel, use, or structure may be continued if it was legally established in compliance with all applicable regulations in effect at the time it was established.

B. Legally Established Defined. To be considered legally established, a legal nonconforming parcel, use, or structure shall have been physically constructed or in existence, not merely contemplated. Conditional Use Permits, Variances, Building Permits, or other permits not exercised within the required time do not establish the right to a legal nonconformity unless the parcel, use or structure was under construction (with a valid building permit) at the time of adoption of this ordinance.

C. Burdon of Proof. Any person asserting a right to a nonconforming use or structure has the burden of proof to demonstrate that the nonconformity was legally established.

20.52.040 Nonconforming Parcels

A. Development Permitted. Legally established parcels with nonconforming dimensions (e.g., parcel width and depth) shall be permitted all development rights of the zoning district in which it is located. [No changes to MMC 20.60.040]

B. Conformance with Standards. Development on legal nonconforming parcels shall comply with all setback, building coverage, parking, and other standards of the applicable zoning district. [No changes to MMC 20.60.020]

C. Adjacent Narrow Parcels. Two or more adjacent parcels in single ownership that are each 25 feet or less in width shall be considered a single parcel and may be developed as such. Development on such parcels shall comply with all setback, building coverage, parking, and other applicable standards of the applicable zoning district. [No changes to MMC 20.60.030]

D. 50-foot Frontages. All other provisions of this Title notwithstanding, lots with a minimum frontage of fifty (50) feet may be created if they meet the following criteria: [No changes to MMC 20.60.045]

1. The lot is in an "R" district and in a block where at least one-half of the existing lots in the same block are fifty (50) feet wide or less.
2. All other applicable lot area and yard requirements shall apply after the lot creation takes place.

3. Use of the resulting parcel(s) shall be limited to a maximum of one residential unit on each interior lot or a maximum of two residential units on a corner lot where permitted provided that each unit's driveway is accessed from different sides of the lot.
4. Vehicle access to the resulting lots shall be through a shared or alley accessed drive when fronting on a collector or higher order street.

20.52.050 Nonconforming Use of Land

A. Continuation Permitted. A nonconforming use of land not conducted within a structure may continue so long as:

1. The nonconforming use is not enlarged, increased, or extended to occupy a greater area of land; and, **[No changes to MMC 20.60.050(A)]**
2. The nonconforming use is not moved in whole or in part to any other portion of the lot or parcel. **[No changes to MMC 20.60.050(B)]**

B. Cessation of Use. If any such nonconforming use of land ceases for a period of more than 30 days, any subsequent use of such land shall conform to the regulations of the zoning district in which the land is located. **[No changes to MMC 20.60.050(C)]**

20.52.060 Nonconforming Use of Structures

A. Change in Ownership, Tenancy, or Management. A change in ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status. **[NEW]**

B. Resuming a Nonconforming Use. A nonconforming use changed to a conforming use shall not return to a nonconforming use. **[NEW]**

C. Replacement of a Nonconforming Use. A nonconforming use may not be replaced by another nonconforming use. **[NEW]**

D. Intensification of Use.

1. The enlargement of a structure or site occupied by a nonconforming use, or the intensification in any way of the operation of a nonconforming use, shall require the approval of a Minor Use Permit. **[NEW]**
2. To approve a proposed intensification to a nonconforming use, the Director of Development Services shall make all Minor Use Permit findings (Chapter 20.68) in addition to the findings in Section 20.52.090 (Findings). **[NEW]**

E. Discontinuation of Use. A nonconforming use discontinued for six consecutive months or for 18 months during any three-year period shall not be reestablished and may be replaced only by a conforming use. **[No changes to MMC 20.60.070(E)]**

F. Nonconforming Use of Land and Structure in Combination. Where a property contains a nonconforming use of land and a nonconforming use within a structure, the removal or destruction of the structure shall require the elimination of the nonconforming use of land. **[No changes to MMC 20.60.070(F)]**

G. Grocery Stores in Residential Zoning Districts. **[No changes to MMC 20.64.140]**

1. A grocery store located in a residential zoning district may be enlarged, constructed, or reopened after discontinuance or abandonment with the approval of a Conditional Use Permit.
2. In considering such an application, the Planning Commission shall determine whether such approval would adversely impact the established pattern of area development. The Planning Commission shall consider the traffic generated by the use, the nature of outside storage, loading and parking, and the visual appearance of the use, in addition to considering the location, size, design, and operating characteristics of the use.

H. Reconstruction of a Residential Structure. An applicant may reconstruct a single-family home or duplex upon the approval of a Minor Use Permit. Reconstruction shall not deviate from the original development standards, including total floor area, degree of nonconformity of yards, and off-street parking standards. **[No changes to MMC 20.64.130]**

20.52.070 Nonconforming Structures

A. Voluntary Alterations.

1. **Alterations Permitted By Right.** Alterations to a nonconforming structure that do not increase or exacerbate the nonconforming aspect of the structure are permitted by right, provided the project complies will all other applicable standards and regulations. The proposed project may also require permits and approvals for other reasons not related to its nonconforming status. **[Minor change to MMC 20.60.060(A)]**
2. **Alterations Requiring a Minor Use Permit.** **[NEW]**
   a. Alterations to a nonconforming structure that increase or exacerbate the nonconforming aspect of the structure require the approval of a Minor Use

Permit. For example, a project that further increases the floor area of a structure when a floor area ratio that is already greater than allowed in the applicable zoning district would require a Minor Use Permit.

b. Alteration to a nonconforming structure shall comply with setback requirement of the applicable zoning district.

c. To approve such an alteration, the Director of Development Services shall make all Minor Use Permit findings (Chapter 20.68) in addition to the findings in Section 20.52.090 (Findings).

3. **Substantial Demolition.** **[Changes MMC 20.60.060(B) which defines "substantially demolished as "more than 50% of the replacement cost at the time of destruction."]**

a. If a nonconforming structure is "substantially demolished" as part of an alteration or addition, the structure shall be brought into full compliance with the requirements of the Zoning Ordinance (i.e., legal nonconforming status shall be lost).

b. A substantial demolition shall mean the removal or replacement of:

(1) 50 percent or more of the lineal footage of existing interior and exterior walls; or,

(2) 50 percent or more of the area of existing floor, ceilings, and roof structures.

c. Determination of a substantial demolition shall include all repairs, alterations, and additions cumulatively made to the property over the preceding five years. **[NEW]**

B. Involuntary Damage or Destruction. **[NEW]**

1. Nonconforming structures damaged or destroyed by earthquake, fire, flood, or other calamity may be repaired or reconstructed provided that the nonconforming aspects of the structure are not increased or exacerbated.

2. The repair or reconstruction of a nonconforming structure shall begin within 1 year and shall be completed within 3 years. The Director of Development Services may approve an extension of two additional years to complete reconstruction of the demolished structure if the delay was caused by circumstances over which the applicant has no fault or control.

C. Moved Structures. A nonconforming structure that is moved to a new location shall conform to all standards that apply in its new location. **[No change to MMC 20.60.060(C)]**

20.52.080 Maintenance and Repair

A. Public Safety. Nothing in this chapter shall be deemed to prevent compliance with the orders of any City official to strengthen or restore a structure to safe condition. **[No change to MMC 20.60.080(B)]**

B. Rehabilitation. Nothing in this chapter shall be deemed to prevent the rehabilitation of single-family or duplex units in connection with official City Housing Division activities. **[No change to MMC 20.60.080(C)]**

20.52.090 Findings [NEW]

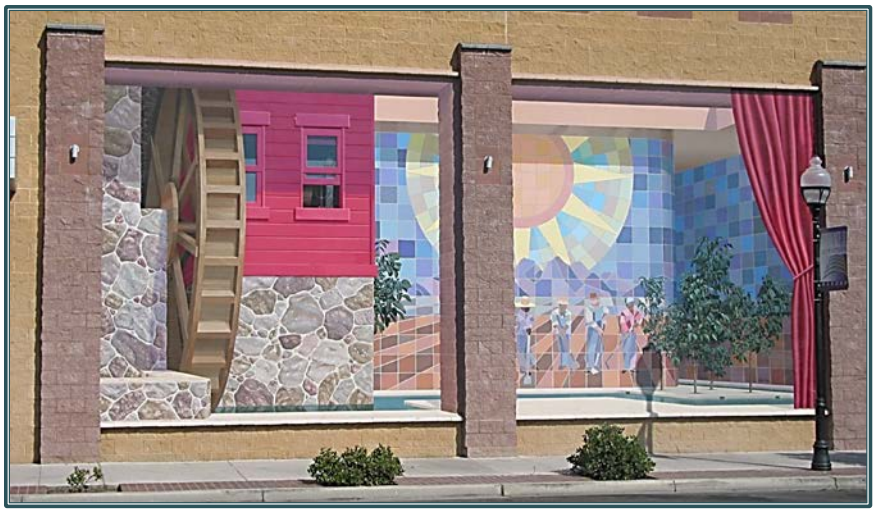
The Director of Development Services may approve a Minor Use Permit for a nonconforming use or structure if all of the following findings can be made in addition to the findings in Chapter 20.68 (Conditional Use and Minor Use Permits):

A. Available evidence indicates that the nonconforming use was legally established;

B. The nonconforming use has not resulted in a notable negative impact or nuisance to the surrounding area;

C. The nonconforming use is compatible with the general character of the surrounding area; and,

D. The proposed action is consistent with the purpose and intent of the applicable zoning district.



Chapter 20.54 - CONDOMINIUMS

Sections:	[Modified Version of MMC 20.56 with changes as noted below]
20.54.010	Purpose
20.54.020	Definitions
20.54.030	Conditional Use Permit
20.54.040	Organizational Documents
20.54.050	Building and Site Standards

20.54.010 Purpose [NEW]

This chapter establishes standards for common ownership projects involving both new construction and the conversion of existing structures into condominium units.

20.54.020 Definitions [No change to MMC 20.56.010]

A. "Association" or "Home Owners Association" refers to the organization of persons who own a lot, parcel, area, condominium, or right of exclusive occupancy in a residential development.

B. "Common ownership" and "common ownership project" include the following: a condominium project, as defined in Section 1350 of the Civil Code, containing two or more condominiums, as defined in Section 783 of the Civil Code; a community apartment project, as defined in Section 11004 of the Business and Professions Code, containing two or more rights of exclusive occupancy; a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code, containing two or more rights of exclusive occupancy; and a planned development, as defined in Section 11003 of the Business and Professions Code, containing two or more separately owned lots, parcels, or areas.

C. "Developer" means to the owner or subdivider with a controlling proprietary interest in the common ownership project, or the person or organization making application under this chapter.

D. "Organizational documents" means the declaration of restrictions, articles of incorporation, bylaws, and any contracts for the maintenance, management, or operation of all or any part of a common ownership project.

20.54.030 Conditional Use Permit

A. Permit Required. **[No change to MMC 20.56.020]**

1. Approval of a Conditional Use Permit is required prior to the sale, lease, use, or occupancy of any residential building as common ownership.
2. A Conditional Use Permit is required regardless of the previous use, occupancy, or tenancy of the building, or whether any physical changes have been made to any portion of the building.

B. Application Materials. In addition to the materials required by Chapter 20.68 (Permit Requirements), a Conditional Use Permit application for a common ownership project shall include the following: **[No change to MMC 20.56.030]**

1. The Association's organizational documents.
2. A preliminary annual operating budget containing a sinking fund, which is a fund established by setting aside revenue over a period of time to fund a future capital expense or repayment of a long-term debt, reasonably calculated to accumulate reserve funds to pay for major anticipated maintenance, repair, or replacement expenses.
3. A list of all names and addresses of persons owning property adjacent to or across from the proposed common ownership project.

4. The names and addresses of all tenants presently residing or under contract to reside in the common ownership project.
5. One copy of a preliminary title report of the entire property, including a legal description.
6. A plan showing landscaped and usable open areas, including areas for private or common use and private space dedicated to each unit.
7. Plans showing proposed storage spaces in addition to normal kitchen cabinets, pantries, or clothes closets.
8. The location and screening of any proposed storage of vehicles intended for recreation purposes, including land conveyances, vessels, and aircraft.

9. A structural pest report prepared by a licensed structural pest control firm. This report shall investigate and assess any pest infestations which could relate to structural damage to the building, thereby affecting the health, safety, and welfare of residents.

10. A soils report on new developments and a foundation report on conversions prepared by a licensed soils engineering firm.
11. A report by a licensed engineer or architect relative to compliance with zoning, building, housing, and fire codes.
12. A description of measures to maintain building security and prevent crime.
13. A description of the history of buildings and other improvements, including:
    a. The date of construction of the various components of the community ownership project;
    b. A statement as to the current ownership of all improvements and underlying land and property rights;

    c. A specific list of all major renovation activities since initial construction; and,
    d. The condition and useful life of roof, foundation, mechanical, electrical, plumbing, structural elements, and permanent appliances of all existing buildings and structures.
14. A summary of the rental history of the community ownership project, including size of units, current rental rates over the prior two years, the vacancy rate over the prior two years, and rent increases over the prior two years.
15. Preliminary site plans and architectural elevations and signs.

20.54.040 Organizational Documents

A. Maintenance and Landscaping. The organizational documents for a common ownership project shall provide that the Association is responsible for maintenance and landscaping of all parts of the communal ownership project which are held in common and that such maintenance shall be performed to the standard of maintenance prevalent in the neighborhood. The organizational documents shall contain the following language: **[No change to MMC 20.56.040(A)]**

"The owners of all parcels subject to these covenants, conditions and restrictions (CC&R's) recognize that proper maintenance of the Common Area is for the benefit of all citizens of the City of Merced, and that the City of Merced is an intended third party beneficiary of these covenants, conditions and restrictions and may, upon notice and hearing as set forth below, exercise the same powers of enforcement as the Association insofar, and only insofar as said covenants, conditions and restrictions pertain to proper maintenance of the Common Area."

"In the event the City determines that the Association has not adequately maintained the Common Area, then the City of Merced may give written notice to the Association, which notice shall contain the date for a hearing of the matter (which hearing shall be held no sooner than 15 days after mailing of such notice) and in the event after such hearing the City determines to so act, then the City may perform, or cause the performance of, the maintenance of such Common Area. Any and all costs incurred by the City in so maintaining such Common Area shall be a lien against the maintenance fund and the property subject to assessment, and shall be the personal obligation of the members of the Association."

"The paragraphs above relating to the rights of the City shall not be amended without the consent of the City of Merced."

B. Association Control. The organizational documents shall allow the Association to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties 3 months after the Association assumes control of the communal ownership project or any time thereafter. **[No change to MMC 20.56.040(B)]**

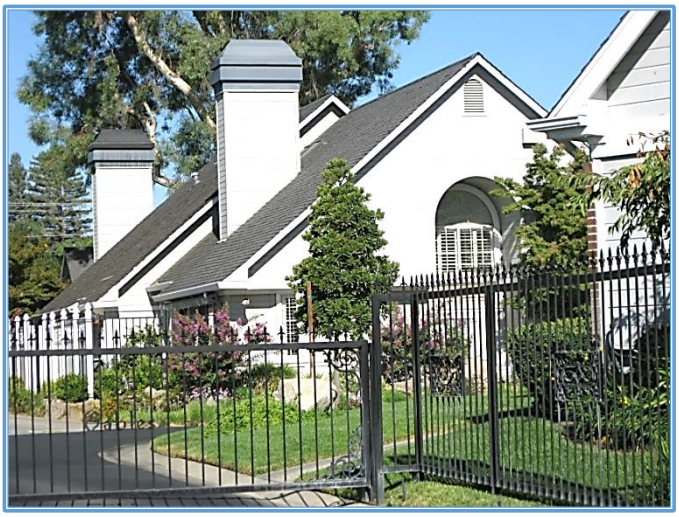
C. City Attorney Approval. The organizational documents shall be submitted to the City Attorney for a determination that such documents comply with the requirements of this chapter. **[No change to MMC 20.56.200]**

20.54.050 Building and Site Standards

A. All Projects. The following building and site standards shall apply to all common ownership projects.

1. **Hydrants.** Hydrants and fire flow shall meet the requirements of Chapter 15.32 of the Merced Municipal Code and the Fire Code. **[No change to MMC 20.56.040(G)]**

2. **Open Space.** Adequate common and private area (passive and active) open space amenities shall be provided for residents. **[No change to MMC 20.56.040(H)]**



3. **Screening.** Adequate screening shall be provided for the storage of vehicles intended for recreation purposes, including land conveyances, vessels, and aircraft. **[No change to MMC 20.56.040(I)]**

4. **Fire Walls and Noise.** Wall and floor/ceiling assemblies shall comply with fire wall separation and noise standards as specified in the latest adopted edition of the Building Code. **[No change to MMC 20.56.040(J)]**

5. **Utility Meters.** The consumption of gas and electricity within each dwelling unit shall be separately metered so that the unit owner can be separately billed for each utility. A water shutoff valve shall be provided for each unit. The requirements of this subsection may be waived by the Planning Commission for existing structures if not practical. **[No change to MMC 20.56.080]**

B. New Construction. Proposed new construction in common ownership (i.e., new buildings that have not been previously occupied or used) shall comply with the following standard in addition to those in Section A above. **[MMC 20.56.060, which requires storage space for each unit has been deleted.]**

1. **Sound Insulation**. Wall sound insulation shall comply with the Building Code. **[Changes MMC 20.56.0070 to refer to the Building Code instead of specific standards that may change over time.]**

C. Existing Structures. Common ownership projects involving existing buildings which have been previously occupied shall comply with the following standards in addition to those in Section A above.

1. **Notification of Tenants**. The developer shall certify that all tenants in any building or structure have been or will be notified individually and in writing prior to the time of filing of an application under this chapter. **[No change to MMC 20.56.100]**

2. **Tenant's Pre-Emptive Right**. The developer shall provide each tenant a pre-emptive right to purchase a unit or right of exclusive occupancy. The right shall be irrevocable for a period of sixty days after the commencement of sales or the issuance of the final public report by the real estate commissioner. **[No change to MMC 20.56.110]**

3. **Property Report**. The developer shall submit a property report describing the condition and useful life of the roof, foundations, mechanical, electrical, plumbing, and structural elements of all existing buildings and structures. The report shall be prepared by a registered civil or structural engineer, or a licensed general building contractor or general engineering contractor. **[No change to MMC 20.56.120]**

4. **Structural Pest Report**. The developer shall submit a structural pest report. The report shall be prepared by a licensed structural pest control operator pursuant to Section 8516 of the Business and Professions Code, relating to written reports on the absence or presence of wood-destroying pests or organisms. **[No change to MMC 20.56.130]**

Chapter 20.56 - DENSITY BONUS

Sections:	[Substantial Modification to MMC 20.88]
20.56.010	Purpose
20.56.020	Density Bonus; Incentives
20.56.030	Land Donation
20.56.040	Child Care Facilities
20.56.050	Condominium Conversions
20.56.060	Affordability and Development Standards
20.56.070	Modifying Development Standards as an Incentive
20.56.080	Application Requirements and Review
20.56.090	Density Bonus Housing Agreement

[Substantial changes were made to existing Chapter 20.88 in order to conform to recent changes in State Law. This DRAFT includes the minimum requirements under State Law, which the City must include, so a comparison to the existing Code is not relevant.]

20.56.010 Purpose [NEW]

This chapter provides incentives for the production of housing for very low-income, low-income, and senior households and for the production of housing for moderate-income households residing in condominium and planned development projects. In enacting this chapter, it is the City's intent to facilitate the development of affordable housing through the granting of density bonuses and to implement the goals, objectives, and policies of the City's General Plan Housing Element. This chapter is enacted under the authority of Government Code Sections 65915 through 65917.5 and the definitions in Government Code Sections 65915 through 65917.5 are incorporated by reference into this chapter.

20.56.020 Density Bonus; Incentives [Required under State Law]

A. General.

1. The City shall grant a density bonus and other incentives to an applicant for a housing development of five or more units if they meet the requirements of this Chapter.

2. The deed restriction and other applicable documents, approved by City Attorney, of a property subject to density bonus shall include a period of continuation of affordability not less than 30 years or a longer period of time.
3. Neither the granting of an incentive nor the granting of a density bonus shall be interpreted, in and of itself, to require a General Plan Amendment, Zoning Ordinance Amendment, or other discretionary approval.

B. Density Bonus – Minimum Requirement (Target Units). The City shall grant a density bonus to an applicant for a housing development of five or more units who seeks a density bonus and agrees to construct at least one of the following:

1. **Very Low-Income.** 5 percent of the total units of the housing development as target units affordable to very low-income households;

2. **Low-Income.** 10 percent of the total units of the housing development as target units affordable to low-income households;

3. **Moderate-Income.** 10 percent of the total units of a newly constructed condominium project or planned development as target units affordable to moderate-income households, provided all the units are offered for purchase; or,

4. **Senior.** A senior citizen housing development of 35 units or more, or a mobile home park that limits residency based on age requirements for housing older persons under Civil Code Section 798.76 or 799.5.

C. Density Bonus – Calculation of Bonus Units.

1. In determining the number of density bonus units to be granted under Subsection B above, the maximum residential density for the site shall be multiplied by 0.20 for Subsections B.1, B.2 and B.4 above and by 0.05 for Subsection B.3 above, unless a lesser number is selected by the developer.
   a. **Very Low-Income.** For each 1 percent increase above 5 percent in the percentage of units affordable to very low-income households, the density bonus is increased by 2.5 percent up to a maximum of 35 percent.
   b. **Lower-Income.** For each 1 percent increase above 10 percent in the percentage of units affordable to lower-income households, the density bonus is increased by 1.5 percent up to a maximum of 35 percent.

c. **Moderate-Income.** For each 1 percent increase above 10 percent of the percentage of units affordable to moderate-income households, the density bonus is increased by one percent up to a maximum of 35 percent.

d. **Senior.** For senior housing, the density bonus shall be 20 percent of the number of senior housing units.

2. The density bonus units shall not be included when determining the number of target units required to qualify for a density bonus. When calculating the required number of target units, any calculations resulting in fractional units shall be rounded to the next larger number.

3. The developer may request a lesser percentage of density bonus than the project is entitled to. Regardless of the number of target units, no housing development is entitled to a density bonus of more than 35 percent.

D. Density Bonus Summary. Table 20.56-1 summarizes the density bonus information described in this subsection.

E. Incentives. Subject to the findings included in Section 20.56.080 (Application Requirements), when a developer seeks a density bonus, the City shall grant incentives listed in Section 20.56.070 (Modifying Development Standards as an Incentive) as follows:

1. One incentive for a project that includes at least 10 percent of the total units for low-income households, at least 5 percent for very low-income households, or at least 10 percent for persons and families of moderate income in a condominium or planned development.

TABLE 20.56-1 DENSITY BONUS SUMMARY

Target Group	Minimum % Target Units	Bonus Granted	Additional Bonus for each 1% Increase in Target Units	Percent Target Units Required for Maximum 35% Bonus
Very-Low Income	**5%**	**20%**	**2.5%**	**11%**
Lower-Income	**10%**	**20%**	**1.5%**	**20%**
Moderate-Income (Condo or Planned Development Only)	**10%**	**5%**	**1%**	**40%**
Senior Citizen Housing Development	**100%**	**20%**	**–**	**–**

2. Two incentives for a project that includes at least 20 percent of the total units for low-income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a condominium or planned development.
3. Three incentives for a project that includes at least 30 percent of the total units for low-income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families of moderate income in a condominium or planned development.
4. An incentive may be requested only if an application is also made for a density bonus, except for child care facilities under Section 20.56.040.
5. Under no circumstances shall a waiver of development fees or of the installation of the public frontage improvements be granted.

F. Incentives – Summary. Table 20.56-2 (Incentives Summary) summarizes the incentives described in this subsection.

TABLE 20.56-2 INCENTIVES SUMMARY

Target Group	Target Units		
Very-Low Income	**5%**	**10%**	**15%**
Lower-Income	**10%**	**20%**	**30%**
Moderate-Income (Condo Or Planned Development Only)	**10%**	**20%**	**30%**
Maximum Incentive(s)	**1**	**2**	**3**

20.56.030 Land Donation [Required under State Law]

A. General. When an applicant for a housing development donates land to the City as provided for in this section, the applicant is entitled to a 15 percent increase above the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element for the entire development. For each 1 percent increase above the minimum 10 percent land donation described in Section B.2 below, the density bonus shall be increased by one percent, up to a maximum of 35 percent. This increase shall be in addition to any increase in density required by Section 20.56.020 (Density Bonus; Incentives), up to a maximum combined density bonus of 35 percent if an applicant seeks both the increase required under this Section 20.56.020 (Density Bonus; Incentives). When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be

rounded to the next larger number. An applicant is not eligible for an increase in density bonus for the donation of land required by the City's parkland dedication ordinance or for any other legally required land dedication.

B. Eligibility. A housing development applicant is eligible for the density bonus described in this section if the City makes all of the following findings:

1. The applicant will donate and transfer the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount of at least 10 percent of the number of residential units of the proposed development, or will permit construction of a greater percentage of units if proposed by the developer.

3. The transferred land is at least 1 acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as very low-income housing, and is now or at the time of construction will be served by adequate public facilities and infrastructure. The land must also have the appropriate zoning and development standards to make the development of the very low-income units feasible. No later than the date of approval of the final subdivision map, parcel map, or residential development, the transferred land will have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land.
4. The transferred land and the affordable units constructed on the land will be subject to a deed restriction ensuring continued affordability of the units consistent with Sections 20.56.060.B and C, which restriction will be recorded on the property at the time of dedication.
5. The land will be transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify a developer of the very low-income units and to require that the land be transferred to that developer.
6. The transferred land is within the boundary of the proposed housing development or within a quarter mile of the boundary.

20.56.040 Child Care Facilities [Required under State Law]

A. Incentives. When an applicant proposes to construct a housing development that includes target units as specified in Section 20.56.020 (Density Bonus; Incentives) and includes a child care facility that will be located on the premises of, as part of, or adjacent to the housing development, the City shall grant either of the following if requested by the developer:

1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility;
2. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

B. Findings. A housing development is eligible for the density bonus or incentive described in this section if the City makes both of the following findings:

1. The child care facility will remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable under Sections 20.56.060.B and C.
2. Of the children who attend the child care facility, the percentage of children of very low-income households, low-income households, or moderate-income households shall be equal to or greater than the percentage of dwelling units that are proposed to be affordable to very low-income households, low-income households, or moderate-income households.

C. Necessity. Notwithstanding any requirement of this section, the City is not required to provide a density bonus or incentive for a child care facility if it finds, based upon substantial evidence, that the community already has adequate child care facilities.

20.56.050 Condominium Conversions [Required under State Law]

A. Incentives. The City shall grant either a density bonus or other incentives of equivalent financial value if the applicant for a conversion of existing rental apartments to condominiums agrees to provide 33 percent of the total units of the proposed condominium project as target units affordable to low- or moderate-income households, or to provide 15 percent of the total units in the condominium conversion project as target units affordable to low-income households. All such target units shall remain affordable for the period specified in Section 20.56.060.

