

CITY OF MERCED
Planning Commission

Resolution #4094

WHEREAS, the Merced City Planning Commission at its regular meeting of July 6, 2022, held a public hearing and considered **Zoning Ordinance Amendment #22-01**, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would amend Merced Municipal Code Sections 20.08 (“Residential Zoning Districts”, 20.10 (“Commercial Zoning Districts”), 20.20.020 (“Planned Development Zoning Districts”), 20.32 (“Interface Regulations”), 20.38 (“Parking and Loading”), 20.46 (“Residential Design Standards”), 20.68.050 (“Permit Requirements—Site Plan Review Permit”), and 20.90 (“Glossary”). The amendment involves various changes to the City’s Zoning Ordinance including allowing duplexes by right in R-1 zones and amending various standards (including parking) for duplexes; changing the level of review required for various land uses in commercial zoning districts and adding density requirements for residential uses in various commercial districts; changing the minimum project size for Residential Planned Developments and Planned Developments and clarifying design standards in Planned Developments; amending the Interface regulations to require a Minor Use Permit instead of a Site Plan Review Permit and reducing the number of zoning districts to which the Interface regulations apply; allowing exceptions to be granted to various residential design standards through a Minor Use Permit process; clarifying the definitions for “group housing” and “residential care facilities,” and various other amendments.; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through M of Staff Report #22-484 (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 Categorical Exemption regarding Environmental Review #22-22, and approval of Zoning Ordinance Amendment #22-01, as outlined in Exhibit B and subject to the Findings set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner Dylina, seconded by Commissioner White, and carried by the following vote:

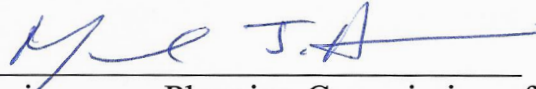
AYES: Commissioners Camper, Greggains, DeAnda, Dylina, White and Chairperson Harris
NOES: None
ABSENT: Commissioner Delgadillo
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4094

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July 6, 2022

Adopted this 6th day of July 2022



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:


Secretary

Exhibits:

Exhibit A –Findings/Considerations

Exhibit B—Draft Ordinance

[https://cityofmerced-my.sharepoint.com/personal/espinosak_cityofmerced_org/Documents/Documents/KIM/PROJECTS/2022/ZOA #22-01 Res-Comm-PD-Interface-Standards/PC Mtg-07-06-22/#4094 ZOA#22-02-Misc.docx](https://cityofmerced-my.sharepoint.com/personal/espinosak_cityofmerced_org/Documents/Documents/KIM/PROJECTS/2022/ZOA%20#22-01%20Res-Comm-PD-Interface-Standards/PC%20Mtg-07-06-22/#4094%20ZOA#22-02-Misc.docx)

Findings and Considerations
Planning Commission Resolution #4094
Zoning Ordinance Amendment #22-01

FINDINGS/CONSIDERATIONS:

General Plan Policies Related to This Application

- A) The proposed zoning ordinance amendment would make changes to the timing of appeals and clarify the number of votes required to adopt Planning Commission actions. 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 (Overview)

- B) The proposed changes to the Zoning Ordinance as outlined in the Findings below. The changes are contained in the Draft Ordinance at Exhibit B of Planning Commission Resolution #4094 (Attachment A) and presented in the modified Chapters at Attachments B through I of Staff Report #22-484. In general, the changes can be summarized as follows:

Chapter #	Chapter Title	Overview of Proposed Changes
20.08	Residential Zoning Districts	Allows duplexes by right in R-1 zones and amends the design standards (including parking) for duplexes; Allows a variation in lot dimensions for all R-1 districts, not just R-1-6; Clarifies definition of “driveway length”; Allows for exceptions for R-1-5 design standards via a Minor Use Permit; and Removes the provisions for “Guest Houses.”
20.10	Commercial Zoning Districts	Various changes in level of approval required for various land use categories in various Commercial districts; Addition of residential densities to various Commercial districts
20.20.020	Planned Development Zoning Districts	Minimum size for Residential P-D’s from 1 acre to 10,000 square feet and for P-D’s from 5 acres to 3 acres; Establishes default land uses and design standards from the Zoning District matching the General Plan designation; and Allows some approvals via Minor Use Permit instead of a Site Plan Review Permit
20.32	Interface Regulations	Changes requirement for Site Plan Review Permits to Minor Use Permit and reduces the number of “Low Impact” (now only R-1) and “High Impact” (now only commercial and industrial) zones.

Chapter #	Chapter Title	Overview of Proposed Changes (Cont.)
20.38	Parking and Loading	Parking for accessory dwelling units and duplexes to be reduced to 1 per unit with exceptions per State law
20.46	Residential Design Standards	Allows exceptions to be granted through the Minor Use Permit process; Removes options for shake shingles (no longer used per Building and Fire codes); and Allows roof-mounted air conditioners with screening.
20.68.050	Permit Requirements-- Site Plan Review	Removes references to Interface Regulations for Site Plan Review Permits
20.90	Glossary	Clarifies definitions of “group housing” and “residential care facilities”

Proposed Changes—Residential Zoning Districts

- C) Various changes are being proposed to the Residential Zoning Districts in order to implement the recent City Council policy direction to encourage the production of more housing, especially affordable housing, to deal with recent changes in State law, and to correct minor issues noted by Staff. Major changes will likely occur in the future when the General Plan and Housing Element are updated, but these are relatively minor changes that can be implemented in the interim.

