

COMPREHENSIVE ZONING ORDINANCE UPDATE

PLANNING COMMISSION MEETING
July 6, 2016

Kim Espinosa, Planning Manager

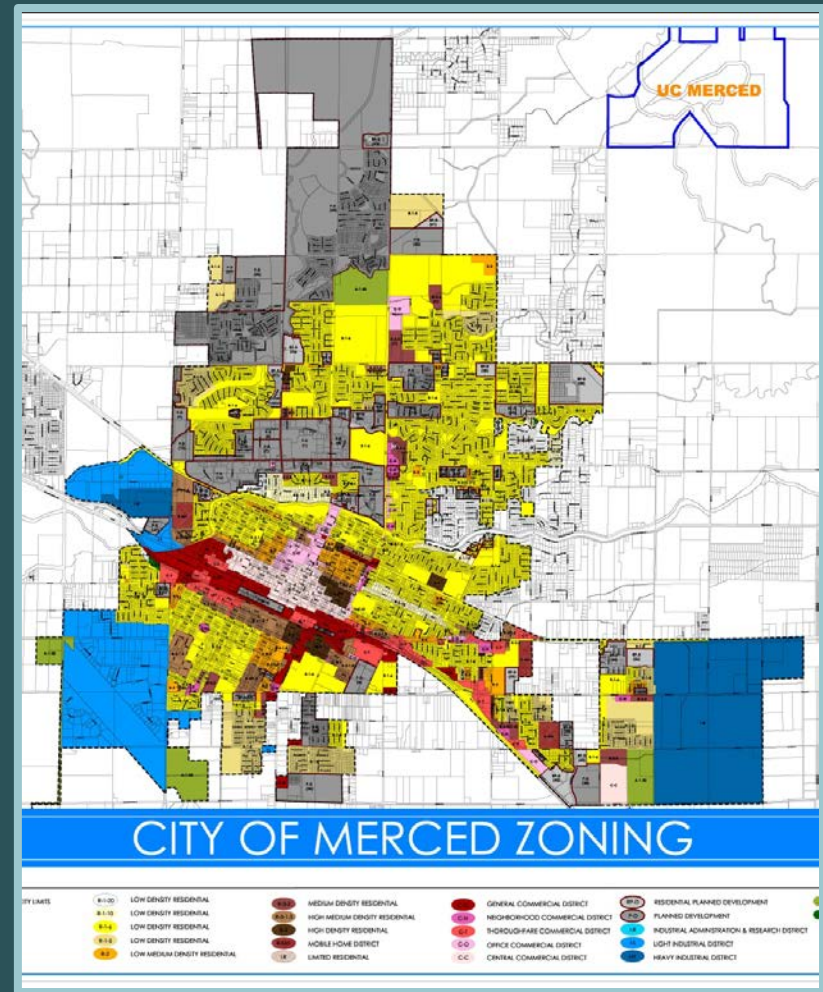
Overview

- Zoning Ordinance Update Process
- Overview of Public Review Draft
- Proposed Changes to Draft
- Public Hearing
- Planning Commission
Recommendation to City Council
- Next Step
 - City Council Public Hearing—August 15, 2016 (Tentative)



What is the Zoning Code and Why Is It Important?

- The zoning ordinance spells out what land uses are allowed in each zoning district
- It spells out standards for development (building heights, distance from street, landscaping, parking, etc.)
- It is the main document that sets the tone for future & existing development
- It affects how neighborhoods and the City look now and in the future.



Why Did We Need An Update?

- Merced's Zoning Ordinance was adopted in the early 1960's and has never been comprehensively updated.
- The current ordinance contains no diagrams or illustrations...only pages and pages of text. Most people understand pictures and diagrams much easier. (*"A Picture is Worth a Thousand Words"*)
- Requires a lot of interpretation by City staff because a lot of modern land uses (dialysis centers, internet cafes, warehouse stores, etc.) did not exist when the ordinance was drafted.

