



Legislation Details (With Text)

**File #:** 22-612      **Version:** 1      **Name:**

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**File created:** 7/25/2022      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority

**On agenda:** 8/15/2022      **Final action:** 8/15/2022

**Title:** SUBJECT: Public Hearing to Consider Adoption of a Categorical Exemption and Introduction of Ordinance Regarding Zoning Ordinance Amendment #22-01, Initiated by the City of Merced, Involving 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")

REPORT IN BRIEF

Considers various amendments to the Zoning Ordinance to streamline housing and commercial development. The amendment involves various changes to the City's Zoning Ordinance involving duplexes, the level of review required for various land uses in commercial zoning districts, density requirements for residential uses in commercial districts, the minimum size and design standards for residential planned developments and planned developments, the interface regulations, residential design standards, definitions, and various other amendments.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting a Categorical Exemption (Environmental Review #22-22); and,
- B. Introducing Ordinance 2543, 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.

Sponsors:

Indexes:

Code sections:

- Attachments:** 1. Planning Commission Resolution #4094 (Findings at Exhibit A and Redlined Ordinance at Exhibit B), 2. Draft Changes to Chapter 20.08, Residential Zoning Districts, 3. Draft Changes to Chapter 20.10, Commercial Zoning Districts, 4. Draft Changes to Chapter 20.20, Special Use Zoning Districts, 5. Draft Changes to Chapter 20.32, Interface Regulations, 6. Draft Changes to Chapter 20.38, Parking and Loading, 7. Draft Changes to Chapter 20.46, Residential Design Standards, 8. Draft Changes to Chapter 20.68, Permit Requirements, 9. Draft Changes to Chapter 20.90, Glossary, 10. Environmental Review #22-22 (Categorical Exemption), 11. Draft Ordinance, 12. Presentation

Date	Ver.	Action By	Action	Result
8/15/2022	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

*Report Prepared by: Kim Espinosa, Planning Manager, Development Services Department*

**SUBJECT:** Public Hearing to Consider Adoption of a Categorical Exemption and Introduction of Ordinance Regarding Zoning Ordinance Amendment #22-01, Initiated by the City of Merced, Involving 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”)

## REPORT IN BRIEF

Considers various amendments to the Zoning Ordinance to streamline housing and commercial development. The amendment involves various changes to the City’s Zoning Ordinance involving duplexes, the level of review required for various land uses in commercial zoning districts, density requirements for residential uses in commercial districts, the minimum size and design standards for residential planned developments and planned developments, the interface regulations, residential design standards, definitions, and various other amendments.

## RECOMMENDATION

**City Council** - Adopt a motion:

- A. Adopting a Categorical Exemption (Environmental Review #22-22); and,
- B. Introducing **Ordinance 2543**, 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.

## ALTERNATIVES

1. Approve the Zoning Ordinance Amendment as recommended by the Planning Commission and Staff; or,
2. Modify the Zoning Ordinance Amendment with specific modifications as spelled out in the Council motion; or,
3. Deny the Zoning Ordinance Amendment; or,
4. Request additional information (as specified in the Council motion); or,
5. Continue the item to a future City Council meeting (date and time to be specified in Council motion).

## AUTHORITY

Chapter 20.80 of the Merced Municipal Code spells out procedures for amending the Zoning Ordinance.

## CITY COUNCIL PRIORITIES

In September 2021, the City Council gave staff direction to make amendments to the Zoning Ordinance and other plans to promote the production of housing in the City.

## DISCUSSION

Background

In September 2021, the City Council gave City staff direction regarding various policies to promote and streamline the production of housing in the City. In April 2022, the City Council adopted a Regional Housing Needs Allocation Unit Production Plan to support the production of affordable housing units. With the use of some grant funds available from the State and other City resources, the City will be embarking in the coming months on major updates to the General Plan and Zoning Ordinance to address those policies. In the meantime, however, there are some relatively minor changes included in this amendment that could be made to the Zoning Ordinance to help streamline housing production.

Per the request of a developer, City staff also reviewed the permitted land uses in the various commercial zones and are recommending various changes to the commercial zoning districts with this amendment along with the addition of densities for residential projects in commercial zones. Other minor clean-up items to conform with State law changes and other issues that have come up recently are also included.

Project Description

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 involving duplexes, the level of review required for various land uses in commercial zoning districts, density requirements for residential uses in commercial districts, the minimum size and design standards for Residential Planned Developments and Planned Developments, the Interface regulations; residential design standards, and definitions.

The proposed changes to the Zoning Ordinance as outlined in detail in the Findings in Exhibit A of the Planning Commission Resolution at Attachment 1. The changes are presented in red-lined format in the Draft Ordinance at Exhibit B of the Planning Commission Resolution at Attachment 1. The changes are also presented in the modified Chapters at Attachments 2 through 9. (The Draft Ordinance at Attachment 11 is a “clean” copy that shows the final recommended language.) In general, the changes can be summarized as follows:

<b>Chapter #</b>	<b>Chapter Title</b>	<b>Overview of Proposed Changes</b>
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 outdated provisions for “Guest Houses.”

20.10	Commercial Zoning Districts	Various changes in level of approval required for various land use categories in Commercial districts; and Addition of residential densities to 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 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.
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; Allows "non-wood or fire-retardant-treated" shake shingles; 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" regarding "Recovery Residences"

Planning Commission Action

On July 6, 2022, the Planning Commission held a public hearing on the proposed Zoning Ordinance Amendment. No one from the public testified about the item. After discussion, the Planning Commission voted to recommend approval of the proposed changes with one minor modification to the City Council by a 6-0-1 (6 ayes, 1 absent) vote. The minor modification involved Merced Municipal Code Section 20.46.020(E) and clarified that roof materials could be "non-wood or fire-retardant-treated wood or shake shingles" in addition to other materials listed. The Planning Commission Resolution can be found at Attachment 1.

City Council Action

After holding a public hearing, the City Council should consider adopting a Categorical Exemption (Attachment 10) and introducing the Ordinance at Attachment 11. If the Ordinance is introduced on August 15, 2022, adoption/second reading could occur on September 6, 2022, with the Ordinance being effective 30 days later, or on or about October 6, 2022.

## IMPACT ON CITY RESOURCES

There will be no impact on City resources from this request.

## ATTACHMENTS

1. Planning Commission Resolution #4094 (Findings at Exhibit A and Redlined Ordinance at Exhibit B)
2. Draft Changes to Chapter 20.08, Residential Zoning Districts
3. Draft Changes to Chapter 20.10, Commercial Zoning Districts
4. Draft Changes to Chapter 20.20, Special Use Zoning Districts
5. Draft Changes to Chapter 20.32, Interface Regulations
6. Draft Changes to Chapter 20.38, Parking and Loading
7. Draft Changes to Chapter 20.46, Residential Design Standards
8. Draft Changes to Chapter 20.68, Permit Requirements
9. Draft Changes to Chapter 20.90, Glossary
10. Environmental Review #22-22 (Categorical Exemption)
11. Draft Ordinance
12. Presentation