

Proposed Changes to the Merced Zoning Ordinance Public Review Draft (June 2016)

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| New Code Section | Topic/Title | Summary of Change | Reason for Change |
|--|--|--|--|
| Part 1--Enactment and Applicability | | | |
| Chapter 20.02 | Purpose | No Changes | N/A |
| Chapter 20.04 | Interpretation | No Changes | N/A |
| Chapter 20.06 | Zoning Districts and Map | No Changes | N/A |
| Part 2--Zoning District Standards | | | |
| Chapter 20.08 | Residential Zoning Districts | | |
| Section 20.08.020 | Land Use Regulations for Residential Zoning Districts | In Table 20.08-01 on pg. 12, "Group Housing" shall be amended to read: " <u>Group/Transitional/Supportive Housing</u> " | Although Definition #87 on pg. 296 for Group Housing, indicates it includes "Transitional Housing" (Definition #214 on pg. 313) and Supportive Housing (Definition #205 on pg. 312), this should be added for clarity in order to address the requirements of SB 2, which require that they be allowed where similar residential uses are. |
| Section 20.08.020 | Land Use Regulations for Residential Zoning Districts | In the Notes under Table 10.08-1 on pg. 13, Note #1 should be modified to read: "1. A <u>Site Plan Review Conditional Use Permit</u> may be required per Chapter 20.32 (Interface Regulations) regardless of the uses shown in Table 20.08-1." | A Site Plan Review Permit is now required under the Interface Regulations, not a CUP as under the current Ordinance. |
| Section 20.08.030 | Development Standards for Residential Zoning Districts | Section 20.08.030 (B4) on pg. 14 shall be amended to read "No lot shall have a <u>depth length</u> less than the minimum required <u>depth length</u> or a width less than 15 feet below the required width." | Correction |

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| Section 20.08.040 | Additional Dwelling Units on R-1 Lots | Section 20.08.040 (D) on pg. 20 shall be amended to read as follows: " D. Dwelling Units Over Garages. Dwelling units occupying an upper story above a garage may be set back 3 feet from a rear lot line that abuts an alley. <u>The groundfloor garage shall be set back 5 feet from the rear lot line.</u> All other setback and open space requirements must be observed." | Added for clarity as this existing section often confuses the reader. |
| Section 20.08.050 | Rural Residential Zoning District | No Changes | N/A |
| Chapter 20.10 | Commercial Zoning Districts | | |
| Section 20.10.020 | Land Use Regulations for Commercial Zoning Districts | In Table 20.10-01 on pg. 22, "Group Housing" shall be amended to read: " <u>Group/Transitional/Supportive Housing</u> " | Same reason as for Section 20.08.020 above |
| Section 20.10.020 | Land Use Regulations for Commercial Zoning Districts | In Table 20.10-1, on pg. 23, under "Banks, Retail" in the C-O zone, the color of the square shall be changed to green and the letter will remain "P." | Error Corrected, wrong color was used in Draft. |
| Section 20.10.020 | Land Use Regulations for Commercial Zoning Districts | Please note that Staff had already incorporated the changes to the Zoning Ordinance regarding Massage Establishments, adopted with Ordinance #2452 in December 2015, into the Public Review Draft on pages 23 and 25. | No change needed. |
| Section 20.10.020 | Land Use Regulations for Commercial Zoning Districts | In Table 20.10-1, on pg. 23, the following land use will be added: "Medical Marijuana Dispensaries" and will be shown as being allowed with a Conditional Use Permit (depicted with a "C" and with a "[19]" in reference to an added Note #19 on pg 25 regarding the distances away from schools, etc.) as well as Prohibited (depicted with an "X") in all other commercial zones. Section 20.44.170 will be listed under "Additional Regulations." | Per City Council Ordinance #2464, introduced on August 1, 2016 (and replacing the previous Ordinance #2454 from January 2016) |

