

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

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 accessory dwelling units permitted under Chapter 20.42 (Accessory Dwelling 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. If the property owner does not submit the written statement and site plan as required by this section, then the City may prepare its own written statement in order to complete the zoning process upon annexation.

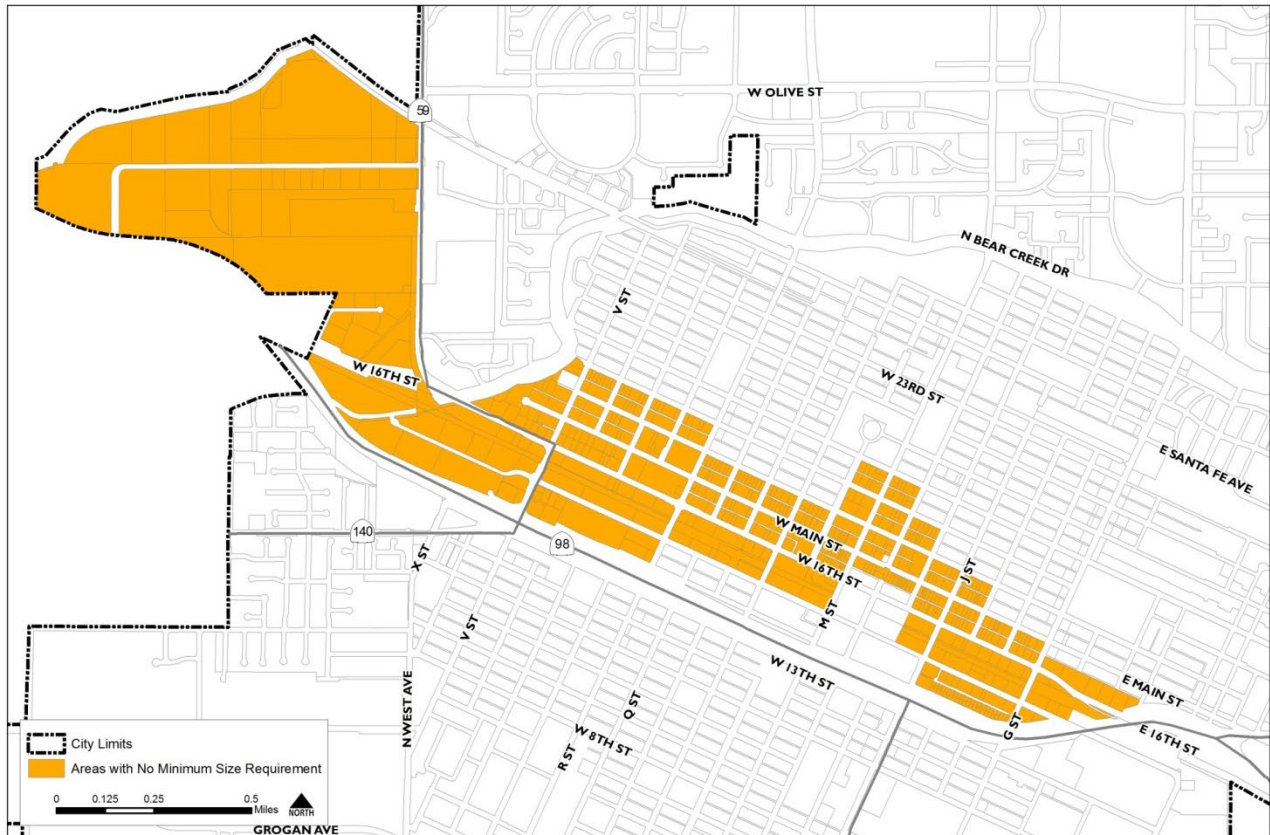
20.20.020 Planned Development (P-D) Zoning Districts

- 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.

- 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.
- 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.
- D. Minimum Project Size.** Minimum project size in the Planned Development zoning districts shall be as follows:
1. Planned Development (P-D) zoning district: ~~5~~3 acres minimum.
 2. Residential Planned Development (RP-D) zoning district: ~~4~~10,000 square feet minimum.
 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.
- 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.
- 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.



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:

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, transit facilities, 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 Rezoning at Annexation.** For applications for Planned Development rezoning 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.M when approved prior to development.



H. Planning Commission Review and Recommendation

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).

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:

1. The proposed development is consistent with the goals, policies, and actions of the General Plan and any applicable specific plan and community plan.
2. The site for the proposed development is adequate in size and shape to accommodate proposed land uses.



3. The site for the proposed development has adequate access considering the limitations of existing and planned streets and highways.
4. Adequate public services exist or will be provided to serve the proposed development.
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.
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.
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.
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.
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.



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.

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.

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 :

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, unless the uses are allowed in the Zoning District that matches the P-D's General Plan Land Use Designation per Table 20.06-01.
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/Transit.** The Final Site Utilization Plan shall include map and descriptions of the major circulation features within the site including vehicular, bicycle, pedestrian and transit 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, building architecture and design, parking, and landscaping requirements, which assures the suitable integration of the P-D into the neighborhood or area in which it is located. Applicable conditions of approval, mitigation measure, and terms of any Development or Legislative Action Agreement, where appropriate, shall be included. If no development standards are established, the standards of the Zoning District that matches the P-D's General Plan Land Use Designation per Table 20.06-01 shall apply.
6. **Single-Family Residential Development Standards.** The Final Site Utilization Plan shall demonstrate that all single-family residential development complies with the following standards:



- 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 significant revisions to the Preliminary or Final Site Utilization Plan (SUP) 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 Preliminary or Final SUP is necessary, following the same procedure as the original application. Changes in an approved Preliminary or Final SUP 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 P-D.
- 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).
- 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.
- Q. Individual Projects within a Planned Development.** After the Final SUP has been approved, individual projects within a Planned Development shall require a Site Plan Review Permit or Minor Use Permit at the discretion of the Director of Development Services prior to development to address conformance with the Final SUP.