

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.

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 Zoning Districts. One Duplex home per lot is permitted in the R-1 zoning districts when the following standards are met:

1. The lot meets the minimum lot size for the District.
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.
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).
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 Subdivisions. The Planning Commission may approve reduced lot widths for an R-1 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.”

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. 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.
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.
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.
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.

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.

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.

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.

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.

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.

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.

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 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] 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 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:
3 acres minimum.

2. Residential Planned Development (RP-D) zoning district: 10,000 square feet minimum.
3. Planned Development projects located within the area shown in Figure 20.20-1 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.

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 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 Minor Use Permit.

A. A proposed use in a “High Impact” zoning district shall require a 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 C-T zoning district and is abutting or across from a parcel in the R-1 zoning district, then a Minor Use Permit is required. Table 20.32-1 lists out all cases that require a Minor Use Permit pursuant to this chapter. Figure 20.32-1 illustrates the concept.

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

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 “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.”

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.”

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.”

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 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 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.”

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 those properties that are directly adjacent to any residentially zoned property in the City. 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, 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.”

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 _____, 20, 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:



City Attorney

COPY
7/18/2022

Date