B. Density Bonus Defined. For purposes of this section, a "density bonus" means an increase in units of 25 percent over the number of apartments to be provided within the existing structure or structures proposed for conversion.

C. Eligibility. No condominium conversion is eligible for a density bonus if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were previously provided under this section or Government Code Section 65915.

20.56.060 Affordability and Development Standards [Required under State Law]

A. Timing of Construction. Target units shall be constructed concurrently with non-restricted units or pursuant to a schedule included in the density bonus housing agreement.

B. Continued Affordability-Rent. Target units offered for rent for low-income and very low-income households shall be made available for rent at an affordable rent as defined in State law and shall remain restricted and affordable to the designated income group for a minimum period of 30 years. A longer period of time may be specified if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the housing development.

C. Continued Affordability-For Sale. Target units offered for sale to very low-, low-, or moderate income households in condominiums and planned developments shall be sold at an affordable ownership cost as defined in State law.

1. The maximum resale price homes to very-low or low-income households shall be the lower of (1) fair market value, or (2) the seller's initial purchase price, increased by the lesser of (i) the rate of increase of area median income during the seller's ownership, or (ii) the rate at which the consumer price index increased during the seller's ownership. The seller of the unit shall retain the market value at the time of sale of any capital improvements made by the seller, the down payment, and the seller's proportionate share of appreciation.
2. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

D. Initial Occupants. The initial occupant of the moderate-income units that are directly related to the receipt of the density bonus units in a condominium project or a planned unit development must be persons or families of moderate income. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation, equal to (1) the fair market value of the home at the time of initial sale minus the initial sales price to the moderate income household, plus the amount of any down-payment assistance or mortgage assistance ("initial subsidy") plus (2) the ratio of the initial subsidy to the fair market value of the home at the time of initial sale ("proportionate share of appreciation").

E. Location and Design. Target units shall be built on site and shall be dispersed within the housing development. The number of bedrooms of the target units shall be equivalent to the bedroom mix of the non-target units of the housing development, except that the developer may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total housing development. Housing developments shall comply with all applicable development standards, except those which may be modified as provided by this section.

F. Parking.

1. Upon the request of the applicant, the City may not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting

the criteria of section 20.56.020 (Density Bonus; Incentives) that exceeds the ratios in Table 20.56-3 (Maximum Required Parking).

TABLE 20.56-3 MAXIMUM REQUIRED PARKING

Bedrooms	Number of Parking Spaces
0-1	1
2-3	2
4 or more	2.5

2. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a development may provide "on-site parking" through tandem parking or uncovered parking, but not through on-street parking.

20.56.070 Modifying Development Standards as an Incentive [Required under State Law]

A. Eligible Incentives. Incentives requested under Sections 20.56.020 (Density Bonus; Incentives) and 20.56.030 (Land Donation) may include the following:

1. A reduction of a site development standard or a modification of a Zoning Ordinance requirement which exceeds the minimum building standards provided in Health and Safety Code Section 18901 and following and which result in identifiable, financially sufficient, and actual cost reductions, including, but not limited to the incentives shown in Table 20.56-4 (Incentives).

2. Approval of mixed use zoning in conjunction with the housing development if nonresidential land uses will reduce the cost of the housing development and if the City finds that the proposed nonresidential uses are compatible with the housing development and with existing or planned development in the area where the proposed housing development will be located. (Approval of mixed use zoning is considered six incentives.)

3. Other regulatory incentives proposed by the developer or the City which result in identifiable, financially sufficient, and actual cost reductions. The City has the right to establish the incentive value for any other incentive proposed by an applicant.

TABLE 20.56-4 INCENTIVES

Reduced minimum parcel size or dimension	**Each reduction of 10 percent is considered one incentive.**
Reduced minimum setback: front or rear	**Reduction in combined front and rear setbacks is considered one incentive, except that the reduction must leave at least a 5-foot setback from both front and rear property lines.**
Reduced side setbacks	**Reduction in combined side setbacks is considered one incentive, except that the reduction must leave at least one 5-foot setback.**
Increased maximum parcel coverage	**Each increase of 10 percent is considered one incentive.**
Reduced open space requirement	**Each decrease of 10 percent in the open space requirement is considered one incentive.**
Increased maximum structure height	**Each additional story in height is considered one incentive, except when the total structure height exceeds four stories. In that case, each additional increase by a partial story is one incentive and each additional increase by a full story is two incentives.**
Waiver of a design standard from the City's Engineering Standards	**Each waiver of a design standard is considered one incentive. (Waivers of General Plan design standards are not permitted, for example: connectivity, community character.)**

B. Necessity. An applicant may seek a waiver or modification of development standards that will have the effect of precluding the construction of a housing development meeting the criteria of Section 20.56.020 (Density Bonus; Incentives) at the densities or with the incentives permitted by this section. The developer shall show that the waiver or modification is necessary to make the housing units economically feasible. The City may retain a consultant to review the financial report with costs borne by the applicant.

C. No Waivers Granted. Under no circumstances shall a waiver of development fees or the installation of public improvements be granted.

20.56.080 Application Requirements and Review [NEW, but consistent with State Law and current City practices]

A. Application. An application for a density bonus, incentive, waiver, modification, or revised parking standard under this chapter shall be submitted with the first application for approval of a housing development and processed concurrently with all other applications required for the housing development. The application shall be submitted on a form prescribed by the City, including all applicable fees for processing the application, and shall include at least the following information:

1. Site plan showing total number of units, number, and location of target units, and number and location of proposed density bonus units.
2. Level of affordability of target units and proposals for ensuring affordability. [See Section 20.56.060 (Affordability and Development Standards)]
3. Description of any requested incentives, waivers, or modifications of development standards, or modified parking standards.
4. For all incentives, the application shall include substantial evidence that the requested incentives result in identifiable, financially sufficient, and actual cost reductions.
5. For waivers or modifications of development standards, the application shall provide substantial evidence to show that the waiver or modification is necessary to make the housing units economically feasible and that the development standards, without waiver or modification, will have the effect of precluding the construction of a housing development meeting the criteria of Section 20.56.020 (Density Bonus; Incentives) at the densities or with the incentives permitted by this section
6. The applicant shall submit a development pro forma in a form prescribed by the City or the City's Economic Consultant. The applicant shall pay the cost of peer review of the development pro forma.
7. If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in Section 20.56.030 (Land Donations) can be made.
8. If a density bonus or incentive is requested for a child care facility, the application shall show the location and square footage of the child care facility and provide substantial evidence that each of the findings included in Section 20.56.040 (Child Care Facilities) can be made.

B. Approval Body.

1. An application for a density bonus, incentive, waiver, modification, or revised parking standard under this section shall be considered by and acted upon by the City Council with authority to approve the housing development. The City Council may ask for a recommendation from the Planning Commission on the project prior to approval.

2. Neither the granting of an incentive, waiver, or modification nor the granting of a density bonus shall be interpreted, in and of itself, to require a general plan amendment, zoning change, variance, or other discretionary approval.

C. Findings for Approval. Before approving an application for a density bonus, incentive, waiver, or modification, the approval body shall make the following findings:

1. The findings included in Section 20.56.030 (Land Donation) if the density bonus is based all or in part on donation of land.

2. The findings included in Section 20.56.040 (Child Care Facilities) if the density bonus, incentive, or concession is based all or in part on the inclusion of a child care facility.

3. The findings included in Section 20.56.070 (Modifying Development Standards) if the incentive or concession includes mixed use development.

4. If a waiver or modification is requested, the developer has to prove by submitting substantial evidence that the waiver or modification is necessary to make the housing units economically feasible.

D. Findings Required for Denial of Incentive. If a request for an incentive is otherwise consistent with this section, the approval body may deny an incentive if it makes a written finding, based upon substantial evidence, of either of the following:

1. The incentive is not required to provide for affordable rents or affordable ownership costs.

2. The incentive would have a specific adverse impact upon: (i) public health or safety; (ii) the physical environment; or (iii) on any real property that is listed in

the California Register of Historical Resources; and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

3. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete.

E. Findings Required for Denial of Waiver or Modification. If a request for a waiver or modification is otherwise consistent with this section, the approval body may deny the waiver or modification only if it makes a written finding, based upon substantial evidence, of either of the following:

1. The waiver or modification would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

2. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions, as they existed on the date that the application was deemed complete

3. The waiver or modification would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

F. Findings Required for Denial of Bonus or Incentive for Child Care Facility. If a density bonus or concession is based on the provision of child care facilities, the approval body may deny the bonus or concession if it finds, based on substantial evidence, that the City already has adequate child care facilities.

20.56.090 Density Bonus Housing Agreement [Allowed by State Law]

A. Agreement Required. An applicant requesting a density bonus shall agree to enter into a density bonus housing agreement (or affordable housing agreement, or other appropriate title) with the City. The agreement shall be made a condition of each discretionary planning permit for the housing development under this subsection.

B. Recordation. The density bonus housing agreement shall be recorded as a restriction on any parcel on which the target units or density bonus units will be constructed. It shall be recorded before or concurrently with final or parcel map approval, or, where the housing development does not include a map, before issuance of a building permit for any structure in the housing development. The density bonus housing agreement shall run with the land and bind all successors in interest.

C. Contents. The density bonus housing agreement shall include, but not be limited to, the following:

1. The total number of units approved for the housing development, the number, location, and level of affordability of target units, and the number of density bonus units.
2. Standards for determining affordable rent or affordable ownership cost for the target units as well as the length of time of affordability restrictions.
3. The location, unit size in square feet, and number of bedrooms of target units.
4. Provisions to ensure affordability in accordance with Sections 20.56.030 (Land Donation) and 20.56.050 (Condominium Conversions).
5. A schedule for completion and occupancy of target units in relation to construction of non-restricted units.
6. A description of any incentives, waivers, or reductions being provided by the City.
7. A description of remedies for breach of the agreement by either party. The City may identify tenants or qualified purchasers as third party beneficiaries under the agreement.
8. Procedures for qualifying tenants and prospective purchasers of target units.
9. Other provisions to ensure implementation and compliance with this section.

D. For-Sale Housing Provisions. In the case of for-sale housing developments, the density bonus housing agreement shall include the following conditions governing the sale and use of target units during the applicable use restriction period:

1. Target units shall be owner-occupied by eligible very low-, low-, or moderate-income households, or by qualified residents in the case of senior citizen housing developments. Target units shall be the purchaser's principal residence.
2. The purchaser of each target unit shall execute an instrument approved by the City and to be recorded against the parcel including such provisions as the City may require to insure continued compliance with this section, including restrictions on resale or rental of the unit.

E. Rental Housing Provisions. In the case of rental housing developments, the density bonus housing agreement shall provide for the following:

1. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants.
2. Provisions requiring verification of household incomes.
3. Provisions requiring maintenance of records to demonstrate compliance with this subsection.

F. Child Care Facility or Land Dedication Provisions. A density bonus housing agreement for a child care facility or land dedication shall ensure continued compliance with all conditions included in Sections 20.56.040 (Child Care Facilities) and 20.56.030 (Land Donation), respectively.

COMMUNITY CENTER

Chapter 20.58 - Wireless Communication Facilities

Sections:	[Modifications to MMC 20.92 with changes as noted below]
20.58.010	Purpose
20.58.020	Definitions
20.58.030	Exemptions
20.58.040	Development Standards
20.58.050	Permits Required
20.58.060	Applications
20.58.070	Findings

20.58.010 Purpose [No changes to MMC 20.92.010]

This chapter establishes standards for wireless communication facilities. These standards are intended to:

A. Minimize adverse aesthetic impacts of wireless communications facilities;

B. Provide clear and objective standards for the placement, design, and continuing maintenance of wireless communications facilities;

C. Allow for wireless communication providers to improve and expand their systems over time; and,

D. Encourage co-location and use of other existing structures instead of construction of new towers.

20.58.020 Definitions [No changes to MMC 20.92.020]

A. Antenna Array. One or more wireless communication devices—including omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish)—that are mounted to a support tower and used for the transmission or reception of radio frequency (RF) signals. For the purposes of this chapter, there are two classifications of antennas or antenna arrays:

1. **Type A.**
   a. Have aggregate square footage of less than 60 square feet.
   b. Extends up to 5 feet above the roofline or is co-located on an existing support tower.
   c. For arrays, contain less than thirteen antennas.
2. **Type B.**
   a. Have aggregate square footage of 60 square feet or more.
   b. Extends 5 feet or more above the roofline or is not co-located on an existing support tower.
   c. For arrays, contain thirteen or more antennas.

B. Central Computer Switching System. Equipment connecting a call placed by a wireless phone or device to either a conventional telephone or another wireless phone or device.

C. Co-Location. The mounting of a wireless communication facility on the same support tower as another wireless communication facility.

D. Equipment Shelter. An enclosed structure, cabinet, shed, or box to house batteries, electrical equipment, and other ancillary equipment for a wireless communication facility.

E. Guyed Tower. A monopole, lattice, or other support tower tied to the ground, another object, or surface by diagonal cables (guy wires).

F. Height. The distance measured from ground level to the highest point on the wireless communication facility. Antenna mounted on a support tower shall be considered part of the facility and shall be included in measurements to determine height.

G. Lattice Tower. A self-supporting tower with multiple legs and characterized by an open framework of lateral cross members that stabilize the tower.

H. Monopole Tower. A self-supporting tower with a single shaft of wood, steel, concrete, or other material.

I. Search Ring. A geographic area identified by the wireless communications service provider within which a wireless communication facility is needed to enhance or expand their service.

J. Stealth Wireless Communication Facility. A wireless communications facility designed to blend in with the existing physical environment, whereby support towers and antenna array cannot be easily detected. Examples include but are not limited to:

1. Antennas placed on flagpoles, water tanks, electricity transmission towers, freestanding signs, architectural features of a building or other structures; or
2. Wireless communications facilities designed to appear as other objects such as a natural feature of the environment, such as a tree or a building's architecture.

K. Support Tower. A freestanding structure, other than a building, on which antenna arrays are mounted.

L. Wireless Communications. Any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

M. Wireless Communication Facility. Any facility for the transmission or reception of radio frequency (RF) signals through electromagnetic energy, including all wireless communications not exempted by Section 20.58.030, usually consisting of an equipment shelter or cabinet, a support tower and antenna array used to achieve the necessary elevation, and the transmission and reception devices or antenna.

20.58.030 Exemptions [No changes to MMC 20.92.030]

The following facilities are exempt from the standards in this chapter:

A. Send-and-receive citizen band radio antennas operated by federally licensed amateur "ham" radio operators.

B. Industrial, scientific, and medical equipment as regulated by the FCC in 47 CFR Part 18.

C. Facilities used to broadcast television and radio signals.

D. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by the FCC by Title 47 CFR Parts 97 and 95.

E. Government owned communications facilities utilized for a public purpose.

20.58.040 Development Standards

A. Airport Environs. Notwithstanding any other requirements of this chapter, wireless communication facilities shall comply with all requirements of the Merced County Airport Land Use Compatibility Plan. **[No changes to MMC 20.92.050(B)]**

B. Setbacks and Siting. **[No changes to MMC 20.92.060(I)]**

1. All equipment shelters or other on-the-ground ancillary equipment shall meet the setback requirements of the zoning district in which they are located.
2. Antenna and antenna arrays are exempt from setback requirements.
3. Support towers less than or equal to 125 percent of the height limit of the zoning district in which they are located shall meet the setback requirements of the zoning district in which they are located.
4. Support towers greater than 125 percent of the height limit of the zoning district in which they are located shall meet the setback requirements of the zoning district in which they are located or 1 foot for every 10 feet of total tower height, whichever produces the greater setback.
5. To the greatest extent possible, support towers should be placed to the rear or side of buildings.

C. Support Tower Location. All wireless communication facilities shall comply with the following location requirements:

1. **Historic Resources.** The installation of a support tower on a local, state or national historic resource is prohibited. Applications to attach an antenna or antenna array shall comply with Chapter 17.54 (Historic Preservation) of the Merced Municipal Code. **[No changes to MMC 20.92.050(C)]**
2. **Residential Zoning Districts.** The installation of a support tower within 300 feet of a residential zoning district or residential designation as shown on the land use diagram of the Merced General Plan shall require a Conditional Use Permit regardless of the review procedures set forth in Table 20.58-2 (Review Procedures for Support Towers for Wireless Communication Facilities). **[No changes to MMC 20.92.050(D)]**

D. Color. Support towers shall be provided in a color that best allows it to blend into the surroundings. Antennas shall be placed and colored to blend into the architectural detail and coloring of the host structure. **[No change to MMC 20.92.060(B)]**

E. Display. No signs or display shall be located on a support tower or ancillary facilities except for warning and safety signage. **[No changes to MMC 20.92.060(C)]**

F. Lighting. Except as specifically required by the Federal Aviation Administration (FAA) or other applicable authority, support towers shall not be artificially lighted. In order to reduce glare, lighting for on-the-ground ancillary equipment shall be shielded from the community to the extent allowed by the FAA. Equipment shelters may use security lighting that is appropriately down-shielded to keep light within the boundaries of the site and to minimize impacts on surrounding properties. **[No changes to MMC 20.92.060(G)]**

G. Screening. All wireless communication facilities shall be screened or stealthed to the maximum extent possible and comply with the following standards: **[No changes to MMC 20.92.060(F)]**

1. **Landscaping.** Landscaping shall effectively screen views of a wireless communication facility tower site from adjacent properties and be served by an automatic underground irrigation system.

2. **Buffers**. The standard buffer shall consist of a landscaped strip at least 4 feet wide at the site perimeter, and fencing. Vegetation shall be used to cover the fence. Use of barbed wire is prohibited. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.

H. Equipment Shelters. Equipment shelters shall be: **[No change to MMC 20.92.060(D)]**

1. Located in underground vaults; or,
2. Designed consistent with the architectural features of the buildings immediately surrounding the site locations; or,
3. Camouflaged behind an effective year-round landscape buffer.

I. Radio Frequency Radiation. Upon request to construct a wireless communications facility or to mount wireless communication antennas to an existing wireless communication facility, the applicant shall provide certification by a RF engineer, stating the RFR measurements and documenting that they meet FCC radio frequency radiation standards. **[No changes to MMC 20.92.060(H)]**

J. Interference. Wireless communication facilities shall not cause interference with public safety communication equipment. **[No changes to MMC 20.92.060(E)]**

K. Abandoned Wireless Communications Facilities. **[No changes to MMC 20.92.060(A)]**

1. Upon approval of a wireless communications facility, the City may require financial security acceptable to the City Attorney from the applicant to ensure that the facility, including the support tower, is dismantled and removed if abandoned.
2. Any wireless communication facility that is not operated for a continuous period of 6 months shall be deemed abandoned. The owner of the property and owner or lessee of the wireless communication facility shall restore the site to its pre-existing condition within 90 days of abandonment. If removal and restoration does not occur within 90 days, then the City may remove the wireless communication facility and may restore the site to its preexisting condition.

L. Maximum Support Tower Height and Height Limits. The maximum height of support towers, excluding stealth facilities, shall be as specified in Table 20.58-1 (Maximum Heights for Support Towers). The "Height Limits" for each Zoning District are also shown below for use with Table 20.58-2. **[Major changes to MMC 20.92.060(J)—Compare with Excerpt on page 216A]**

TABLE 20.58-1 MAXIMUM HEIGHTS AND HEIGHT LIMITS FOR SUPPORT TOWERS

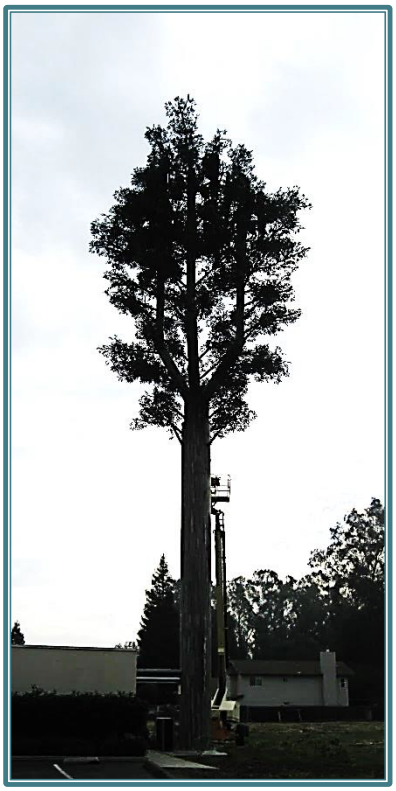
Zoning District	Height Limit	125% of Height Limit	140% of Height Limit	Maximum Height
R-1, R-2, R-3, R-MH, R-OV, R-IV, A-G, U-T	35 feet	43.75 feet	49 feet	55 feet
R-4	40 feet	50 feet	56 feet	60 feet
C-N, C-SC	35 feet	43.75 feet	49 feet	70 feet
C-O, C-V, P-OS, P-F	40 feet	50 feet	56 feet	70 feet
C-T, C-G, B-P	40 feet	50 feet	56 feet	100 feet [1]
C-C, D-O, D-COR, D-CM, P-PK	60 feet	75 feet	84 feet	100 feet [1]
I-L , I-H	40 feet	50 feet	56 feet	150 feet [1]
P-D	As permitted by the Site Utilization Plan			

Notes:
[1] The maximum height of support towers with co-location may be increased by an additional 20 ft. as part of the permit process in Table 20.58-2.

20.58.050 Permits Required

A. Permits Required. [No change to MMC 20.92.070(A)]

1. **Type A Antenna Arrays.** A proposed Type A antenna array shall be approved administratively by the Planning Division if it complies with all applicable standards in this chapter.
2. **Type B Antenna Arrays.**
   a. A proposed Type B antenna array requires the approval of a Site Plan Review Permit.
   b. Any Type B antenna or antenna array considered by the Planning Division to be a stealth facility may be approved administratively by the Planning Division if it complies with all applicable standards in this chapter.



3. **Wireless Communication Facilities with Support Towers.** Table 20.58-2 identifies permits required for wireless communication facilities with support towers. Required permits depend on the type of support tower, the height of the facility, and the zoning district in which the facility is located. [No change to MMC 20.92.070(A)(3)]

4. **Referral to Planning Commission.** The Planning Division or the Site Plan Review Committee may refer any application for a wireless communication facility for review and final decision by the Planning Commission. In such cases the proposed facility shall require Planning Commission approval of a Conditional Use Permit. [NEW]

[Substantial Changes to Table A of MMC 20.92.070--Compare with Table A on page 216B]

TABLE 20.58-2 REVIEW PROCEDURES FOR SUPPORT TOWERS FOR WIRELESS COMMUNICATION FACILITIES

	Stealth Wireless Communication Facility and Antennas		Monopole Tower and Antennas		Guyed Tower and Antennas		Lattice Tower and Antennas
	Up to 140% of Height Limit	Over 140% of Height Limit	Up to 125% of Height Limit	Over 125% of Height Limit*	Up to 125% of Height Limit	Over 125% of Height Limit*	Up to the Permitted Tower Height
ZONING DISTRICT							
P-OS, A-G	C	C	C	C	X	X	X
R-1, R-2, R-3, R-4, R-MH, R-IV, R-OV, U-T	SP	SP	C	X	X	X	X
C-O, C-N, C-SC, D-O, C-V, P-F	A	SP	SP	C	X	X	X
C-C, D-COR, D-CM, P-PK	A	A	SP	C	X	X	X
C-T, C-G, B-P	A	A	SP	C	SP	C	C
I-H, I-L	A	A	SP	SP	SP	SP	SP
P-D	See Section 20.58.070.H						

Key

A =	Administrative approval by Planning Division (Building Permit)
SP =	Site Plan Review Permit required
C =	Conditional Use Permit required
X- =	Prohibited
* =	Cannot exceed Maximum Height Limits in Table 20.58-1.

20.58.060 Applications

A. Administrative Approvals. **[NEW]**

1. Wireless communication facilities requiring administrative approval by the Planning Division shall be reviewed as part of the Building Permit process.
2. The applicant shall submit all information needed by the Planning Division to verify compliance with the requirements of this chapter as part of the Building Permit application.

B. Site Plan Review and Conditional Use Permits. An application for a proposed wireless communication facility that requires a Site Plan Review or Conditional Use Permit shall submit the following information in addition to the materials required by Chapter 20.68 (Permit Requirements). **[No changes to MMC 20.92.080(A)]**

1. **Visual Impact Study.** A graphic simulation showing the appearance of the proposed tower, antennas, and ancillary facilities from at least five points within a one-mile radius. Such points shall be chosen by the applicant with review and approval by the Director of Development Services to ensure that various potential views are represented.
2. **Co-location Information.** Evidence demonstrating co-location or that co-location is impractical for reasons of:
   a. Lack of existing support structures.
   b. Structural support capabilities.
   c. Electromagnetic interference that cannot be corrected.
   d. Fees, costs, or contractual provisions required by the owner in order to share an existing support tower or to adapt an existing support tower for sharing are unreasonable (e.g. costs exceeding new tower development are presumed to be unreasonable).
   e. Failing to meet service coverage area needs.
   f. Other limiting factors that render existing support towers unsuitable.

3. **Capacity Information.** A report documenting the anticipated capacity of the proposed support tower, including the number and types of antennas.
4. **Coverage Map.** Within a three-mile radius of the proposed facility, a map with locations and boundaries of the coverage areas and search ring analysis for all of the applicant's anticipated tower sites.
5. **Engineer's Statement.** A statement from a qualified radio engineer documenting the reasons for the location, design, and height of the proposed facility.

20.58.070 Findings [No changes to MMC 20.92.080(B)]

To approve a wireless communication facility requiring a Site Plan Review or Conditional Use Permit, the review authority must make the following findings (if applicable) in addition to the findings required by Chapter 20.68 (Permit Requirements) for the applicable permit:

A. For a proposed lattice tower located in other than an industrial district, the applicant has demonstrated that there is no feasible alternative to use of a lattice tower at the proposed site or within the search ring.

B. The proposed wireless communication facility is designed at the minimal functional height.

C. The location for the wireless communication facility minimizes the visibility of the facility from residentially zoned property and minimizes the obstruction of scenic views from residentially zoned property.

D. Projection of the antenna or antenna array has been minimized to the greatest extent possible.

E. In the case of an application for use of a new site for wireless communication facilities, all reasonable opportunities to locate the facility or to co-locate the facility on an existing structure have been exhausted by the applicant and are not feasible.

F. Support towers located in an agricultural zoning district are located and designed to minimize dangers to aerial sprayers.

G. Sites near the project area, which are poorly suited for other forms of development, are unavailable for use by the wireless communication facility.

H. For planned developments, the underlying land use designation permits and would not be adversely affected by the proposed type of wireless communication facility. For example: in an industrial planned development, a lattice tower may be found to be acceptable while in a residential planned development, a stealth facility or monopole may be found to be acceptable, but a lattice tower would not. To determine the effect of the proposed wireless communication facility on the land use designation and the permit process required, use Table 20.58-2.

