

COMPREHENSIVE ZONING ORDINANCE UPDATE

CITY COUNCIL MEETING
September 6, 2016

Kim Espinosa, Planning Manager

Overview

- ❑ Zoning Ordinance Update Process
- ❑ Overview of Public Review Draft
- ❑ Proposed Changes to Draft
- ❑ Planning Commission Recommendation
- ❑ Public Hearing
- ❑ City Council Action



Zoning Ordinance Update

Key Elements of the Process



Reasons & Goals of the Update

- Merced's Zoning Ordinance was adopted in the early 1960's and had never been comprehensively updated.
- Make the entire ordinance more user-friendly and easier to understand
- Streamline the development process, making it simpler and faster
- "Clean-up" of outdated concepts and requirements
- Add requirements to address modern development and new land uses

Zoning Ordinance Focus Group



- Made up of Merced Residents with various interests, including Developers, Engineers, Planners, Real Estate, Banking, and Other Interested Citizens
- Met **19 Times** from July 2013 to February 2016
- Reviewed the Draft Ordinance and made various recommendations.
- Recommended that Staff move forward with a Public Review Draft (March 2015) and recommended changes suggested by Council & Commission (February 2016)

Zoning Ordinance Focus Group



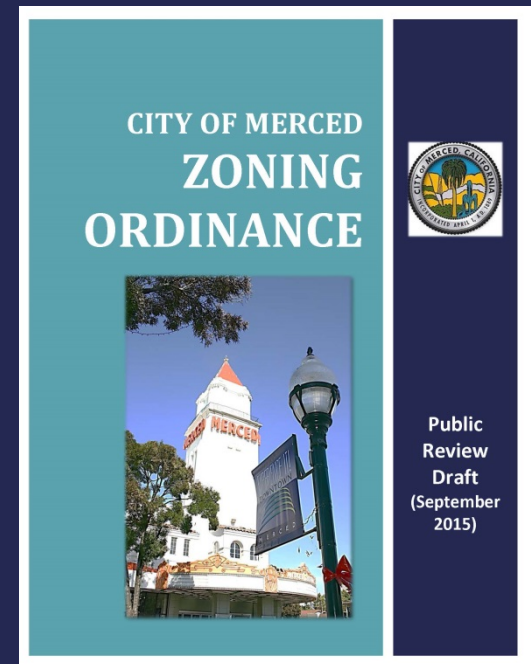
Focus Group Chairman Bruce Logue	Jack Lesch
Jim Abbate	Elmer Lorenzi
Christina Alley	Guy Maxwell
Ann Andersen	Michelle Paloutzian
Todd Bender	Garth Pecchenino
Kenra Bragonier	Joe Ramirez
Adam Cox	Mike Salvadori
Ron Ewing	Jim Xu
Loren Gonella	Former Planning Commissioner Carole McCoy
Forrest Hansen	Former Planning Commissioner Brandon Williams
Flip Hassett	Council Member Tony Dossetti
Des Johnston	Mayor Stan Thurston

Major Changes to Existing Code



Reorganized with a New Format

- The Zoning Ordinance has a completely new format with long sections of text replaced by simplified text (long sections broken down into number lists, etc.), the use of tables, diagrams, and illustrations to illustrate most concepts, and the use of lots of color and photographs.
- The Ordinance has been completely reorganized into 5 major sections to group similar concepts and to make regulations easier to find and understand.
- Public Review Draft released in Sept 2015.



Major Changes to Existing Code



- ❑ The establishment of several new Zoning Districts (Rural Residential, Business Park, 3 Downtown zones, 3 Urban Village zones, 3 Public Use zones, and 3 Overlay zones).
- ❑ A major expansion to the list of uses allowed in each zoning district with various levels of review (Permitted, Minor Use Permits, Site Plan Reviews, and Conditional Use Permits).
- ❑ Streamlining of the process for approving projects in the Planned Development zone.
- ❑ Allowing 7-foot-high backyard fences in residential zones and up to 10-foot-high fences in non-residential zones along with new provisions regarding fence materials.

Major Changes to Existing Code (Cont.)