The following changes to Chapter 20.08 (Residential Zoning Districts) are proposed in Sections 1 through 8 of the Draft Ordinance at Exhibit B of Planning Commission Resolution #4094 (Attachment A) and presented in the modified Chapter at Attachment B of Staff Report #22-484:

Section #	Section Title	Proposed Changes
20.08.010(B)	Purpose of Low Density Residential Districts	Adds duplexes and other uses authorized by State law
Table 20.08-1	Duplex Homes	Changes from “Minor Use Permit Required” with Footnote #2 to “Permitted Use” in R-1
Table 20.08-1	Footnote #2	Deletes footnote that required duplexes to be on corner lots and reserved footnote for future use
20.08.020(B)	Duplex Homes in R-1-6 Zoning District	Allows one duplex per lot in all R-1 Districts (not just R-1-6); changes the minimum lot size from 8,000 square feet to the “minimum lot size for the District;” eliminates the corner lot requirement; changes the parking requirement to 1 space per unit and allows exceptions per State law for walking distance to transit and car share vehicle locations; and clarifies “driveway length”

EXHIBIT A OF PLANNING COMMISSION RESOLUTION #4094

Section #	Section Title	Proposed Changes (Cont.)
20.08.030(B)	Variation in Lot Dimensions for R-1-6 Subdivisions	Allows variation in lot dimensions for all R-1 Districts, not just R-1-6
Table 20.08-2	Development Standards for Single-Family Residential Zoning Districts	Adds Footnote #6 clarifying the driveway length is measured from the garage/carport to the back of the sidewalk or the front property line whichever is furthest from the street.
20.08.030(D)	R-1-5 Subdivisions	Allows exceptions to the design standards in this section with a Minor Use Permit and removes requirement for recessed garage doors
20.08.040(E)	Guest Houses	Removes the provisions for Guest Houses (conflicts with Accessory Dwelling Unit regulations)

Proposed Changes—Commercial Zoning Districts

- D) At the request of a developer who owns land zoned “Business Park,” City staff reviewed Table 20.10-1 (“Permitted Land Uses in the Commercial Zoning Districts”) and recommended various changes as described below to the level of review required for various land uses in all the Commercial Districts to be more consistent but still fit the purpose of each Commercial Zoning District. Staff is also proposing to add residential density requirements to the various commercial zones that allow residential uses instead of allowing the density to be decided on a case by case basis with new residential developments in commercial zones (see Finding E below).

The following changes to Chapter 20.10 (Commercial Zoning Districts) are proposed in Sections 9 through 52 of the Draft Ordinance at Exhibit B of Planning Commission Resolution #4094 (Attachment A) and presented in the modified Chapter at Attachment C of Staff Report #22-484:

Proposed Changes to Table 20.10-1 (Permitted Land Uses in Commercial Zoning Districts)			
Land Use	From	To	Zoning Districts
Group/Transitional/Supportive Housing	X—Use Not Allowed	C—Conditional Use Permit Required	C-O (Commercial Office); C-N (Neighborhood Commercial); C-SC (Shopping Center Commercial); & B-P (Business Park)
Group/Transitional/Supportive Housing	P—Permitted Use with Footnote #3	P—Permitted Use with No Footnote	C-C (Regional/Community Commercial)
Group/Transitional/Supportive Housing	X—Use Not Allowed	C—Conditional Use Permit Required with Footnote #3	C-T (Thoroughfare Commercial) & C-G (General Commercial)

EXHIBIT A OF PLANNING COMMISSION RESOLUTION #4094

Proposed Changes to Table 20.10-1 (Permitted Land Uses in Commercial Zoning Districts)			
Land Use	From	To	Zoning Districts
Live/Work Units	X—Use Not Allowed	C—Conditional Use Permit Required	B-P (Business Park)
Multiple Family Dwellings	X—Use Not Allowed	C—Conditional Use Permit Required	B-P (Business Park)
Single Room Occupancy	X—Use Not Allowed	C—Conditional Use Permit Required	B-P (Business Park)
Community Garden	X—Use Not Allowed	SP—Site Plan Review Permit Required	B-P (Business Park)
Colleges and Trade Schools	C—Conditional Use Permit Required	SP—Site Plan Review Permit Required	B-P (Business Park)
Convalescent or Nursing Homes	X—Use Not Allowed	C—Conditional Use Permit Required	B-P (Business Park)
Day Care Centers (Children & Adults)	SP—Site Plan Review Permit Required	M—Minor Use Permit Required	B-P (Business Park)
Emergency Shelters	X—Use Not Allowed	C—Conditional Use Permit Required	B-P (Business Park)
Government Offices	C—Conditional Use Permit Required	P—Permitted Use	C-T (Thoroughfare Commercial), C-G (General Commercial), and B-P (Business Park)
Hospitals and Surgery Centers	X—Use Not Allowed	C—Conditional Use Permit Required	C-T (Thoroughfare Commercial), & C-G (General Commercial),
Instructional Services	SP—Site Plan Review Permit Required	P—Permitted Use	B-P (Business Park)
Medical Offices and Clinics	C—Conditional Use Permit Required	P—Permitted Use	B-P (Business Park)
Parks and Recreational Facilities	C—Conditional Use Permit Required	SP—Site Plan Review Permit Required	C-O (Commercial Office); C-N (Neighborhood Commercial); C-C (Regional/Community Commercial); & B-P (Business Park)