Excerpts from Current Zoning Ordinance for Comparison Purposes Only

Current MMC 20.92.060(J)

Heights. No support tower, other than a stealth facility, may exceed the following heights:

1. Within a commercial office (C-O) zone and a neighborhood commercial (C-N) zone: 70 feet; and
2. Within a central commercial (C-C) zone, a thoroughfare commercial (C-T) zone, and a general commercial (C-G) zone: 120 feet; and
3. Within an industrial zone: 150 feet.
4. Within a planned development as permitted by the site utilization plan.

Support towers with co-location (in other than a residential, commercial-office or neighborhood commercial zone) may be extended an additional 20 feet.

NOTE: 125% of Zone Height Limit is in Table A on the next page and 140% of Zone Height Limit is NEW.

MMC 20.92.070:

TABLE A Review Procedures for Support Tower Projects								
Zoning District and Height Limits	125% of the Zone Height	Stealth Wireless Communication Facility and Antennas		Monopole Tower and Antennas		Guyed Tower and Antennas		Lattice Tower and Antennas
		Up to a height of 125% of the zone height limit*	Over a height of 125% of the zone height limit.	Up to a height of 125% of the zone height limit*	Over a height of 125% of the zone height limit but not to exceed tower height limits.	Up to a height of 125% of the zone height limit*	Over a height of 125% of the zone height limit but not to exceed tower height limits.	Up to the permitted tower height.
R-1-20 / 35'	43.75	A	SP	CUP	X	X	X	X
R-I-10 / 35'	43.75	A	SP	CUP	X	X	X	X
R-1-6 / 35'	43.75	A	SP	CUP	X	X	X	X
R-1-5 / 35'	43.75	A	SP	CUP	X	X	X	X
R-2 / 35'	43.75	A	SP	CUP	X	X	X	X
R-3-1.5 / 35'	43.75	A	SP	CUP	X	X	X	X
R-3-2 / 35'	43.75	A	SP	CUP	X	X	X	X
R-4 / 40'	50	A	SP	CUP	X	X	X	X
C-O / 40'	50	A	SP	CUP	X	X	X	X
C-N / 30'	37.5	A	SP	CUP	X	X	X	X
C-C / 60'	75	A	A	SP	CUP	X	X	X
C-T / 40'	50	A	A	SP	CUP	SP	CUP	CUP
C-G / 40'	50	A	A	SP	CUP	SP	CUP	CUP
I-R / 35'	43.75	A	A	A	SP	A	SP	SP
I-L / 40'	50	A	A	A	SP	A	SP	SP
I-H / 40'	50	A	A	A	SP	A	SP	SP
P-D	CUP							
U-R/ Specific to each UR zone.		A	A	A	CUP	CUP	X	X
A-T-5 / 35'	43.75	A	SP	A	SP	A	SP	SP
A-1-20 / 35'	43.75	A	SP	A	SP	A	SP	SP

KEY:

A Reviewed by the city planner or his/her designee.

SP Reviewed in accordance with Chapter 20.68 (Site Plan Review).

CUP Conditional use permit review in accordance with Chapter 20.64.

X Structure is prohibited.

Chapter 20.60 - ADULT ENTERTAINMENT BUSINESSES

Sections:	
20.60.010	Purpose
20.60.020	Definitions
20.60.030	Location

20.60.010 Purpose [No changes to MMC 20.90.010, except as noted]

It is the intent of this chapter to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of adult entertainment businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, churches, and residentially zoned districts or uses. The City Council finds that it has been demonstrated in various communities that the concentration of adult entertainment businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this chapter to establish reasonable and uniform regulations to prevent the concentration of adult entertainment businesses or their close proximity to incompatible uses, while permitting the location of adult businesses in certain areas.

This chapter identifies permitted locations for adult entertainment businesses within the City of Merced. Additional permit requirements for adult entertainment business can be found in Chapter 5.58 (Adult Entertainment Businesses) of the Merced Municipal Code. **[NEW]**

20.60.020 Definitions [Changed MMC 20.90.020 to reference definitions in Chapter 5.58 which had been duplicated in the Zoning section; only the definitions below are not included in MMC 5.58.]

See Chapter 5.58 (Adult Entertainment Businesses) for definitions of adult entertainment businesses and related activities used in this Chapter as well as the following definitions:

A. Church. The term "church," as used in this article, is a structure that is used primarily for religious worship and related religious activities.

B. School. The term "school" is any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

20.60.030 Location [No changes to MMC 20.90.030, except as noted]

A. Zoning Districts. Adult entertainment businesses shall be established or located only within the Light Industrial (I-L) or Heavy Industrial (I-H) zoning districts.

B. Distance Requirements.

1. An adult entertainment business shall not be established or located within:
   a. 1,000 feet of any other adult business; or
   b. 1,000 feet from any residential zone or use, park, religious facility, or school.
2. Minimum distances shall be measured as a direct line from the primary entrance of the adult entertainment business to the nearest property lines of the uses identified above.

C. Establishment Defined. The establishment of an adult entertainment business (as defined in Chapter 5.58 or any other business with similar operating characteristics or where "specified anatomical areas" as defined in Chapter 5.58 are regularly depicted, described, or displayed) shall mean: **[Minor changes to MMC 20.90.020(A)]**

1. The opening or commencement of any adult entertainment business as a new business;
2. The conversion of an existing business, whether or not an existing adult business, to any adult entertainment business defined in the Chapter 5.58 (Adult Entertainment Businesses);
3. The addition of any new activities associated with an adult entertainment business as defined in the Chapter 5.58 (Adult Entertainment Businesses) to any existing adult entertainment business; or,
4. The relocation of any adult entertainment business.

Chapter 20.62 - SIGNS

Sections:	[All sign provisions in existing Zoning Code have been moved here]
20.62.010	Purpose
20.62.020	Applicability
20.62.030	General Standards
20.62.040	Specific Standards by Zoning District
20.62.050	Specific Standards by Use

[There are various sign provisions throughout the Zoning Code which should be in the Sign Ordinance. However, it is not part of this project to update the Sign Code so these provisions have simply been moved to this new Chapter. The provisions have NOT been changed. Any changes to the Sign provisions should be done in a comprehensive manner as part of a Sign Ordinance update.]

20.62.010 Purpose [NEW]

This chapter establishes standards relating to the permitted type, size, height, placement, number, and design of signs in addition to the provisions in Chapter 17.36 (Signs). The intent of these standards is to:

A. Support economically viable businesses serving City residents, workers, and visitors.

B. Allow for signage that identifies businesses in a fair and equitable manner.

C. Protect and enhance the aesthetic qualities of the City.

D. Minimize hazards to motorists and pedestrians resulting from excessive, confusing, and distracting signs.

E. Allow for a simple and streamlined sign permitting process.

20.62.020 Applicability [NEW]

The standards contained in this chapter apply to all signs within the City of Merced.

20.62.030 General Standards [NEW]

The following general standards apply to all signs:

A. Signs shall be appurtenant to any permitted use on the lot.

B. All signs shall comply with Chapter 17.36 (Signs) in addition to the requirements of this chapter.

20.62.040 Specific Standards by Zoning District

A. Residential Zoning Districts.

1. One unlighted sign is allowed within all residential zoning districts subject to the following standards:

   a. For signs containing only the name and title or occupation of the occupant, the sign area shall not exceed 1 square foot. For R-4 zoning district, the sign area shall not exceed 2 square feet. **[No changes to MMC 20.10.030(G), 20.12.030(G), 20.14.030(F), & 20.16.030(F)]**

   b. For signs advertising the premises for sale, lease, or rent, the sign area shall not exceed 4 square feet. Such signs shall not be located not nearer than 10 feet to adjoining premises, nearer than 5 feet to a street line, or within the public right-of-way. The sign must be parallel with the face of the building and no more than 18 inches from the face of the building.**[No changes to MMC 20.10.030(G), 20.12.030(G), 20.14.030(F), 7 20.16.030(D)]**

2. For the R-MH zoning district, following additional standards apply: **[No changes to MMC 20.50.110, 20.50.120, & 20.50.070(B)(4)]**

   a. No exterior advertising or sign shall be permitted except for:

      (1) Directional signs.

      (2) One flush wall or fence-mounted sign identifying the name of the mobile home park.

      (3) Other similar signs approved by Director of Development Services.

      (4) Outdoor advertising structure (e.g. billboards) shall be prohibited.

   b. Signs shall not move or flash, and shall be indirectly lit so that the lighting is directed away from adjacent streets and residences.

   c. Signs shall not exceed 12 square feet in area and 4 feet in height.

   d. Signs shall be designed in harmony with parking and fencing.

   e. Signs shall not exceed 2 square feet in area for any social/recreational center.

f. Directory signs shall be allowed as follows:

(1) A directory sign containing a map of the total park, the location, and identification of each lot shall be provided within the fenced area and not visible from the exterior of the park.

(2) The directory sign shall have an appropriate size and be located near the vehicular entrance to avoid having the driver leave his/her vehicle or detour from his/her entry route.

(3) The directory sign shall be illuminated for night usage.

(4) Additional directory signs, including content, size, and location, shall be approved by the Development Services Department when a park has more than one point of access from adjoining public streets.

3. **Formal Gateways.** Formal gateways in districts where permitted shall conform to the following requirements unless increased by conditional use permit: **[No changes to MMC 20.54.180]**

a. Any such gateway shall be located entirely on private property.

b. Construction shall be of solid maintenance-free material in accordance with City specifications.

c. No such gateway shall be located closer than forty feet from the nearest driveway or intersecting street.

d. The City shall incur no responsibility for present or future maintenance of such gateways.

e. Such gateway may contain two solid corrosion-resistant plaques permanently mounted thereon designating the name of the subdivision or neighborhood.

f. No such gateway shall exceed six feet in height above sidewalk or finished grade.

B. Commercial Zoning Districts.

1. For the C-O zoning district, the following standards shall pertain to all signs visible from exterior property lines. **[No changes to MMC 20.20.030 & 20.20.040(E)]**

a. Nameplates and other directory signs appurtenant to any permitted use are allowed.

b. The sign area shall not exceed 4 square feet for each building, or 4 square feet plus 1 square foot per tenant for aggregated area for signs in any one building.

c. Signs shall only be illuminated with indirect lighting.

d. No excessive content shall be allowed on signs other than the names, professions, location or any identification required by State or federal agencies of the occupants of any buildings on site.

e. An Administrative Conditional Use Permit, per Section 17.36.795 (Administrative Conditional Use Permit), is required for a single occupant sign exceeding the allowable area, but less than 50 square feet per lot.

f. No exterior display or advertising allowed for incidental services, such as restaurants, pharmacies, and retail sales which serve occupants and patrons of the principal permitted use only.

2. The following standards shall apply to signs in the C-N and C-SC zoning districts:**[No changes to MMC 20.22.040, 20.22.050(F), & 20.25.040]**

a. Signs shall pertain only to a use conducted on the property.

b. Signs shall only be parallel with the wall of a neighborhood shopping center that has a 200-foot frontage.

c. Signs shall face the major street and any minor street.

d. No sign attached to a building shall project beyond the limits of the structure as shown on the architectural or engineering plan elevation of the building facing the property line abutting the street toward which the sign faces.

e. Sign areas shall be limited to 1 square foot for each lineal foot of building width as shown on an elevation plan of the building.

f. No sign shall exceed 100 square feet, except as otherwise provided in this chapter.

g. Freestanding directional and off-street parking control signs shall be located at each entrance or exit servicing off-street parking and shall not exceed 4 square feet in area.

h. Freestanding shopping center identification signs shall comply with the following standards:

(1) Sign shall be erected on a neighborhood shopping center with at least a 200-foot frontage on a major or minor street.

(2) Signs shall be permitted adjacent to each major street or each minor street on which the shopping center has at least 200 feet of property frontage.

(3) The area of signs only containing the name of the shopping center shall not exceed 100 square feet per face up to 2 faces.

(4) Signs with names of businesses in the shopping center are allowed an additional 2 square feet per listing per face.

(5) For shopping centers with less than 200 feet of property frontage on a minor street, signs shall be limited to 1 square foot for each lineal foot of building; provided that no sign shall exceed 50 square feet.

i. Signs pertaining to the use of the building shall comply with the following standards:

(1) Signs shall only be erected parallel with the wall of the building most nearly facing the major street and any minor street on which a neighborhood shopping center has more than 200 feet of property frontage.

(2) No sign attached to the building shall project beyond the limits of the structure as shown on the architectural or engineering plan elevation of the building facing the property line abutting the street toward which the sign faces.

(3) The area of signs attached to the face of the building shall not exceed 18 inches from the face of the building.

(4) Signs perpendicular to the face of the building attached under a marquee or other similar structural permanent extension from the building shall be no greater than 8 inches in height and 5 feet in length. Such signs shall be placed at least 7-½ feet above the sidewalk level and shall not project beyond the limits of the marquee or roof.

(5) A sign that is on, under, or in front of the marquee shall be located not more than 18 inches from the edge of the marquee, no greater than 18 inches in height, and shall be placed at least 7-½ feet above the sidewalk level.

(6) A sign is allowed at rear or side of a building if it is less than 200 feet on a minor street and at least 50 feet from adjacent residential areas.

j. Lighted signs shall conform to following regulations:

(1) Lighted signs with direct or reflected lighting, any part of which flashes, blinks, turns off and on or which has mechanical or electrical movement of any kind, are prohibited.

(2) Red, amber or green signs may not be placed in any manner conflicting with traffic signals or which, in the opinion of the Traffic Safety Committee, may confuse or tend to confuse drivers or operators of vehicles using the streets of the City.

(3) Exterior signs may be illuminated until ten p.m. or the end of the business day, whichever is later.

(4) Spotlights or other illuminating devices may not be directed toward adjacent residentially zoned property.

k. Time and Temperature signs shall be allowed upon approval of a Conditional Use Permit.

(1) Only the words or abbreviation of "time" and "temperature," and the electronically controlled figures indicating time and temperature shall be allowed.

(2) The area of the sign shall not exceed 24 square feet per face.

3. The following standards shall apply to signs in the C-C, C-G and C-T zoning districts: **[No changes to MMC 20.24.030, 20.26.030(A), 20.26.040(G), & 20.28.030]**

a. The total sign area shall not exceed 500 square feet per lot.

b. Except for the C-C zoning district, all signs adjacent to or across the street from a residential zoning district shall not exceed 200 square feet, unless the Planning Commission approves a Conditional Use Permit for up to 500 square feet of total sign area per lot.

c. In C-T zones only, shopping centers located on a lot of 10 acres or larger and having at least two street frontages may be allowed additional sign area over 500 square feet, but not more than one freestanding sign per street frontage with a conditional use permit approved by the Planning Commission.

d. In addition, Traffic Safety Committee approval is required for signs moving or containing flashing lights that might be mistaken for traffic control.

4. In the B-P zoning district, the total sign area of the sign shall not exceed 1-½ square feet for each lineal foot of frontage of the property on which the use is located. **[No change to MMC 20.32.030 for the I-R District which B-P replaces.]**

C. Industrial Zoning Districts. All signs within an industrial zoning district shall comply with the following standards:**[No changes to MMC 20.34.020 & 20.36.020]**

1. Signs shall be appurtenant to any permitted use on the property
2. The total sign area shall not exceed 500 square feet per lot, except as otherwise provided in this Title.
3. For the I-L zoning district, signs shall not exceed 1 square foot for each lineal foot of frontage of the property on which the sign is located.

4. For the I-H zoning district, a Conditional Use Permit is required for signs in excess of the allowable limit but not to exceed an additional 500 square feet of sign area per lot.

D. Standards for Other Zoning Districts.

1. In the P-PK zoning district, the total sign area shall not exceed 500 square feet per lot.**[No change to MMC 20.40.030]**
2. In the A-G zoning district, signs shall comply with the following standards: **[No changes to MMC 20.46.030(G) & 20.48.030(G) for A-1-20 & A-T-5 which A-G replaces.]**
   a. One unlighted single-faced or double-faced sign shall be permitted.
   b. Signs shall not exceed 6 square feet in area per face.
   c. Signs shall pertain only to the sale, lease or hire of the premises, or products from the premises.
   d. Signs may be able to advertise products produced upon the premises but they shall not be located any nearer than 20 feet to adjoining premises or any nearer than 10 feet to a street line.

   e. One sign containing only the name and title or occupation of the occupant shall be allowed. Such signs shall not exceed 2 square feet in area and shall be located no less than 20 feet from adjoining premises or 10 feet from a street line.

E. Standards for Planned Development Zoning Districts. For neighborhood shopping centers (i.e. shopping center where a supermarket is a major tenant) in Planned Development zones, sign regulations shall not be less restrictive than those established for the C-N zoning district.**[No changes to MMC 20.42.060(B)(3)]**

20.62.050 Specific Standards by Use

A. Service Stations, Public Garages, and Parking Lots. [No changes to MMC 20.54.040]

1. Only one temporary or portable sign shall be permitted on the premises.
2. Signs shall not exceed 6 square feet in area.
3. Advertising of any product, service, or use other than the principal product, service, and use of the premises is prohibited, unless the advertising is otherwise permitted as a principal use in the district in which the use is located.
4. Beacons, pennants, flags or other attention-getting devices are prohibited.

B. Home Occupation and Commercial Use of Historic Buildings. [No changes to MMC 20.54.100(H) & 20.54.260(E)]

1. Signs shall not exceed 1 square foot in area.
2. Signs may only display name and occupation or profession of the occupant.
3. Signs shall be only illuminated by non-flashing, non-scintillating reflected light.

C. Nonconforming Parcels, Uses, and Structures. [No changes to MMC 20.60.100]

1. All nonconforming signs, billboards, or commercial advertising structures may be continued for a period of 5 years after the date of enactment of this Title. The nonconforming signs shall be either changed to conform with appropriate sign regulations or be removed at the end of this period.
2. With a Conditional Use Permit, signs may be attached to a nonconforming use of a structure, with the same regulations that apply to the C-N zoning district.

City of Merced Zoning Ordinance

PART 4

PERMITS AND ADMINISTRATION

Chapter 20.64 – Administrative Responsibility 227

20.64.010 Purpose 227
20.64.020 Planning Agency 227
20.64.030 City Council 227
20.64.040 Planning Commission 229
20.64.050 Site Plan Review Committee 229
20.64.060 Director of Development Services 230

Chapter 20.66 – Permit Application and Review 231

20.66.010 Purpose 231
20.66.020 Application Preparation and Filing 231
20.66.030 Application Fees 232
20.66.040 Application Review 233
20.66.050 Project Evaluation and Staff Reports 234
20.66.060 Environmental Review 234
20.66.070 Applications Deemed Withdrawn 234

Chapter 20.68 – Permit Requirements 235

20.68.010 Purpose 235
20.68.020 Conditional Use and Minor Use Permits 235
20.68.030 Design Review Permit 237
20.68.040 Minor Modification 241
20.68.050 Site Plan Review Permit 242
20.68.060 Special Project Permit 244
20.68.070 Variance 245

Chapter 20.70 – Public Notice and Hearings..... 247

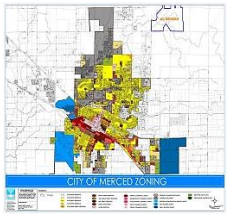
20.70.010 Purpose 247
20.70.020 Notice of Hearing 247
20.70.030 Scheduling of Hearing 249
20.70.040 Hearing Procedure 249
20.70.050 Recommendation by Planning Commission 249
20.70.060 Decision and Notice 250
20.70.070 Effective Date of Decision 250

Chapter 20.72 – Post-Decision Procedures..... 251

20.72.010 Purpose 251
20.72.020 Issuance of Permits 251
20.72.030 Performance Guarantees 251
20.72.040 Legislative Action Agreement 252
20.72.050 Changes to an Approved Project 253
20.72.060 Time Limits and Extensions 254
20.72.070 Permit Revocation 254
20.72.080 Resubmittals 256
20.72.090 Permits to Run with the Land 256

Chapter 20.74 – Appeals 257

20.74.010 Purpose 257
20.74.020 Appeal Subjects and Jurisdiction 257
20.74.030 Filing and Processing of Appeals 257
20.74.040 Judicial Review 258



Chapter 20.76 – Covenants for Easements 259

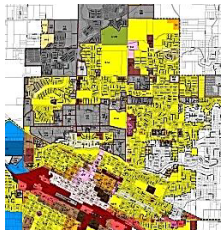
20.76.010 Purpose 259
20.76.020 Applicability 259
20.76.030 Procedures 260
20.76.040 Content of Covenant 260
20.76.050 Release of Covenant 261

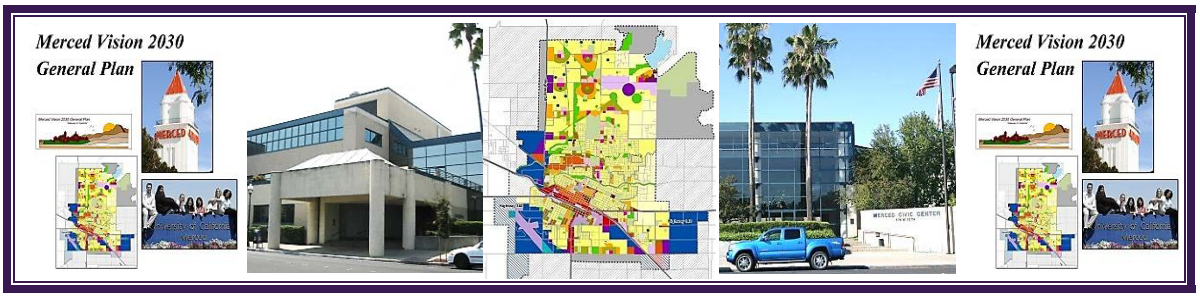
Chapter 20.78 – Conditional Zoning 263

20.78.010 Purpose 263
20.78.020 General 263
20.78.030 Initiation of Development 264
20.78.040 Amendments to Conditions 264
20.78.050 Subsequent Rezonings 264
20.78.060 Compliance and Enforcement 264

Chapter 20.80 – Zoning Ordinance Amendments 265

20.80.010 Purpose 265
20.80.020 Initiation 265
20.80.030 Application 266
20.80.040 Planning Commission Hearing and Action 266
20.80.050 City Council Hearing and Action 267
20.80.060 Effective Dates 267





Chapter 20.82 – General Plan Amendments 269

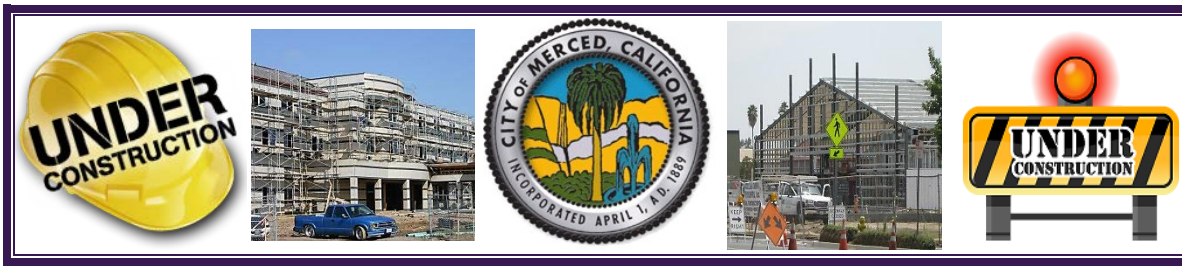
20.82.010 Purpose 269
20.82.020 Initiation 269
20.82.030 Application 270
20.82.040 Planning Commission Hearing and Action 270
20.82.050 City Council Hearing and Action 270
20.82.060 Effective Dates 271
20.82.070 Timing of Amendments 271

Chapter 20.84 – Reasonable Accommodations 273

20.84.010 Purpose 273
20.84.020 Review Authority 273
20.84.030 Application Submittal and Review 274
20.84.040 Decision 275
20.84.050 Post-Decision Procedures 277
20.84.060 Amendments 278

Chapter 20.86 – Development Agreements 279

20.86.010 Purpose 279
20.86.020 Applicability 280
20.86.030 Review Authority 280
20.86.040 Application Submittal and Review 280
20.86.050 Public Notice and Hearings 280
20.86.060 Planning Commission Action 280
20.86.070 City Council Action 281
20.86.080 Finding 281
20.86.090 Conditions of Approval 281
20.86.100 Content of the Development Agreement 282
20.86.110 Recordation 282
20.86.120 Effect of Development Agreement 282
20.86.130 Periodic Review 283
20.86.140 Amendment or Termination 283
20.86.150 Pre-Annexation Development Agreements 284



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Chapter 20.64 - ADMINISTRATIVE RESPONSIBILITY

Sections:	[NEW Chapter but consistent with current City practices]
20.64.010	Purpose
20.64.020	Planning Agency
20.64.030	City Council
20.64.040	Planning Commission
20.64.050	Site Plan Review Committee
20.64.060	Director of Development Services

20.64.010 Purpose [NEW, but consistent with City practices]

This chapter describes the authority and responsibilities of the City Council, Planning Commission, Site Plan Review Committee, and Director of Development Services in the administration of the Zoning Ordinance.

20.64.020 Planning Agency [NEW, but consistent with City practices]

The City Council, the Planning Commission, the Site Plan Review Committee, and the Director of Development Services shall function as the Planning Agency and as the Advisory Agency in compliance with Government Code Section 65100.

20.64.030 City Council [NEW, but consistent with City practices]

The role of the City Council in the administration of the Zoning Ordinance includes:

A. Serving as the review authority on legislative actions as shown in Table 20.64-1; and,

B. Reviewing appeals filed from Planning Commission decisions.

TABLE 20.64-1 REVIEW AND DECISION-MAKING AUTHORITY

Type of Action	Role of Authority [1]			
	Director of Development Services [2]	Site Plan Review Committee	Planning Commission	City Council
Legislative Actions				
Annexations/Prezoning	Recommend		Recommend	Decision
Development Agreements	Recommend	-	Recommend	Decision
General Plan Amendments	Recommend	-	Recommend	Decision
Zoning Ordinance Amendments (Map & Text)	Recommend	-	Recommend	Decision
Permits				
Conditional Use Permit	Recommend	-	Decision	Appeal
Design Review/Historic Preservation Permit	Recommend	-	Decision	Appeal
Minor Use Permit	Decision	-	Appeal	Appeal
Site Plan Review Permit	Recommend	Decision	Appeal	Appeal
Special Project Permit	Recommend	-	Recommend	Decision
Variance	Recommend	-	Decision	-
Other Approvals				
Density Bonus	Recommend	-	Recommend	Decision
Interpretations/Determinations	Decision	-	Appeal	Appeal
Minor Modification	Decision	-	Appeal	Appeal
Reasonable Accommodations	Decision	-	Appeal	Appeal
Site Utilization Plan Revisions (P-D Zone)	Recommend	-	Recommend	Decision
Subdivision Map—Tentative	Recommend		Decision	Appeal
Subdivision Map--Final	Recommend			Decision

[NEW, but consistent with current City practices and codes]

Notes:

[1] "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body.

[2] The Director of Development Services may defer action and refer the request to the Planning Commission for consideration and final action.

