

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERCED,
CALIFORNIA, AMENDING TABLE 20.10-1 ("COMMERCIAL ZONING
DISTRICTS") OF THE MERCED MUNICIPAL CODE**

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

**SECTION 1. Amendment of Merced Municipal Code Land Use Table 20.10 – Permitted Land
Uses in the Commercial Zoning Districts**

The Commercial Shopping Center (C-SC) Zone shall be modified to allow the following uses with a Site Plan Review Permit: Community Gardens, Colleges & Trade Schools, Commercial Recreation Indoor, Commercial Recreation Outdoor, and Drive-Through/Drive-Up Sales. In addition, the following uses would be changed from requiring a Conditional Use Permit to requiring a Site Plan Review Permit: Gas and Service Stations/Car Washes, Offices/Professional Uses, and Restaurants. All of these uses, except for a Community Garden, would be allowed only as a part of a development that requires a grocery store of over 20,000 square feet as the main anchor to a shopping center. A Community Garden would be allowed as a temporary use until a shopping center is developed. Said modifications are shown below under Table 20.10-1- Commercial Zoning Districts:

Land Use Regulations for Commercial Zoning Districts

A. Permitted Uses. Table 20.10-1 identifies land uses permitted in commercial zoning districts.

| Key | | Zoning District ^[1] | | | | | | |
|--|-----|--------------------------------|-------|------|-----|-----|-----|------------------------|
| P Permitted Use | C-O | C-N | C-C | C-SC | C-T | C-G | B-P | Additional Regulations |
| M Minor Use Permit Required | | | | | | | | |
| SP Site Plan Review Permit Required | | | | | | | | |
| C Conditional Use Permit Required | | | | | | | | |
| X Use Not Allowed | | | | | | | | |
| RESIDENTIAL USES | | | | | | | | |
| Group/Transitional/Supportive Housing | X | X | P [3] | X | X | X | X | |
| Live/Work Units | C | C | P [2] | X | X | X | X | Sec. 20.44.080 |
| Multiple-Family Dwellings | C | C | P | X | X | X | X | |
| Residential Care Facilities, Small (6 or Less) | X | X | P [3] | X | X | X | X | |
| Residential Care Facilities, Large (More than 6 residents) | X | X | P [3] | X | X | X | X | |
| Single-Room Occupancy | X | X | P [3] | X | X | X | X | Sec. 20.44.120 |
| COMMUNITY USES | | | | | | | | |
| Community Assembly | C | C | C | X | C | C | C | |

| Key | Zoning District ^[1] | | | | | | | |
|--|---|----------|--------|----------|-------|-------|--------|------------------------|
| P Permitted Use | C-O | C-N | C-C | C-SC | C-T | C-G | B-P | Additional Regulations |
| M Minor Use Permit Required | | | | | | | | |
| SP Site Plan Review Permit Required | | | | | | | | |
| C Conditional Use Permit Required | | | | | | | | |
| X Use Not Allowed | | | | | | | | |
| Community Garden | SP | SP | SP | SP [19] | X | SP | X | Sec. 20.44.050 |
| Colleges and Trade Schools | C | C | C | SP [9] | X | C | C | |
| Convalescent or Nursing Homes | C | C | C | X | X | X | X | |
| Cultural Institutions | C | C | C | X | C | C | C | |
| Day Care Centers (Children & Adults) | M | M | M | X | X | X | SP | |
| Emergency Shelters | X | X | C | X | C | P | X | Sec.20.44.150 |
| Government Offices | P | P | P | X | C | C | C | |
| Hospitals and Surgery Centers | C | C | C | X | X | X | C | |
| Instructional Services | P | P | P | X | X | X | SP | |
| Medical Offices and Clinics | P | P | P | X | X | X | C | |
| Parks and Recreational Facilities | C | C | C | X | X | X | C | |
| Public Safety Facilities | SP | SP | P | C | SP | SP | SP | |
| Rehabilitation Centers | P | P [6] | P[10] | X | X | C | C | |
| Social Assistance Services | C | C | C | X | SP | P | X | |
| COMMERCIAL USES | | | | | | | | |
| Alcoholic Beverage Sales [7] | X | P [7][8] | P [7] | C [7][8] | P [7] | P [7] | SP [7] | Sec.20.44.010 |
| Bail Bond Businesses | C | X | C [10] | X | C | C | C | |
| Bars and Nightclubs | X | C | C | X | C | C | C | |
| Banks, Retail | P | P | P | P [9] | SP | SP | SP | |
| Bed and Breakfast | X | X | C | X | C | C | X | Sec.20.44.030 |
| Building Supplies/Home Improvement | X | X | C | X | SP | P | SP | |
| Business Support Services | X | C | M | X | P | P | SP | |
| Cardrooms [5] | X | X | C [5] | X | C [5] | C [5] | X | Chapter 9.08 |
| Cemeteries and Mausoleums | X | X | C | X | C | P | X | |
| Check Cashing/Payday Loan Establishments | C | X | C [10] | X | C | C | C | Sec.20.44.040 |
| Commercial Cannabis Businesses | Refer to Table 20.44-1 in Section 20.44.170 | | | | | | | |
| Commercial Recreation, Indoor (Except Below) | X | SP | SP | SP [9] | P | SP | C | |
| Multi-Screen (6 or More) Movie Theaters | X | C | P | X | C | X | C | |
| Commercial Recreation, Outdoor | X | X | X | SP [9] | P | C | C | |

