

## **CONDITIONAL USE PERMIT STANDARD CONDITIONS**

**(Planning Commission Resolution #1249)**

**Amended August 22, 2007**

By way of standard condition, the following conditional use permit conditions are routinely a requirement of all conditional use permit applications approved by the Planning Commission:

1. Notwithstanding all other conditions, all construction and improvements shall be in strict accordance with zoning, building, and all other codes and ordinances of the City of Merced.
2. All mechanical equipment and appurtenances, including gas and water meters, electrical boxes, air conditioners, etc., shall be screened from public view and adjacent properties, subject to the approval of the Planning Department. Roof vents shall be painted to blend with roof materials.
3. All trash and storage areas shall be screened from public view or enclosed within an area by a wall or other material not less than six (6) feet in height, as approved by Planning Department.
4. Street improvements shall be installed at the direction of the City Engineer to City standards. Improvements shall include, but are not limited to, grading, streetlights, traffic signs, location of all utilities, curbs and gutters, sidewalks, wheelchair ramps, along with water, sewer and storm drainage systems.
5. All outdoor lighting shall be directed away from adjacent streets and properties.
6. All property not occupied by structures, paving or landscaped on the subject site shall be maintained for both health and aesthetic reasons; grasses and weeds shall be kept to a minimum or as otherwise required by the Planning Commission and the County Health Department.
7. Street trees shall be planted 40 feet on center across the frontage of the property, consistent with Recreation and Parks Department standards.
8. Detailed landscape and sprinkler plans, including trees, shrubs and ground covers, and incorporating foundation and peripheral plantings, along with screening of parking areas, shall be approved by the Planning Department prior to the issuance of building permits. All landscaping shall be installed prior to occupancy and shall thereafter be maintained minimally to these standards.
9. For any conditional use permit application approved within a planned development, an accurate reproduction of the adopted site plan, at a scale of 1 inch = \_\_\_\_\_ feet (as specified by the Planning Department), shall be provided to the City within 30 days of approval or prior to the issuance of any building permit, whichever is sooner.
10. Where architectural features and/or construction materials have been specified, two sets of color samples must accompany construction drawings submitted for building permits. (NOTE: Colors can be affected by the surface they are covering -- thus, colors so

Conditional Use Permit  
Standard Conditions (2) – Resolution #1249 - Amended  
Revised August 22, 2007

affected may be required to be illustrated on the actual surface material proposed. For example, a transparent wood stain that will be covering Douglas Fir shall be shown on a Douglas Fir sample, not Pine or Redwood).

11. Any proposed subsequent modification of the subject site or structure thereon, including but not limited to the following actions, shall be first reported to the city for review and revision of said conditional use permit: Actions affecting how people or materials move on, off or around the site; the physical appearance of the site or structures thereon (including but not limited to signing, architecture, landscaping, paving, etc.); the type of activity (ies) or land use(s) pursued thereon; the number of people employed thereon or otherwise involved with on-site activities or land uses; etc.
12. No outside sales, displays or storage shall be allowed unless the provisions of this use permit are modified to allow such activity(ies). Temporary exterior sales promotions may be permitted with prior approval of the City Planning Director and/or Planning Commission.
13. Any change of use and/or remodel of an existing building will require a new certificate of occupancy to certify the adequacy of the building for the proposed new use; approval of the use permit is subject to provisions of Sections 306 and 302 of the Uniform Building Code and elimination of electrical and plumbing hazards.
14. Landscape trees are to meet the following requirements:
  - a) Street Trees - Shall be 15-gallon minimum size trees with species consistent with the City of Merced Street Trees Master Plan.
  - b) Specimen Trees - Shall be 24-inch box minimum size trees. The number required, if any, shall be determined on a case-by-case basis.
  - c) Other Landscape Trees - Shall be 5-gallon minimum trees unless larger trees are specified in a case-by-case basis.
15. Prospective apartments should be placed on notice regarding minimum standards the City would be likely to impose if they are subsequently proposed for condominium conversions.

The developer is placed on notice that apartment units, to have reasonable chance for approval if proposed for condominium conversion in the future, should be constructed to existing condominium ordinance provisions and other standards presently in practice or under serious consideration, including a minimum STC noise standard of 56 for both mutual walls and ceilings/floors, 200 cubic feet of storage per individual unit (outside of traditional closet space), and a minimum of two parking spaces per unit and possibly more, depending upon the type of space provided.
16. The applicant shall indemnify, protect, defend, and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to

Conditional Use Permit  
Standard Conditions (3) – Resolution #1249 - Amended  
Revised August 22, 2007

attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the city, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

17. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
18. The City, its Planning Commission and City Council as appropriate, retain the right and jurisdiction to review this Conditional Use Permit in the event the business conducted therein is modified, changed in scope, or the owner or operator seeks to or does actually expand, alter, reconfigure, or change the use. This reservation of the right of review of this Conditional Use Permit issued hereunder is in addition to, and not in lieu of, the right of the City, its Planning Commission and City Council as appropriate, to review and revoke this Conditional Use Permit or to modify this Conditional Use Permit for any violation of the conditions imposed.

Adopted by Merced City Planning Commission November 9, 1977, Resolution #1249, as amended. Revised August 22, 2007.