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| Section 20.10.020 | Land Use Regulations for Commercial Zoning Districts | In the Notes under Table 10.10-1 on pg. 25, Note #1 should be modified to read: "1. A <u>Site Plan Review Conditional Use Permit</u> may be required per Chapter 20.32 (Interface Regulations) regardless of the uses shown in Table 20.10-1." | A Site Plan Review Permit is now required under the Interface Regulations, not a CUP as under the current Ordinance. |
| Section 20.10.020 | Land Use Regulations for Commercial Zoning Districts | In the Notes under Table 20.10-1 on pg. 24, Note 4 should be amended to read: "24 hour operations limited to C-T and <u>C-C zones</u> per Chapter 9.08 (Gaming)." | Per City Council Ordinance #2457, effective June 2, 2016 (currently on hold subject to State approval). |
| Section 20.10.030 | Development Standards and Guidelines for Commercial Zoning Districts | | |
| Section 20.10.030-E | Development Guidelines for C-C (Regional Centers only) and B-P Zoning Districts | Section 20.10.030-E (5A) on pg. 31 will be amended to read as follows: "Sidewalks and pathways shall be provided to accommodate pedestrian circulation from parking areas to buildings, between buildings, and to plazas, open spaces, and other outdoor amenities. This pedestrian network should enhance a campus-like appearance of the development site <u>and functional awnings should be added to protect pedestrians from the rain when walking along building frontages of businesses which abut each other.</u> " | Per Focus Group, Planning Commission, & City Council |
| Chapter 20.12 | Industrial Zoning Districts | | |
| Section 20.12.020 | Land Use Regulations for Industrial Zoning Districts | In the Notes under Table 10.12-1 on pg. 35, Note #1 should be modified to read: "1. A <u>Site Plan Review Conditional Use Permit</u> may be required per Chapter 20.32 (Interface Regulations) regardless of the uses shown in Table 20.12-1." | A Site Plan Review Permit is now required under the Interface Regulations, not a CUP as under the current Ordinance. |

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| Section 20.12.020 | Land Use Regulations for Industrial Zoning Districts | In Table 20.12-1, on pg.34, the following land use will be added: "Medical Marijuana Dispensaries" and will be shown as being prohibited (depicted with an "X") in all industrial zones and Section 20.44.170 will be listed under "Additional Regulations." | Per City Council Ordinance #2464, introduced on August 1, 2016 (and replacing the previous Ordinance #2454 from January 2016) |
| Section 20.12.030 | Development Standards for Industrial Zoning Districts | In Table 20.12-2 on pg. 36, the Exterior Yard setback for the Heavy Industrial (I-H) Zone is increased from "None" to "15 Feet (1)" | Per Focus Group, Planning Commission, & City Council |
| Section 20.12.030 (B and C) | Industrial Buffer Yards and Performance Standards | Section 20.12.030 (C3) should read as follows: "3. Odor. No <u>objectionable</u> odor or noxious gas emissions which is discernible at any point beyond the property line is permitted." | Makes the regulation more specific. |
| Chapter 20.14 | Downtown Zoning Districts | | |
| Section 20.14.020 | Land Use Regulations for Downtown Zoning Districts | In Table 20.14-01 on pg. 42, "Group Housing" shall be amended to read: " <u>Group/Transitional/Supportive Housing</u> " | Same reason as for Section 20.08.020 above |
| Section 20.14.020 | Land Use Regulations for Downtown Zoning Districts | In Table 20.14-01 on pg. 42, "Community Gardens" should be added under "Community Uses" and should be allowed by Site Plan Review (SP) in the D-COR, D-O, and D-CM zones. | Community Gardens would also be appropriate in these zones. |
| Section 20.14.020 | Land Use Regulations for Downtown Zoning Districts | In the Notes under Table 10.14-1 on pg. 44, Note #1 should be modified to read: "1. A <u>Site Plan Review Conditional Use Permit</u> may be required per Chapter 20.32 (Interface Regulations) regardless of the uses shown in Table 20.14-1." | A Site Plan Review Permit is now required under the Interface Regulations, not a CUP as under the current Ordinance. |
| Chapter 20.16 | Urban Village Zoning Districts | | |
| Section 20.16.020 | Land Use Regulations for Urban Village Zoning Districts | In Table 20.16-01 on pg. 53, "Group Housing" shall be amended to read: " <u>Group/Transitional/Supportive Housing</u> " | Same reason as for Section 20.08.020 above |