| Key | Zoning District ^[1] | | | | | | | Additional Regulations |
|---------------------------------------|--------------------------------|--------|-------------|--------|---------|--------|--------------|------------------------|
| P Permitted Use | C-O | C-N | C-C | C-SC | C-T | C-G | B-P | |
| M Minor Use Permit Required | | | | | | | | |
| SP Site Plan Review Permit Required | | | | | | | | |
| C Conditional Use Permit Required | | | | | | | | |
| X Use Not Allowed | C-O | C-N | C-C | C-SC | C-T | C-G | B-P | Additional Regulations |
| Drive-Through and Drive-Up Sales | C | C | SP | SP [9] | P | P | SP | |
| Equipment Sales and Rental | X | X | X | X | P | P | SP | |
| Farmer's Market | C | SP | SP | SP | SP | SP | SP | Sec.20.50.030B |
| Flea Market | X | X | X | X | C | C | C | |
| Funeral Parlors and Mortuaries | C | C | C | X | C | P | C | |
| Gas and Service Stations/Car Washes | X | C | SP | SP [9] | P | P | SP | Sec.20.44.070 |
| Hotels and Motels | X | X | P | X | P | C | C | |
| Hookah Lounges | X | C | C | X | C | C | C | |
| Kennels | X | X | X | X | C | P | C | |
| Maintenance and Repair Services | X | X | X | X | P | P | SP | |
| Massage Establishments | C [16] | C [16] | C [16] | X | C [16] | C [16] | X | Chapter 5.44 |
| Massage Therapy—Sole Practitioner | P[17] | P[17] | P[17] | X | C [16] | C [16] | X | Chapter 5.44 |
| Mobile Food Vendors | C | C | C [10] | X | SP [11] | SP | C | Sec. 5.54 & 20.44.020 |
| Mobile Home Sales | X | X | X | X | P | P | SP | |
| Office, Professional | P | P | P | SP [9] | SP | SP | SP | |
| COMMERCIAL USES (Continued) | | | | | | | | |
| Pawn Shops | X | X | C [10] | X | X | P | X | |
| Personal Services | SP | P | P | P [9] | SP | SP | SP [12] | |
| Retail, General | SP[12] | P | P | SP [9] | P | SP | SP | |
| Restaurants | C [13] | P [8] | P | SP [9] | P | M | SP [12] [13] | |
| Tattoo Parlors | X | SP | M | X | M | M | SP | |
| Tobacco Retailers [18] | X | P [18] | P [18] | P [18] | P [18] | P [18] | SP[18] | Sec.20.44.160 |
| Vehicle Parts and Accessories Sales | X | P | P | X | P | P | SP | |
| Vehicle Rentals | X | X | M | X | P | P | SP | |
| Vehicle Repair and Maintenance, Major | X | X | X | X | C | P | C | |
| Vehicle Repair and Maintenance, Minor | X | SP | P | X | P | P | C | |
| Vehicle Sales | X | X | P [10] [14] | X | P | P | C | |
| INDUSTRIAL USES | | | | | | | | |