Proposed Changes to Table 20.10-1 (Permitted Land Uses in Commercial Zoning Districts)			
Land Use	From	To	Zoning Districts
Parks and Recreational Facilities	X—Use Not Allowed	SP—Site Plan Review Permit Required	C-T (Thoroughfare Commercial), & C-G (General Commercial),
Rehabilitation Centers	C—Conditional Use Permit Required	SP—Site Plan Review Permit Required	C-G (General Commercial) & B-P (Business Park)
Social Assistance Centers	X—Use Not Allowed	SP—Site Plan Review Permit Required	B-P (Business Park)
Alcoholic Beverage Sales	C—Conditional Use Permit Required with Footnotes 7 & 8	C—Conditional Use Permit Required with Footnotes 7 & 9	C-SC (Shopping Center Commercial)
Alcoholic Beverage Sales	SP—Site Plan Review Permit Required with Footnote 7	P—Permitted Use with Footnote 7	B-P (Business Park)
Banks, Retail	SP—Site Plan Review Permit Required	P—Permitted Use	B-P (Business Park)
Bed and Breakfast	X—Use Not Allowed	C—Conditional Use Permit Required	B-P (Business Park)
Building Supplies/ Home Improvement	SP—Site Plan Review Permit Required	P—Permitted Use	B-P (Business Park)
Business Support Services	SP—Site Plan Review Permit Required	P—Permitted Use	B-P (Business Park)
Commercial Recreation, Indoor (except below)	C—Conditional Use Permit Required	SP—Site Plan Review Permit Required	B-P (Business Park)
Multi-Screen (6 or more) Movie Theaters	C—Conditional Use Permit Required	SP—Site Plan Review Permit Required	B-P (Business Park)
Commercial Recreation, Outdoors	C—Conditional Use Permit Required	SP—Site Plan Review Permit Required	B-P (Business Park)
Gas and Service Stations/Car Washes	SP—Site Plan Review Permit Required	P—Permitted Use	B-P (Business Park)

Proposed Changes to Table 20.10-1 (Permitted Land Uses in Commercial Zoning Districts)			
Land Use	From	To	Zoning Districts
Hotels and Motels	C—Conditional Use Permit Required	P—Permitted Use	B-P (Business Park)
Maintenance and Repair Services	SP—Site Plan Review Permit Required	P—Permitted Use	B-P (Business Park)
Massage Establishments	X—Use Not Allowed	C—Conditional Use Permit Required with Footnote 16	B-P (Business Park)
Massage Therapy—Sole Practitioner	X—Use Not Allowed	C—Conditional Use Permit Required with Footnote 16	B-P (Business Park)
Mobile Food Vendors	C—Conditional Use Permit Required	SP—Site Plan Review Permit Required	B-P (Business Park)
Office, Professional	SP—Site Plan Review Permit Required	P—Permitted Use	B-P (Business Park)
Personal Services	M—Minor Use Permit Required with Footnote 12	M—Minor Use Permit Required (No Footnotes)	B-P (Business Park)
Retail, General	SP—Site Plan Review Permit Required	P—Permitted Use	C-G (General Commercial) & B-P (Business Park)
Restaurants	SP—Site Plan Review Permit Required with Footnotes 12 & 13	SP—Site Plan Review Permit Required (No Footnotes)	B-P (Business Park)
Tattoo Parlors	SP—Site Plan Review Permit Required	M—Minor Use Permit Required	B-P (Business Park)
Tobacco Retailers	SP—Site Plan Review Permit Required with Footnote 18	P—Permitted Use with Footnote 18	B-P (Business Park)
Vehicle Repair & Maintenance, Major	C—Conditional Use Permit Required	SP—Site Plan Review Permit Required	B-P (Business Park)

Proposed Changes to Table 20.10-1 (Permitted Land Uses in Commercial Zoning Districts)			
Land Use	From	To	Zoning Districts
Vehicle Repair & Maintenance, Minor	C—Conditional Use Permit Required	P—Permitted Use	B-P (Business Park)
Vehicle Sales	C—Conditional Use Permit Required	P—Permitted Use	B-P (Business Park)
Manufacturing and Processing, General	C—Conditional Use Permit Required	SP—Site Plan Review Permit Required	B-P (Business Park)

- E) Although residential uses are allowed in the City's commercial zones, the Zoning Ordinance does not provide any guidance on the allowed density of these residential uses. Since most of these residential uses required a Conditional Use Permit or other type of entitlement, the allowed density was determined on a case by case basis by the Planning Commission and/or City Council. However, since some residential uses are principally permitted or allowed with just a Staff level Site Plan Review Permit, it has become necessary to include allowed densities in the Zoning Code.

Densities allowed in the General Plan Residential Land Use Designations are as follows:

Residential Land Use Designation	Residential Density (Units/Gross Acre)
Rural Residential (RR)	1.0 to 3.0
Low Density (LD)	2.0 to 6.0
Low Medium Density (LMD)	6.1 to 12.0
High Medium Density (HMD)	12.1 to 24.0
High Density (HD)	24.0 to 36.0
Mobile Home (RMH)	6.0 to 10.0
Village Core Residential (VR)	7.0 to 30.0 (Average 10.0)

Several residential or mixed use projects have been approved by the City over the last few years, mostly in Planned Development or C-N commercial zones. In the Downtown C-C zone, the renovation of the Tioga Apartments shows that densities can be quite high for multi-story buildings in a Downtown area. The table below illustrates the various densities approved with those projects.

Project	# of Units	Acres	Density	General Plan/Zoning	Equivalent Residential General Plan Density
Hub 2.0 (Yosemite & McKee)	200	5.94	33.67	CN/C-N	HD
Yosemite Village Apartments (Yosemite & El Redondo)	220	11.98	18.36	CN/P-D #46	HMD
Yosemite Crossing Apartments (Yosemite & G)	44	2.74	16.01	CN/P-D #72	HMD
Gateway Commons (Gerard & Coffee)	200	9.30	21.5	RC/P-D #74	HMD
Tioga Apartments (Main & N)	70	0.35	200	RC/C-C	Above any Allowed Density

Based on the information above, City staff is recommending the allowed densities for residential uses in the commercial zones be included in Footnote #1 of Table 20.10-1 as shown below along with a few more changes to the Footnotes.