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| Section 20.16.020 | Land Use Regulations for Urban Village Zoning Districts | In Table 20.16-01 on pg. 53, "Community Gardens" should be added under "Community Uses" and allowed by Conditional Use Permit (C) in the R-OV and R-IV zones and by Site Plan Review (SP) in the C-V zone. | Community Gardens would also be appropriate in these zones. |
| Section 20.16.030 | Development Standards/Guidelines for Urban Village Zoning Districts | Section 20.16.030 (B2b) should read as follows: "R-OV and R-IV zoning districts shall have direct access to a neighborhood-serving commercial zoning district without having to cross a street designated as a "Minor Arterial" or higher <u>order street</u> ." | Clarifies the requirement. |
| Chapter 20.18 | Public Use and Agricultural Zoning Districts | No Changes | N/A |
| Chapter 20.20 | Special Use Zoning Districts | | |
| Section 20.20.010 | Urban Transition (U-T) Zoning District | The last sentence of Section 20.20.010 (E) shall be amended to read: " The City may approve the annexation only If the property owner <u>does not</u> submits the written statement and site plan as required by this section, <u>then the City may prepare its own written statement in order to complete the zoning process upon annexation</u> ." | Makes the requirement more flexible to address potential issues but would still allow the annexation to take place if necessary. |
| Section 20.20.020 | Planned Development (P-D) Zoning Districts | | |
| Section 20.20.020 (G3) | Preliminary Site Utilization Plan | Section 20.20.020(G3) on pg. 69 shall be amended to read as follows: "The applicant shall provide an overall diagram of the site utilization. This diagram shall illustrate the overall development concept, including proposed land uses, buildings, circulation, <u>transit facilities</u> , open space, and other significant elements in the proposed site. Phases shall be clearly indicated if multiple phases are proposed." | Added for clarity |
| Section 20.20.020 (G6) | Preliminary Site Utilization Plan | The reference in Section 20.20.020(G6) to "Section 20.20.020.N" should be changed to "Section 20.20.020 (M)." | Corrected reference. |

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| Section 20.20.020 (M3) | Final Site Utilization Plan (Circulation) | Section 20.20.020 (M3) on pg. 71 shall be amended as follows: " 3. Circulation/Transit. The Final Site Utilization Plan shall include a map and descriptions of the major circulation features within the site including vehicular, bicycle, pedestrian <u>and transit</u> facilities; traffic flow of internal traffic; and existing and proposed public streets and sidewalk improvements." | Added for clarity |
| Section 20.20.020 (M5) | Final Site Utilization Plan (Development Standards) | Section 20.20.020 (M5) on pg. 71 shall be 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, <u>building architecture and design</u> , parking, and landscaping requirements, which assures the suitable integration of the P-D into the neighborhood or area which it is located. <u>Applicable conditions of approval, mitigation measures, and terms of any Development or Legislative Action Agreement, where appropriate,</u> shall also be included." | Added to clarify the requirements |
| Section 20.20.020 (N) | Revisions to a Planned Development | In Section 20.20.020(N) on pg. 72, the following phrase " <u>Preliminary or Final</u> " shall be added before each reference to a "Site Utilization Plan" (Total of 3 places.) | Clarification |

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| Section 20.20.020 (Q) | Individual Projects within a Planned Development. | A new Section 20.20.020 (Q) on pg. 72 shall be added 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 prior to development to address conformance with the Final SUP." | Although discussed throughout the Zoning Ordinance Review process, the actual provision to allow Site Plan Reviews instead of the currently required Conditional Use Permits was inadvertently left out of the Public Review Draft. |
| Section 20.20.020 (N) | Revisions to a Planned Development | First sentence of Section 20.20.020 (N) shall be amended to read: "A public hearing by the Planning Commission and City Council shall be required prior to approval of <u>significant</u> revisions to the Site Utilization Plan which involves changes in land use, expansion or intensification of development, or changes in the standards of development." | Clarification |
| Chapter 20.22 | Overlay Zones | In Section 20.22.040 D3h on pg. 84 will have the following added under (2) Standards: "2a) The side courtyard shall be a shared space accessible to all building residents. 2b) Pathways shall be provided from each unit to the side courtyard and from the side courtyard to a public sidewalk adjacent to the site." | Per Focus Group, Planning Commission, & City Council |