Goals of the Update



- Make the entire ordinance more user-friendly and easier to understand
- Streamline the development process, making it simpler and faster
- Provide specific guidance to developers, builders, & business owners
- Add new zoning districts (Business Parks, Urban Villages, Downtown, etc.)
- “Clean-up” outdated concepts and requirements

Zoning Ordinance Update

Key Elements of the Process



Key Steps in Update Process



1. Hiring of a Consultant--**August 2012** with grant funds.
2. Consultant--Prelim Draft completed before grant funds ran out in **December 2013**.
3. **July 2013-March 2015**—City staff worked with Focus Group to produce a complete Public Review Draft (September 2015).
4. Joint Planning Commission/City Council Study Session— **Dec. 7, 2015**
5. **January-February 2016**—Additional Focus Group Meetings to Address Suggestions from #4 above

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 regarding the land use tables, development standards, development procedures, and other regulations.
- Recommended that Staff move forward with the Public Review Draft (March 2015) and recommended changes (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 Hasset	Council Member Tony Dossetti
Des Johnston	Mayor Stan Thurston

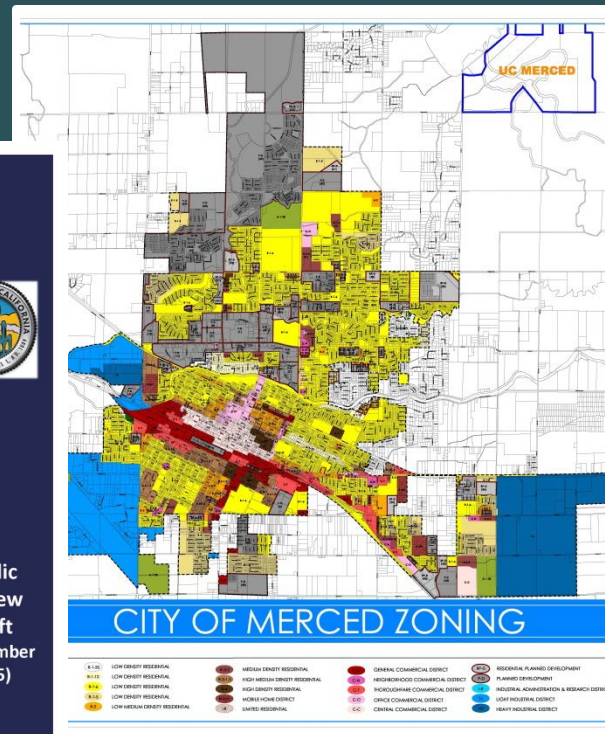
Public Review Draft (Sept 2015)

CITY OF MERCED
ZONING
ORDINANCE



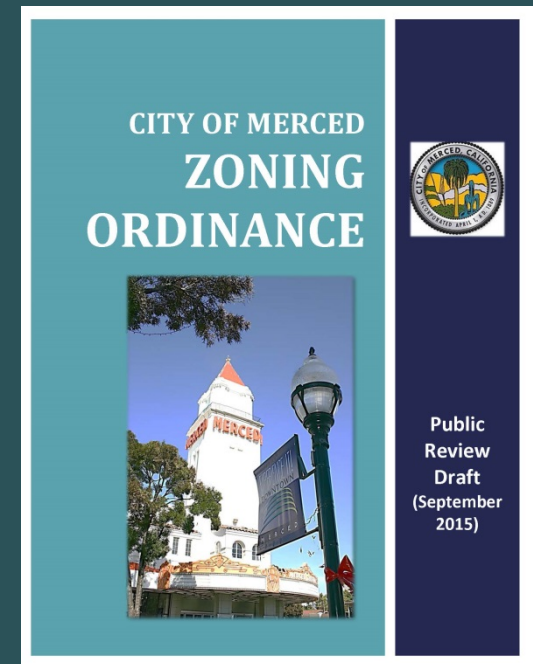


Public
Review
Draft
(September
2015)



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 numbered lists, etc.), the use of tables, diagrams, and illustrations to clarify most concepts, and the use of color and photographs.
- The Ordinance has been completely reorganized to group similar concepts and to make regulations easier to find and understand.