The following additional changes to Chapter 20.10 (Commercial Zoning Districts) are proposed in Sections 49 through 52 of the Draft Ordinance at Exhibit B of Planning Commission Resolution #4094 (Attachment A) and presented in the modified Chapter at Attachment C of Staff Report #22-484:

Section #	Section Title	Proposed Changes
Table 20.10-1	Footnote #1	Changes the Interface Regulations from a Site Plan Review Permit to a Minor Use Permit and adds residential densities to Commercial zones as follows: <ul style="list-style-type: none"> • 12.1 to 24.0 units/gross acre in the C-O, C-N, C-SC, C-T, C-G, and B-P Districts, but can be approved up to 36.0 units/gross acre with a Conditional Use Permit; • 12.1 to 36.0 units/gross acre in C-C but can be approved up to 200 units/gross acre for multi-story buildings over 5 stories with a Conditional Use Permit
	Footnote #3	Amends Footnote to read “Allowed only for converted hotels and motels” (per recent State law amendments)
	Footnote #8	Changes the review of alcoholic beverage sales for on-site consumption from Conditional Use Permit to Site Plan Review (applied only in the C-N zone)
	Footnote #18	Clarifies that tobacco sales are prohibited within 1,000 feet of schools but allows them within 600 feet of other uses per Section 20.44.160, which was amended in 2021.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4094

Proposed Changes—Planned Development Zoning Districts

- F) City staff is recommending several changes to clarify allowed land uses and development standards in Planned Developments (P-D) as well as reducing the minimum project size to allow more projects to be eligible for P-D zoning.

The following changes to Chapter 20.20 (Special Use Zoning Districts) are proposed in Sections 53 through 56 of the Draft Ordinance at Exhibit B of Planning Commission Resolution #4094 (Attachment A) and presented in the modified Chapter at Attachment D of Staff Report #22-484:

Section #	Section Title	Proposed Changes
20.20.020(D)	P-D Districts— Minimum Project Size	Reduces minimum project size from 5 acres to 3 acres for P-D's and from 1 acre to 10,000 square feet for Residential P-D's; and removes the requirement to cover "at least ½ of an entire City block" for projects within the area in Figure 20.20-1 (Downtown) to be exempt from the minimum project size requirements
20.20.020(M)	P-D Districts—Final Site Utilization Plan— Land Use	Clarifies that the uses allowed in the Zoning District that matches the P-D's General Plan Land Use Designation per Table 20.06-01 are allowed in P-D's.
20.20.020(M) (5)	P-D Districts—Final Site Utilization Plan— Development Standards	Adds that if no development standards are established as part of the P-D establishment, that the standards that match P-D's General Plan Land Use Designation per Table 20.06-01 would apply.
20.20.020(Q)	P-D Districts— Individual Projects within a P-D	Allows the Director of Development Services to approve projects within P-D's with a Minor Use Permit instead of a Site Plan Review Permit.

Proposed Changes—Interface Regulations

- G) The City's Interface Regulations have been in place for many years and were intended to provide some protection for Low Impact Zoning Districts adjacent to High Impact Zoning Districts. However, these regulations would often cause confusion and delays for some projects, especially those that are principally permitted in a Zoning District, but then require a Site Plan Review Permit because of Interface. In order to streamline housing and other development in the City, Staff is recommending that a Minor Use Permit (an administrative permit) be used instead, the number of "High Impact Zoning Districts" be reduced to only include commercial and industrial districts, and reduce the "Low Impact Zoning District" to only 1 district, R-1, Single-Family Residential.

The following changes to Chapter 20.32 (Interface Regulations) are proposed in Section 57 through 59 of the Draft Ordinance at Exhibit B of Planning Commission Resolution #4094 (Attachment A) and presented in the modified Chapter at Attachment E of Staff Report #22-484:

Section #	Section Title	Proposed Changes
20.32.010	Purpose	Amends the purpose to clarify that the regulations apply only to single-family neighborhoods.
20.32.020	Site Plan Review (Changed to “Minor Use Permit”)	Changes the requirement from a Site Plan Review Permit to a Minor Use Permit and deletes references to public hearings, which are not required for Minor Use Permits
Table 20.32-1	Site Plan Review Permit Required (Changed to “Minor Use Permit Required”)	Deletes R-2, R-3, R-4, R-MH, C-O, & A-G from the “Low Impact Zoning Districts;” Deletes R-3, R-4, R-MH, & A-G from the “High Impact Zoning Districts;” and indicates that Minor Use Permits are required for “High Impact Zoning Districts” C-N, C-SC, C-C, D-CM, C-O, C-T, C-G, B-P, I-L, and I-H adjacent to Low Impact Zoning District, R-1.
Figure 20.32-1	Site Plan Review Requirement (Changed to “Minor Use Permit Requirement”)	Modifies the Figure to read “Minor Use Permit Required” instead of “Site Plan Review Required”

Proposed Changes—Parking and Loading

- H) Per changes in State law, the parking requirements for duplexes and accessory dwelling units need to be changed.

The following changes to Chapter 20.38 (Parking and Loading) are proposed in Sections 60 through 61 of the Draft Ordinance at Exhibit B of Planning Commission Resolution #4094 (Attachment A) and presented in the modified Chapter at Attachment F of Staff Report #22-484:

Section #	Section Title	Proposed Changes
Table 20.38-1	Duplex Homes	Number of parking spaces required is reduced to 1 per unit, unless exceptions in the modified MMC 20.08.020(B)(2) are met (see Finding C)
Table 20.38-1	Accessory Dwelling Units	Number of parking spaces required is reduced to 1 per unit, unless exceptions in MMC 20.42.030(H) are met.

Proposed Changes—Residential Design Standards

- I) In order to promote innovated design options and to allow exceptions for affordable housing projects, City staff is recommending that exceptions to the residential design standards be allowed through a Minor Use Permit.