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|------------------------------------|--|--|---|
| Part 3--General Regulations | | | |
| Chapter 20.24 | Height Measurement and Exceptions | No Changes | N/A |
| Chapter 20.26 | Setback Measurement and Projections | No Changes | N/A |
| Chapter 20.28 | Accessory Structures | No Changes | N/A |
| Chapter 20.30 | Walls and Fences | | |
| Section 20.30.020 (A1) | Height Limits for Residential Zoning Districts | Section 20.30.020 (A1) on pg. 98 should read as follows: "1. Basic Standards. Fences, walls, and hedges in residential zoning districts shall comply with the standards in Table 20.30-1 (Fence Heights in Residential Zoning Districts) and as illustrated in Figure 20.30-02 (Height Limits for Fences, Walls, and Hedges)." | Correction of Error in Figure number |
| Section 20.30.020 (A6) | Height Limits for Residential Zoning Districts | Figure 20.30-2 (Open Ended Cul-de-Sac Lots) on pg. 101 should be numbered "Figure 20.30-3" instead | Correction of Error in Figure number |
| Chapter 20.32 | Interface Regulations | | |
| Section 20.32.030 | Site Plan Review | A key will be added to Table 20.32-1, Site Plan Review Permit Required, on pg. 106 to show that green means "permit required" and red means "permit not required." | A key or legend was inadvertently left off the Table. |
| Chapter 20.34 | Creek Buffers | No Changes | N/A |
| Chapter 20.36 | Landscaping | | |
| Section 20.36.040 | Landscape and Sprinkler Plans | The second sentence of Section 20.36.040 (D2) on pg. 115 should read as follows: "Minor Modifications are defined as changes to a landscape plan that bring the plans into conformance with State Law (including emergency drought regulations), do not <u>significantly</u> decrease the total amount of landscaped area, alter the general design character or water conservation of the landscaped area, or alter a feature of the landscaped area specifically required by the decision-making authority, unless otherwise required by State Law." | Clarification |

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| Chapter 20.38 | Parking and Loading | | |
| Section 20.38.020 | Applicability | Table 20.38-1, Off-Street Parking Requirements, on pg. 120, for "Multiple Family Dwellings/Condominiums" will be amended to read as follows: "1.75 spaces per unit of 2 bedrooms or less up to 30 units and 1.5 spaces per unit thereafter, <u>plus 0.5 spaces per additional bedroom over 2 in each unit and 1.0 spaces per additional full or partial bathroom over 3 in each unit.</u> " | Per Focus Group, Planning Commission, & City Council |
| Section 20.38.020 | Applicability | Table 20.38-1, Off-Street Parking Requirements on pg. 121, for "Emergency Shelters" shall be modified as follows: "1 per 6 <u>10</u> beds plus 1 per 300 sq. ft of office or other non-residential floor area." For "Drug Rehabilitation Centers," it will remain 1 per 6 beds. | Upon further review, parking ratio for a homeless shelter seems excessive. |
| Section 20.38.030 | Required Parking Spaces | Section 20.38.030 (A) should read as follows: " A. Number of Spaces. All land uses shall provide a minimum number of off-street parking spaces as specified in Table 20.38-1 (Off-Street Parking Requirements), <u>except as provided in Section 20.38.050 (Parking Reductions.)</u> " | Clarification to note availability of parking reductions |
| Section 20.38.040 | General Requirements | No Changes | N/A |
| Section 20.38.050 | Parking Reductions | No Changes | N/A |
| Section 20.38.060 | Parking Assessment Districts | No Changes | N/A |
| Section 20.38.070 | Parking Design and Development Standards | Section 20.38.070 (A) on pg. 131 shall be amended to read as follows: " Dimensions. The minimum required dimensions for off-street parking spaces shall conform to the latest edition of the City's Standard Designs of Common Engineering Structures. <u>However, all parking spaces shall be a minimum of 9 feet in width.</u> " Figure 20.38-1 on pg. 131 will also be modified to show a minimum 9 feet of width. | Per Planning Commission and City Council |

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| Section 20.38.070 (E3) | Tandem Parking Spaces | Section 20.38.070 (E3) on pg. 132 shall read as follows: "3. Tandem parking spaces shall not block the use of the driveway <u>drive aisle</u> to access other parking spaces located within the parking area." | Better language choice |
| Section 20.38.070 (F3) | Landscaping | Section 20.38.070 (F3) on pg. 132 shall read as follows: "3. Parking Lot Standards. As illustrated in Figure 20.38-2 (Parking Lot Landscaping Standards), the following landscaping standards, <u>as well as the standards in the City's Standard Designs of Common Engineering Structures,</u> shall apply to parking lots containing six or more parking spaces. All landscape areas shall have an irrigation system." | The City's Design Standards contain standards regarding parking lot landscaping that should also be referenced. |
| Section 20.38.070 (F3)(b5) | Shade Trees | Section 20.38.070 (F3)(b5) on pg. 133 should read as follows: "5. The above standards may be modified with a Minor Use Permit if alternative shade structures <u>(such as solar carports)</u> are provided. <u>Design standards for such shade structures shall be approved as part of the Minor Use Permit as well.</u> " | Per the Focus Group, Planning Commission, and City Council, design standards for shade structures will be developed in the future, but this provision will allow these structures to be approved on a case-by-case basis until those standards can be developed. |
| Section 20.38.080 | Bicycle Parking | Page 137 should be page 136, page 138 should be 137, 139 should be 138, 140 should be 139, and 141 should be 140 in this Chapter. The page 141 that starts Chapter 20.40 is correct. | Correct misnumbered pages |
| Section 20.38.090 | Off-Street Loading | No Changes | N/A |
| Chapter 20.40 | Small Lot Single Family Homes | | |