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|---|--------------------------------|-----|--------|-------|-----|-----|-----|------------------------|
| P Permitted Use | C-O | C-N | C-C | C-SC | C-T | C-G | B-P | |
| M Minor Use Permit Required | | | | | | | | |
| SP Site Plan Review Permit Required | | | | | | | | |
| C Conditional Use Permit Required | | | | | | | | |
| X Use Not Allowed | | | | | | | | |
| Manufacturing and Processing, General | X | X | X | X | X | M | C | |
| Manufacturing and Processing, Light | X | X | X | X | X | P | SP | |
| Research and Development | C | X | C | X | SP | SP | P | |
| Warehousing, Wholesaling, and Distribution | X | X | SP[15] | X | P | P | SP | |
| Wrecking & Salvage Establishments | X | X | X | X | C | C | X | Sec.20.44.140 |
| TRANSPORTATION, COMMUNICATION, AND UTILITY USES | | | | | | | | |
| Airports | X | X | X | X | C | C | C | |
| Freight Terminals | X | X | X | X | C | C | C | |
| Heliports | C | X | C | X | C | C | C | |
| Parking Facilities | P | P | P | P[9] | P | P | P | |
| Public/Mini Storage | X | X | X | X | M | M | SP | |
| Recycling Collection Facilities | | | | | | | | Sec.20.44.090 |
| Reverse Vending Machines | P | P | P | M[9] | P | P | P | |
| Small Collection Facilities | SP | SP | SP | SP[9] | SP | SP | SP | |
| Large Collection Facilities | X | X | X | X | C | C | C | |
| Utilities, Major | C | C | C | X | C | C | C | |
| Utilities, Minor | P | P | P | P[9] | P | P | P | |
| Wireless Communications Facilities | See Chapter 20.58 | | | | | | | |

Notes:

- [1] A Site Plan Review Permit may be required per Chapter 20.32 (Interface Regulations) regardless of the uses shown in Table 20.10-1.
- [2] Residential use on the ground floor is prohibited unless it is located on the back of the property where it is not visible or approved with a Conditional Use Permit.
- [3] Prohibited as a single use. Permitted as part of a residential mixed-use project.
- [4] Use shall not exceed 20,000 square feet.
- [5] 24 hour operations limited to C-T and C-C zones per Chapter 9.08 (Gaming).
- [6] Rehabilitation centers for drug, methadone, and alcohol are prohibited.
- [7] A Conditional Use Permit is required for establishments smaller than 20,000 square feet.
- [8] A Conditional Use Permit is required for alcoholic beverage sales for on-site consumption.
- [9] Permitted only as part of a shopping center or other retail establishment with a minimum of 20,000 square feet of floor area devoted to the sale of groceries.

- [10] Prohibited in the City Center area between 19th and 16th Streets and O Street and Martin Luther King, Jr. Way, including properties fronting on either side of each of the above streets, except vehicle sales showrooms can be allowed.
- [11] Includes refreshment stands.
- [12] Permitted only as an ancillary use to serve employees, not to occupy more than 5,000 square feet.
- [13] Conditional Use Permit required unless the use is ancillary to a principal permitted use. For restaurants, Conditional Use Permit is required unless the uses are conducted in and entered from within the building with no outside advertising.
- [14] A Site Plan Review Permit is required for used vehicle sales.
- [15] Temporary warehousing and storage only is allowed per the requirements of Section 20.10.030(D).
- [16] Provided that a massage establishment permit has not been revoked at that location within 12 months of the application for a conditional use permit and a massage establishment permit is obtained pursuant to Chapter 5.44.
- [17] Must have valid certificate from State of California as a massage therapist or massage practitioner pursuant to the Massage Therapy Act (Business and Professions Code Section 4600 *et seq.*).
- [18] Prohibited within 1,000 feet of schools and other uses per Sec. 20.44.160, unless building over 20,000 square feet.
- [19] Allowed only as a temporary use until a shopping center is developed.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 3. 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 4. 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 _____, 2018, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2018, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

MAYOR

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant City Clerk

(SEAL)

APPROVED AS TO FORM

Wally C. Fincher 3/12/18
City Attorney Date