The following changes to Chapter 20.46 (Residential Design Standards) are proposed in Sections 62 through 66 of the Draft Ordinance at Exhibit B of Planning Commission Resolution #4094 (Attachment A) and presented in the modified Chapter at Attachment G of Staff Report #22-484:

Section #	Section Title	Proposed Changes
20.46.020(A)	Design Standards for Single Family Dwellings and Mobile Homes--Applicability	Allows exceptions from individual design standards be granted through a Minor Use Permit.
20.46.020(E)	Design Standards for Single Family Dwellings and Mobile Homes—Roof	Eliminates the option for shake shingles which are no longer allowed per Building and Fire Codes
20.46.030(A)	General Design Standards for Multi-Family Dwellings—Applicability	Allows exceptions from individual design standards be granted through a Minor Use Permit.
20.46.030(G)	General Design Standards for Multi-Family Dwellings—Location	Allows alleys to be used as access for dwellings and eliminates the requirement for private easements
20.46.040	Specific Design Standards for Multi-Family Dwellings	Allows exceptions from individual design standards be granted through a Minor Use Permit; and Allows the use of roof-mounted air conditioners if they are screened.

Proposed Changes—Permit Requirements (Site Plan Review Permits)

- J) Given the modifications to the Interface regulations as proposed in Finding G, references to Site Plan Review Permits for Interface need to be removed.

The following changes to Chapter 20.68 (Permit Requirements) are proposed in Section 67 of the Draft Ordinance at Exhibit B of Planning Commission Resolution #4094 (Attachment A) and presented in the modified Chapter at Attachment H of Staff Report #22-484:

Section #	Section Title	Proposed Changes
20.68.050(E)	Permit Requirements— Site Plan Review Permits—Public Notice and Hearing	Removes the references to Site Plan Review Permits and associated public hearings being required for Interface (changing to Minor Use Permits per Finding G)

Proposed Changes--Glossary

- K) Due to conflicts with State law, the City’s definitions of “Group Housing” and “Residential Care Facility” need to be changed to exclude “recovery residences” which cannot be treated any differently than any other residential use in a zone.

The following changes to Chapter 20.90 (Glossary) are proposed in Sections 68 through 69 of the Draft Ordinance at Exhibit B of Planning Commission Resolution #4094 (Attachment A) and presented in the modified Chapter at Attachment I of Staff Report #22-484:

Section #	Section Title	Proposed Changes
20.90.020(87)	Group Housing	Excludes “recovery residences” from the definition of “Group Housing”
20.90.020(174)	Residential Care Facility	Excludes “recovery residences” from the definition of “Residential Care Facility”

Time Frames

- L) If recommended for approval by the Planning Commission on July 6, 2022, the Ordinance revisions would be scheduled for a City Council public hearing on August 15, 2022. A 2nd reading and adoption would follow on September 6, 2022, with the Ordinance being effective 30 days later or on or about October 6, 2022.

Environmental Clearance

- M) The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a *Categorical Exemption* is being recommended (see Attachment J of Staff Report #22-484).

PLANNING COMMISSION RECOMMENDATION—7-6-22

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING SECTION 20.08 (“RESIDENTIAL
ZONING DISTRICTS”, 20.10 (“COMMERCIAL
ZONING DISTRICTS”), SECTION 20.20.020
 (“PLANNED DEVELOPMENT ZONING
DISTRICTS”), SECTION 20.32 (“INTERFACE
REGULATIONS”), SECTION 20.38 (“PARKING
AND LOADING”), SECTION 20.46
 (“RESIDENTIAL DESIGN STANDARDS”),
SECTION 20.68.050 (“PERMIT REQUIREMENTS—
SITE PLAN REVIEW PERMIT”), AND 20.90
 (“GLOSSARY”) OF THE MERCED MUNICIPAL
CODE**

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

SECTION 1. AMENDMENT TO CODE. Section 20.08.010(B),
“Purpose of the Residential Zoning Districts—Low Density Residential (R-1),”
of the Merced Municipal Code is hereby amended to read as follows:

“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, duplexes, and other land uses typically compatible with or authorized by State law for 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.”

SECTION 2. AMENDMENT TO CODE. Table 20.08-1, "Permitted Land Uses in the Residential Zoning Districts," of the Merced Municipal Code is hereby amended so that "Duplex Homes" is changed from “M-Minor Use Permit Required” with Footnote #2 to “P-Permitted Use” with no footnote in the Low Density Residential (R-1) Zone.

SECTION 3. AMENDMENT TO CODE. Footnote #2 of Table 20.08-1, "Permitted Land Uses in the Residential Zoning Districts," of the Merced Municipal Code is hereby deleted and reserved for future use.

**EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4094**

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ATTACHMENT 1--Page 15

PLANNING COMMISSION RECOMMENDATION—7-6-22

SECTION 4. AMENDMENT TO CODE. Section 20.08.020(B), “Duplex Homes in the R-1-6 Zoning District” of the Merced Municipal Code is hereby amended to read as follows:

“B. **Duplex Homes in the R-1-6 Zoning Districts.** One Duplex homes are per lot is permitted in the R-1-6 zoning districts when the following standards are met:

1. The lot is 8,000 square feet or greater meets the minimum lot size for the District.

2. The lot is a corner lot with distinct frontages on two intersecting streets.

3-2. One off-street parking space for each unit is provided consistent with Chapter 20.38 (Off-Street Parking). However, no parking may be required if either of the following is true:

a. The parcel is located within one-half mile walking distance of either a high- quality transit corridor as defined in Subsection (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code; or,

b. There is a car share vehicle located within one block of the parcel.

4-3. Driveways are a minimum 20 feet in length (measured from the garage/carport to the back of the sidewalk or front property line whichever is furthest from the street).

5-4. 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.”

SECTION 5. AMENDMENT TO CODE. Section 20.08.030(B), “Variation in Lot Dimensions for R-1-6 Subdivisions” of the Merced Municipal Code is hereby amended to read as follows:

“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:

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 depth less than the minimum required depth 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.”

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SECTION 6. AMENDMENT TO CODE. Table 20.08-2, “Development Standards for Single-Family Residential Zoning Districts” of the Merced Municipal Code is hereby amended by adding Footnote No. 6 to “Driveway Length (Min.)” to read as follows:

“[6] Driveway length is measured from the garage/carport to the back of the sidewalk or front property line whichever is furthest from the street.”