- Streamlining the requirement for a Conditional Use Permit to a Site Plan Review Permit for Interface situations and expanding the use of the staff-level Site Plan Review Permit in other zones.
- Substantial modifications to the Parking and Loading chapter, including the addition of more land use categories, adding flexibility and options in parking calculations for various land uses, and adding requirements for bicycle parking.
- Adding regulations for specific land uses, such as mobile food trucks parked in a permanent location, check cashing establishments, community gardens, fraternities/sororities, live-work units, emergency shelters, recycling facilities, and placing new restrictions on tobacco sales in proximity to schools and other youth-oriented activities.

Major Changes to Existing Code (Cont.)

- ❑ Substantial modifications to the City's regulations of home-based businesses ("home occupations").
- ❑ Although the regulations and procedures themselves have not changed, the procedures for all the various planning permits (i.e. Conditional Use Permits, Zone Changes, etc.) are now spelled out in the Zoning Ordinance for easy reference.
- ❑ A change in the appeals periods from "calendar" days to "business" days.
- ❑ Several new permits have been added (Minor Use Permits, Special Project Permits, etc.) to increase flexibility.
- ❑ The Definitions section has been expanded significantly from 45 definitions to 239 definitions for further clarity.

Proposed Changes to Sept 2015 Public Review Draft



Proposed Changes to Review Draft

- Most changes are minor corrections or clarifications.
- Major changes include:
 - ▣ Adding provisions regarding Medical Marijuana dispensaries, deliveries, and cultivation per recent City Council ordinance changes.
 - ▣ Adding suggestions regarding design of multi-family units discussed at Planning Commission/City Council study sessions.
 - ▣ Adding Community Gardens as uses allowed in Downtown and Village Zoning Districts and allowing sale of products on case-by-case basis
 - ▣ Increasing the number of parking spaces required for multi-family units with 3 or more bedrooms or bathrooms
 - ▣ Changing minimum parking space width from 8.5 to 9 feet

Planning Commission Action



Planning Commission Hearing (July 6, 2016)



- Letters received expressing concerns regarding the proposed requirement for a Conditional Use Permit (CUP) for Community Gardens in residential zones because of the cost and processing time (\$2886 currently).
- At the hearing, 21 individuals spoke, mostly about community gardens.
- The Planning Commission indicated support for the recommendation from the Focus Group that neighbors should have input into the approval for a community garden through a public hearing.
- As a follow-up, the planning fee schedule will need to be amended to reflect new and modified permits to accurately reflect the staff and other costs involved.
- Staff believes that community gardens should be considered “Minor CUP’s” which have a reduced cost (\$577 currently) which only covers minimal staff time and the cost of mailing and publishing hearing notices.

Planning Commission Action



After the public hearing, the Planning Commission unanimously recommended to the City Council, by a 6-0-1 vote (6 ayes, 1 absent), approval of:

1. Environmental Review #16-20 (Negative Declaration)
2. Zoning Ordinance Amendment #16-01 as shown in the Public Review Draft Zoning Ordinance (dated September 2015) with the proposed changes as described in Attachment 1.

Tobacco Sales Restrictions



- After the Planning Commission hearing, a letter was received from the Greater Merced Chamber of Commerce in opposition to the proposed restrictions on tobacco sales in the draft Ordinance.
- The proposed restrictions would prohibit new tobacco retailers from locating within 1,000 feet of schools, parks, playgrounds, youth centers, City-owned and operated recreational facilities, and libraries.
- Exceptions would be made for existing tobacco retailers and tobacco retailers who occupy entirely a building of at least 20,000 square feet in size (similar to current exception for alcohol sales without a CUP).

Tobacco Sales Restrictions (Cont.)

- The proposed restrictions had been added to the Public Review Draft after the Merced County Health Department wrote a letter and made a presentation to the Zoning Ordinance Focus Group in January 2015. After the presentation, the Focus Group voted unanimously to include the proposed restrictions in the Draft Ordinance.
- No objection to the provisions were raised during the Planning Commission hearing and so the provisions are also part of the Planning Commission's recommendation to City Council.
- 2 Letters in support of the tobacco restrictions were received after the staff report was completed and were made available for Council members tonight.

City Council Action



City Council Action



After the public hearing, the City Council should make a motion to:

- A. Adopt a Negative Declaration and Introduce **Ordinance 2465**, *“An Ordinance of the City Council of the City of Merced, CA, Amending Title 20 ‘Zoning’ of the Merced Municipal Code;”* and,
- B. Approve a supplemental appropriation in Fund 017 in the amount of \$2,260 to pay for the State filing fees for the Negative Declaration.





PUBLIC HEARING