20.64.040 Planning Commission [NEW, but consistent with City practices]

The role of the Planning Commission in the administration of the Zoning Ordinance includes:

A. Serving as the review authority on permit and approval applications as shown in Table 20.64-1;

B. Reviewing appeals filed from Site Plan Review Committee decisions on Site Plan Review permit applications;

C. Reviewing appeals filed from Development Services Director decisions on discretionary permit applications; and,

D. Providing recommendations to the City Council on legislative actions as shown in Table 20.64-1.

20.64.050 Site Plan Review Committee [No changes to MMC 20.68]

A. Membership. [No changes to MMC 20.68.030]

1. The Site Plan Review Committee shall consist of three members holding the positions of the Chief Building Official, Director of Development Services, and the City Engineer or their respective designees.
2. In the event any of these positions are vacant for more than 30 days, the City Manager may designate another City employee as a temporary substitute during the vacancy.

B. Role. The role of the Site Plan Review Committee in the administration of the Zoning Ordinance includes: [No changes to MMC 20.68]

1. Serving as the review authority on Site Plan Review applications; and,
2. Referring action as needed on any Site Plan Review Permit to the Planning Commission for review and final decision.

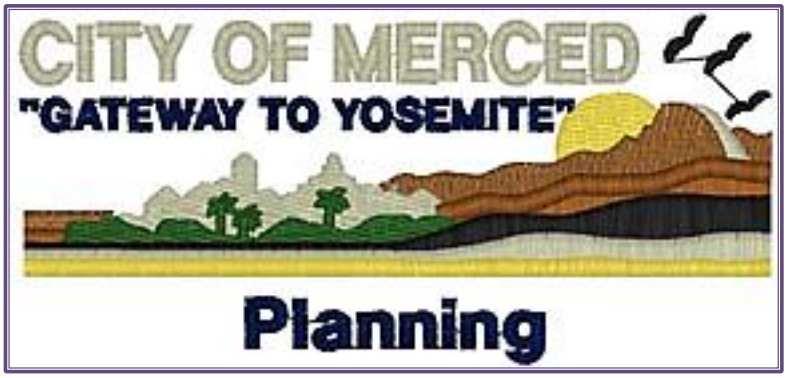
20.64.060 Director of Development Services[NEW, but consistent with City practices]

The role of the Director of Development Services in the administration of the Zoning Ordinance includes:

A. Serving as the review authority on permit and approval applications shown in Table 20.64-1;

B. Interpreting the Zoning Ordinance as specified in Chapter 20.04 (Interpretation of the Zoning Ordinance); and,

C. Referring action as needed on any permit, approval, or interpretation to the Planning Commission for review and final decision.



Chapter 20.66 - PERMIT APPLICATION AND REVIEW

Sections:	[NEW, but consistent with current City practices, except as noted]
20.66.010	Purpose
20.66.020	Application Preparation and Filing
20.66.030	Application Fees
20.66.040	Application Review
20.66.050	Project Evaluation and Staff Reports
20.66.060	Environmental Review
20.66.070	Applications Deemed Withdrawn

20.66.010 Purpose [NEW, but consistent with City practices]

This chapter establishes procedures and requirements for the preparation, filing, and initial processing of permit applications required by the Zoning Code. The term "permit" when used in this chapter refers to any action, permit, or approval listed in Table 20-64-1.

20.66.020 Application Preparation and Filing [NEW, but consistent w/ practices]

A. Pre-Application Conference.

1. The City encourages prospective applicants to request a pre-application conference with the Development Services Department (Planning Division) before completing and filing a permit application.
2. The purpose of a pre-application conference is to:
   a. Inform the applicant of City requirements as they apply to the proposed project;
   b. Review the City's review process, possible project alternatives and conditions, or modifications; and,
   c. Identify information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project.
3. Information and materials provided by City staff to the applicant at the pre-application conference shall not be construed as a recommendation for either approval or denial of the proposed project.
4. Failure by City staff to identify at a pre-application conference all studies or application requirements shall not constitute a waiver of those studies or requirements.

B. Application Contents.

1. All permit applications shall be filed with the Development Services Department on an official City application form or approved digital format.
2. The application shall be filed with all required fees, deposits, information, and materials as specified by the Development Services Department.

C. Eligibility for Filing.

1. An application may only be filed by the owner of the subject property or the property owner's authorized agent.
2. The application shall be signed by either:
   a. The owner of the subject property; or
   b. The property owner's authorized agent with written authorization from the owner filed concurrently with the application.

D. Rejection of Application. If the Development Services Department determines that an application is substantially incomplete and needs more information before it can be processed by the City, the Development Services Department shall not accept the application for processing.

20.66.030 Application Fees [NEW, but consistent with City practices]

A. Fee Schedule. Application fees required for any permit application shall be paid as established by the most current City of Merced Planning and Development Application Fee Schedule. Application fees allow the recovery of costs incurred by the City in the processing and review of permit applications. **[No change to MMC 20.78.010]**

B. Timing of Payment. Permit applications shall not be deemed complete until all required application fees have been paid.

C. Refunds and Withdrawals. Processing fees cover City costs for public hearings, mailings, staff and consultant time, and other activities involved in processing permit applications. Consequently, no refund due to denial shall be provided. In the case of an application withdrawal, the Development Services Department may authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal.

D. Fee Adjustments. The Director of Development Services shall have the discretion to lower or increase the fee amount in any individual case, not to exceed the actual cost of staff time, or waive payment for another governmental agency, or non-profit, tax exempt organization, or where good cause appears. If the Director elects to increase the fee, he/she shall notify the applicant in writing within 5 business

days of application submittal and the applicant shall have 10 business days from that notice to pay the increased fee or withdraw the application. **[Minor changes to MMC 20.78.020 and 20.78.030]**

20.66.040 Application Review [NEW, but consistent with City practices]

A. Review for Completeness.

1. **Initial Review.** The Development Services Department (Planning Division) shall review each application for completeness and accuracy before it is accepted as being complete and officially filed.

2. **Basis for Determination.** The Development Services Department acceptance shall be based on the City's list of required application contents and any additional written instructions provided to the applicant in a pre-application conference or during the initial application review period.
3. **Notification of Applicant.** Within 30 calendar days of application acceptance, the Development Services Department shall inform the applicant in writing if the application is incomplete and that additional information is required. If no such written notice is issued, then the application is deemed to be complete.
4. **Submittal of Additional Information**. When the Development Services Department determines that an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness for resubmitted materials shall occur. The additional required information shall be submitted in writing or in a form deemed acceptable by the Planning Division.
5. **Environmental Information**. After the City has accepted an application as complete, the Development Services Department may require the applicant to submit additional information for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA).

B. Referral of Application. At the discretion of the Development Services Department, or where otherwise required by the Zoning Code, State, or federal law, an application may be referred to any public agency that may have an interest in the proposed project.

C. Multiple Applications. If a proposed project requires multiple permit approvals by both the Planning Commission and the Development Services Department, the Planning Commission shall act upon all required permits as part of a single application.

20.66.050 Project Evaluation and Staff Reports [NEW, but consistent w/ practices]

A. Staff Evaluation. Development Services Department staff shall review all applications to determine if they comply with the Zoning Code, other applicable provisions of the City Code, the General Plan, and other applicable City policies and regulations.

B. Staff Report. Development Services Department staff shall provide a written recommendation to the Planning Commission or City Council, as applicable, as to whether the application should be approved, approved with conditions, or denied.

C. Report Distribution. Each staff report shall be furnished to the applicant at the same time it is provided to the review authority before action on the application.

20.66.060 Environmental Review [NEW, but consistent with City practices]

A. CEQA Review. After acceptance of a complete application, Planning staff shall review the project in compliance with CEQA to determine whether:

1. The proposed project is not a project as defined by CEQA;
2. The proposed project is exempt from the requirements of CEQA;
3. A Negative Declaration may be issued;
4. A Mitigated Negative Declaration may be issued; or
5. An Environmental Impact Report (EIR) is required.

B. Compliance with CEQA. These determinations and, where required, the preparation of appropriate environmental documents, shall be in compliance with CEQA and any adopted City CEQA Guidelines or requirements.

C. Special Studies Required. Special studies for traffic, air quality, biology, etc., paid for in advance by the applicant, may be required to supplement the City's CEQA compliance review. Administrative processing fees for environmental reviews are also required per the fee schedule.

20.66.070 Applications Deemed Withdrawn [NEW]

A. Response Required. If an applicant does not provide any information within six months of being requested by the Development Services Department, the application shall expire and be deemed withdrawn without any further action by the City.

B. Refund of Fees. Any remaining fees submitted with the project application shall be returned to the applicant in the event that an application is deemed withdrawn. Refunds can only be given within one year after application submittal due to budgeting constraints.

C. Resubmittal. After the expiration or withdrawal of an application, future City consideration shall require the submittal of a new complete application and associated fees.

Chapter 20.68 - PERMIT REQUIREMENTS

Sections:	[NEW Chapter which consolidates all permit requirements in one]
20.68.010	Purpose
20.68.020	Conditional Use and Minor Use Permits
20.68.030	Design Review Permit
20.68.040	Minor Modification
20.68.050	Site Plan Review Permit
20.68.060	Special Project Permit
20.68.070	Variance

20.68.010 Purpose [NEW]

This chapter identifies the purpose, thresholds for review, and findings for approval for each planning permit required by the Zoning Ordinance.

20.68.020 Conditional Use and Minor Use Permits [Substantial modification to MMC 20.64 for CUP's; Minor Use Permits are NEW]

A. Purpose. A Conditional Use or Minor Use Permit is required for uses that are generally appropriate within a zoning district but potentially unsuitable in a particular location or in large numbers. A Conditional Use or Minor Use Permit is a discretionary action that enables the City to ensure that a proposed use is consistent with all General Plan goals and policies and will not create negative impacts to adjacent properties or the general public. [NEW]

B. Application Submittal and Review. Application for a Conditional Use or Minor Use Permit shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review). [NEW]

C. Review Authority.

1. **Conditional Use Permits.** The Planning Commission shall take action on all Conditional Use Permit applications. [No change to MMC 20.64.090]
2. **Minor Use Permits**. [NEW]
   a. The Director of Development Services shall take action on all Minor Use Permit applications.
   b. The Director of Development Services may refer any Minor Use Permit application to the Planning Commission for review and final decision.

D. Public Notice and Hearing.

1. Public notice and hearing for a Conditional Use Permit shall be provided in compliance with Chapter 20.70 (Public Notice and Hearing). **[NEW]**
2. No public notice or hearing is required for a Minor Use Permit although all records relating to the permit shall be public records and shall be available for review upon request. **[NEW]**

E. Findings for Approval. The review authority may approve an application for a Conditional Use or Minor Use Permit application only if all of the following findings can be made: **[NEW]**

1. The proposed use is consistent with the purpose and standards of the zoning district, the General Plan, and any adopted area or neighborhood plan, specific plan, or community plan.
2. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.
3. The proposed use will not be detrimental to the public health, safety, and welfare of the City.
4. The proposed use is properly located within the City and adequately served by existing or planned services and infrastructure.

F. Conditions of Approval. The review authority may attach conditions to the approval of a Conditional Use or Minor Use Permit as needed to ensure compliance with the General Plan, Zoning Ordinance, Merced Municipal Code, City Design Standards, or any applicable specific plan, community plan, or area plan, policy, or ordinance adopted by the City. **[Minor changes to MMC 20.64.090]**

G. Appeals. Decisions on Conditional Use and Minor Use Permits may be appealed as provided for in Chapter 20.74 (Appeals). **[NEW]**

H. Post-Decision Procedures. Procedures and requirements relating to effective dates, time limits, changes to approved projects, resubmittals, and permit revocation shall apply to Conditional and Minor Use Permits as provided in Chapter 20.72 (Post-Decision Procedures). **[NEW]**

I. Time Limits. If not exercised within 5 years of approval, the Conditional Use Permit shall expire. Time extentions of up to 2 years may be approved by the Director of Development Services. (Refer to Section 20.72.060(B) and (C) for definition of "exercised" and time extension procedures.) **[NEW]**

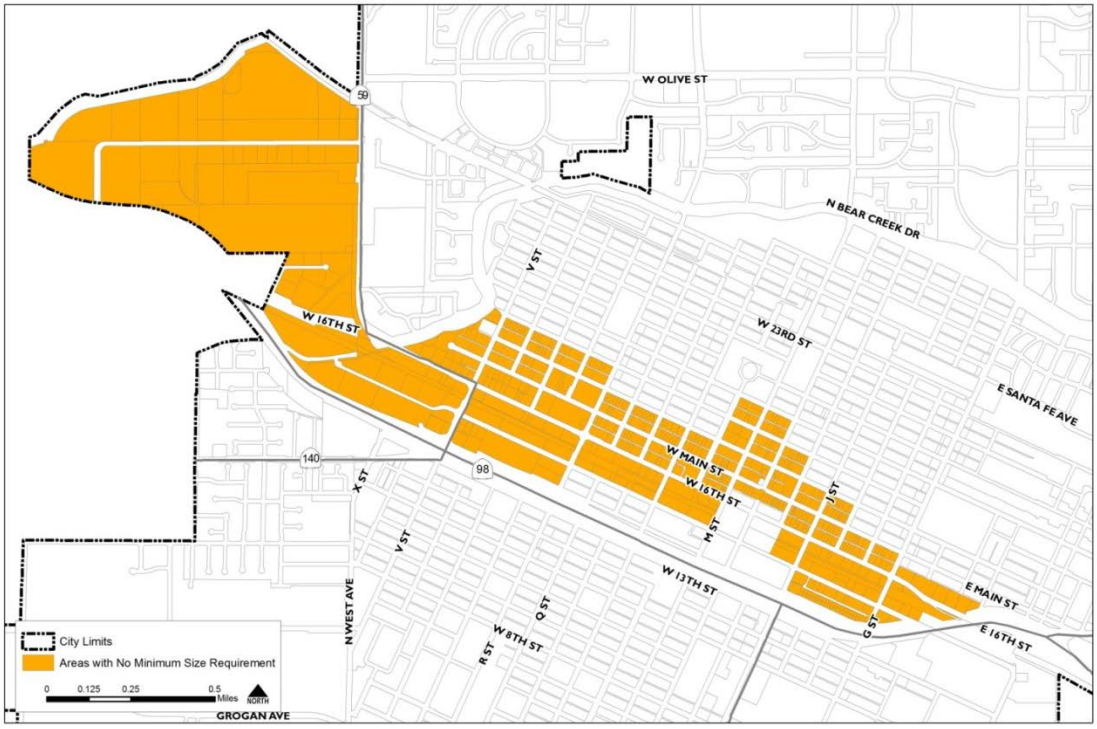
20.68.030 Design Review Permit [No changes to MMC 20.86 except as noted]

A. Purpose. A Design Review Permit is required for most types of development in portions of Downtown Merced and areas directly west of the Downtown area, see Figure 20.68-1 (Design Review Boundaries). A Design Review Permit is a discretionary action that enables the Planning Commission and staff to ensure high quality development that enhances the visual qualities of Merced and creates and supports the City's economic development objectives.

B. Applicability.

1. A Design Review Permit shall be required for the establishment of all new structures and modifications to existing structures within area identified in Figure 20.68-1, except for:
   a. Single-family detached dwellings;
   b. Structures accessory to single-family detached dwellings; and,
   c. Structures located in the I-L and I-H zoning districts, which are subject to Site Plan Review Permits (Section 20.68.050) instead.
2. A legal description of the area subject to Design Review Permit approval can be found in City Council Ordinance No. 2409 approving Zoning Ordinance Amendment No. 13-01 on June 17, 2013.

FIGURE 20.68-1 DESIGN REVIEW BOUNDARIES



C. Review Authority.

1. **Planning Commission.** The Planning Commission shall take action on all Design Review Permit applications except as specified in Sections 2 and 3 below.
2. **Development Services Department**. Development Services Department staff shall take action on Design Review Permit applications for the following projects:
   a. Change in exterior wall paint color.
   b. Installation of new signage and maintenance of existing signage, including new copy, painting, repair, and replacement of defective sign parts that does not alter the basic copy, design, or structure of the sign.
   c. Any items referred to staff following Planning Commission review.
   d. Minor modifications to Design Review Permits approved by the Planning Commission or Site Plan Review Committee which do not alter the basic design or structure of the project.
   e. Façade improvements to existing structures which do not increase the floor area of the structure by more than 5 percent.
   f. New structures less than 10,000 square feet that are deemed by the Director of Development Services to be minor in nature.

3. **Staff Referral.** The Director of Development Services may choose to refer any Design Review Permit application for review and final action by the Planning Commission.

D. Application Submittal and Review. Application for a Design Review Permit shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review).

E. Public Notice and Hearing. Public Notice and hearing for a Design Review Permit shall be provided in compliance with Chapter 20.70 (Public Notice and Hearing). Public hearings are only required for those Design Review Permits which go to the Planning Commission for approval, not staff-level reviews.

F. Features to Consider. When reviewing a Design Review Permit application, the City may consider, but is not limited to, the following features of the project design:

1. The location of all structures on the property and compatibility with surrounding uses.
2. Proposed and existing landscaping, fencing, and other screening materials.

3. Design of all circulation, parking and loading facilities for vehicles, bicycles, pedestrians, and transit.
4. Screening of refuse facilities, utility meters, and mechanical equipment.
5. Building and site design, including exterior colors and architecture style.

6. Design and location of public infrastructure including curb cuts, curbs, gutters, sidewalks, sidewalk design, drainage, and fire hydrants.
7. Location, design, and intensity of all onsite exterior lighting.
8. Location and design of address system and graphics for mail delivery system.
9. Design of all open space areas.
10. Design, placement, dimension, and color of all signs and exterior graphics, including sign materials, lighting, sign intensity, and temporary signs.
11. Review of design and placement of facilities for physically handicapped or persons with disabilities.

G. Design Review Principles. When reviewing Design Review Permit applications, the Planning Commission or City staff may consider the following Design Review principles:

1. Review of architectural character shall not be so restrictive that individual initiative is stifled in the design of any particular building or site. Rather, review exercised shall be the amount necessary to achieve the overall purpose and objective of the Design Review process.
2. Good architectural character is based upon the suitability of a building and site for its purposes; upon the appropriate use of sound materials, good relationship with other structures, and the character of the City; and upon the principles of harmony, preparation and design in the elements of the building and site.
3. Review of sign graphics shall be based upon suitability of the sign colors, placement, design to overall building design, and adjacent sign themes. The Planning Commission or City staff shall consider the extent, design and location of all temporary signs as well as permanent signs in the review of sign graphics.

H. Findings. The review authority may approve an application for a Design Review Permit application only if all of the following findings can be made: **[NEW]**

1. The proposed project is consistent with the General Plan, and any adopted area, community, specific, or neighborhood plan.

2. The proposed project complies with all applicable provisions of the Zoning Code and Municipal Code.

3. The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.

4. The proposed building design makes use of appropriate materials, texture and color, and will remain aesthetically appealing and appropriately maintained.

5. The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.

I. Conditions of Approval. The review authority may attach conditions to the approval of a Design Review Permit as needed to ensure compliance with the General Plan, Zoning Ordinance, Merced Municipal Code, City Design Standards, or any applicable specific plan, community plan, or area plan, policy, or ordinance, adopted by the City. **[NEW]**

J. Appeals. Decisions on Design Review Permits may be appealed as provided for in Chapter 20.74 (Appeals). **[No changes to MMC 20.86.130]**

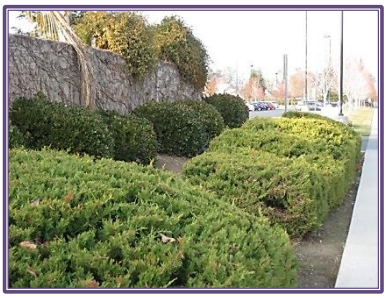
K. Post-Decision Procedures. Procedures and requirements relating to effective dates, time limits, changes to approved projects, resubmittals, and permit revocation shall apply to Design Review Permits as provided in Chapter 20.72 (Post-Decision Procedures). **[NEW]**

20.68.040 Minor Modification [NEW Permit Process]

A. Purpose. A Minor Modification allows for small deviations from development standards to accommodate projects which meet the needs of property owners, are consistent with the purpose of the Zoning Ordinance and General Plan, and do not negatively impact neighboring properties or the community at large.

B. Applicability.

1. **Permitted Modifications.** A Minor Modification may be granted to allow for a maximum 10 percent deviation from a physical development standard that applies to the subject property. Types of physical development standards eligible for a Minor Modification include:



   a. Maximum height of buildings, fences, walls, and other structures;
   b. Minimum and maximum setbacks from property lines;
   c. Maximum lot coverage;
   d. Dimensional standards for parking spaces, driveways, parking lots, and loading areas; and,
   e. Other similar dimensional standards as determined by the Director of Development Services.

2. **Excluded Modifications.** Minor Modifications shall not be granted for:
   a. Lot area, width, or depth; or,
   b. Minimum number of off-street parking spaces; or,
   c. Maximum residential density.

C. Review Authority.

1. The Director of Development Services shall take action on requested Minor Modifications.
2. The Director of Development Services may choose to refer any Minor Modification application to the Planning Commission for review and final decision.

D. Application Submittal and Review. An application for a Minor Modification shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review). The application shall include the information and materials specified by the Development Services Department, together with all required application fees.

E. No Public Notice and Hearing. No public notice and hearing shall be required for a Minor Modification application although all records relating to the modification shall be public records and shall be available for review upon request.

F. Findings for Approval. To approve a Minor Modification application, the Director of Development Services shall make all of the following findings:

1. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.
2. The modification will not adversely impact neighboring properties or the community at large.
3. The modification is necessary due to unique characteristics of the subject property, structure, or use.
4. Unique characteristics necessitating the modification generally do not apply to other properties in the vicinity or in the same zoning district as the subject property.
5. There are no feasible design alternatives that meet the project objectives while eliminating the need for the requested modification.
6. The modification will be consistent with the purpose of the zoning district, the General Plan, and any adopted area, community, or neighborhood plan.
7. The modification will not establish an undesirable precedent.

G. Conditions of Approval. The granting of a Minor Modification for approval by the Director of Development Services may include such conditions as deemed reasonable and necessary to carry out the intent of this chapter, the Zoning Code, Merced Municipal Code, and the General Plan.

20.68.050 Site Plan Review Permit [Modifies MMC 20.68 to expand its use]

A. Purpose. A Site Plan Review Permit is a discretionary action that enables the City to determine a project's compliance with the Zoning Ordinance and ensure that it will not create negative impacts to adjacent properties or the general public. [NEW]

B. Applicability. The following uses and structures require a Site Plan Review Permit:

1. All uses as shown in Part 2 (Zoning District Standards), and, [NEW]
2. All proposed uses and structures within the Light Industrial (I-L) and Heavy Industrial (I-H) zoning districts. [No changes to MMC 20.34.070(C) & 20.36.050(B)]

C. Review Authority. [No changes to MMC 20.68.030 & 20.68.040]

1. The Site Plan Review Committee shall take action on all Site Plan Review Permits.
2. The Site Plan Review Committee may refer any Site Plan Review Permit application to the Planning Commission for review and final decision.

D. Application Submittal and Review. Application for a Site Plan Review Permit shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review). **[Minor Modification to MMC 20.68.060]**

E. Public Notice and Hearing. No public notice and hearing for a Site Plan Review Permit shall be provided in compliance with Chapter 20.70 (Public Notice and Hearing), except for: **[No public hearings are currently required for Site Plan Review Permits. This would change for non-industrial projects as noted below.]**

1. Those properties that are directly adjacent to any residentially zoned property in the City; or, **[NEW]**
2. Site Plan Review Permits required for Interface (Chapter 20.32). **[NEW]**

In those cases, public notice shall be given to those adjacent properties at least 10 days prior to the Site Plan Review Meeting. **[NEW]**

F. Findings for Approval. The Site Plan Review Committee may approve an application for a Site Plan Review Permit only if all of the following findings can be made: **[NEW]**

1. The proposed project is consistent with the General Plan, and any adopted area, specific, community, or neighborhood plan.
2. The proposed project complies with all applicable provisions of the Zoning Ordinance and Municipal Code.
3. The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.
4. The proposed architectural design makes use of appropriate materials, texture and color, and will remain aesthetically appealing and appropriately maintained.
5. Any proposed landscaping design, including color, location, size, texture, type, and coverage of plant materials, as well as provisions for irrigation, maintenance, and protection landscaping elements, will complement structures and provide an attractive environment.
6. The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.

G. Appeals. Decisions on Site Plan Review Permits may be appealed as provided for in Chapter 20.74 (Appeals). **[No changes to MMC 20.68.090]**

H. Post-Decisions Procedures. Procedures and requirements relating to effective dates, time limits, changes to approved projects, resubmittals, and permit revocation shall apply to Site Plan Review Permits as provided in Chapter 20.72 (Post-Decision Procedures). **[NEW]**

20.68.060 Special Project Permit [NEW Permit Process]

A. Purpose. The Special Project Permit allows for high quality development that deviates from development standards required by the applicable zoning district. The Special Project Permit is intended to promote creativity in building design and innovation in development concepts in a manner consistent with the General Plan. The Special Project Permit provides applicants with enhanced flexibility to take advantage of unique site characteristics to develop projects that will provide public benefits and enhance the quality of life in Merced.

B. Applicability. A Special Project Permit may be granted in any zoning district provided that:

1. The proposed project is located on a minimum 3-acre parcel; and,
2. The proposed land uses are consistent with the applicable General Plan land use designation.

C. Review Authority. The City Council shall take action on all Special Project Permits with a recommendation from the Planning Commission.

D. Adjustment of Standards. With approval of a Special Project Permit, the City may allow for adjustment, up to 50 percent unless otherwise provided for in the Code, to all physical development standards that apply to the subject property, with the exception of an increase to the allowable residential density or intensity. Examples of physical development standards include height, setbacks, open space, lot coverage, and off-street parking requirements.

E. Application Submittal and Review. Application for a Special Project Permit shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review).

F. Public Notice and Hearing. Public Notice and hearing for a Special Project Permit shall be provided in compliance with Chapter 20.70 (Public Notice and Hearing).

G. Findings for Approval. The City may approve an application for a Special Project Permit only if all of the following findings can be made:

1. The proposed project is consistent with the purpose of the zoning district, the General Plan, Zoning Ordinance, Merced Municipal Code, and any adopted area, specific, community, or neighborhood plan.
2. The proposed project will produce a development with greater public benefits than what might otherwise result from using the standard development regulations.

3. Public benefits provided by the proposed project are commensurate with the requested deviation from the standard development regulations.
4. The subject property is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development.
5. The proposed project will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the subject property.

H. Post-Decision Procedures. Procedures and requirements relating to effective dates, time limits, changes to approved projects, resubmittals, and permit revocation shall apply to Special Project Permits as provided in Chapter 20.72 (Post-Decision Procedures).