SECTION 7. AMENDMENT TO CODE. Section 20.08.030(D), “R-1-5 Subdivisions” of the Merced Municipal Code is amended to read as follows:

“D. R-1-5 Subdivisions. Homes for R-1-5 subdivisions shall comply with the following design standards, unless exceptions from individual standards are granted through a Minor Use Permit per Section 20.68.020:

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).~~

~~3.2.~~ 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.

~~4.3.~~ 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.

~~5.4.~~ 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.

~~6.5.~~ 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.”

SECTION 8. AMENDMENT TO CODE. Section 20.08.040(E), “Additional Dwelling Units on R-1 Lots—Guest Houses” of the Merced Municipal Code is hereby deleted.

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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 "Group/Transitional/Supportive Housing" is changed from "X—Use Not Allowed" to "C—Conditional Use Permit Required" in the Commercial Office (C-O), Neighborhood Commercial (C-N), Shopping Center Commercial (C-SC), and Business Park (B-P) Zones; from "P—Permitted Use with Footnote #3" to "P—Permitted Use with No Footnote" in the Regional/Community Commercial (C-C) Zone; and from "X—Use Not Allowed" to "C—Conditional Use Permit Required with Footnote #3" in the Thoroughfare Commercial (C-T) and General Commercial (C-G) Zones.

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 "Live/Work Units" is changed from "X—Use Not Allowed" to "C—Conditional Use Permit Required" in the Business Park (B-P) Zone.

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 so that "Multiple Family Dwellings" is changed from "X—Use Not Allowed" to "C—Conditional Use Permit Required" in the Business Park (B-P) Zone.

SECTION 12. 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 "Single -Room Occupancy" is changed from "X—Use Not Allowed" to "C—Conditional Use Permit Required" in the Business Park (B-P) Zone.

SECTION 13. 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 "Community Garden" is changed from "X—Use Not Allowed" to "SP—Site Plan Review Permit Required" in the Business Park (B-P) Zone.

SECTION 14. 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 "Colleges and Trade Schools" is changed from "C—Conditional Use Permit Required" to "SP—Site Plan Review Permit Required" in the Business Park (B-P) Zone.

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SECTION 15. 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 "Convalescent or Nursing Homes" is changed from "X—Use Not Allowed" to "C—Conditional Use Permit Required" in the Business Park (B-P) Zone.

SECTION 16. 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 & Adults)" is changed from "SP—Site Plan Review Permit Required" to "M—Minor Use Permit Required" in the Business Park (B-P) Zone.

SECTION 17. 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 "Emergency Shelters" is changed from "X—Use Not Allowed" to "C—Conditional Use Permit Required" in the Business Park (B-P) Zone.

SECTION 18. 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 "Government Offices" is changed from "C—Conditional Use Permit Required" to "P—Permitted Use" in the Thoroughfare Commercial (C-T), General Commercial (C-G), and Business Park (B-P) Zones.

SECTION 19. 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" in the Thoroughfare Commercial (C-T) and General Commercial (C-G) Zones.

SECTION 20. 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 "Instructional Services" is changed from "SP—Site Plan Review Permit Required" to "P—Permitted Use" in the Business Park (B-P) Zone.

SECTION 21. 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 "C—Conditional Use Permit Required" to "P—Permitted Use" in the Business Park (B-P) Zone.

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SECTION 22. 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 "Parks and Recreational Facilities" is changed from "C—Conditional Use Permit Required" to "SP—Site Plan Review Permit Required" in the Commercial Office (C-O), Neighborhood Commercial (C-N), Regional/Community Commercial (C-C), and Business Park (B-P) Zones; and from "X—Use Not Allowed" to "SP—Site Plan Review Permit Required" in the Thoroughfare Commercial (C-T) and General Commercial (C-G) Zones.

SECTION 23. 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 "Rehabilitation Centers" is changed from "C—Conditional Use Permit Required" to "SP—Site Plan Review Permit Required" in the General Commercial (C-G) and Business Park (B-P) Zones.

SECTION 24. 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 "Social Assistance Services" is changed from "X—Use Not Allowed" to "SP—Site Plan Review Permit Required" in the Business Park (B-P) Zone.

SECTION 25. 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 "Alcoholic Beverage Sales" is changed from "C—Conditional Use Permit Required with Footnotes 7 & 8" to "C—Conditional Use Permit Required with Footnotes 7 and 9" in the Shopping Center Commercial (C-SC) and from "SP—Site Plan Permit Required with Footnote 7" to "P—Permitted Use with Footnote 7" in the Business Park (B-P) Zone.

SECTION 26. 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 "Banks, Retail" is changed from "SP--Site Plan Permit Required" to "P—Permitted Use" in the Business Park (B-P) Zone.

SECTION 27. 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 "Bed and Breakfast" is changed from "X—Use Not Allowed" to "C—Conditional Use Permit Required" in the Business Park (B-P) Zone.

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SECTION 28. 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 "SP--Site Plan Permit Required" to "P—Permitted Use" in the Business Park (B-P) Zone.

SECTION 29. 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 "Business Support Services" is changed from "SP--Site Plan Permit Required" to "P—Permitted Use" in the Business Park (B-P) Zone.

SECTION 30. 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 "Commercial Recreation, Indoor (except below)" is changed from "C—Conditional Use Permit Required" to "SP—Site Plan Review Permit Required" in the Business Park (B-P) Zone.

SECTION 31. 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 "Multi-Screen (6 or more) Movie Theaters" is changed from "C—Conditional Use Permit Required" to "SP—Site Plan Review Permit Required" in the Business Park (B-P) Zone.

SECTION 32. 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 "Commercial Recreation, Outdoors" is changed from "C—Conditional Use Permit Required" to "SP—Site Plan Review Permit Required" in the Business Park (B-P) Zone.