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| Section 20.40.010 | Purpose | Section 20.40.010 on pg. 141 should read as follows: "The purpose of the small lot single-family home provisions is to allow for increased flexibility in the design of new residential development in a manner that increases housing choices for residents, utilizes land resources efficiently, and ensures a high quality design environment <u>neighborhood</u> ." | Better language choice |
| Section 20.40.050 (B2) | Development Standards and Guidelines (Parking Standards) | Section 20.40.050 (B2) on pg. 142 should read as follows: "Shared driveway access between two adjacent parcels is allowed when the garages are located within the rear of the parcel <u>set back</u> behind the primary residential unit or recessed so the home's entry elevation retains a dominant visual appearance." | Allows more flexibility in design of units. |
| Section 20.40.050 (B3) | Development Standards and Guidelines (Parking Standards) | Section 20.40.050 (B3) on pg. 142 should read as follows: "Two on-site parking spaces shall be provided per unit with at least one being covered. <u>Spaces in the driveway shall count toward this requirement</u> ." | Because the lots are smaller, on-street parking tends to be more limited so 1 extra space on-site is required, but spaces in the driveway can be counted, unlike in standard single-family subdivisions where more on-street parking is available and only 1 space is required on-site. |

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| Section 20.40.050 (C) | Other Standards and Guidelines | Section 20.40.50 (C) on pg. 142 should be amended to read as follows: "Small lot single-family homes should comply with the guidelines for façade design, open space, service area, lane (alley), parking configurations, driveway access, fencing, public streets, and architectural features in the City's <u>most recent edition of the Small Lot Single-Family Home Design Guidelines</u> , available under separate cover from the City Planning Division, unless otherwise specified in the Conditional Use Permit." Same reference to "most recent edition" to be added to Section 20.40.050 (A1) above. | These Guidelines, originally developed by the City in the early 2000's, are currently in the process of being revised to address more current development trends. |
| Section 20.40.050 | Development Standards and Guidelines | In Table 20.40.050, Development Standards for Small Lot Single-Family Homes, on pg. 143, under "Setbacks," should read: "As determined through the Conditional Use Permit process." | Allows design flexibility |
| Chapter 20.42 | Second Units | No Changes | N/A |
| Chapter 20.44 | Special Land Use Regulations | | |
| Section 20.44.020 | Food Trucks in Fixed Locations | Section 20.44.020 (C2) on pg. 150 should read: " 2. Hours of Operation. Food trucks shall be operated only between <u>7:00</u> 8:00 a.m. and 9:00 p.m. daily, unless otherwise approved by the Site Plan or Conditional Use Permit." | Change allows for breakfast service. |
| Section 20.44.040 | Check Cashing/Payday Loan Establishments | Section 20.44.040 (B1) on pg. 152 should read: " 1. Hours of Operation. Check cashing/ payday loan establishments shall be operated only between 7:00 a.m. and 7:00 <u>9:00</u> p.m. daily. No loitering shall be permitted during, before, and after hours of operation." | Change seems more aligned with other business hours in the City. |

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| Section 20.44.050 | Community Gardens | In Section 20.44.050 (D4) on pg. 153 shall be amended to read as follows: "4. Commercial Activities. On-site sale of community garden products shall be prohibited, <u>unless located in a commercial zone or as otherwise authorized by a Site Plan Review or Conditional Use Permit.</u> " | Recommended by City staff through input from County Health Department staff |
| Section 20.44.110 | Photovoltaic Energy Systems and Public Utility Distribution Lines | Section 20.44.110 (C7) on pg. 160 should be added as follows: " <u>7. Solar carports can be approved by a Minor Use Permit, which could allow modifications to the above standards.</u> " | Allows the approval of solar carports through the Minor Use Permit process until standards can be developed. |
| Section 20.44.170 | Medical Marijuana | A new Section 20.44.170, Medical Marijuana, shall be added in conformance with Ordinance #2464, introduced by City Council on August 1, 2016, starting on pg. 164. See Attachment 1. | Per City Council Ordinance #2464, introduced on August 1, 2016 (and replacing the previous Ordinance #2454 from January 2016) |
| Chapter 20.46 | Residential Design Standards | | . |
| Section 20.46.020 | Design Standards for Single-Family Dwellings and Mobile Homes | In Section 20.46.020 on pg. 166, the following shall be added: " K. Addresses. <u>The street address number of the house shall be displayed on the front wall of the house clearly visible from the street and shall be a minimum height of 4 inches with a 1/2 inch stroke (or as otherwise required in the California Residential and Fire Codes).</u> " | Per Focus Group, Planning Commission, & City Council. (Section R319 of the 2013 CA Residential Code and Section 505 of the 2013 CA Fire Code have reqts regarding addressing.) |