20.68.070 Variance [No changes to MMC 20.66, except as noted]

A. Purpose. A Variance is a discretionary permit that allows for deviation from physical development standards contained in the Zoning Ordinance. A Variance may be granted only when the strict application of development standards creates a unique hardship due to an extraordinary situation or circumstance associated with the property.

B. Applicability.

1. **Allowable Variances.** A Variance may be granted to allow for deviation from any physical development standard that applies to the subject property. Examples of physical development standards include height, setbacks, open space, lot coverage, and off-street parking requirements.
2. **Variances Not Allowed.** A Variance shall not be granted to allow:
   a. A land use that is prohibited in the applicable zoning district;
   b. Deviation in excess of 50 percent of a measureable requirement of the Zoning Ordinance;
   c. Deviation from General Plan policies; or,
   d. Deviation from Sign requirements in Chapter 17.36 (Signs) or Section 20.62 (Signs).

C. Review Authority. The Planning Commission shall take action on all Variance applications.

D. Application Submittal and Review. Application for a Variance shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review).

E. Public Notice and Hearing. Public Notice and hearing for a Variance shall be provided in compliance with Chapter 20.70 (Public Notice and Hearing).

F. Findings for Approval. The Planning Commission may approve an application for a Variance only if all of the following findings can be made: **[Minor changes to MMC 20.66.050]**

1. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zoning district as the subject property. Unique circumstances required for approval of a Variance shall not include conditions created by any act of the property owner or occupant; personal, family, or financial conditions; loss of prospective profits; or neighboring violations.

2. The strict application of the Zoning Ordinance requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zoning district as the subject property.
3. The Variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zoning district as the subject property.
4. The Variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity or in the same zoning district as the subject property.
5. The Variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zoning district as the subject property.
6. The Variance complies with applicable standards in the Zoning Ordinance, other City ordinances, the General Plan and any other applicable community, neighborhood, specific, or area plan adopted by the City. **[NEW]**

G. Precedent. The approval of a Variance shall not set the precedent for the granting of any future Variances. Each application shall be considered only on its individual merits. **[NEW]**

H. Appeals. Decisions on Variances may be appealed as provided for in Chapter 20.74 (Appeals).

I. Post-Decision Procedures. Procedures and requirements relating to effective dates, time limits, changes, resubmittals, and permit revocation shall apply to Variances as provided in Chapter 20.72 (Post-Decision Procedures). **[NEW]**

Chapter 20.70 - PUBLIC NOTICE AND HEARINGS

Sections:	[Expansion of MMC 20.72 to make consistent with State Law]
20.70.010	Purpose
20.70.020	Notice of Hearing
20.70.030	Scheduling of Hearing
20.70.040	Hearing Procedure
20.70.050	Recommendation by Planning Commission
20.70.060	Decision and Notice
20.70.070	Effective Date of Decision

20.70.010 Purpose [NEW]

This chapter provides procedures for public hearings required by the Zoning Ordinance. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this chapter and applicable State law. In the event of any conflict between these provisions and requirements of State law, State law shall control.

20.70.020 Notice of Hearing [Follows Requirements in State Law]

When the Zoning Ordinance requires a noticed public hearing before a decision on a permit, or for another matter, the public will be provided notice of the hearing as required by this chapter.

A. Content of Notice. Notice of a public hearing shall include all of the following information, as applicable.

1. **Hearing Information.** The date, time, and place of the hearing; the name of the hearing body; and the phone number and street address of the Development Services Department where an interested person could call or visit to obtain additional information.
2. **Project Information.** The name of the applicant, the City's file number assigned to the application, a general explanation of the matter to be considered, a general description of the location of the subject property, and any recommendation from a prior hearing body.

3. **Statement on Environmental Document.** A statement that the proposed project is determined exempt under the California Environmental Quality Act (CEQA), or that a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report has been prepared for the project. The hearing notice shall state that the hearing body will consider approval of the CEQA determination or document prepared for the proposed project.

B. Method of Notice Distribution. Notice of a public hearing shall be given as follows:

1. **Mailing.** Notice shall be mailed or delivered at least ten days (or as otherwise provided by CEQA) before the scheduled hearing to the following recipients:

   a. **Project Site Owners and the Applicant.** The owners of the subject property or the owners' authorized agent, and the applicant.

   b. **Local Agencies.** Each local agency expected to provide roads, schools, wastewater, streets, water, or other essential facilities or services to the subject property, whose ability to provide those facilities and services may be significantly affected.

   c. **Affected Owners.** All owners of real property within 300 feet of the exterior boundaries of the subject property. The Department of Development Services may distribute notice to additional properties as needed to ensure adequate public notification of the proposed project.

   d. **Persons Requesting Notice.** Any person who has filed a written request for notice with the Department of Development Services.

   e. **Other Persons.** Any other person whose property might, in the judgment of the Department of Development Services, be affected by the proposed project.

2. **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with Subsection 1 above is more than 1,000, the Department of Development Services may choose to provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in Merced at least 10 days prior to the hearing.

3. **Publication and Posting.** If notice is mailed or delivered as described in Subsection 1 above, the notice shall also be published at least once in a newspaper of general circulation in Merced at least 10 days before the scheduled hearing and posted to the City's website.

4. **Additional Notice.** In addition to the types of notice required above, the Department of Development Services may provide any additional notice, including the posting of signs, and content deemed necessary or desirable.

20.70.030 Scheduling of Hearing [Follows Requirements in State Law]

After the completion of any environmental document required by the California Environmental Quality Act (CEQA), a Development Services Department staff report, and any additional materials required to render a decision, a matter requiring a public hearing shall be scheduled on the next available agenda reserved for public hearings, but no sooner than any minimum time period established by State law.

20.70.040 Hearing Procedure [Follows Requirements in State Law]

A. General. Hearings shall be conducted in a manner consistent with the procedure adopted or endorsed by the hearing body.

B. Time and Place of Hearing. A hearing will be held at the date, time, and place for which notice was given, unless the required quorum of hearing body members is not present.

C. Continued Hearing. Any hearing may be continued from time to time without further notice; provided that the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.

D. Motion of Intent. The hearing body may announce a tentative decision, and defer its action on a final decision until appropriate findings and conditions of approval have been prepared.

20.70.050 Recommendation by Planning Commission [Follows State Law]

After a public hearing resulting in a Planning Commission recommendation to the City Council, the Development Services Department shall forward the recommendation to the City Council. A copy of the recommendation shall be mailed to the applicant at the address shown on the application. If at least four members of the Planning Commission do not vote to recommend approval or denial, then that action shall be deemed a recommendation of denial.

20.70.060 Decision and Notice [Follows Requirements in State Law]

A. Date of Action. With the exception of appeals to the City Council, the hearing body shall take action on the matter being considered following the close of the public hearing. The hearing body shall also take action on projects within the following timeframe as required by the California Environment Quality Act (CEQA):

1. Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been adopted for project approval, the City shall take action on the accompanying discretionary project.
2. Within 180 days from the date the decision-making authority certifies a final Environmental Impact Report (EIR), the City shall take action on the accompanying discretionary project.

B. Decision.

1. The hearing body may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or make a motion of intent and continue the matter to a later meeting agenda.
2. At the conclusion of a hearing conducted by the Development Services Director, the Development Services Director may choose to refer the matter to the Planning Commission for review and final decision. Referral to the Planning Commission may be chosen in cases of unusual public sensitivity, controversy, or complexity relating to a requested approval.

C. Conditions of Approval. The review authority may attach conditions to the approval of a discretionary permit, approval, or legislative action as needed to ensure compliance with the Merced Municipal Code, General Plan, or any applicable specific plan, community plan, or area plan adopted by the City Council.

D. Notice of Decision. Following a final decision, the City will provide notice of its final action to the applicant and to any person who specifically requested notice of the final action.

20.70.070 Effective Date of Decision

A. Development Services Director's or Planning Commission's Decision. The decision of the Director of Development Services or Planning Commission is final and effective after 5:00 p.m. on the 5th business day following the date the decision is rendered, when no appeal to the decision has been filed in compliance with Chapter 20.74 (Appeals). **[Changes from 5 calendar days to 5 business days]**

B. City Council Decision. A decision of the City Council is final and shall be effective on the date the decision is rendered. **[No change to MMC 20.96]**

Chapter 20.72 - POST-DECISION PROCEDURES

Sections:	[NEW Chapter but consistent with City practices, except as noted]
20.72.010	Purpose
20.72.020	Issuance of Permits
20.72.030	Performance Guarantees
20.72.040	Legislative Action Agreement
20.72.050	Changes to an Approved Project
20.72.060	Time Limits and Extensions
20.72.070	Permit Revocation
20.72.080	Resubmittals
20.72.090	Permits to Run with the Land

20.72.010 Purpose [NEW]

This chapter establishes procedures and requirements that apply following a City decision on a permit or other approval required by the Zoning Ordinance.

20.72.020 Issuance of Permits [NEW]

Permits shall not be issued until the effective date, provided no appeal of the review authority's decision has been filed in compliance with Chapter 20.76 (Appeals).

20.72.030 Performance Guarantees [NEW]

A. Security Required. The Director of Development Services may require an applicant to provide adequate security to guarantee the proper completion of any approved work or compliance with any conditions of approval.

B. Form of Security. The security shall be in the form of cash, a certified or cashier's check, or a performance bond executed by the applicant and a corporate surety authorized to do business in California and approved by the City.

C. Amount of Security. The Director of Development Services shall determine the amount of the security necessary to ensure proper completion of the approved work or compliance with applicable conditions of approval.

D. Duration of Security. The security shall remain in effect until all work has been completed and conditions fulfilled to the satisfaction of the Director of Development Services or until a specified warranty period has elapsed.

E. Release of Security. The security deposit shall be released upon completion of the approved work or compliance with applicable conditions of approval.

F. Failure to Comply.

1. Upon failure to complete any work or comply with conditions, the City may complete the work or fulfill the condition, and may collect from the applicant or surety all costs incurred, including administrative, engineering, legal, and inspection costs.
2. Any unused portion of the security shall be refunded to the funding source.

20.72.040 Legislative Action Agreement [NEW, but City has required such agreements (a.k.a. "Developer Agreements") by policy since the 1990's]

A. Agreement Required. Approval of a General Plan Amendment, Zoning Ordinance Amendment (Text or Map), Conditional Zoning, Annexation/Prezoning, or other legislative action is subject to the applicant entering into a written agreement with the City of Merced known as a Legislative Action Agreement.

B. The Legislative Action Agreement shall state the applicant agrees to:

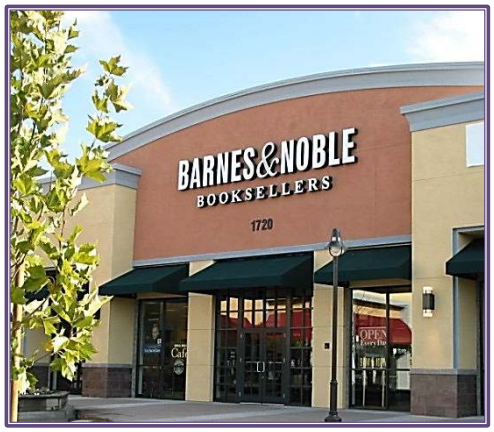
1. Comply with all conditions of the legislative action.

2. Pay all required fees, taxes, and assessments in effect when any subsequent permits or approvals are issued, including, but not limited to, public facilities impact fees, regional traffic impact fees, and Mello-Roos taxes. Payment shall be submitted at the time of building permit issuance for each phase of development unless the City requires payment at a different time.

C. The City Council shall approve the Legislative Action Agreement with the applicant at the same meeting at which the related legislative action is approved.

20.72.050 Changes to an Approved Project [NEW]

An approved project shall be established only as approved by the review authority, except when changes to the project are approved in compliance with this section.



A. Request for a Change.

1. An applicant shall request desired changes in writing, and shall submit appropriate supporting materials, an explanation of the reasons for the request, and applicable processing fees.

2. Changes may be requested either before or after construction or establishment and operation of the approved use.

B. Notice and Hearing. If the matter originally required a noticed public hearing, the review authority shall hold a public hearing for the requested change, except as allowed by Subsection C (Minor Changes) and shall give notice in compliance with Chapter 20.70 (Public Notice and Hearings).

C. Minor Changes. The Director of Development Services may authorize minor changes to an approved project if the changes comply with all of the following criteria:

1. The requested changes are consistent with all applicable requirements of the Zoning Ordinance.
2. The requested changes are consistent with the spirit and intent of the original approval.
3. The requested changes do not involve a feature of the project that was a basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project.
4. The requested changes do not involve a feature of the project that was a basis for conditions of approval for the project.
5. The requested changes do not involve a feature of the project that was a specific consideration by the review authority in granting the approval.
6. The requested changes do not involve any expansion or intensification of the use or structure by no more than 10 percent.

20.72.060 Time Limits and Extensions [NEW but consistent with City practices]

A. Expiration of Permit. A permit or approval not exercised within two years after the date of approval shall be eligible for revocation as provided in Section 20.72.070 (Permit Revocation) below, except where an extension of time is approved as allowed by Subsection C (Extension of Time).

B. Exercised Defined. A permit or approval shall be considered exercised when:

1. A building permit is issued and construction has commenced; or,
2. A certificate of occupancy is issued; or,
3. A business license is issued; or,
4. The use is established.

C. Extension of Time. The Director of Development Services may approve an extension to a permit or approval in the following manner:

1. The applicant shall submit to the Development Services Department a written request for an extension of time no later than 10 days before the expiration of the permit or approval.
2. The Director of Development Services may extend the permit or approval for an additional one year period if the applicant has proceeded in good faith and has exercised due diligence in efforts to exercise the permit or approval in a timely manner.
3. The burden of proof is on the applicant to demonstrate that the permit should be extended.
4. The Director of Development Services may choose to refer any extension of time requests to the Planning Commission for review and final decision.

20.72.070 Permit Revocation [NEW, but consolidates several sections spread throughout Zoning Code for various permit types]

Any discretionary permit may be revoked, or conditions of approval modified, as provided for in this section.

A. Review Authority.

1. A permit may be revoked or modified by the review authority which originally approved the permit.

2. In instances where the Director of Development Services was the approval authority, the Director of Development Services may choose to refer any action to revoke or modify a permit to the Planning Commission for review and final decision.

B. Public Notice and Hearing. Public notice and hearing for any action to revoke or modify a permit shall be provided in full compliance with Chapter 20.70 (Public Notice and Hearings).

C. Findings. The review authority may revoke or modify a permit only if one or more of the following findings can be made:

1. The applicant or property owner has altered the circumstances under which the permit was granted to a degree that one or more of the findings required to grant the original permit can no longer be made. Altered circumstances include, but are not limited to, the modification of the business, a change in scope, emphasis, size, or nature of the business, or the expansion, alteration, reconfiguration, or change of use.
2. Permit issuance was based on misrepresentation by the applicant, either through the omission of a material statement in the application, or in public hearing testimony.
3. One or more conditions of approval have been violated, or have not been complied with or fulfilled.
4. The use or structure for which the permit was granted no longer exists or has been discontinued for a continuous period of at least 12 months.
5. The applicant or property owner has failed or refused to allow inspections for compliance.
6. Improvements authorized by the permit are in violation of the Zoning Ordinance or any law, ordinance, regulation, or statute.
7. The use or structure is being operated or maintained in a manner which constitutes a nuisance.
8. The permit was not exercised within two years after the date of approval.

D. Effect of Revocation. The revocation of a permit shall have the effect of terminating the approval and denying the privileges granted by the permit.

20.72.080 Resubmittals [Modifies MMC 20.76.110, which currently only applies to Zone Changes and General Plan Amendments]

A. Resubmittals Prohibited. For a period of 12 months following the denial or revocation of a permit, no application for approval of the same or substantially similar project shall be submitted, unless the denial or revocation was made without prejudice, and so stated in the record.

B. Determination. The Director of Development Services shall determine whether the new application is for a project which is the same or substantially similar to the previously denied or revoked permit.

C. Appeal. The determination of the Director of Development Services may be appealed to the Planning Commission, in compliance with Chapter 20.74 (Appeals).

20.72.090 Permits to Run with the Land [Consistent with State Law]

Permits and approvals issued in compliance with the Zoning Ordinance remain valid upon change of ownership of the site, structure, or use that was the subject of the permit application, unless revoked by the City in accordance with Section 20.72.070 (Permit Revocation).

Chapter 20.74 - APPEALS

Sections:	[Modified and Expanded MMC 20.96]
20.74.010	Purpose
20.74.020	Appeal Subjects and Jurisdiction
20.74.030	Filing and Processing of Appeals
20.74.040	Judicial Review

20.74.010 Purpose [Modified MMC 20.96.010]

This chapter establishes procedures for the appeal of decisions made by the Planning Commission, the Site Plan Review Committee, and the Director of Development Services.

20.74.020 Appeal Subjects and Jurisdiction [NEW, but consistent w/ City practices]

A. Director of Development Services and Site Plan Review Committee Decisions. Any decision by the Director of Development Services and Site Plan Review Committee on discretionary permits and approvals may be appealed to the Planning Commission.

B. Planning Commission Decisions. Any decision of the Planning Commission may be appealed to the City Council.

20.74.030 Filing and Processing of Appeals

A. Eligibility. Any person or persons may submit an appeal of a decision by the Director of Development Services, Site Plan Review Committee, or Planning Commission.[NEW]

B. Timing of Appeal. An appeal shall be filed within five business days (excluding official City holidays) following a Planning Commission decision, and five business days (excluding official City holidays) following a decision by the Director of Development Services or Site Plan Review Committee. [Modified MMC 20.96.030 to change to business days vs. calendar days]

C. Form of Appeal. [Modified MMC 20.96.040]

1. An appeal shall be submitted in writing in a form acceptable to the City together with all required application fees. [No change from MMC 20.96.040(A) & 20.96.060]
2. The appeal application shall specifically state the pertinent facts and the basis for the appeal. [No change from MMC 20.96.040(A)]
3. The whole decision or part of the decision may be appealed. If an appellant chooses, an appeal may be taken solely from any finding, action, or condition.[NEW]

D. Effect of Appeal. Once an appeal is filed, any action on the associated project is suspended until the appeal is processed and a final decision is rendered by the review authority. [No change to MMC 20.96.040(B)]

E. Report and Noticed Hearing

1. When an appeal has been filed, the Development Services Department shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority within 90 days of receiving the appeal. **[NEW]**
2. Notice of the hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 20.70 (Public Notice and Hearings).**[No change to MMC 20.96.050(B)]**
3. Any interested person may appear and be heard regarding the appeal. **[NEW]**
4. All appeals on a single project shall be considered together at the same hearing. **[NEW]**

F. Hearing and Decision.

1. During the appeal hearing, the review authority may take action on the specific basis for the appeal, or may reconsider the project in its entirety ("de novo" review). The review authority shall make its own decision supported by findings. In doing so, it may: **[No change from MMC 20.96.050(A) for "a" below, but "b" and "c" are NEW]**
   a. Affirm, affirm in part, or reverse the action that is the subject of the appeal; or,
   b. Adopt additional conditions of approval that address the matter appealed; or,
   c. Remand the appeal for further review, recommendation, or action to the previous review authority.
2. The review authority's action shall be based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal and verify the compliance of the subject of the appeal with the Zoning Ordinance. **[NEW]**
3. A matter being heard on appeal may be continued for good cause (e.g., additional CEQA review is required). **[NEW]**
4. If the hearing body is unable to reach a decision on the matter appealed, the decision of the previous review authority shall remain in effect. **[NEW]**

G. Effective Date of Appeal Decision.

1. **City Council Decisions.** A decision of the City Council is final and shall be effective on the date the decision is rendered. **[NEW but consistent w/ current practices]**
2. **Planning Commission Decisions.** A decision of the Planning Commission is final and effective after 5:00 p.m. five business days following the date the decision is rendered, when no appeal to the decision has been filed in compliance with this chapter. In the event the completion of the appeal period falls on a weekend or holiday, the decision shall become effective after 5:00 p.m. of the next business day. **[NEW]**

20.74.040 Judicial Review [NEW]

No person may seek judicial review of a City decision on a permit or other matter in compliance with the Zoning Ordinance until all appeals to the Planning Commission and City Council have been first exhausted in compliance with this article. **[NEW]**

Chapter 20.76 - COVENANTS FOR EASEMENTS

Sections:	[Except for minor editing, no changes to MMC 20.94, adopted in 2003]
20.76.010	Purpose
20.76.020	Applicability
20.76.030	Procedures
20.76.040	Content of Covenant
20.76.050	Release of Covenant

20.76.010 Purpose [No change to MMC 20.94.010(A)]

This chapter provides procedures for obtaining a covenant for an easement, pursuant to California Government Code Sections 65870 to 65875.

20.76.020 Applicability [No change to MMC 20.94.010(B)]

A. General. This chapter shall apply to all development projects approved by the City, and acts independently from any other authority or method for the City to require an easement.

B. Limitations.

1. The provisions of this chapter shall only apply when the covenant for easement is for:
   a. Parking; or,
   b. Ingress, egress, or emergency access; or,
   c. Light or air access; or,
   d. Landscaping; or,
   e. Open space purposes.
2. At the time of recording the covenant of easement, all the real property benefited or burdened by said covenant shall be in common ownership.

20.76.030 Procedures [No change to MMC 20.94.015]

A. Record of Covenant. Whenever the Planning Commission, Director of Development Services, or City Council determines that a covenant of easement is needed for one or more of the purposes identified in Section 20.76.020 (Applicability), the approval shall not become effective unless or until said covenant of easement is recorded and applicable City fees are submitted.

B. Preparation of Covenant. Whenever a covenant of easement is required, the covenant shall be either:

1. In a form and manner approved by the City Attorney based upon the advice of the City Engineer and Director of Development Services; or,

2. Prepared by the City Attorney. Whenever the City Attorney prepares a covenant of easement, the City shall be entitled to reimbursement from the applicant for all associated costs.

20.76.040 Content of Covenant [No change to MMC 20.94.020]

A covenant of easement required by this chapter shall contain, at a minimum, the following elements:

A. Identification of Owner. Identification of the owner or owners of the real property to be burdened, including a statement that both the burdened and benefited parcels are under common ownership.

B. Consent. A consent to the covenant of easement and its recording by the record owner or owners to the covenant.

C. Identification of Property. Identification and legal description of the real property to be benefited and to be burdened by the covenant.

D. Covenant as Easement.

1. A statement that said covenant shall act as an easement pursuant to Chapter 3 (commencing with Section 801) of Title 2 of Part 2 of Division 2 of the California Civil Code, including an express statement that the easement and covenant of easement shall not merge into any other interest in real property pursuant to California Government Code Section 65871(b).
2. A statement that the covenant of easement shall run with the land, be binding upon all successors in interest to the burdened real property, inure to all successors in interest to the real property benefited, and be subject to California Civil Code Section 1104.
3. A statement of the purpose of the easement (i.e. for access, parking, etc.).

E. Identification of Approval. Identification of the approval, permit, or designation granted which required the covenant.

F. Release Statement. A statement identifying the Merced Municipal Code section which sets forth the procedure for release of the covenant.

G. Execution. An appropriate section for execution of the covenant of easement by the record owner of the subject property.

20.76.050 Release of Covenant [No change to MMC 20.94.025]

A. Applicability. Any person may request that the City make a determination as to whether the restriction imposed by the covenant of easement is still necessary to achieve the City's land use goals. The determination of the need for the covenant of easement shall be made by the review authority that took final action on the original application. A person shall be entitled to only one such determination in any twelve month period.

B. Request for Determination. To obtain a determination as mentioned above, a "Request for Determination" application shall be made and filed with the Planning Division or City Clerk. The application shall include a fee as set by City Council resolution.

C. Public Hearing and Notice. Upon receipt of a completed application, the Planning Division or City Clerk shall set the matter for public hearing before the Planning Commission or City Council, as appropriate, in a manner consistent with Chapter 20.70 (Public Notice and Hearings).

D. Decision. At the conclusion of the public hearing, the review authority shall determine and make a finding, based upon substantial evidence in the record, whether or not the restriction imposed by the covenant of easement is still necessary to achieve the land use goals of the City. If the review authority determines that the covenant for easement is still required, the review authority shall by resolution determine that the need still exists.

E. Approval of Release. If the review authority finds that the covenant of easement is no longer necessary, the review authority shall by resolution make the determination and finding and direct the City Attorney to prepare a release thereof and transmit the same to the City Clerk for recording.

F. Appeal of Planning Commission Decision. Planning Commission action on the continuing need for the covenant of easement is subject to appeal by following the procedure set forth in Chapter 20.74 (Appeals).

G. Finality. The City Council's determination shall be final and conclusive.

Chapter 20.78 - CONDITIONAL ZONING

Sections:	[Expanded version of MMC 20.80]
20.78.010	Purpose
20.78.020	General
20.78.030	Initiation of Development
20.78.040	Amendments to Conditions
20.78.050	Subsequent Zone Changes
20.78.060	Compliance and Enforcement

20.78.010 Purpose [NEW]

Conditional Zoning is a discretionary action that enables the City to ensure that proposed zoning map amendments do not create negative impacts to the community or public service provision. **[Deleted MMC 20.80.020 which required Site Plan Review Permits for all uses in a Conditional Zone. If that is still desired, can be added to the conditions below at time of approval.]**

20.78.020 General [No changes to MMC 20.80.010]

A. Imposition of Conditions. Upon the establishment of zoning for any property newly annexed, or upon any rezoning of property within the City of Merced, the City Council may impose conditions deemed necessary to:

1. Protect the community against potentially negative effects of uses permitted in the zoning district regulations; or,
2. Facilitate meeting the community's public service demands created or affected by use of such parcel of land as permitted by the zoning district regulations.

B. Zoning Map Notation. Imposition of conditions pursuant to this chapter shall be indicated by appropriate designation on the official zoning map.

20.78.030 Initiation of Development [NEW]

Three years after the approval of conditional zoning, the Planning Commission may review the conditional zoning district to determine development progress. If at that time no progress has been made towards the development for which the conditional zoning was obtained, the Planning Commission may recommend to the City Council that the conditional zoning be revoked and the land revert to its original zoning designation.

20.78.040 Amendments to Conditions [NEW]

A. General. Any amendments or changes to approved conditions shall be approved by the City Council. The City Council shall hold a noticed public hearing for the requested change in compliance with Chapter 20.70 (Public Notice and Hearings).

B. Minor Changes. Minor changes to conditions may be approved by the Director of Development Services, provided that the changes comply with the criteria in Section 20.72.050 (Minor Changes).

20.78.050 Subsequent Zone Changes [NEW]

A. Zone Changes Permitted. Nothing in this chapter shall be deemed to prohibit the City from rezoning all or a portion of a property subject to conditional zoning to another zoning district.

B. Effect of Zone Change. When a property subject to conditional zoning is rezoned to a different zoning district, the conditions imposed under the former zoning designation shall cease to exist.

20.78.060 Compliance and Enforcement [NEW]

A. Compliance Required. All uses and development established on a property subject to conditional zoning shall comply with the conditions imposed by the City as part of the rezoning.

