

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4120**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of August 9, 2023, held a public hearing and considered **Zoning Ordinance Amendment #23-02**, initiated by the City of Merced. This application involves various changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would add Sections 20.08.060 (Small Home Single-Family Dwelling) and Section 20.44.180 (Tiny Homes on Wheels Villages), modify the existing Chapter 20.42 (Accessory Dwelling Units) and Chapter 20.56 (Density Bonus) to comply with current State regulations and amend Merced Municipal Code Sections 20.08-1 (Permitted Land Uses in the Residential Zoning Districts) and Section 20.90.020 (Definitions). These amendments would allow for further development of smaller parcels, smaller unit sizes, villages for Tiny Homes on Wheels or Small Homes and define these units.; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through K of Staff Report #23-647 (Exhibit A); and,

**NOW THEREFORE**, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a General Rule Exemption regarding Environmental Review #23-24, and approval of Zoning Ordinance Amendment #23-02, as outlined in Attachments B and C of Staff Report #23-647 and subject to the Findings set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner \_\_\_\_\_, seconded by  
Commissioner \_\_\_\_\_, and carried by the following vote:

AYES: Commissioner(s)  
NOES: Commissioner(s)  
ABSENT: Commissioner(s)  
ABSTAIN: Commissioner(s)

PLANNING COMMISSION RESOLUTION #4120

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August 9, 2023

Adopted this 9<sup>th</sup> day of August 2023

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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

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Secretary

Exhibits:

Exhibit A –Findings/Considerations

**Findings and Considerations  
Planning Commission Resolution #4120  
Zoning Ordinance Amendment #23-02**

**FINDINGS/CONSIDERATIONS:**

**General Plan Policies Related to This Application**

- A) The proposed zoning ordinance amendment would make changes in response to changes in State Law regarding accessory dwelling units, density bonus, definitions, and add sections for Tiny Homes on Wheels. General Plan Implementing Action L-2.3. d calls for the City to review and update the Zoning Ordinance as needed.

**Proposed Changes to Zoning Ordinance**

- B) The ordinance changes are contained in the Draft Ordinance at Exhibit B of Planning Commission Resolution #4120 (Attachment A of Planning Commission Staff Report #23-647). Zoning Ordinance Amendment #23-02 proposes to amend Chapters 20.42 and Chapter 20.56, as well as propose new sections Section 20.44.180 and Section 20.90.020 in order to achieve the City of Merced's housing goals as well as comply with current state law. Other amendments have been made to support these ordinance changes and include changes to the definitions and the residential land use table. As proposed, Zoning Ordinance Amendment #23-02 include:
- C) Chapter 20.42 – Accessory Dwelling Units (ADUs). The proposed Zoning Ordinance Amendment would revise the existing ADU Ordinance to make minor changes to comply with State Law and add the ability to utilize a Tiny Home on Wheels (THOW) as an ADU.

New ADU laws went into effect on January 1, 2023, requiring changes to Merced's ADU Ordinance to make minor clarifications and additions to the existing ordinance.

The existing ADU Ordinance has been modified to clarify the height requirements for attached ADUs to 25 feet and provides different height limits for detached ADUs that meet certain criteria. Currently, the Ordinance allows for a maximum height of 16 feet for detached ADUs;

pursuant to the provisions of Assembly Bill (AB) 2221 and Senate Bill (SB) 897, the proposed Ordinance would allow detached ADUs near a major transit stop or high-quality transit corridor to be 18 feet with a maximum 2-foot increase to accommodate roof pitch. The proposed Ordinance would also allow a detached ADU up to 18 feet on a parcel with an existing or proposed multi-family, multi-story dwelling.

In an effort to stay ahead of ever-changing State law, a "blanket" statement has also been added to clarify that in the event the ADU Ordinance conflicts with current State law, the provisions of State Law prevail.

- D) Section 20.42.060 – Tiny Homes on Wheels. This section is added to the ADU Ordinance, and would allow Tiny Homes on Wheels (THOW) as a form of detached accessory dwelling unit. The section outlines the standards and provisions required of THOWs that differ from a conventional ADU. Due to the nature of the structure, THOWs are required to register with the California Department of Motor Vehicles. A THOW is also required to show certification demonstrating compliance with all applicable American National Standards Institute (ANSI) A119.2 standards, National Fire Protection Association (NFPA) 1192 standards, Recreational Vehicle Standards, and A119.5 Park Model Recreational Vehicle standards.
- E) Chapter 20.56 – Density Bonus. The proposed Zoning Ordinance Amendment would revise the existing Density Bonus Ordinance to make minor changes to comply with State Law. Effective January 1, 2023, Assembly Bill (AB) 682 added shared housing as eligible for density bonus. Additionally, Assembly Bill (AB) 1551, also effective January 1, 2023, readopted previous legislation that provided development bonuses to commercial projects that partner with affordable housing projects. Language has been added to Chapter 20.56 to support these changes.

In an effort to stay ahead of ever-changing State law, a "blanket" statement has also been added to clarify that in the event the Density Bonus Ordinance conflicts with current State law, the provisions of State Law prevail.

- F) Section 20.44.180 – Tiny Homes on Wheels Villages. **This section will be brought back for consideration at a later date.**
- G) Section 20.08.020 (C) – Small Houses, Small Lots and Small House Villages. Section 20.90.020 has been added to the existing Residential Zoning District Chapter. The purpose of this ordinance is to allow a path forward for smaller lots and smaller homes, thus reducing costs and providing more housing options for different income levels. This Ordinance differs from the existing Small Lot Ordinance (Chapter 20.40) because it permits smaller lot configuration standards, such as lot size, depth, and width, without compromising other development standards such as setbacks. The Small Home Ordinance allows for a smaller home on a proportionally smaller lot, as opposed to a conventional home on a smaller lot with reduced setbacks.
- H) Table 20.08-1 – Permitted Land Uses in the Residential Zoning Districts. Minor modifications have been made to Table 20.08-1 within Chapter 20.08 (Residential Zoning Districts). Table 20.08-1 lists Permitted Land Uses in the Residential Zoning Districts and has been updated to include Small Houses and Small House Villages as permitted uses. Additionally, specific regulations have been added to the multiple-family dwellings line item to reference Sections 20.46.030 and 20.44.180. These sections direct to the multiple-family residential design standards and the Tiny Homes on Wheels Villages sections of the Code, respectively, to provide clarity on the development processes for multi-family development.
- I) Chapter 20.90 – Glossary (Definitions). Chapter 20.90 has been updated to include the language necessary to facilitate the other Zoning Ordinance Amendments included with this application. Definitions for Small House, Small House Village, Tiny Home on Wheels, and Tiny Home on Wheels Village have been added to facilitate the enforcement and provide guidance on what qualifies for these developments.

### **Time Frames**

- J) If recommended for approval by the Planning Commission on August 9, 2023, the Ordinance revisions would be scheduled for a City Council public hearing on September 5, 2023. A second reading and adoption would follow on September 18, 2023, with the Ordinance being effective 30 days later on or about October 18, 2023.

### **Environmental Clearance**

- K) Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a *General Rule Exemption* is being recommended (Attachment C of Staff Report #23-647).