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| Section 20.46.030 | General Design Standards for Multi-Family Dwellings | In Section 20.46.030 on pg. 168, the following shall be added: " <u>H. Safety and Defensible Space.</u> 1) Placement of windows and doors should facilitate neighborhood surveillance of their neighbor's entryways. 2) The number of apartments that enter their front door from the same hallway or courtyard should be limited to no more than 12 (or as otherwise approved by City staff) so that residents can learn to distinguish fellow neighbors from visitors and/or intruders. 3) Apartment common recreational areas should be easily viewed by residents within the units and shall be defined by a physical boundary. 4) Physical changes (such as picket fences, porches, decks, or landscape features) to mark and define areas near a dwelling as that unit's "territory" should be installed. 5) Keyed access gates and surveillance cameras should be installed to enter common areas." | Per Focus Group, Planning Commission, & City Council |
| Section 20.46.030 | General Design Standards for Multi-Family Dwellings | In Section 20.46.030 on pg. 168, the following shall be added: " <u>I. Private Outdoor Space.</u> 1) Ground Floor Units. Every dwelling unit which is on the ground floor should have a private outdoor usable space, if feasible, of a minimum size of 5 feet by 8 feet. 2) Units Above Ground Floor. Every dwelling unit which is above the ground floor should, if feasible, have a useable outdoor balcony space of a minimum size of 5 feet by 8 feet." | Per Focus Group, Planning Commission, & City Council |
| Chapter 20.48 | Home Occupations | No Changes | N/A |
| Chapter 20.50 | Temporary Uses and Structures | No Changes | N/A |
| Chapter 20.52 | Nonconforming Parcels, Uses and Structures | | |

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|-------------------------|------------------------------------|---|---|
| Section 20.52.030 (C) | General | Section 20.52.030 (C) on pg. 180 shall read as follows: " Burden Burden of Proof." | Typo corrected |
| Chapter 20.54 | Condominiums | No Changes | N/A |
| Chapter 20.56 | Density Bonus | No Changes | N/A |
| Chapter 20.58 | Wireless Communications Facilities | | |
| Section 20.58.050 (A5) | Permits Required | A new Section 20.58.050 (A5) on pg. 213 shall be added as follows: " 5) State and Federal Regulations. If any provisions of this chapter conflict with any State or Federal law, the State or Federal law shall prevail over the requirements of this Chapter. If an applicant wishes to assert their rights under the Federal "shot clock" rule pursuant to FCC Report and Order 14-153 or the State's AB 57, the applicant shall inform the City in writing of such at the time of application and meet all requirements of those regulations and this Chapter." | Added for clarification regarding recent changes in State and Federal law, which provide for a "shot clock" of 90 or 150 days for local govts to approve eligible applications or they will be "deemed approved." |
| Chapter 20.60 | Adult Entertainment Businesses | No Changes | N/A |
| Chapter 20.62 | Signs | No Changes | N/A |

Proposed Changes to the Merced Zoning Ordinance Public Review Draft (June 2016)

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| New Code Section | Topic/Title | Summary of Change | Reason for Change |
|---|-------------------------------|--|---|
| Part 4--Permits and Administration | | | |
| Chapter 20.64 | Administrative Responsibility | No Changes | N/A |
| Chapter 20.66 | Permit Application and Review | No Changes | N/A |
| Chapter 20.68 | Permit Requirements | | |
| Section 20.68.070 (C) | Review Authority | Section 20.68.070 (C) on pg. 245 should read as follows: "C. Review Authority. The Planning Commission, <u>acting as the Board of Zoning Adjustment</u> , shall take action on all Variance applications." | Clarifies the Planning Commission's role as the Board of Zoning Adjustment in deciding variances. |
| Section 20.68.070 (H) | Appeals | Section 20.68.070 (H) on pg. 246 should be replaced with the following: " <u>Decisions on Variances, as quasi-judicial permits, may only be appealed to a Court of Law.</u> " | Corrects an error. Appeals on Variances are not allowed. |
| Chapter 20.70 | Public Notice and Hearings | No Changes | N/A |
| Chapter 20.72 | Post-Decision Procedures | No Changes | N/A |
| Chapter 20.74 | Appeals | No Changes | N/A |
| Chapter 20.76 | Covenants for Easements | No Changes | N/A |
| Chapter 20.78 | Conditional Zoning | No Changes | N/A |
| Chapter 20.80 | Zoning Ordinance Amendments | No Changes | N/A |
| Chapter 20.82 | General Plan Amendments | No Changes | N/A |
| Chapter 20.84 | Reasonable Accommodations | No Changes | N/A |
| Chapter 20.86 | Development Agreements | No Changes | N/A |