SECTION 33. 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 "Gas and Service Stations/Car Washes" is changed from "SP--Site Plan Permit Required" to "P—Permitted Use" in the Business Park (B-P) Zone.

SECTION 34. 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 "Hotels and Motels" is changed from "C—Conditional Use Permit Required" to "P—Permitted Use" in the Business Park (B-P) Zone.

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SECTION 35. 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 "Maintenance and Repair Services" is changed from "SP--Site Plan Permit Required" to "P—Permitted Use" in the Business Park (B-P) Zone.

SECTION 36. 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 "Massage Establishments" is changed from "X—Use Not Allowed" to "C—Conditional Use Permit Required with Footnote 16" in the Business Park (B-P) Zone.

SECTION 37. 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 "Massage Therapy—Sole Practitioner" is changed from "X—Use Not Allowed" to "C—Conditional Use Permit Required with Footnote 16" in the Business Park (B-P) Zone.

SECTION 38. 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" to "SP—Site Plan Review Permit Required" in the Business Park (B-P) Zone.

SECTION 39. 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 "Office, Professional" is changed from "SP--Site Plan Permit Required" to "P—Permitted Use" in the Business Park (B-P) Zone.

SECTION 40. 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 "M—Minor Use Permit Required with Footnote 12" to "M—Minor Use Permit Required" in the Business Park (B-P) Zone.

SECTION 41. 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 "Retail, General" is changed from "SP—Site Plan Review Permit Required" to "P—Permitted Use" in the General Commercial (C-G) and Business Park (B-P) Zones.

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SECTION 42. 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 Footnotes 12 and 13" to "P—Permitted Use" in the Business Park (B-P) Zone.

SECTION 43. 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 "Tattoo Parlors" is changed from "SP—Site Plan Review Permit Required" to "M—Minor Use Permit Required" in the Business Park (B-P) Zone.

SECTION 44. 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 "Tobacco Retailers" is changed from "SP—Site Plan Review Permit Required with Footnote 18" to "P—Permitted Use with Footnote 18" in the Business Park (B-P) Zone.

SECTION 45. 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 Repair and Maintenance, Major" is changed from "C—Conditional Use Permit Required" to "SP—Site Plan Review Permit Required" in the Business Park (B-P) Zone.

SECTION 46. 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 Repair and Maintenance, Minor" is changed from "C—Conditional Use Permit Required" to "P—Permitted Use" in the Business Park (B-P) Zone.

SECTION 47. 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 Sales" is changed from "C—Conditional Use Permit Required" to "P—Permitted Use" in the Business Park (B-P) Zone.

SECTION 48. 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 "Manufacturing and Processing, General" is changed from "C—Conditional Use Permit Required" to "SP—Site Plan Review Permit Required" in the Business Park (B-P) Zone.

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SECTION 49. AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts, Footnote #1" of the Merced Municipal Code is hereby amended to read as follows:

“[1] ~~A Site Plan Review~~ Minor Use Permit may be required per Chapter 20.32 (Interface Regulations) regardless of the uses shown in Table 20.10-1. Allowed Residential densities are as follows: a) 12.1 to 24.0 units/gross acre in the C-O, C-N, C-SC, C-T, C-G, and B-P Districts, but can be approved up to 36.0 units/gross acre with a Conditional Use Permit; and b) 12.1 to 36.0 units/gross acre in the C-C District but can be approved up to 200 units/gross acre for multi-story buildings over 5 stories with a Conditional Use Permit.”

SECTION 50. AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts, Footnote #3" of the Merced Municipal Code is hereby amended to read as follows:

“[3] ~~Prohibited as a single use. Permitted as part of a residential mixed-use project.~~ Allowed only for converted hotels or motels.”

SECTION 51. AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts, Footnote 8" of the Merced Municipal Code is hereby amended to read as follows:

“[8] A ~~Conditional Use~~ Site Plan Review Permit is required for alcoholic beverage sales for on-site consumption.”

SECTION 52. AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts, Footnote #18" of the Merced Municipal Code is hereby amended to read as follows:

“[18] Prohibited within 1,000 feet of schools and 600 feet of other uses per Sec. 20.44.160, unless building over 20,000 square feet or exemption granted per Sec. 20.44.160.”

SECTION 53. AMENDMENT TO CODE. Section 20.20.020(D), “Planned Development (P-D) Zoning Districts—Minimum Project Size” of the Merced Municipal Code is hereby amended to read as follows:

“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: ~~1-acre~~ 10,000 square feet minimum.

EXHIBIT B

OF PLANNING COMMISSION RESOLUTION #4094

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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.”

SECTION 54. AMENDMENT TO CODE. Section 20.20.020(M)(1), “Planned Development (P-D) Zoning Districts—Final Site Utilization Plan—Land Use” of the Merced Municipal Code is hereby amended to read as follows:

“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.”

SECTION 55. AMENDMENT TO CODE. Section 20.20.020(M)(5), “Planned Development (P-D) Zoning Districts—Final Site Utilization Plan—Development Standards” of the Merced Municipal Code is hereby amended to read as follows:

“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.”

SECTION 56. AMENDMENT TO CODE. Section 20.20.020(Q), “Planned Development (P-D) Zoning Districts—Individual Projects within a Planned Development” of the Merced Municipal Code is hereby amended to read as follows:

“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.

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SECTION 57. AMENDMENT TO CODE. Chapter 20.32, “Interface Regulations” of the Merced Municipal Code is hereby amended to read as follows:

“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~~ single-family 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.

20.32.020—Definitions

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~~ Minor Use Permit

A. A proposed use in a “High Impact” zoning district shall require a ~~Site Plan Review~~ Minor Use 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-3C-T~~ zoning district and is abutting or across from a parcel in the R-1 zoning district, then a ~~Site Plan Review~~ Minor Use Permit is required. Table 20.32-1 lists out all cases that require a ~~Site Plan Review~~ Minor Use 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:~~

- ~~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.B.~~ The Director of Development Services may refer any application to the Planning Commission for review and final decision.