B. Violations. Any failure to comply with a condition shall constitute a violation of the Zoning Ordinance and shall be corrected in a manner consistent with Title 1 of the Merced Municipal Code.

C. Rezoning. If a violation of a condition is not corrected, the City may revoke the conditional zoning and rezone the property to any other zoning district as deemed appropriate. Such rezoning shall occur in a manner consistent with Chapter 20.80 (Zoning Ordinance Amendments).

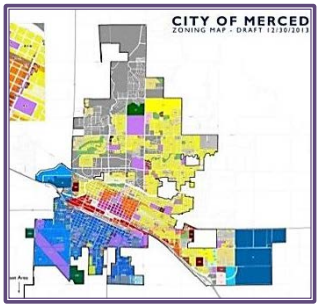
Chapter 20.80 – Zoning Ordinance Amendments

Sections:	[Modified version of MMC 20.76]
20.80.010	Purpose
20.80.020	Initiation
20.80.030	Application
20.80.040	Planning Commission Hearing and Action
20.80.050	City Council Hearing and Action
20.80.060	Effective Dates

20.80.010 Purpose [Modified MMC 20.76.010 to refer to State Law]

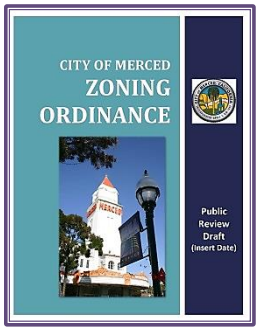
This chapter establishes procedures for amending the Zoning Ordinance text and map. All amendments to the Zoning Ordinance shall be processed as set forth in Government Code Section 65853 et seq. and as specified in this chapter.

20.80.020 Initiation [Expanded MMC 20.76.020 for clarification]



A. Zoning Map Amendment or Zone Change. A request for an amendment to the Zoning Map may be initiated by:

1. The City Council; or,
2. The Planning Commission (with the concurrence of the City Council); or,
3. The Director of Development Services (with the concurrence of the City Council); or,
4. One or more owners of the property for which the amendment is sought.



B. Zoning Ordinance Text Amendment. A request for an amendment to the text of the Zoning Ordinance may be initiated by:

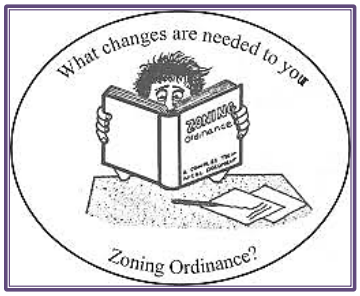
1. The City Council; or,
2. The Planning Commission (with the concurrence of the City Council); or,
3. The Director of Development Services (with the concurrence of the City Council); or,
4. Any resident, property owner, or business owner in the City of Merced.

20.80.030 Application [Modified MMC 20.76.030 to reflect current practices]

An application for a Zoning Ordinance Amendment shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review). The application shall include the information and materials specified by the Development Services Department, together with all required application fees. For amendments submitted by a resident, property owner, or business owner, it is the responsibility of the applicant to provide evidence in support of the findings required by Section 20.80.060 (Findings and Decision).

20.80.040 Planning Commission Hearing and Action

A. General. The Planning Commission shall conduct a public hearing on a proposed Zoning Ordinance Amendment in compliance with Chapter 20.72 (Public Notice and Hearings). [MMC 20.76.040 requires no public notice to owners unless Zoning District is changed.]



B. Recommendation of Approval. The Planning Commission may recommend to the City Council the approval or conditional approval of the proposed Zoning Ordinance Amendment, based upon the findings specified in Section 20.80.060 (Findings and Decision) below. The Development Services Department shall forward the Planning Commission's recommendation, and the reasons for the recommendation, to the City Council within 90 days after the date the hearing was closed to the public. A recommendation for approval shall be made by a majority vote of the total membership of the Planning Commission. [No change to MMC 20.76.060, but Modifies MMC 20.76.070 time limit from 35 days to 90 days]

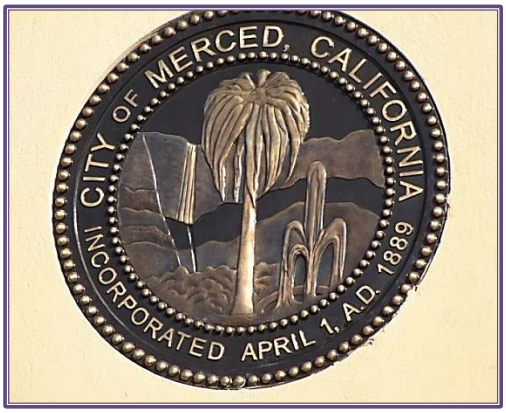
C. Denial.

1. The Planning Commission may recommend denial of the proposed Zoning Ordinance Amendment based upon the findings specified in Section 20.80.060 (Findings and Decision) below. [NEW]
2. If at least four members of the Planning Commission do not vote to recommend approval or denial, then the action shall be deemed a recommendation of denial. [NEW, but consistent with current practice]
3. For a Zoning Map Amendment, if the action of the Planning Commission is to recommend denial, the City Council is not required to take further action on the proposed amendment unless an interested party requests a hearing in writing (along with applicable fees) with the City Clerk or Planning Division within five business days after the Planning Commission recommendation is filed with the City Council. [NEW, automatically goes to City Council now]

20.80.050 City Council Hearing and Action

A. General. After receipt of the Planning Commission's recommendation of approval on the proposed Zoning Ordinance Amendment, the City Council shall conduct a public hearing in compliance with Chapter 20.70 (Public Notice and Hearings). If the Planning Commission recommends denial or their action was deemed a recommendation of denial, then the City Council shall not be required to take any further action on the amendment unless an interested party requests a hearing by filing a written request with the City Clerk or Planning Division within five business days after the Planning Commission files its recommendations with the City Council. **[NEW, automatically forwarded to City Council currently]**

B. Approval or Denial. The City Council may approve, conditionally approve, or deny the proposed Zoning Ordinance Amendment. The City Council shall approve Zoning Ordinance Amendments by ordinance. **[NEW]**



C. Finality of Action. The action by the City Council shall be by a majority vote of the entire Council and shall be final and conclusive. **[NEW]**

D. Referral to Commission. If the City Council proposes to adopt a substantial modification to the Zoning Ordinance Amendment not previously considered by the Planning Commission, the proposed modification may be first referred to the Planning Commission for its recommendation. **[Modifies MMC 20.76.090 and 20.76.100, which requires referral back to the Planning Commission if a substantial modification is proposed.]**

E. Failure to Report. Failure of the Planning Commission to report back to the City Council within 60 days following the referral, or within the time set by the City Council, shall be deemed a recommendation for approval. **[NEW]**

20.80.060 Effective Dates **[NEW, but consistent with State Law]**

A Zoning Ordinance Amendment becomes effective 30 calendar days following the second reading and adoption of the ordinance by the City Council at the first regular Council meeting following the introduction of the ordinance at the conclusion of the public hearing. (See Government Code Section 36937).

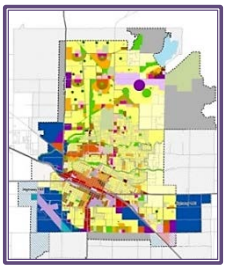
Chapter 20.82 - General Plan Amendments

Sections:	[No current chapter regarding General Plan Amendments, but staff follows the current Zone Change procedures in MMC 20.76]
20.82.010	Purpose
20.82.020	Initiation
20.82.030	Application
20.82.040	Planning Commission Hearing and Action
20.82.050	City Council Hearing and Action
20.82.060	Effective Dates
20.82.070	Timing of Amendments

20.82.010 Purpose [NEW]

This article establishes procedures for amending the General Plan. All amendments to the General Plan shall be processed as set forth in Government Code Section 65350 et seq. and as specified in this chapter.

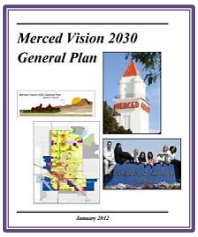
20.82.020 Initiation [NEW, but consistent with current practices]



A. Land Use Map Amendments. A request for an amendment to the General Plan Land Use Map may be initiated by:

1. The City Council; or,
2. The Planning Commission (with the concurrence of the City Council); or,
3. The Director of Development Services (with the concurrence of the City Council); or,
4. One or more owners of the property for which the amendment is sought.

B. Text Amendments. A request for an amendment to the text of the General Plan may be initiated by:



1. The City Council; or,
2. The Planning Commission (with the concurrence of the City Council); or,
3. The Director of Development Services (with the concurrence of the City Council); or,
4. Any resident, property owner, or business owner in the City of Merced.

20.82.030 Application [NEW, but consistent with current practices]

An application for a General Plan Amendment shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review). The application shall include the information and materials specified by the Development Services Department, together with all required application fees.

20.82.040 Planning Commission Hearing and Action [NEW]

A. General. The Planning Commission shall conduct a public hearing on a proposed General Plan Amendment in compliance with Chapter 20.70 (Public Notice and Hearings).

B. Recommendation. After the close of the public hearing, the Planning Commission shall make a written recommendation on the General Plan Amendment. A recommendation for approval shall be made by the affirmative vote of not less than a majority of the total membership of the Planning Commission. If at least four members of the Planning Commission do not vote to recommend approval or denial, then that action shall be deemed a recommendation of denial. The Planning Commission shall send its recommendation to the City Council.

20.82.050 City Council Hearing and Action [NEW]

A. General. After receipt of the Planning Commission's recommendation of approval, the City Council shall conduct a public hearing in compliance with Chapter 20.70 (Public Notice and Hearings). If the Planning Commission recommends denial or their action was deemed a recommendation of denial, then the City Council shall not be required to take any further action on the General Plan Amendment unless an interested party requests a hearing by filing a written request (along with any applicable fees) with the City Clerk or Planning Division within five business days after the Planning Commission files its recommendations with the City Council.**[Modifies current practice where automatically forwarded to City Council even with recommendation for denial.]**

B. Approval or Denial. The City Council may approve, modify or disapprove the recommendation of the Planning Commission. The City Council shall approve the General Plan Amendment by resolution.

C. Finality of Action. The action by the City Council shall be by a majority vote of the entire Council and shall be final and conclusive.

D. Referral to Commission. If the City Council proposes to adopt a substantial modification to the General Plan Amendment not previously considered by the Planning Commission, the proposed modification may be first referred to the Planning Commission for its recommendation.

E. Failure to Report. Failure of the Planning Commission to report back to the City Council within 60 days following the referral, or within the time set by the City Council, shall be deemed a recommendation of approval.

20.82.060 Effective Dates [NEW, but consistent with current practices]

A General Plan Amendment becomes effective immediately following the adoption of the resolution by the City Council.

20.82.070 Timing of Amendments [NEW, but consistent with State Law for Charter Cities]

There shall be no limit on the number of times the General Plan may be amended in a single calendar year.

MERCED
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MERCED COLLEGE
LAKE YOSEMITE
UC MERCED
CHAMBER OF COMMERCE

MERCED

Chapter 20.84 - REASONABLE ACCOMMODATIONS

Sections:	[No changes to MMC 20.98, adopted in 2009, except as noted below]
20.84.010	Purpose
20.84.020	Review Authority
20.84.030	Application Submittal and Review
20.84.040	Decision
20.84.050	Post-Decision Procedures
20.84.060	Amendments

20.84.010 Purpose [Last sentence added to MMC 20.98.010]

In accordance with federal and state fair housing laws, it is the purpose of this chapter to provide reasonable accommodations in the City's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling. A reasonable accommodation is typically an adjustment to physical design standards to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

20.84.020 Review Authority [No change to MMC 20.98.020, except as noted]

A. The Director of Development Services shall approve, conditionally approve, or deny all applications for a reasonable accommodation. [Modifies MMC 20.98.020(A) & 20.04.198, which designates a "Hearing Officer" as designated by the City Council, which has previously been the City Manager or his designee.]

B. If the project for which the request for reasonable accommodation is made requires another City staff-level discretionary permit or approval, then an applicant may request that the Director of Development Services hear the request for a reasonable accommodation at the same time as the other discretionary permit or approval is heard. If the applicant does not request a simultaneous hearing, then the request for a reasonable accommodation shall not be heard until after a final administrative decision has been made regarding the other discretionary permit or approval.

C. If the project for which the request for a reasonable accommodation is made requires another discretionary permit or approval that is subject to Planning Commission action, the applicant may elect to have the Planning Commission hear the request for a reasonable accommodation and act as the review authority at the same time as the other discretionary permit or approval is heard. If the applicant does not request a simultaneous hearing, then the request for a reasonable accommodation shall not be heard until after a final decision has been made by the City regarding the other discretionary permit or approval.

20.84.030 Application Submittal and Review [No change to MMC 20.98.030]

A. Applicant. A request for reasonable accommodation may be made by any person with a disability, their representative, or a developer or provider of housing for individuals with a disability. A reasonable accommodation may be approved only for the benefit of one or more individuals with a disability.

B. Application. An application for a reasonable accommodation from a zoning regulation, policy, or practice shall be made in writing in a form acceptable to the Development Services Department. No fee shall be required for a request for reasonable accommodation, but if the project requires another discretionary permit, then the prescribed fee shall be paid for all other discretionary permits.

C. Other Discretionary Permits. If the project for which the request for reasonable accommodation is made requires another discretionary permit or approval, then the applicant may file the request for reasonable accommodation together with the application for the other discretionary permit or approval. The processing procedures of the discretionary permit shall govern the joint processing of both the reasonable accommodation and the discretionary permit.

D. Required Submittals. In addition to materials required under other applicable provisions of this code, an application for reasonable accommodation shall include the following:

1. Documentation that the applicant is:
   a. An individual with a disability; or,
   b. Applying on behalf of one or more individuals with a disability; or,
   c. A developer or provider of housing for one or more individuals with a disability.

2. The specific exception or modification to the zoning code provision, policy, or practices requested by the applicant;
3. Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the dwelling; and,
4. Any other information that the Director of Development Services reasonably concludes is necessary to determine whether the findings required by Section 20.86.040 (Decision), hereof, can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected.

20.84.040 Decision [No change to MMC 20.98.040]

A. Hearing Officer Action.

1. The Director of Development Services shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with subsection B below.
2. The reasonable accommodation request shall be heard with, and subject to, the notice, review, approval, and appeal procedures prescribed for a Minor Use Permit (Section 20.68.020).
3. The standard of review on appeal shall not be de novo and the Planning Commission or City Council, as applicable, shall determine whether the findings made by the hearing officer are supported by substantial evidence presented during the evidentiary hearing.
4. The Planning Commission or City Council, as applicable, acting as the appellate body, may sustain, reverse, or modify the decision of the hearing officer or remand the matter for further consideration, which remand shall include specific issues to be considered or a direction for a de novo hearing.

B. Findings.

1. The written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval:
   a. The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.

b. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.

c. The requested accommodation will not impose an undue financial or administrative burden on the City as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.

d. The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program, as "fundamental alteration" is defined in fair housing laws and interpretive case law.

e. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

2. In making these findings, the decision maker may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.

C. Criteria for Decision.

1. The City may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling:

a. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.

b. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.

c. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.

d. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.

2. The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of Merced's zoning regulations:
   a. Whether the requested accommodation would fundamentally alter the character of the neighborhood.
   b. Whether the accommodation would result in a substantial increase in traffic or insufficient parking.
   c. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan.
   d. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

D. Rules While Decision is Pending. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

E. Effective Date. No reasonable accommodation shall become effective until the decision to grant such accommodation shall have become final by reason of the expiration of time to make an appeal. In the event an appeal is filed, the reasonable accommodation shall not become effective unless and until a decision is made by the Planning Commission or City Council as, applicable, on such appeal, under the provisions of Chapter 20.74 (Appeals).

20.84.050 Post-Decision Procedures [No change to MMC 20.98.050]

A. Expiration. Any reasonable accommodation approved in accordance with the terms of this chapter shall expire within 24 months from the effective date of approval or at an alternative time specified as a condition of approval unless:

1. A building permit has been issued and construction has commenced;
2. A certificate of occupancy has been issued;
3. The use is established; or,
4. A time extension has been granted.

B. Time Extension. The hearing officer may approve a time extension for a reasonable accommodation for good cause for a period or periods not to exceed three years. An application for a time extension shall be made in writing to the Director of Development Services no less than 30 calendar days or more than 90 calendar days prior to the expiration date.

C. Notice. Notice of the hearing officer's decision on a time extension shall be provided as required for a Minor Use Permit (Section 20.68.020). All written decisions shall give notice of the right to appeal and to request reasonable accommodation in the appeals process as set forth in subsection D below.

D. Appeal of Determination. A time extension for a reasonable accommodation shall be final unless appealed to the City Council within 14 calendar days of the date of mailing of the determination. An appeal shall be made in writing and shall be noticed and heard pursuant to the procedures established in Chapter 20.74 (Appeals), as modified by Section 20.84.040 (Decision).

E. Violation of Terms. Any reasonable accommodation approved in accordance with the terms of this code may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.

F. Discontinuance. A reasonable accommodation shall lapse if the exercise of rights granted by it is discontinued for 180 consecutive calendar days. If the persons initially occupying a dwelling vacate, the reasonable accommodation shall remain in effect only if the Director of Development Services determines that:

1. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the code; and,
2. The accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling.
3. The Director of Development Services may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within 10 business days of the date of a request by the City shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

G. Revocation. Procedures for revocation shall be as prescribed by Chapter 20.72 (Post-Decision Procedures).

20.84.060 Amendments [No change to MMC 20.98.060]

A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval shall be treated as a new application. The Director of Development Services may waive the requirement for a new application if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval.

Chapter 20.86 - DEVELOPMENT AGREEMENTS

Sections: **[Entire chapter is NEW, but consistent with State Law, City Council Resolutions #1995-06 and #2005-101, and current City practices]**

20.86.010	**Purpose**
20.86.020	**Applicability**
20.86.030	**Review Authority**
20.86.040	**Application Submittal and Review**
20.86.050	**Public Notice and Hearings**
20.86.060	**Planning Commission Action**
20.86.070	**City Council Action**
20.86.080	**Finding**
20.86.090	**Conditions of Approval**
20.86.100	**Content of the Development Agreement**
20.86.110	**Recordation**
20.86.120	**Effect of Development Agreement**
20.86.130	**Periodic Review**
20.86.140	**Amendment or Termination**
20.86.150	**Pre-Annexation Development Agreements**

20.86.010 Purpose [NEW]

A Development Agreement is a contract between the City and an applicant for a development project, in compliance with Government Code Section 65864 et seq. The purpose of a Development Agreement is to:

A. Facilitate development projects for which there is significant applicant contribution toward infrastructure, public facilities, open space or other amenities, or other programs of benefit to the City and its residents.

B. Assure the applicant that upon approval of the subject project, the project may proceed in accordance with existing City policies, rules, and regulations in place at the time of Development Agreement approval.

C. Encourage private participation in comprehensive planning and provision of public facilities, including, but not limited to, streets, sewage, transportation, potable water, schools and utilities.

D. Provide a net benefit to the City and its residents not otherwise obtainable through other processes.

20.86.020 Applicability [NEW]

A. The City may enter into a Development Agreement with any person or their authorized agent who has legal or equitable interest in real property for the development of the property.

B. The procedures and regulations of this chapter are not meant to preclude or limit the power of the City to approve and implement Development Agreements by other means.

20.86.030 Review Authority [NEW]

A Development Agreement is a legislative act. The City Council shall take action on all Development Agreement applications after considering the recommendation of the Planning Commission and City staff. Procedures for considering Development Agreements are spelled out in this chapter and in City Council Resolution No. 1995-06, adopted on February 6, 1995.

20.86.040 Application Submittal and Review [NEW]

An application for a Development Agreement shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review). The application shall include the information and materials specified by the Development Services Department, together with all required fees.

20.86.050 Public Notice and Hearings [NEW]

Public notice and hearing for an application for a Development Agreement shall be provided in compliance with Chapter 20.70 (Public Notice and Hearings).

20.86.060 Planning Commission Action [NEW]

After the public hearing on a Development Agreement application, City staff shall forward a written recommendation of the Planning Commission. The recommendation shall be transmitted to the City Council within 90 calendar days after the date the hearing was closed to the public.

20.86.070 City Council Action [NEW]

A. Approval or Denial.

1. Upon receipt of the Planning Commission's recommendation on a Development Agreement application, the City Council shall conduct a public hearing and take action on the application.
2. The action by the City Council shall be by a majority vote of the entire Council and shall be final and conclusive.

B. Referral to Commission.

1. If the City Council proposes to adopt a substantial modification to the Development Agreement not previously considered by the Planning Commission, the proposed modification may be first referred to the Planning Commission for its recommendation.
2. Failure of the Planning Commission to report back to the City Council within 60 calendar days following the referral or other such time set by the Council shall be deemed an approval by the Planning Commission of the proposed modification.

C. Adoption by Ordinance. If the City Council approves the Development Agreement, it shall do so by adoption of an ordinance. The effective date of the Development Agreement shall be the effective date of the ordinance approving the Development Agreement.

20.86.080 Finding [NEW]

The City Council may approve an application for a Development Agreement only if the Development Agreement is consistent with the General Plan and any applicable specific or community plan.

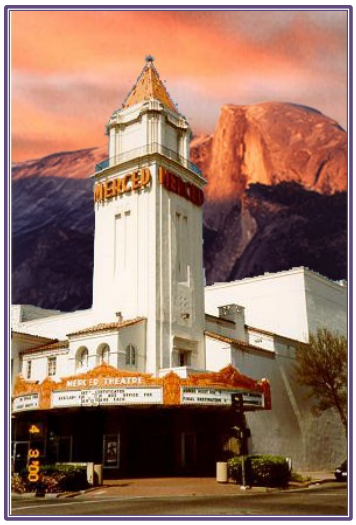
20.86.090 Conditions of Approval [NEW]

The City Council may attach conditions to the approval of a Development Agreement as needed to ensure compliance with all applicable policies, standards, and regulations in the General Plan, Zoning Ordinance, and other titles of the Merced Municipal Code.

20.86.100 Content of the Development Agreement [NEW]

A. Mandatory Contents. All Development Agreements shall specify all of the following:

1. The specified duration of the Development Agreement.
2. The permitted uses of the subject property.
3. The permitted density or intensity of development of the subject property.
4. The maximum permitted height and size of proposed structures.
5. Provisions for the dedication or preservation of land for public purposes, if applicable.



B. Optional Contents. Development Agreements may specify any of the following:

1. The conditions, terms, restrictions, and requirements for subsequent discretionary actions, as long as such provisions do not prevent development of the land for the uses and the density or intensity as set forth in the agreement.

2. Requirements that construction be commenced within a specified time and that the project or any phase of the project be completed within a specified time.

3. Terms and conditions related to applicant financing of necessary public facilities and subsequent reimbursement over time.

20.86.110 Recordation [NEW]

A. Within 10 calendar days after the City enters a Development Agreement, the City Clerk shall record the agreement with the County Recorder.

B. The City Clerk shall record with the County Recorder if at any time the Development Agreement is amended, cancelled, terminated, or modified.

20.86.120 Effect of Development Agreement [NEW]

Unless otherwise provided by the Development Agreement, the rules, regulations, and official policies governing allowed uses of the land, density, design, improvement, and construction standards and specifications applicable to development of the property subject to a Development Agreement are the rules, regulations, and official policies in force at the time of execution of the Agreement.

20.86.130 Periodic Review [NEW]

A. The City may perform a periodic review of the Development Agreement at any time that the City considers to be appropriate, but no more than once every 12 months, at which time the property owner shall demonstrate good faith compliance with the terms and conditions of the Development Agreement. The review shall be limited in scope to compliance with the terms and conditions of the Development Agreement.

B. The City Manager or the City Manager's designee shall begin the review by giving notice to the property owner that the City intends to undertake a review of the Development Agreement. The Planning Commission shall hold a noticed public hearing to assess compliance with the terms and conditions of the Development Agreement. Public notice shall be given at least 10 calendar days in advance of the day the Planning Commission will be conducting the review.

C. The costs of notice and related costs incurred by the City for review shall be borne by the property owner.

D. If the Planning Commission finds the property owner has complied in good faith with the terms and conditions of the Development Agreement during the period under review, the review for that period is concluded.

E. Failure of the City to conduct a periodic review shall not constitute a waiver by the City of its rights to enforce the provisions of the Development Agreement. The property owner shall not assert any defense to the enforcement of the Development Agreement by reason of the failure of the City to conduct a periodic review.

20.86.140 Amendment or Termination [NEW]

A. General.

1. Either the property owner or the City may propose an amendment to or cancellation in whole or in part of an existing Development Agreement.
2. Except as specified in Section B below, the procedure for proposing and adopting an amendment to or cancellation in whole or in part of the Development Agreement is the same as the procedure for entering into an Agreement.

B. Amendment or Termination Following Periodic Review. If, as a result of review under Section 20.86.130 (Periodic Review), the City determines that the property owner has not complied in good faith with the terms and conditions of the Development Agreement, the City may modify or terminate the Development Agreement.

20.86.150 Pre-Annexation Development Agreements [NEW]

A. Pre-Annexation Development Agreement Required. Prior to annexation into the City of Merced, the owner of any property located in unincorporated Merced County shall enter into a Pre-Annexation Development Agreement with the City in a manner consistent with the requirements of this chapter and City Council Resolution No. 2005-101, adopted on September 6, 2005.

B. Operative Date. A Pre-Annexation Development Agreement established prior to annexation shall not become operative unless annexation proceedings are completed by the Local Agency Formation Commission (LAFCO) within the period of time specified by the Agreement. If the annexation is not completed within the time specified in the Agreement or any extension of the Agreement, the Agreement is null and void.