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| New Code Section | Topic/Title | Summary of Change | Reason for Change |
|---------------------------------------|---------------------------|--|---|
| Part 5--Glossary (Definitions) | | | |
| Chapter 20.90 | Glossary (Definitions) | | |
| Section 20.90.020 (132) | Mobile Food Vendors | The last sentence in the Definition #132 on pg. 302 for "Mobile Food Vendors" should read as follows: "Mobile <u>food</u> vendors that park in a permanent location are regulated under Section 20.44.020 (Food Trucks Parked in Fixed Locations)." | Added for clarification |
| Section 20.90.020 (192) | Single-Room Occupancy | Definition #192 on pg. 310 for "Single-Room Occupancy" shall be amended as follows: "A residential facility where living accommodations are individual secure room, with or without separate kitchen or bathroom facilities for each room, rented to one- or two-person households for a weekly or monthly period of time. This definition does not include hotels and motels, but does include college dormitories." | For consistency with Section 20.44.120 (D) on pg. 162, which requires a minimum 30-day tenancy. |
| Section 20.90.020 (62) | Dwelling or Dwelling Unit | Definition #62 on pg. 293 for "Dwelling or Dwelling Unit" shall read as follows: " A building or a portion of a building (not including tents, cabins, or trailers) containing one or more habitable rooms used or designed for occupancy by one or more persons for living and sleeping purposes, including kitchen and bath facilities. Arrangements characterized by apartment-like subunits in individual interior bedrooms within a dwelling unit are prohibited, such as, for example, keyed locks or deadbolts on interior room doors; separate entrance or access from street, side yard, or backyard to interior rooms; or separate cooking facilities in individual rooms, including, but not limited to, microwave, hotplate, cooking range, and oven. " | Change to Definition #62 and #186 below are designed to address recent examples of new house designs intended to provide housing options for household members, such as grandparents or teenagers, within a single-family home. |

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| New Code Section | Topic/Title | Summary of Change | Reason for Change |
|------------------|--|---|--------------------------------------|
| 20.90.020 (186) | Second Units or Secondary Dwelling Units | <p>Definition #186 on pg. 309 for "Second Units or Secondary Dwelling Units" shall read as follows: "Attached or detached accessory residential dwelling units, which provide complete independent living facilities for one or more persons. Secondary dwelling units provide permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel occupied by a primary dwelling. <u>A single attached suite of rooms (consisting of living, sleeping, cooking, and sanitation facilities) but with unimpeded access to the rest of the dwelling unit, no separate address, lease, or utility service, and still functioning as one "household" per 20.90.020(99) may not be considered to be a second unit. See Chapter 20.42 (Second Units).</u></p> | Same reason as Definition #62 above. |

20.44.170 Medical Marijuana and Cultivation

A. Definitions.

1. **'Cannabis'** shall have the same meaning as set forth in Business and Professions Code Section 19300.5(f) as the same may be amended from time to time.
2. **'Caregiver' or 'primary caregiver'** shall have the same meaning as set forth in Health and Safety Code Section 11362.7 as the same may be amended from time to time.
3. **'Commercial cannabis activity'** shall have the same meaning as that set forth in Business and Professions Code Section 19300.5(j) as the same may be amended from time to time and shall also include 'the cultivation, manufacture, possession, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of marijuana and marijuana products.
4. **'Cultivation'** shall have the same meaning as set forth in Business and Professions Code Section 19300.5(k) as the same may be amended from time to time.
5. **'Delivery' or 'Deliveries'** shall have the same meaning as set forth in Business and Professions Code Section 19300.5(m) as the same may be amended from time to time.
6. **'Dispensary'** shall have the same meaning as set forth in Business and Professions Code Section 19300.5(n) as the same may be amended from time to time. 'Dispensary' shall not include the following uses:
 - a. A clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code,
 - b. A health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code,
 - c. A residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code,
 - d. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code,
 - e. A residential hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.
7. **'Medical cannabis,' 'medical cannabis product,' or 'cannabis product'** shall have the same meanings as set forth in Business & Professions Code § 19300.5(af) as the same may be amended from time to time.