Organization of New Code

PART 1—ENACTMENT & APPLICABILITY

20.02 Purpose

20.04 Interpretation

20.06 Zoning Districts and Map

PART 2—ZONING DISTRICT STANDARDS

20.08 Residential Zoning Districts (6 zones--R-1, R-2, R-3, R-4, R-MH, & New R-R)

20.10 Commercial Zoning Districts (6 zones—C-O, C-C, C-N, C-G, C-T, & New B-P)

20.12 Industrial Zoning Districts (2 zones—I-L & I-H)

20.14 Downtown Zoning Districts (3 NEW zones—D-COR, D-O, D-CM)

20.16 Urban Village Zoning Districts (3 NEW zones—R-OV, R-IV, C-V)

20.18 Public Use & Agricultural Zoning Districts (4 Zones—P-PK, A-G, New P-OS, P-F)

20.20 Special Use Zoning Districts (2 Zones—U-T & P-D)

20.22 Overlay Zones (3 NEW zones--/AE, /HSR, /UR)

Organization of New Code (Cont.)

PART 3—GENERAL REGULATIONS	
20.24 Height Measurement & Exceptions	20.44 Special Land Use Regulations
20.26 Setback Requirements & Projections	20.46 Residential Design Standards
20.28 Accessory Structures	20.48 Home Occupations
20.30 Walls and Fences	20.50 Temporary Uses and Structures
20.32 Interface Regulations	20.52 Nonconforming Parcels, Uses and Structures
20.34 Creek Buffers	20.54 Condominiums
20.36 Landscaping	20.56 Density Bonus
20.38 Parking and Loading	20.58 Wireless Communications
20.40 Small Lot Single Family Homes	20.60 Adult Entertainment
20.42 Second Units	20.62 Signs

Organization of New Code (Cont.)

PART 4—PERMITS AND ADMINISTRATION

20.64 Administrative Responsibility

20.66 Permit Application and Review

20.68 Permit Requirements

20.70 Public Notice and Hearings

20.72 Post-Decision Procedures

20.74 Appeals

20.76 Covenants for Easements

20.78 Conditional Zoning

20.80 Zoning Ordinance Amendments

20.82 General Plan Amendments

20.84 Reasonable Accommodations

20.86 Development Agreements

PART 5—DEFINITIONS

Major Changes to Existing Code



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), including several called for in the *Merced Vision 2030 General Plan* (adopted in 2012).
- 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.
- Substantial modifications to the City's regulations of home-based businesses ("home occupations") and Cottage Food industries.

Major Changes to Existing Code (Cont.)

- 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 period from “calendar” days to “business” days.
- Several new permits (Minor Use Permits, Special Project Permits, etc.) have been added to increase flexibility.
- The Definitions section has been expanded significantly from 45 definitions to 239 definitions for further clarity.

Proposed Changes to 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

Additional Change

New Code Section	Topic/Title	Summary of Change	Reason for Change
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.

Additional Change (Cont.)

New Code Section	Topic/Title	Summary of Change	Reason for Change
20.90.020 (186)	Second Units or Secondary Dwelling Units	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>	Same reason as in previous slide.

Public Comment Thus Far



- City staff has received 4 letters expressing concern regarding the proposed requirement for a Conditional Use Permit (CUP) for Community Gardens in residential zones because of the cost and processing time of the CUP (\$2886 currently).
- The Focus Group and City staff believe that neighbors should have input into the approval process for a community garden through the public hearing process.
- As a follow-up to the Zoning Ordinance adoption, the planning fee schedule will need to be amended to reflect new permits and modifications to existing permits to accurately reflect the staff 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



Planning Commission Action



- After the public hearing, the Planning Commission should make a recommendation to City Council to:
 - Approve/Disapprove/Modify:
 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 A.





PUBLIC HEARING