City of Merced Zoning Ordinance

PART 5

GLOSSARY (DEFINITIONS)

Chapter 20.90 -- GLOSSARY (DEFINITIONS) 285

20.90.010 Purpose 285

20.90.020 Definitions 285

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CHAPTER 20.90 – GLOSSARY (DEFINITIONS)

Sections:	
20.90.010	Purpose
20.90.020	Definitions

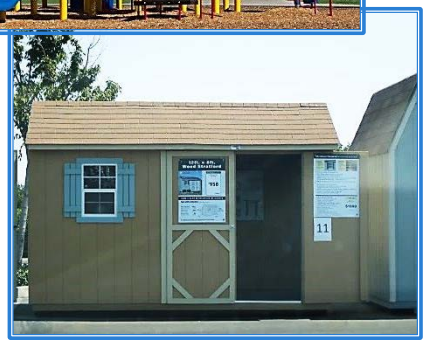
20.90.010 Purpose

This chapter provides definitions of terms and phrases used in the Zoning Ordinance that are technical or specialized, or which may not reflect common usage. If any of the definitions in this chapter conflict with others in the Municipal Code, these definitions shall control for only the provisions of this Zoning Code. If a word is not defined in this chapter or in other chapters of the Zoning Ordinance, the Director of Development Services shall determine the appropriate definition. **[Modified MMC 20.04.010]**

20.90.020 Definitions

1. *Accessory Structure*. A structure that is subordinate to a primary structure such as a single-family dwelling or an allowed use within a zone. The use of an accessory structure is incidental to that of the primary structure or a use allowed by a zone. Excluded from this definition are trash enclosures, planter boxes with a maximum height of 42 inches, small-animal pet shelters, playground equipment, small sheds not subject to a building permit, and similar structures. **[Modified MMC 20.04.020]**

2. *Accessory Use.* A use subordinate to the principal use of a building on the same premises and serving a purpose customarily incidental to the primary use. **[No change to MMC 20.04.020]**



3. *Addition.* A structural expansion that is physically connected to a previously existing building. **[NEW]**

4. *Adult Entertainment Businesses.* See Merced Municipal Code Chapter 5.58 (Adult Entertainment Businesses). **[NEW]**

5. *Agricultural Processing.* The cooking, dehydrating, refining, milling, pressing, or other treatment of agricultural products that changes the naturally grown product for consumer use or for further processing, and receiving agricultural products from other growers for such processing. Examples of Agricultural Processing uses include cold storage houses; wineries, hulling operations for on-site or off-site products; fruit dehydrators; dryers, and the sorting, cleaning, packing, bottling, storing, or warehousing, pruning and sale of orchard and farm wood, and the wholesaling, transportation and distribution of agricultural products. **[NEW]**

6. *Airports and Heliports.* A specified area designed and used for the landing and takeoff of aircraft, including airplanes and helicopters. **[NEW]**

7. *Airport Land Use Compatibility Plan (ALUCP).* A master plan prepared in accordance with Public Utilities Code Section 21670 et seq. which provides for the orderly growth of airports and provides measures for mitigating the public's exposure to excessive noise and safety hazards within areas around public airports. **[NEW]**

8. *Alcoholic Beverage Sales*. A facility selling alcoholic beverages for off-site consumption with the sale of alcoholic beverages constituting its primary source of revenue. **[NEW]**

9. *Alley.* A roadway no wider than 22 feet that functions as a secondary means of access to abutting property. **[Modified MMC 20.04.040 from 20 feet]**

10. *Animal Keeping.* The keeping of cattle, sheep, goats, hogs, or other livestock on farms, rangeland, or pasture. This definition excludes slaughterhouses and animal product production uses. **[NEW]**

11. *Automobile Repair.* See "Vehicle Repair." **[NEW]**

12. *Bail Bond Business*. A commercial establishment that provides funds to a defendant to guarantee that the defendant will appear in court at a scheduled time. **[NEW]**

13. *Banks, Retail.* Financial institutions providing on-site banking services to customers. This definition includes only those institutions engaged in the on-site circulation of money, but excludes check-cashing establishments. **[NEW]**

14. *Bars.* Any area devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Bars in restaurants shall not include the restaurant dining area. This definition includes cocktail lounges, lounges, taverns, and other similar uses. **[No change from MMC 20.04.075]**

15. *Base Zoning District*. The primary zoning, as distinguished from an overlay zone, that applies to a parcel of land as shown on the Zoning Map. **[NEW]**

16. *Bed and Breakfast*. A structure with one or more managers in permanent residence and from one to six guest rooms without individual cooking facilities rented for overnight lodging, and serving at least one meal per day. This definition excludes hotels and motels, but includes hostels. See Section 20.44.030. **[NEW]**

17. *Beginning of Construction.* Incorporation of labor and material within the foundation of the buildings. **[No change from MMC 20.04.080]**

18. *Billboard*. Any sign or sign structure not devoted to use of the property upon which it is located. **[No change from MMC 20.04.090]**

19. *Boarding or lodging house.* A dwelling or part where meals and/or lodging are provided, for compensation, for persons not transients. **[No change from MMC 20.04.100]**

20. *Building.* Any structure having a permanent foundation and a roof supported by columns, or by walls. **[Modified MMC 20.04.110 to add need for foundation]**

21. *Building Coverage.* All of the area of any building site occupied by any main building or accessory buildings, which is calculated by adding the areas computed from the outside dimension of buildings. **[NEW]**

22. *Building Supplies and Home Improvement Stores.* A retail establishment selling primarily home improvement products and/or building supplies. Generally, stores are very large carrying various building and home improvement supplies, including lumber, building materials, paint, garden supplies, hardware, flooring, and plumbing materials. **[NEW]**

23. *Business Support Services.* An establishment that provides services to other businesses on a fee or contract basis. This definition includes computer rental and repair, catering, printing and duplicating services, outdoor advertising services, package delivery services, equipment rental and leasing, and other similar land uses. **[NEW]**

24. *By-Right.* Permitted without any form of discretionary approval. **[NEW]**

25. *Cardroom.* A gaming establishment that exclusively offers card games for play by the public in accordance with Chapter 9.08 (Gaming). This definition excludes casino related establishments. **[NEW]**

26. *Caretaker's Home.* A permanent residence that is provided as an accessory use to a non-residential use, and is used to house an owner, operator, guard or caretaker, and his or her family, to provide around-the-clock service, support, care or monitoring of the use and/or site. **[NEW]**

27. *Cemeteries and Mausoleums.* A place used for the interment of human or animal remains or cremated remains. This definition includes burial parks, crematoriums, mausoleums, columbarium, associated sales and maintenance facilities, and other similar land uses. **[NEW]**

28. *Centerline.* The right-of-way centerline for a street or alley, as established by official survey. **[NEW]**

29. *Check Cashing/Payday Loan Establishments.* A business, other than a bank or similar financial institution, which cashes checks for a fee or provides payday loans as a principal business activity. **[NEW]**

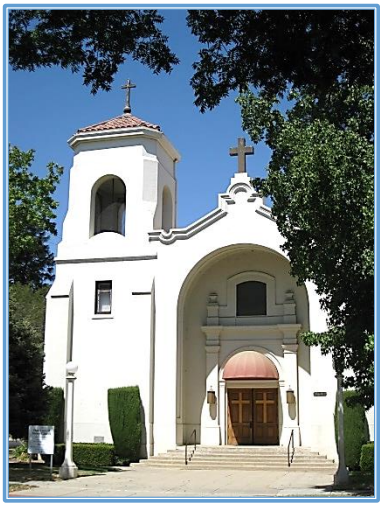
30. *City Council.* The City Council of the City of Merced. **[No change MMC 20.04.130]**

31. *Cocktail Lounges.* See "Bars." [**No change from MMC 20.04.135]**

32. *Colleges and Trade Schools.* A private or public institution that provides full-time or part-time education beyond high school and grants associate, bachelor, or similar higher degrees. This definition includes Trade and vocational schools, which provides vocational training for people beyond high school. This definition also includes specialized instructional establishments that provide on-site training of business, commercial, or trade skills. **[NEW]**

33. *Commercial Recreation, Indoor.* An establishment that provides entertainment activities or services in an indoor setting for a fee or admission charge. This definition includes bowling alleys, electronic game arcades, billiard halls, pool halls, sports clubs, fitness centers, commercial gymnasiums, dancehalls, and movie theatres. Establishments such as a restaurant or laundromat that offer less than six game machines to its customers as an accessory use are excluded from this definition. **[NEW]**

34. *Commercial Recreation, Outdoor.* An establishment that provides entertainment activities or services outside of a building for a fee or admission charge. This definition includes golf driving ranges, water parks, amusement parks, fairgrounds, commercial sports centers, commercial camps and campgrounds, and other similar uses. **[NEW]**



35. *Community Assembly.* A facility that provides meeting space for public gatherings. This definition includes places of worship, community centers, club meeting space, social halls, and other similar public or quasi-public uses. **[NEW]**

36. *Community Garden.* An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. **[NEW]**

37. *Conditional Use Permit.* A discretionary permit approved by the Planning Commission to ensure that a proposed use is consistent with all General Plan goals and policies and will not create negative impacts to adjacent properties or the general public. **[NEW]**

38. *Conditional Zoning.* A discretionary action approved by the City Council to ensure that proposed zoning changes do not create negative impacts to the community or public service provision. See Chapter 20.78 (Conditional Zoning). **[NEW]**

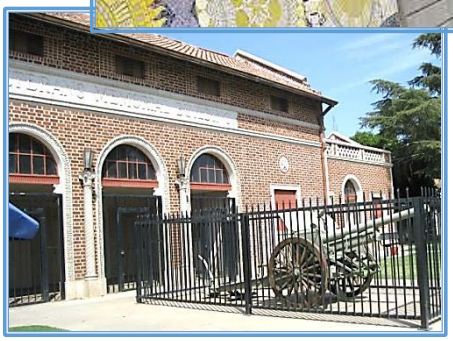
39. *Condominium.* An undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. **[NEW]**

40. *Construction and Material Yards.* A large structure or area that stores materials used in new construction. **[NEW]**

41. *Corner Triangle.* The triangular area created by a line connecting points along the front and side lot lines, which points are established 40 feet in distance from the intersection of the extension of such front and side lot lines within the street right-of-way, and by a line connecting points along the front lot line and driveway apron, which points are established 10 feet in distance from the intersection of the extension of such front lot line and driveway apron within the perpendicular to the street right-of-way. (See Section 20.30.030.).**[No change from MMC 17.36.080 (Sign Definitions)]**

42. *Crop Cultivation.* The growing and harvesting of agricultural produce for food and fiber. This definition includes farms (including farmworker housing), orchards, groves, greenhouses, lath houses, horticultural nurseries, and nurseries primarily engaged in growing crops, plants, vines, or trees and their seeds. This definition excludes growing of marijuana and any onsite sale of products. **[NEW]**

43. *Cultural Institution.* A public or nonprofit institution that engages in cultural, scientific, and/or educational enrichment. This definition includes libraries, museums, art galleries, performing art centers and theatres, and other similar uses. **[NEW]**



44. *Curb Cut*. The length of the opening along a street curb providing access to a driveway from an abutting street. **[NEW]**

45. *Dancehall.* See "Nightclubs." **[No change from MMC 20.04.138]**

46. *Day Care Center.* A facility that provides non-medical care and supervision of minors for periods of less than 24 hours. This definition includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, and similar uses. **[NEW]**

47. *Day Care Home Facilities.* A facility providing daytime supervision and care for adults, children, or elderly located in the provider's own home. Day care home facilities serve 14 persons or less. **[NEW]**

48. *Day Care Home Facilities, Large Family.* A day care home facility with 9 to 14 children, including children under 10 years of age who reside in the home. **[NEW, but consistent with State Law definition]**

49. *Day Care Home Facilities, Small Family.* A day care home facility with 8 children or less, including children under 10 years of age who reside in the home. **[NEW]**

50. *Decorative Wall.* A wall that serves as a component of the site or landscape design, or a wall that functions as a connection between buildings to screen parking lots or mechanical equipment, or as a retaining wall or an architectural or landscape feature. **[No change from MMC 17.36.095]**

51. *Density Bonus.* An increase in the maximum number of residential dwelling units that are allowed on a site, granted in exchange for affordability restrictions and one or more concessions that constitute a specified public benefit. See Chapter 20.56 (Density Bonus). **[NEW]**

52. *Density, Residential.* The number of dwelling units per acre. **[NEW]**

53. *Development.* Any human-caused change to land that requires a permit or approval from the City. **[NEW]**

54. *Development Agreement.* A contract between the City and an applicant for a development project, approved by the City Council. (See Chapter 20.86.) **[NEW]**

55. *Development Standards.* Regulations that limit the size, bulk, or placement of structures or other improvements and modifications to a site. **[NEW]**

56. *Director of Development Services.* The Director of Development Services (or "Development Services Director") for the City of Merced who serves as a review authority on permit and approval applications as shown in Table 20.66-1 (Review and Decision-Making Authority), and refers action on permits, approvals, or interpretations, as needed to the Planning Commission. **[NEW]**

57. *Discretionary Approval.* An action by the City by which individual judgment is used as a basis to approve or deny a proposed project. **[NEW]**

58. *Drive-in Restaurant.* A commercial establishment whose primary business is serving food to the public for consumption on the premises by order from and service to vehicular passengers outside the structure. **[No change to MMC 20.04.145]**

59. *Drive-Through and Drive-Up Sales.* A facility where a customer is permitted or encouraged, either by the design of physical facilities or by the service procedures offered, to be served while remaining seated within a vehicle. This definition includes drive-through restaurants, drive-in restaurants, fast-food restaurants with drive-through driveway, coffee shops, pharmacies, banks, automatic car washes, and other similar land uses. **[NEW]**

60. *Drive-through Restaurant.* A commercial establishment engaged primarily in the business of preparing food and purveying it on a self-service or semi self-serve basis and which includes a window designed to accommodate automobile traffic that obtains food on a take-out basis. **[No change to MMC 20.04.148]**

61. *Duplex Home.* A residential structure that contains two dwelling units, each with its own entrance. Each unit within a duplex home provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. **[Modified MMC 20.04.190]**

62. *Dwelling or Dwelling Unit.* A building or a portion of a building (not including tents, cabins, or trailers) containing one or more habitable rooms used or designed for occupancy by one or more persons for living and sleeping purposes, including kitchen and bath facilities. Arrangements characterized by apartment-like subunits in individual interior bedrooms within a dwelling unit are prohibited, such as, for example, keyed locks or deadbolts on interior room doors; separate entrance or access from street, side yard, or backyard to interior rooms; or separate cooking facilities in individual rooms, including, but not limited to, microwave, hotplate, cooking range, and oven. **[No change to MMC 20.04.150]**

63. *Dwelling Group.* Dwelling group means a group of two (2) or more detached single, duplex, or multiple dwellings located on a parcel of land in one (1) ownership. **[No change to MMC 20.04.160]**

64. *Dwelling, Multiple-family.* Multiple-family dwelling means a building or portion thereof designed for or used by three (3) or more households with separate housekeeping facilities for each. **[No change to MMC 20.04.170]**

65. *Dwelling, Single-family.* Single-family dwelling means a building designed for or used exclusively for residence purposes by one (1) household. **[No change to MMC 20.04.180]**

66. *Dwelling, Two-family or Duplex.* See "Duplex Home." **[NEW]**

67. *Easement.* A space on a parcel of land, indicated on a subdivision map or in a deed restriction, where the owner has granted one or more property rights to a person, corporation, public agency, or other entity. **[NEW]**

68. *Emergency Shelter.* 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. **[NEW]**

69. *Equipment Sales and Rental.* Businesses selling or renting tools, trucks, tractors, construction equipment, agricultural implements, and similar equipment. Equipment Sales and Rental uses may include the storage, maintenance, and servicing of such equipment. **[NEW]**

70. *Farmers Market.* A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, locally produced arts and crafts items but excludes second-hand goods. Food and beverages dispensed from booths located on site is permitted as an accessory use. **[NEW]**

71. *Farmworker Housing.* Employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designated for use by a single family or household. Employee housing shall be deemed an "agricultural" use of property and is subject only to the same requirements than all other agricultural uses in each zoning district. Employees do not have to work on the property where the employee housing is located. **[NEW, but matches State Law]**

72. *Fast-food Restaurant.* A commercial establishment engaged primarily in the business of preparing food and purveying it on a self-service or semi self-serve basis. Customer orders and/or service may be by means of a walk-up counter or window designed to accommodate automobile traffic.**[No change from MMC 20.04.195]**

73. *Fence.* A structure connected by boards, masonry, rails, panels, wire, or any other acceptable building material for the purpose of enclosing space or separating parcels of land. This definition also includes gates and hedges. **[NEW]**

74. *Flea Market.* An open market that opens on a regular schedule where people rent spaces to sell or exchange merchandise on trucks or temporary stands. **[NEW]**

75. *Floor Area.* The sum of the horizontal areas of each floor of a structure, measured from the interior faces. **[NEW]**

76. *Floor Area Ratio (FAR).* The gross floor area of a building, including the garage area, divided by the total lot area of the parcel on which the building is situated. **[NEW]**

77. *Foster Family Homes.* A home where the caregiver, in their own home, provides care and supervision for foster children and the caregiver has control of the property. This also includes sibling care for up to eight children provided the requirements of Section 1505.2 of the Health and Safety Code are met. **[NEW]**

78. *Foster Family Homes, Large.* A foster family home with more than 6 persons. **[NEW]**

79. *Foster Family Home, Small.* A foster family home with 6 persons or fewer. **[NEW]**

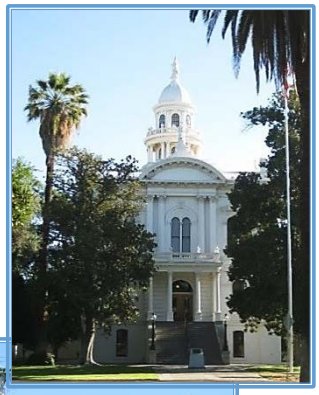
80. *Freight Terminal.* A facility where goods and cargo are stored, unloaded, and loaded as part of a process for shipment and distribution. **[NEW]**

81. *Front/Frontage.* A portion of a lot or building which faces a street. **[NEW]**

82. *Funeral Parlors and Mortuaries.* An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the human dead. This definition includes areas for assembly services and living quarters for the funeral parlor manager. **[NEW]**

83. *Gas and Service Stations.* Any facility used primarily for the retail sale and dispensation of motor fuels, lubricants, and motor vehicle accessories. Included in this definition are incidental food and beverage sales (also widely known as convenience market) and car wash facilities. **[NEW]**

84. *Golf Courses.* An area of land used for the playing of golf, consisting of at least nine holes, and improved with tees, greens, fairways, and hazards. This definition includes accessory uses such as driving ranges, pro shops, restaurants, and other similar uses. **[NEW]**



85. *Government Offices.* A place of employment occupied by governmental agencies and their employees. This definition includes offices for administrative, clerical, and public contact functions; post offices; and other similar land uses. **[NEW]**

86. *Grading*. The act of excavation, cutting, or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property. **[NEW]**

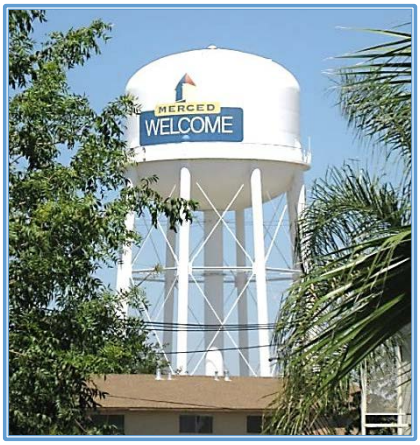
87. *Group Housing*. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This definition includes rooming and boarding houses, dormitories, transitional and supportive housing, farmworker housing, and other types of organizational housing. Excludes facilities included in Hotels and Motels, extended stay hotels, or fraternity or sorority homes. **[NEW]**

88. *Guest House*. A detached habitable structure, which does not contain kitchen facilities and which is designed for and used to house nonpaying transients, visitors, or guests of the occupants of the primary dwelling. **[NEW]**

89. *Habitable Structure.* A structure that meets the requirements of the California Building Code for habitable living area. **[NEW]**

90. *Hazardous Waste.* Any refuse or discarded material that cannot be handled by routine waste management techniques because it poses a threat to human health or other living organisms because of its chemical, biological, or physical properties. **[NEW]**

91. *Hearing Officer.* "Hearing officer" means a person designated by the City Council to conduct hearings as set forth in Chapter 20.98 of this code. A hearing officer shall be selected in a manner that avoids the potential for pecuniary interest or other bias. The compensation, if any, of the hearing officer shall be paid by the City and shall not be conditioned on achieving a particular result or outcome. **[No change from MMC 20.04.198]**



92. *Height, Building.* The vertical distance from the average level of the ground level at the front wall of the building to the highest point of the building, excluding chimneys and other building accessories as specified in Chapter 20.24 (Height Measurement and Exceptions).**[No change from MMC 20.04.120]**

93. *Home Occupation.* The conduct of a business within a dwelling unit or residential site, with the business activity being subordinate to the residential use of the property. Generally, home occupations do not create additional traffic impact by employees or customers, and any other impact associated with businesses. **[NEW]**

94. *Home Occupation, Major*. Home occupation businesses that creates minor increase in traffic and other impacts, such as employees, parking, deliveries, and, therefore, require additional review before approval. Types of major home occupations include photo/art studios, one-on-one instruction such as tutoring, music or swim lessons, small offices w/employee(s), and other similar uses. **[NEW]**

95. *Home Occupation, Minor*. Home occupation with no additional traffic, employees, or other impact, such as customers coming to the home. Types of minor home occupations include professional offices for accountants, architects, computer programmer, engineers or other similar profession; telephone and online sales and survey; and other domestic services, including cottage food, laundry, ironing, and sewing. **[NEW]**

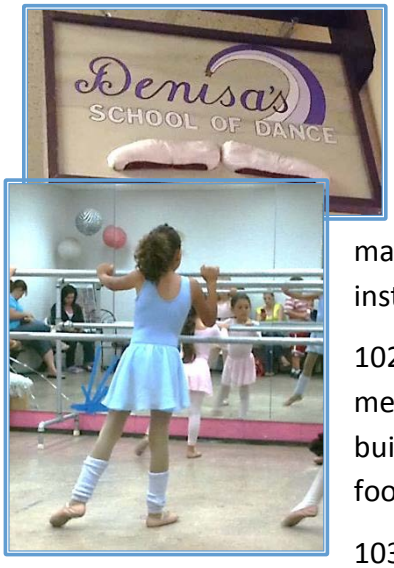
96. *Hookah Lounge.* A commercial establishment where groups of people gather around a table with hookah pipes to smoke flavored tobacco. **[NEW]**

97. *Hospital.* A medical facility engaged primarily in the provision of diagnostic services and extensive medical treatment, including surgical services and in-patient beds. **[NEW]**

98. *Hotels and Motels.* A facility containing guestrooms where lodging is provided for a fee, with or without cooking facilities in individual rooms or suites. Included in this definition are meeting facilities, personal services, recreational facilities, small food service areas, and retail sales that are incidental to guestroom facilities and intended to primarily serve hotel or motel guests. Includes extended stay hotels. **[Modified MMC 20.04.310 ("Motels")]**

99. *Household.* Household means one (1) or more persons, whether or not related by blood, marriage or adoption, sharing a dwelling unit and using a single common cooking facility in a living arrangement usually characterized by sharing living expenses, such as rent or mortgage payments, food costs and utilities, as well as maintaining a single lease or rental agreement for all members of the household. **[No change to MMC 20.04.200]**

100. *Impervious Surface*. Any surface that does not permit the passage of water. Impervious surfaces include buildings, parking areas, and all paved surfaces. **[NEW]**



101. *Instructional Services.* A commercial establishment providing specialized programs in personal growth and development such as music, martial arts, vocal, fitness, gymnastics, and dancing instruction. **[NEW]**

102. *Intensity*. The amount of an area that is developed as measured by a variety of means, including lot coverage, building massing, floor to area ration (FAR), or building square footage. **[NEW]**

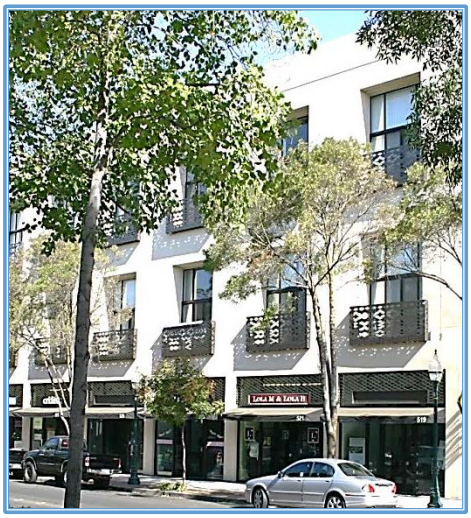
103. *Interior remodel.* A change or alteration in only the interior of a building that does not increase its net square footage. **[NEW]**

104. *Kennels.* Any enclosure, premises, building, structure, lot, or area in or on which six or more dogs, cats, or other similar household pets not owned by the kennel operator and of at least 4 months of age are kept, harbored, or maintained. This definition includes pet day care facilities and animal shelters, but excludes pet shops and animal hospitals that provide twenty-four-hour accommodation of animals receiving medical or grooming services. **[NEW]**

105. *Landscaping.* The planting and maintenance of living plant material, including the installation, use, and maintenance of any irrigation system for the plant material, as well as nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials). **[NEW]**

106. *Laundry Plant.* A central processing facility for cleaning of clothing and fabrics collected from and returned to patrons and to dry cleaning and laundry establishments. **[NEW]**

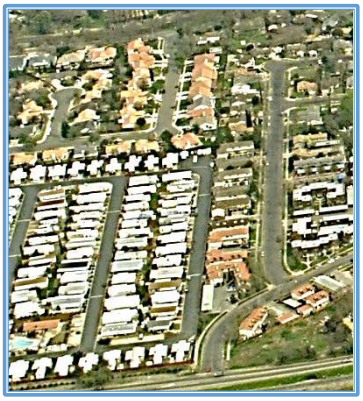
107. *Legislative Action Agreement.* A contract between the City and an applicant for legislative actions, approved by the City Council. See Section 20.72.040 (Legislative Action Agreement). **[NEW]**



108. *Live/Work Unit.* A building or space within a building that is used jointly for commercial and residential purposes. Applies to caretakers of visitor-serving properties. **[NEW]**

109. *Loading Space.* A space or berth that is on the same site with a building or contiguous to a group of buildings, that is designed for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials, and that can be accessed from a street or alley. **[NEW]**

110. *Lot.* A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as required in this title. Such lots shall have frontage on public street, and may consist of: a) a single lot of record; b) a portion of a lot of record; c) a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; or d) a parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this title. Notwithstanding the above, where a shopping center, multiple-use building, or one (1) tenant, business or enterprise and any accessory use(s) occupies two (2) or more contiguous lots, such lots shall be considered as one (1) lot for purposes of signage limitations. (See also, "Parcel.") **[No change from MMC 20.04.210]**



111. *Lot Area.* The total computed area contained within the property lines of a parcel of land. **[Modified MMC 20.04.220]**

112. *Lot, Corner.* Corner lot means a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street. If the angle of intersection is more than one hundred thirty-five degrees, the lot is an "interior lot." The point of intersection of the street right-of-way lines or the extension of the lines to a point is the corner. **[No change from MMC 20.04.230]**

113. *Lot Coverage.* The area of a lot occupied by buildings, structures, and required parking areas unobstructed from the ground upward. Lot coverage does not include fences, walls, hedges, swimming pools or uncovered patios. **[No change from MMC 20.04.240]**