8. **'Medical Marijuana Regulation and Safety Act' or 'MMRSA'** shall mean the following bills signed into law on October 9, 2015 as the same may be amended from time to time: AB 243, AB 246, and SB 643.

9. **'Qualifying patient' or 'Qualified patient'** shall have the same meaning as set forth in Health and Safety Code Section 11362.7(f) as the same may be amended from time to time.

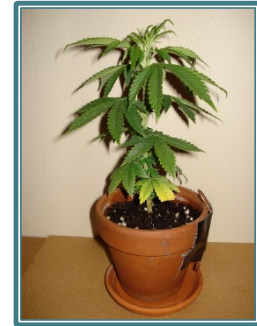
B. Regulations

1. **Medical Marijuana Dispensaries.** Commercial cannabis activities are expressly prohibited in all zones in the City of Merced; provided, however, medical marijuana dispensaries are allowed as a conditional use in the C-O District and Planned Developments which have the equivalent General Plan land use designations of this zone, subject to:
 - a. The restrictions of Section 20.84.020(B) on the prohibited locations of dispensaries within the C-O District and Planned Developments that have the equivalent General Plan land use designations of that zone;
 - b. The limitations of Section 20.84.020(C) on the number of dispensaries that may be authorized within the City at any given time;
 - c. The requirement that, prior to applying for a conditional use permit, a proposed operator shall first obtain a separate regulatory permit from the City to operate a dispensary in the City; and
 - d. Any conditions imposed to protect the public health, safety and welfare and/or to minimize the secondary effects, if any, of the dispensary.
2. **Location Restrictions for Dispensaries.** A dispensary shall not be approved in the C-O District if any following conditions apply:
 - a. The proposed dispensary would be located within 600 feet of the property line of any kindergarten, elementary school, middle school or high school.
 - b. The proposed dispensary would be located within 500 feet of the property line of any public park that includes playgrounds, active play areas and/or sports fields. For purposes of this subsection only, a park shall not include any park designated in Section 9.70.030 as a bike path.
 - c. The proposed dispensary would be located within 500 feet of the property line of any youth center, City-owned and operated recreational center or public library.



3. **Number of Dispensaries.** No more than four (4) dispensaries shall be authorized to operate in the City at any given time. If four (4) dispensaries are authorized to locate within the City, then no additional conditional use permits shall be approved to operate a dispensary within the City.
4. **Deliveries.** Only licensed dispensaries are authorized to make deliveries of medical cannabis and medical cannabis products within the City of Merced. Such deliveries shall occur solely between the hours of 8:00 a.m. and 7:00 p.m. All other deliveries of marijuana or marijuana products within the City are expressly prohibited.

5. **Cultivation.** Cultivation of cannabis is expressly prohibited in all zones and all specific plan areas in the City; provided, however, that six (6) plants may be cultivated indoors within a legally permitted structure on any lot within the City if the owner, lessee or tenant of the lot is the primary caregiver or the qualified patient and the cannabis is intended for the qualified patient.



6. **Applications for Conditional Use Permits.** Notwithstanding any language in this Section 20.44.170 to the contrary, no application for a conditional use permit for a dispensary and/or an application for a regulatory permit for a dispensary shall be accepted by the City until such time as the City has adopted:
 - a. Specific regulations regarding the operations of the dispensaries; and,
 - b. Objective standards for the issuance of the regulatory permit that a proposed operator must obtain prior to applying for a conditional use permit for a dispensary.
7. As of August 15, 2016, because the City has not adopted specific regulations regarding the operations of dispensaries and objective standards for the issuance of regulatory permits for dispensaries, the City is currently not authorized to accept applications for regulatory permits for dispensaries or applications for a conditional use permit for dispensaries.

C. Public Nuisance. Any use or condition caused, or permitted to exist, in violation of any provision of this Section 20.44.170 shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure Section 731 or any other remedy available to the City.

D. Civil Penalties. In addition to any other enforcement permitted by this Section 20.44.170, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this Chapter. In any civil action brought pursuant to this Chapter, a court of competent jurisdiction may award reasonable attorney fees and costs to the prevailing party.

