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ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING CHAPTER 20.10, "COMMERCIAL
ZONING DISTRICTS" AS WELL AS TABLE
20.10-1, "PERMITTED LAND USES IN THE
COMMERCIAL ZONING DISTRICTS" OF THE
MERCED MUNICIPAL CODE**

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THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN AS FOLLOWS:

SECTION 1.   AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that "Day Care Centers (Children and Adults)" is changed from "X—Use Not Allowed" to "M—Minor Use Permit Required" in the Shopping Center Commercial (C-SC) Zone.

SECTION 2.   AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that "Hospitals and Surgery Centers" is changed from "X—Use Not Allowed" to "C—Conditional Use Permit Required" with Footnote #9 in the Shopping Center Commercial (C-SC) Zoning District.

SECTION 3.   AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that "Medical Offices and Clinics" is changed from "X—Use Not Allowed" to "P—Permitted Use" with Footnote #9 in the Shopping Center Commercial (C-SC) Zoning District.

SECTION 4.   AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended to add "Breweries, Distilleries, and Wineries" is added as "X—Use Not Allowed" in the Office Commercial (C-O), Neighborhood Commercial (C-N), and Shopping Center Commercial (C-SC) Zoning Districts and as "P—Permitted Use" with Footnote #19 in the Regional/Central Commercial (C-C), Thoroughfare Commercial (C-T), General Commercial (C-G), and Business Park (B-P) Zoning Districts.

SECTION 5. **AMENDMENT TO CODE.** Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that "Building Supplies/Home Improvement" is changed from "X—Use Not Allowed" to "C—Conditional Use Permit Required" with Footnote #9 in the Shopping Center Commercial (C-SC) Zoning District.

SECTION 6. **AMENDMENT TO CODE.** Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that "Mobile Food Vendors" is changed from "C—Conditional Use Permit Required" with Footnote #10 to "C—Conditional Use Permit Required" with No Footnote and from "X—Use Not Allowed" to "C—Conditional Use Permit Required" with Footnote #9 in the Shopping Center Commercial (C-SC) Zoning District.

SECTION 7. **AMENDMENT TO CODE.** Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that "Personal Services" is changed from "SP—Site Plan Review Permit Required" to "P—Permitted Use" in the Commercial Office (C-O) Zoning District, from "SP—Site Plan Review Permit Required" to "M—Minor Use Permit Required" in the Thoroughfare Commercial (C-T) and General Commercial (C-G) Zoning Districts, and from "SP—Site Plan Review Permit Required" to "M—Minor Use Permit Required" with Footnote #12 in the Business Park (B-P) Zoning District.

SECTION 8. **AMENDMENT TO CODE.** Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that "Restaurants" is changed from "SP—Site Plan Review Permit Required" with Footnote #9 to "P—Permitted Use" with Footnote #9 in the Shopping Center Commercial (C-SC) Zoning District.

SECTION 9. **AMENDMENT TO CODE.** Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that "Vehicle Parts and Accessories Sales" is changed from "X—Use Not Allowed" to "P—Permitted Use" with Footnote #9 in the Shopping Center Commercial (C-SC) Zone.

SECTION 10.   AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that Footnote #9 is amended as follows: "9. Permitted only as part of a shopping center or other retail establishment with a minimum of 8,000 square feet of floor area devoted to the sale of groceries."

SECTION 11.   AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended to add Footnote #19 as follows: "19. Provided that the business includes a full-service restaurant and the on-site sale of beer, liquor, or wine made by the same business either on-site or off-site."

SECTION 12.   EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 13.   SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 14.   PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

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The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the _____ day of _____, 2021, and was passed and adopted at a regular meeting of said City Council held on the _____ day of _____, 2021, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:
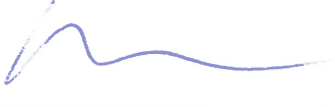
_____
Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY:_____
    Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

_____   1/27/2021
City Attorney   Date