114. *Lot Depth.* The horizontal distance between the midpoint of the front and rear property lines. For irregularly shaped lots, the parcel depth shall be as determined by the Director of Development Services. **[Last sentence is addition to MMC 20.04.250]**
115. *Lot, Flag, or Panhandle Lot.* A lot connected to the street with a narrow access portion less than forty feet wide and more than twenty feet long and situated so that another lot is located between the main portion of the flag lot and the street. **[NEW]**
116. *Lot, Interior.* A lot other than a corner lot. **[No change from MMC 20.04.260]**
117. *Lot Line.* The property line bounding a lot. **[No change from MMC 20.04.270]**
118. *Lot Line, Exterior.* Any lot line separating a lot from a street. **[No change from MMC 20.04.280]**
    a. *Front Lot Line.* The shortest exterior lot line on any lot.
    b. *Side Street Lot Line.* Any exterior lot line other than the front line (corner lot).
119. *Lot Line, Interior.* Any lot line not an exterior lot line. **[No change to MMC 20.04.290]**
    a. *Rear Lot Line.* The interior lot line opposite and most distant from the front lot line.
    b. *Side Lot Line.* Any interior lot line other than the rear lot line.
    c. *Alley Lot Line.* Any lot line separating a lot from an alley.
120. *Lot, Reverse Corner.* A corner lot, the rear of which abuts the side of another lot. **[NEW]**
121. *Lot, Through.* A lot with frontage on two parallel or approximately parallel streets. **[NEW]**
122. *Lot Width.* The horizontal distance between the side property lines, measured at right angle to the side property lines at a point midway between the front and rear property lines. For irregularly shaped lots, the parcel width shall be as determined by the Director of Development Services. **[Modified MMC 20.04.300]**
123. *Maintenance and Repair Services*. Businesses which provide construction, maintenance and repair services off-site, but which store equipment and materials or perform fabrication or similar work on-site. This definition includes off-site plumbing shops, general contractors, contractor's storage yards, appliance repair, janitorial services, electricians, pest control, heating and air conditioning, roofing, painting, landscaping, septic tank service, and other similar uses. **[NEW]**

124. *Manufacturing and Processing, General.* Any establishment engaged in any of the following activities within enclosed structures: manufacturing or compounding of raw materials, agriculture product and food processing, manufacturing of finished products or parts from predominantly previously prepared materials, fabrication, assembly, processing, or distribution. **[NEW]**

125. *Manufacturing and Processing, Heavy.* An establishment engaged in manufacturing or processing that necessitates the storage of large volumes of potentially flammable, toxic, explosive, or unsightly materials, or which produce dust, smoke, fumes, odors, or noise at levels that would affect surrounding uses. **[NEW]**

126. *Manufacturing and Processing, Light.* The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing. **[NEW]**

127. *Massage Establishments.* A facility that offers massage as defined in Chapter 5.44 (Massage Establishments) of the Merced Municipal Code. **[NEW]**

128. *Medical Offices and Clinics*. A facility where medical, mental, dental, or other personal health services for humans are provided on an outpatient basis using specialized equipment. This definition includes offices providing medical services and containing medical professionals such as physicians, dentists, optometrists, or other similar medical professionals. Hospitals are excluded from this definition. **[NEW]**

129. *Minor Use Permit.* A discretionary permit approved by the Director of Development Services to ensure that a proposed minor use is consistent with all General Plan goals and policies and will not create negative impacts to adjacent properties or the general public. **[NEW]**

130. *Mixed Use.* Two or more different land uses located in one structure or on one parcel or development site. **[NEW]**

131. *Mobile Home.* A housing structure transportable in one or more sections, designed and equipped to be used with or without a foundation system, certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S. Section 5401 et seq). Mobile home does not include recreational vehicle, commercial coach, or factory built housing as defined in Section 19971 of the Health and Safety Code. All mobile homes are required to be on a permanent foundation and to be hooked up to City's water and sewer. **[NEW]**

132. *Mobile Home Park.* A residential development designed and developed for occupancy by mobile homes and manufactured housing. **[NEW]**

133. *Mobile Food Vendors.* Businesses selling food or non-alcoholic drink from temporary and semi-permanent structures or mobile equipment, like food trucks or pushcarts. Examples include food trucks, refreshment stands, roadside stands, and push-carts. Regulations on hours of operation, time limits on parking, etc., are outlined in Chapter 5.54 (Street and Sidewalk Vendors). Mobile vendors that park in a permanent location are regulated under Section 20.44.020 (Food Trucks Parked in Fixed Locations). **[NEW]**

134. *Mobile Home Sales.* A facility selling pre-manufactured homes, such as mobile homes or trailers, to customers. This definition includes facilities displaying multiple mobile homes or trailers on-site, or offices with storage of homes in a separate location. **[NEW]**

135. *Mobile Vendors (Non-Food).* Businesses selling non-food items or services (dog-grooming, auto glass, etc.) from temporary and semi-permanent structures or mobile equipment. Such uses shall be subject to the same zoning standards and regulations as similar uses that are non-mobile.

136. *Multiple-Family Dwellings.* A residential structure that contains three or more dwelling units. Each unit within a multiple-family dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Examples include apartment buildings, residential condominiums, attached townhouses, fraternity or sorority houses, and boarding homes. **[NEW]**

137. *New construction.* A new building not physically connected to a previously existing building. **[NEW]**

138. *Nightclubs.* A commercial establishment that serves alcohol for onsite consumption and which provides live music, music videos, and/or disk jockeys, as well as area to dance or participate in regularly featured entertainment activities and events that include, but not limited to, drinking games. This definition also includes a commercial establishment catering to adult patrons that are 18 years of age and older that does not serve alcohol for consumption on the premises, but provides live music, music videos, or disk jockeys, as well as a place for dancing, like a dance hall. **[No change from MMC 20.04.315]**

139. *Nonconforming Structure.* A structure that was lawfully constructed, but that no longer conforms with the development standards of the zone in which it is located. **[NEW]**

140. *Nonconforming Use.* A use that lawfully occupied a building or land at the time the use was established, but that no longer conforms with the use regulations of the zone in which it is located. **[NEW]**

141. *Nonhabitable residential structure.* A building on a residential property that is not legally habitable, such as a garage or shed. **[NEW]**

142. *Nonresidential.* A structure that does not meet the definition of residential. **[NEW]**

143. *Nursing and Convalescent Homes.* An establishment providing long-term and 24-hour nursing and personal care for the elderly or for other individuals incapacitated in some manner for medical reasons. **[NEW]**

144. *Office, "Back".* Offices principally used for clerical, data processing, phone or internet sales, or support staff functions and related services, which do not serve customers in person.

145. *Office, Professional.* A place of employment occupied by businesses providing professional services. This definition includes offices for accountants, advertising agencies, insurance agents, commercial art and design services, non-retail financial institutions, real estate agents, news services, photographers, engineers, employment agencies, real-estate agents, and other similar professions. **[NEW]**

146. *Overlay Zoning District*. An additional zoning district as shown on the Zoning Map that prescribes special regulations to a parcel in combination with the base zone. **[NEW]**

147. *Owner.* The person or persons in which title is vested or a duly authorized agent of such owner. **[NEW]**

148. *Parcel.* An area or a lawfully created parcel containing the minimum square footage and frontage as required by the zone at the time the parcel was created. **[NEW]**

149. *Parking Facilities*. A facility used for the parking and storage of vehicles as the primary use on the lot. **[NEW]**

150. *Parking Lots*. An open area, other than a street or other public way, used for the parking of vehicles and available to the public whether for a fee, free, or as an accommodation of clients or customers. Off-street parking required by this title to serve an on-site land use is excluded from this definition. **[Modified MMC 20.04.320]**

151. *Parks and Recreational Facilities.* A non-commercial public facility that provides active or passive recreational opportunities. This definition includes community parks, regional parks, community centers, urban plazas, ball fields, tennis courts, indoor and outdoor swimming pools, gymnasiums, and other similar facilities. Limited service commercial activity that is directly related to the recreation activity conducted on site is also included in this definition. **[NEW]**

152. *Pawn Shop*. A retail establishment that not only buys and sells items but also offers secured loans to people, with items of personal property used as collateral. **[NEW]**

153. *Permit.* The approval by the City authorizing the applicant to undertake certain land use activities. **[NEW]**

154. *Permitted Use.* A Permitted Use as set forth under Part 2 of the Zoning Ordinance may be a use allowed by right with no discretionary review and approval, administratively permitted, or conditionally permitted in its applicable zone. **[NEW]**

155. *Personal Services.* An establishment that provides services to individuals and that may provide accessory retail sales of products related to the services provided. This definition includes beauty salon, barber shops, pet grooming services, veterinary clinics, tanning salons, nail salons, tailors, laundromats, dry cleaners, and other similar land uses. **[NEW]**

156. *Photovoltaic Energy Systems.* An arrangement of components designed to supply usable electric power for a variety of purposes using the sun as the power source. **[NEW]**

157. *Planning Commission.* The Planning Commission of the City of Merced that approves or recommends to the City Council regarding certain land uses. **[Modified MMC 20.04.330]**

158. *Primary Frontage.* The frontage on a lot or building that has the highest traffic volume (See 17.36.380). **[No change to MMC 17.36.380]**

159. *Primary Structure*. A structure that accommodates the primary use of the site. **[NEW]**

160. *Primary Use*. The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur. **[NEW]**

161. *Public/Mini Storage*. A structure or group of structures with controlled access that contains individual and compartmentalized stalls or lockers for storage of customers' goods. **[NEW]**

162. *Public Right-of-Way.* An area of land that is dedicated for public use to accommodate a transportation system or necessary public utility infrastructure (including, but not limited to, roadways, water lines, sewer lines, power lines, and gas lines). **[NEW]**

163. *Public Safety Facility.* A facility operated by a governmental agency for the purpose of protecting public safety. This definition includes fire stations and other fire-fighting facilities, police stations, public ambulance dispatch facilities, and other similar land uses. **[NEW]**

164. *Reasonable Accommodation.* An adjustment to a provision within the Zoning Ordinance to accommodate the needs of persons with disabilities. See Chapter 20.84 (Reasonable Accommodations). **[NEW]**

165. *Recycling Collection Facility.* A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public. **[NEW]**

166. *Recycling, Small Collection Facility.* A collection facility that occupies an area 500 square feet or less. May include a mobile unit, bulk reverse vending machines, or a grouping of reverse vending machines occupying more than 5 square feet, kiosk type units which may include permanent structures, or unattended containers placed for the donation of recyclable materials. **[NEW]**

167. *Recycling, Large Collection Facility.* A collection facility with attendant that occupies an area of more than 500 square feet and may include permanent structures. **[NEW]**

168. *Recycling Processing Facility.* A building or enclosed space used for the collection and processing of recyclable materials. Processing means preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. **[NEW]**

169. *Rehabilitation Centers.* A facility that provides therapy and/or training for rehabilitation. This definition includes drug and alcohol rehabilitation centers, methadone rehabilitation center, therapeutic and rehabilitation offices, and other similar uses. **[NEW]**

170. *Remodel.* A change or alteration in a building that does not increase its net square footage. **[NEW]**

171. *Renewable Energy Structure.* A structure or installation such as a windmill, solar collecting array, or geothermal system, which is designed and intended to produce energy from natural forces such as wind, sunlight, or geothermal heat. **[NEW]**

172. *Research and Development*. A business that engages in research, testing, and development of commercial products or services in technology-intensive fields. Research and development land uses do not involve the mass manufacture, fabrication, processing, or sale of consumer products, and do not produce dust, smoke, fumes, odors or noise at levels that would affect surrounding uses. Prototype development and product testing may be included as part of a research and development land use. Examples of research and development land uses include bio-technology laboratories, alternative energy technology development, agricultural research, and aviation and aerospace technology development. **[NEW]**

173. *Residential.* A structure that is single-family, an accessory dwelling unit, or a multi-family residence. **[NEW]**

174. *Residential Care Facility.* A state-licensed residential facility providing social and personal care for residents. Examples include children's homes, homes for the elderly, orphanages, self-help group homes, and transitional and supportive housing for homeless individuals. Excludes facilities where medical care is a core service provided to residents, such as nursing and convalescent homes. **[NEW, but consistent with State Law]**

175. *Residential Care Facility, Large.* A residential care facility for 7 or more persons. **[NEW, but consistent with State Law]**

176. *Residential Care Facility, Small.* A residential care facility for 6 or fewer persons. **[NEW, but consistent with State Law]**

177. *Residential Mixed Use.* A development mixed with different types of residential uses, from single-family dwellings to multiple-family dwellings. **[NEW]**

178. *Restaurant.* A retail business that primarily sells cooked or hot ready-to-eat food or beverages, including bakeries, delis, caterers, as well as sit-down and take-away food restaurants. This definition excludes facilities included in the *Drive-Through and Drive-Up Sales* definitions, including drive-in restaurants, drive-through restaurants, and fast-food restaurants. **[Modified MMC 20.04.335]**

179. *Restaurant, Full-Service.* A restaurant where customers order their food on table and pay after eating. Kitchen should be equipped with appropriate tools to prepare food on-site. A restaurant may include sales of alcoholic beverages for consumption on the premises. **[NEW]**

180. *Restaurant, Limited-Service.* A restaurant where customers order and pay before eating. Limited number of tables and seating may be provided. Food or beverages can be consumed on- and off-site (take out). **[NEW]**

181. *Retail, General*. Stores and shops selling merchandise to the general public. This definition includes drug stores, general merchandise stores, convenience shops, pet stores, department stores, and other similar retail establishments. **[NEW]**

182. *Retail, Grocery.* A retail or wholesale store that primarily sells food, including canned and frozen foods, fresh fruits and vegetables, and raw and prepared meats, fish, and poultry. **[NEW]**

183. *Reverse Vending Machine.* An automatic mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State; or any automatic mechanical device which accepts money for goods or services. Examples include recycling kiosks, water machines, and Red Box DVD rentals. It is only permitted as an ancillary use to principal uses. **[NEW]**

184. *Review Authority.* The City official or City body that is responsible, under the provisions of the Zoning Ordinance, for approving or denying a permit application or other request for official City approval. **[NEW]**

185. *Schools, Public or Private*. Facilities for education, including elementary, junior high, and high schools, both public and private. **[NEW]**

186. *Second Units or Secondary Dwelling Units*. Attached or detached accessory residential dwelling units, which provide complete independent living facilities for one or more persons. Secondary dwelling units provide permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel occupied by a primary dwelling. See Chapter 20.42 (Second Units). **[NEW]**

187. *Setback.* The minimum allowable horizontal distance from a given point or line of reference such as a street right-of-way to the nearest vertical wall or other element of a building or structure as defined in this chapter. Location points of measurement on buildings or structures are subject to the exceptions in Chapter 20.26 (Setback Measurement and Projections). **[Modified MMC 20.04.350]**

188. *Sign, Area of*. The total surface area of that part of a sign, sign structure, wall, or window that carries any sort of written or graphic material or in any way conveys a message. **[No change to MMC 20.03.360]**

189. *Sign, Directory*. A sign containing no pictorial matter and only the minimum amount of reading matter necessary to identify the names, professions, and locations of the occupants of the building to which the sign is appurtenant. **[No change to MMC 20.04.370]**

190. *Shopping Center.* A group of businesses which function as an integral unit on a single parcel or on contiguous parcels and which utilize common off-street parking and access (Refer to Section 17.36.400-Signs). **[No change to MMC 17.36.400]**

191. *Single-Family Dwelling.* A residential structure designed for occupancy by one household. A single-family home provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. **[NEW]**

192. *Single-Room Occupancy.* A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, rented to one- or two-person households for a weekly or monthly period of time. This definition does not include hotels and motels, but does include college dormitories. **[NEW]**

193. *Site.* A parcel or adjoining parcels that are under single ownership or single control, and that are considered a unit for the purposes of development or other use. **[NEW]**

194. *Site Area.* The total area included within the boundaries of a site. **[NEW]**

195. *Site Plan Review Committee.* A three member committee made up of the Director of Development Services, the City Engineer, and the Chief Building Official or their designees that acts as the review authority for Site Plan Review applications and provides recommendations on Special Project Permit applications. **[Modified MMC 20.68.030]**

196. *Site Plan Review Permit.* A discretionary permit approved by the Site Plan Review Committee to ensure a project complies with the Zoning Ordinance and does not create negative impacts to adjacent properties or the general public. **[NEW, but consistent with MMC 20.68]**

197. *Social Assistance Services.* A facility that provides social services directly to persons in need. This definition includes food banks, soup kitchens, crisis centers, rescue missions, and other similar land uses. **[NEW]**

198. *Solid Wall or Fence*. A continuous, nontransparent vertical surface. A chain link fence with a single layer of insert (slats) shall not be considered as a solid wall or fence. **[No change to MMC 20.04.380]**

199. *Special Project Permit.* A discretionary permit (see MMC 20.68.060) approved by the Planning Commission to facilitate the ease of implementation of General Plan land use goals and to encourage the use of high quality, innovative methods to meet General Plan land use goals. **[NEW]**

200. *Sports Stadium or Arenas.* A large facility primarily designed for sports and entertainment venues, including various sports and concerts and shows, and large gatherings or meetings. The facility generally provides seating for a large audience. The facility may be open air or covered by either a fixed or a retractable roof. **[NEW]**

201. *Story.* A portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between any floor and the ceiling next above it. **[No change to MMC 20.04.390]**

202. *Street*. The surface of and the space above any public street, road highway, thoroughfare, way, court, parkway, drive, or other such interest or place over which there is public control or direction as to the use or occupancy thereof, which now or hereafter shall exist with the City, but shall exclude alleys or sidewalks. **[Modified MMC 20.04.400]**

203. *Structure.* Anything constructed, the use of which requires permanent location on the ground, or attachment to something having permanent location on the ground, but not including fences or walls used as fences, less than 6 feet in height.

Structures must be joined by a common wall. **[No change to MMC 20.04.410]**

204. *Structures, Primary.* A structure that accommodates the primary land use of the site. **[NEW]**

205. *Supportive Housing.* Housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the resident in retaining the housing, improving his or her health, and maximizing his or her ability to live and, when possible, work in the community. **[NEW]**

206. *Tattoo Parlor.* An establishment providing permanent tattoos, piercings, and other permanent body art to paying customers. **[NEW]**

207. *Taverns.* See "Bars." **[No change to MMC 20.04.425]**

208. *Temporary Structure.* A structure that is erected for a limited period of time, typically no longer than 180 days, and that does not permanently alter the character or physical facilities of a property. **[NEW]**

209. *Temporary Use.* A short-term activity that may or may not meet the normal development or use standards of the applicable zone, but that occurs for a limited period of time, typically less than 12 months and does not permanently alter the character or physical facilities of a property. **[NEW]**

210. *Tenants.* A business establishment or organization which occupies a building space for the purpose of performing a service or providing a commodity. **[NEW]**

211. *Tobacco Paraphernalia.* Materials which include cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, or any other item designed for smoking, preparation, storing, or consumption of tobacco products. **[NEW]**

212. *Tobacco Product.* Any substance containing tobacco leaf, and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body (including cigarettes, e-cigarettes, cigars, pipe tobacco, smokeless tobacco, etc.), but does not include any cessation product specifically approved by the U.S. Food and Drug Administration for the use of treating tobacco or nicotine dependence. **[NEW]**

213. *Tobacco Retailer.* Any person or business who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia. This definition is without regard to the quantity of tobacco, tobacco products, or paraphernalia sold, offered for sale, exchanged, or offered for exchange. **[NEW]**

214. *Transitional Housing.* Rental housing that provides extended shelter and supportive services to homeless individuals and households with the goal of helping them live independently and transition into permanent housing. Transitional housing operates under program requirements that call for the termination of assistance at predetermined time no less than 6 months and up to 2 years from the start of assistance. **[NEW, but consistent with State Law]**

215. *Transportation Terminal.* A facility or station where freight either originates, terminates, or is handled in the transportation process. This definition includes transportation operating facilities for commercial motor carriers and public transit agencies. **[NEW]**

216. *Utilities, Major*. Large scale infrastructure facilities necessary to support development within Merced and the larger region. This definition includes electrical distribution lines 35 kilovolts or greater, sewage treatment plants, power generation plants, gas metering stations, electrical substations, telephone exchanges, water towers, sewer and water pumping stations, and other similar facilities. **[NEW]**

217. *Utilities, Minor*. Infrastructure facilities that are necessary to support development within the immediate vicinity and that involve only minor structures. This definition includes a station where electric power is transformed to a distribution

voltage level or where water is pumped into a local or neighborhood distribution system. **[NEW]**

218. *Variance.* A discretionary permit approved by the Planning Commission that allows for deviation from specific and limited physical standards contained in the Zoning Ordinance. **[NEW]**

219. *Variance, Minor.* A discretionary permit approved by the Development Services Director that allows for deviation from specific and limited physical standards contained in the Zoning Ordinance. **[NEW]**

220. *Vehicle Parts and Accessories Sales.* A store or shop that primarily sells vehicle parts and/or accessories. **[NEW]**

221. *Vehicle Rentals*. An establishment for the rental of new or used vehicles. **[NEW]**

222. *Vehicle Repair and Maintenance*. An establishment for the repair, alteration, restoration, or finishing of any vehicle, including body repair, collision repair, painting, tire and battery sales and installation, motor rebuilding, tire recapping and retreading, and towing. Repair shops that are incidental to a vehicle sales or rental establishment on the same site are excluded from this definition.**[NEW]**

223. *Vehicle Repair and Maintenance, Major.* An establishment for general repair, rebuilding, or reconditioning of engines, automobiles, or trailers. This definition includes collision services, including body, frame, or fender straightening, or repair; and overall painting or paint shop. Repair shops that are part of a vehicle sales or rental establishment on the same site are excluded from this definition. **[Modified MMC 20.04.050]**

224. *Vehicle Repair and Maintenance Minor.* An establishment providing limited vehicle repair and maintenance services. This definition includes upholstering, replacement of parts, and motor services to passenger cars and trucks not exceeding 1-½ tons capacity. This definition excludes any operation under *Automobile Repair, Major*. **[Modified MMC 20.04.060]**

225. *Vehicle Sales*. An establishment for the retail sales of new or used vehicles. This definition includes the sale of vehicle parts and vehicle repair, provided that these activities are incidental to the sale of vehicles. **[NEW]**

226. *Warehousing, Wholesaling, and Distribution*. An establishment used primarily for the storage, selling, or distributing of goods to retailers, contractors, commercial purchasers or other wholesalers, or to the branch or local offices of a company or organization. This definition includes vehicle storage, moving services, general delivery services, refrigerated locker storage facilities, coil and fuel storage, feed storage, and other similar land uses. **[NEW]**

227. *Wholesale Horticultural Nurseries.* A nursery that does not allow the direct on-site sale of plants and trees to visiting customers but only to businesses, including other nurseries or commercial gardeners. **[NEW]**

228. *Wireless Communications Facility.* A facility that transmits or receives electromagnetic signals for the purpose of transmitting voice or data communications. **[NEW]**

229. *Wrecking or Salvage Establishments*. A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, stored or handled, including auto-wrecking yards, house-wrecking yards, used-lumber yards and places or yards for storage of salvaged house wrecking and structural materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment when conducted entirely within a completely enclosed building, the sale of used cars in operable condition, or the use of salvaged materials incidental to manufacturing operations. **[Expanded MMC 20.04.070]**

230. *Yards.* The minimum distance by which a structure must be separated from a property line or other site feature. **[NEW]**

231. *Yards, Exterior.* Any yard adjacent to an exterior lot line. **[No change to MMC 20.04.430]**

232. *Yards, Front.* An open space extending the full width of the lot measured between the building closest to the front lot line and the front lot line, which open space is unoccupied and unobstructed from the ground upward except as specified in Chapter 20.26 (Setback Measurement and Projections). The minimum distance shall be measured at all elevations from the right-of-way line of the fronting street. If the proposed location of the right-of-way line of the fronting street adopted by the City differs from that of the existing street, then the required front yard shall be measured from the future right-of-way line of the street as adopted. **[No change from MMC 20.04.440]**

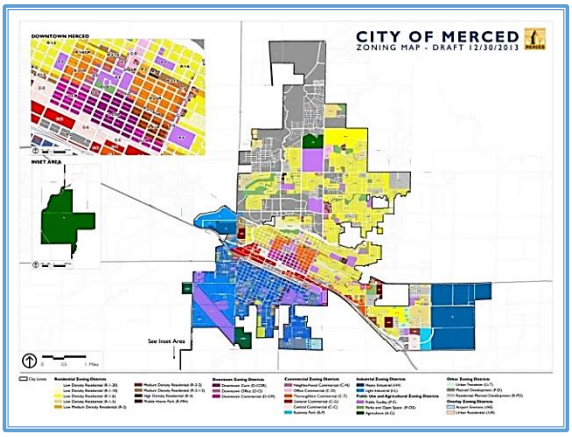
233. *Yards, Interior.* Any yard adjacent to an interior lot line. **[No change from MMC 20.04.450]**

234. *Yards, Interior Side.* An open space extending from the front yard to the rear yard between the building closest to the nearest interior side lot line and the interior side lot line, which open space is unoccupied and unobstructed from the ground upward, except as specified in Chapter 20.26 (Setback Measurement and Projections). The required interior side yard shall be measured at all elevations from the nearest interior side lot line. **[Modified MMC 20.04.470(A)]**

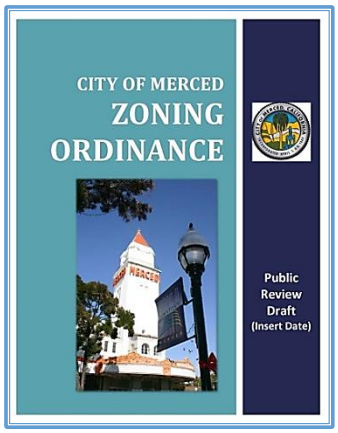
235. *Yards, Rear*. An open space extending the full width of the lot between the building closest to the rear lot line and the rear lot line, which open space is unoccupied and unobstructed from the ground upward except as specified in Chapter 20.26 (Setback Measurement and Projections). **[No change to MMC 20.04.460]**

236. *Yards, Street Side.* An open space extending from the front yard to the rear yard between the building closest to the nearest street side lot line and the street side lot line, which open space is unoccupied and unobstructed from the ground upward, except as specified in Chapter 20.26 (Setback Measurement and Projections). The required street side yard shall be measured at all elevations from the nearest street side lot line, and from the right-of-way line of the existing street. If the existing street line differs from the one adapted by the City, then the required street side yard shall be measured from the future right-of-way line of the street as adopted. **[No change to MMC 20.04.470(B)]**

237. *Zoning District.* A portion of the territory of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of Part 2 (Zoning Districts, Land Uses, and Development Standards) of the Merced Zoning Ordinance. Where certain uses are required to be a specified distance from any R district, the term "any R district" includes any district or portion thereof designated for future residential uses in the Merced General Plan. **[NEW]**



238. *Zoning Map.* The official map and its underlying Geographic Information System (GIS) data, adopted by the City of Merced, that serves to delineate the boundaries of each base and overlay zone as established in the Zoning Ordinance. The official Zoning Map resides at, and is maintained by, Merced Development Services Department. **[NEW]**



239. *Zoning Ordinance.* The Zoning Ordinance is adopted to implement the City of Merced General Plan and to protect and promote the health, safety, and welfare of Merced residents. See Chapter 20 of the Merced Municipal Code. **[NEW]**

CITY OF MERCED, CALIFORNIA
INCORPORATED APRIL 1, A.D. 1889