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Section 20.32.040—Exceptions

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.”

SECTION 58. AMENDMENT TO CODE. Table 20.32-1, “Site Plan Review Permit Required” of the Merced Municipal Code is hereby amended so that the title is now “Minor Use Permit Required”; “R-2, R-3, R-4, R-MH, C-O, and A-G” are deleted from the “Low Impact Zoning Districts”; “R-3, R-4, R-MH, and A-G” are deleted from the “High Impact Zoning Districts”, and Minor Use Permits are required for High Impact Zoning Districts C-N, C-SC, C-C, D-CM, C-O, C-T, C-G, B-P, I-L, and I-H” adjacent to Low Impact Zoning District “R-1.”

SECTION 59. AMENDMENT TO CODE. Figure 20.32-1, “Site Plan Review Requirement” of the Merced Municipal Code is hereby amended so that the new title is “Minor Use Permit Requirement” and the figure is modified to read “~~Site Plan Review~~ Minor Use Permit Required.”

SECTION 60. AMENDMENT TO CODE. Table 20.38-1, “Off-Street Parking Requirements” of the Merced Municipal Code is hereby amended so the “Number of Required Parking Spaces” for “Duplexes” is amended to read “1 per unit unless the exceptions in MMC 20.08.020(2) are met ~~1.75 spaces per each unit up to 30 units and 1.5 spaces per each unit thereafter.~~”

SECTION 61. AMENDMENT TO CODE. Table 20.38-1, “Off-Street Parking Requirements” of the Merced Municipal Code is hereby amended so the “Number of Required Parking Spaces” for “Accessory Dwelling Units” is amended to read “One or more bedrooms: 1 per unit, unless exceptions in MMC 20.42.030(H) are met.”

SECTION 62. AMENDMENT TO CODE. Section 20.46.020(A), “Residential Design Standards—Design Standards for Single-Family Dwellings and Mobile Homes--Applicability” of the Merced Municipal Code is hereby amended to read as follows:

“A. **Applicability.** The following standards shall apply to all single-family developments and mobile homes, unless exceptions from individual standards are granted through a Minor Use Permit per Section 20.68.020.”

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SECTION 63. AMENDMENT TO CODE. Section 20.46.020(E), “Residential Design Standards—Design Standards for Single-Family Dwellings and Mobile Homes--Roof” of the Merced Municipal Code is hereby amended to read as follows:

“ 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).
2. Projection. Overhanging eaves shall be at least 12 inches from the exterior vertical walls.
3. Materials.
 - a. Roofs shall be composed of non-wood or fire-retardant-treated wood shingles or, 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.
 - 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.
 - c. Roofing materials for a garage or carport shall be the same as the wall materials and roofing materials of the dwelling unit.
4. **Mechanical and Utility Equipment.** All mechanical and utility equipment shall be screened from the public right-of-way.”

SECTION 64. AMENDMENT TO CODE. Section 20.46.030(A), “General Design Standards for Multi-Family Dwellings--Applicability” of the Merced Municipal Code is hereby amended to read as follows:

“ A. **Applicability.** The following standards shall apply to all multi-family residential development of 3 units or more in any zoning district, unless exceptions from individual standards are granted through a Minor Use Permit per Section 20.68.020.”

SECTION 65. AMENDMENT TO CODE. Section 20.46.030(G), “General Design Standards for Multi-Family Dwellings--Location” of the Merced Municipal Code is hereby amended to read as follows:

“ 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.~~”

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SECTION 66. AMENDMENT TO CODE. Section 20.46.040, “Specific Design Standards for Multi-Family Dwellings” of the Merced Municipal Code is hereby amended to read as follows:

“ 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, unless exceptions from individual standards are granted through a Minor Use Permit per Section 20.68.020:

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

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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, unless exceptions are granted through a Minor Use Permit per Section 20.68.020: 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 shall be 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."

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SECTION 67. AMENDMENT TO CODE. Section 20.68.050(E), “Site Plan Review Permit—Public Notice and Hearing” of the Merced Municipal Code is hereby amended to read as follows:

“ 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:

~~1. Those those~~ properties that are directly adjacent to any residentially zoned property in the City.; ~~or,~~

~~2. Site Plan Review Permits required for Interface (Chapter 20.32).~~

In those cases, public notice shall be given to those directly adjacent properties at least 10 days prior to the Site Plan Review Meeting.”

SECTION 68. AMENDMENT TO CODE. Section 20.90.020(87), “Glossary—Definition—Group Housing ” of the Merced Municipal Code is hereby amended to read as follows:

“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, or recovery residences.”

SECTION 69. AMENDMENT TO CODE. Section 20.90.020(174), “Glossary—Definition—Residential Care Facility ” of the Merced Municipal Code is hereby amended to read as follows:

“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, and recovery residences.”

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SECTION 70. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 71. 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 72. 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.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2022, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2022, by the following called vote:

AYES: **Council Members:**,

NOES: **Council Members:**

ABSTAIN: **Council Members:**

ABSENT: 1 **Council Members:**

APPROVED:

Mayor

ATTEST:

STEPHANIE R. DIETZ, CITY CLERK

BY:


Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:


City Attorney

8-7-19
Date

[https://cityofmerced-my.sharepoint.com/personal/espinosak_cityofmerced_org/Documents/Documents/KIM/PROJECTS/2022/ZOA #22-01 Res-Comm-PD-Interface-Standards/Current Drafts/Draft Ord-ZOA 22-01-6-08-22.docx](https://cityofmerced-my.sharepoint.com/personal/espinosak_cityofmerced_org/Documents/Documents/KIM/PROJECTS/2022/ZOA%20#22-01%20Res-Comm-PD-Interface-Standards/Current%20Drafts/Draft%20Ord-ZOA%2022-01-6-08-22.docx)